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

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10000/136/237

POWERS & RIGHTS OF
GOV'T IN ITALY
MAR. 1944 - MAR. 1946

1487

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

10000/136/237

POWERS & RIGHTS OF ALLIED FORCES & ALLIED MILITARY
GOV'T IN ITALIAN TERRITORY
MAR. 1944 - MAR. 1946

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LIST OF PAPERS

Office of the
Chief Commissioner

File under No. 850 POWERS & RIGHTS OF ALLIED FORCES & ALLIED
MILITARY GOVERNMENT IN ITALIAN TERRITORY

=ALLIED COMMISSION=

Confidential

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
27	G/92, Stone	30 Sep 45	Parri	IG responsibilities in Local Defense Plans - use of gases, smoke grenades.
28	2606/159/EC Lush Ltr.	20 Dec 45	AFHQ G - 5	Pows., Rts. of Allied Forces Ita. Gov. Ty.
29	Ltr G-5: 091.1 Italy Hem.	24 Dec 45	HQ ALCOM	Pows., Rts. of Allied Fors. Ital. Gov. Ty.
30	Ltr G-5: 091.1 Parsons	8 Feb 46	Hq Alcom	Fors., Rts. of Allied Fors. Ital. Gov. Ty.
31	Ltr 2606/220/EC H.-Smith	5 Mar 46	AFHQ G-5	Pows., Rts. of Allied Fors. Ital Gov Ty

Not downgraded to Confidential

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POWERS & RIGHTS OF ALLIED FORCES & ALLIED
MILITARY GOVERNMENT IN ITALIAN TERRITORY

ALLIED COMMISSION

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
15	Ltr Stone 14602/5/PS	10 Dec 44	Bonomi	Discussing possible modification of standing orders with AFHQ.
16	AFHQ Adm Memo 57	11 Dec 44		Powers/rights of AF in AMG and Italian Territory - defined.
17	Ltr AFHQ, AG 370.6/ 005 GGT-0	6 Jan 45	CG 15/AG etc	'Local Defense Plans' - procedure on establishing military zones to quell uprisings, disturbances, etc.
18	2606/79/COS, Norden	15 Jan 45	RCs SCAGOs DOGAO	'Local Defense Plans' - employment of troops in aid of civil power.
19	AG/14602/5/PS, Stone	16 Jan 45	Bonomi	'Local Defense Plans' - modified in accordance with your suggestions.
20	RC/000.5, Sicily Region	19 Jan 45	Hq AG	Use of tps in aid of civil power; protest against AFHQ's regulation.
21	2606/83/COS, Norden	25 Jan 45	Land Forces S/C	Use of tps in aid of civil power; please comment on folio 20.
22	S/G/33, Stone (Lusk)	3 Mar 45	AFHQ, G-5	Recommend no restrictions in IG territory to quell armed rioters in Local Defense Plans.
23	AFHQ Admin Memo 34	7 May 45		Powers-rights of Allied forces in IG territory, re-defined.
24	G/92, Stone	13 May 45	Bonomi	IG responsibilities in Local Defense Plans.
25	17270, Bonomi	16 May 45	Stone	IG aware of responsibilities in Local Defense Plans and gave necessary orders
26	CG 1001, Stone	23 Jan 45	BACHED	Future Policy Toward Italy; proposal to retain Allied Mil Force in Italy.

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
1	125/18/CA RC & MG	23 Mar 44		Extracts from AAI Admin Memo on Powers & Rights of AF & AMG
2	AAI/3064/A(0) Admin Instr #48	8 Aug 44		Powers & Rights of AF & AMG in Ital Govt Territory
3	125/66/CA RC & MG	18 Aug 44		Fwdg (2); (1) superseded.
4	AG 370.6/107 GCT-O AFHQ	24 Sep 44	CinC AAI etc	Local Defense plans, calling out of troops
5	Ltr Stone	24 Sep 44	Upjohn	Pls elucidates points in Admin Instruction 48 on use of troops
6	4/35A/AS Upjohn	25 Sep 44	Stone	Transfer of Terr terms define power to call out troops re It Govt
7	4/35A/AS Upjohn	30 Sep 44	Stone	SACMED will probably expect ACC to be military governing power
8	2606/6/COS Stone	3 Oct 44	G-5 AFHQ	Pls inform who will be mil governing authority if troops called
9	Minute G-5 Spofford	14 Oct 44	G-4 & G-3	Believed that Commander of Area should be mil gov, but CAO to be designated to perform functions
10	3 Dist Ltr 69/G	17 Oct 44		Troops not to be used except on authority of Area Commander
11	Ltr Reg 3 Carr	24 Oct 44	Hq ACC Rome	Opinion on inconveniences of procedure laid down by 3 Dist (10)
12	G-5 370.6-1 AFHQ Spofford	27 Oct 44	Hq ACC	Local Defense Plans. Directions for establishment of Mil Zones
13	2606/39/COS Stone	1 Nov 44	G-5 AFHQ	Powers & Rights of AF & AMG: request for change in instructions of 3 Dist for calling up troops
14	4/35A/AS Upjohn 2606/39/COS Stone	25 Nov 44	Stone	Following 1st point of "Red Tape" in calling out of troops.

~~TOP SECRET~~

MAR 7 RECD CO

Ref: 2606/120/10

5 March 1946

SUBJECT: Powers and rights of Allied Forces
in Italian Government territory.

TO : AFHQ, G-5 Section.

30

1. Reference your C. 5-091.1 dated 8 February 1946. The delay in answering this letter is very much regretted, but the information requested in your para 2 had to be furnished by the Liaison Group Headquarters themselves.

2. No comments are made on the draft letter.

3. Attached is an amended statement giving the location of officers detached from Liaison Group Headquarters.

4. Also attached is copy of this Headquarters last instruction to Liaison Officers.

For the Chief Commissioner,

/s/ N. W. HIND SMITH
MAY

2405

for Brigadier,
Executive Commissioner.

Location of A.S. officers in Italian administered Territory

	Liaison	Safety	Transport	Gen. Ad. Mat.	Food	Comms.	Total
Piemonte	Turin 3	4	1	1	1	-	-
(1 officer detached at Venice)							
Lombardia	Milan 4	2	1	4	2	2	-
Venezia	Bolzano 4	2	-	2	-	-	-
	Venice 3	2	2	-	1	2	-
Liguria	Genoa 2	3	1	-	1	-	-
Emilia	Bologna 3	2	1	-	-	-	-
Marche	Ancona -	-	-	-	-	-	-
Toscana	Livorno 1	1	1	-	-	-	-
Campania	Naples 2	2	1	-	-	-	-
Puglia	Bari 1	-	1	-	-	-	-
Sicilia	Palermo 1	-	-	-	-	-	-
	24	18	12	7	5	4	-

1 officer at Padova o/o Coy Int
 1 officer at Verona
 2 officers at Vienna

2404

(Copy)

ALLIED FORCE HEADQUARTERS
G-5Section
APO 512

G-5: 091.1 Italy

8 February 1946

SUBJECT: Powers and Rights of Allied Force in
Italian Government Territory.TO : Headquarters, Allied Commission
APO 39429 Reference your 2606/EC of December 1945 and AFHQ G-5:
091.1 Italy of December 1945.

1. It is ⁵¹considerable desirable to inform Military Authorities of the locations and functions of A.C. officers so that they are acquainted with their roles and where they can contact them.

2. Enclosed is a draft of the proposed circular letter to which will be appended a location statement and a copy of your last instruction to Liason officers. Will you please submit your comments on the draft letter and amend the draft location statement to show where officers detached from Liason Group Headquarters are located.

BY COMMAND OF LT. GENERAL MORGAN:

F.G.A PARSONS
Brigadier
Acting Asst. Chief of Staff, G-5

Encls: as above.

2403

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 091.1 Italy

24 December 1945

SUBJECT: Powers and Rights of Allied Forces in Italian Government Territory

To: Headquarters, Allied Commission (OFFICE OF THE EXECUTIVE COMMISSIONER)
APO 394

Your letter dated 20 December 1945.

1. Administrative Memorandum Number 57 dated 11 December 1944 was rescinded and was superseded by Administrative Memorandum Number 31 of 7 May 1945. The disposition and function of Allied Commission Liaison Officers together with general information for the guidance of Military Commanders are set out in AFM letter, file 30 091.1/081 31-5 dated 29 March 1945, subject "Withdrawal of Allied Commission Personnel from Italian Government Territory".

2. The memorandum of 2 May 1945 and the letter of 29 March 1945 will remain substantially satisfactory, as regards their general provisions, after the further return of AFM territory on 31 December 1945. The eventual revision of these documents will be necessary if only to remove anachronisms such as that revealed in the second sentence of paragraph 1-a of the memorandum. The need for this revision, however, is not regarded as urgent.

3. These documents are now under review at AFM. You will no doubt wish to re-study this question in the light of the foregoing and to submit, in due course, any fresh recommendations which you may have to make.

BE COME OF LIEUTENANT GENERAL BROWN:

2402

A. L. HARRIS
Brigadier General, G-5
Assistant Chief of Staff, G-5

Off. to Staff Sec. —

29

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HEADQUARTERS ALLIED COMMISSION
APO 384
Office of the Executive Commissioner

SECRET

Ref: 5605/150/10

20 December 1945

SUBJECT: Powers and Rights of Allied Forces in Italian Government Territory.

TO : G-5, AFHQ.

1. On 15 March 1944, under reference AAI/3064/A(6), HQ AAI (Adm Ech) issued a directive to all Military Commands on the above subject. This was amended and altered by Administrative Memorandum No. 57 of 11 December 1944, issued by Allied Force Headquarters.

2. It is felt that in view of the impending hand-over of the Northern territories to the Italian Government, and of the various changes in Italy's status which have occurred during the past year these two directives are out of date.

3. An amended directive is attached for your consideration. If it meets with your approval it would be appreciated if a copy could be forwarded to all Military Commands in the theatre.

4. It would also be appreciated if this could be treated as a matter of urgency, in order that the directive can be issued to Military Commands on or before the date of the handover - i.e. 1 January 1946.

For the Chief Commissioner:

2401

M 8 LUSH

Brigadier
Executive Commissioner

Big hush
pls see me

Ins
cc

$\frac{29}{12}$ Then discussed
with CC.

WV 31/11

ITALY AND HER RECONSTITUTED TERRITORY AND ALLIED MILITARY GOVERNMENT IN ITALIAN GOVERNMENT TERRITORY

1. On January 1, 1940, the Italian Government will assume full jurisdiction and administration control over all Italy (except Venezia Giulia, and Udine), together with Sicily and adjacent islands. The following paragraphs indicate the position of Allied troops in Italy (except Venezia Giulia and the Province of Udine).
2. General.
 Full powers of government will be possessed by the Italian authorities in Italian Government territory including operational and administrative control of the Italian Army, subject only to such rights as have been reserved by the Commander in Chief by agreement with the Italian Government. The most important of these points are given below in paragraphs.
 Allied Military Government in Italy (except Venezia Giulia and the Province of Udine) comes to an end. All proclamations and Orders of the Military Government and those made by his authority cease and are no longer operative; no such proclamations or Orders can be issued in the future.
 Although there will be officers of the Allied Commission in Italian Government territory, they will not purely as Liaison Officers and not as Governors. Their duties will be to observe and report, but in no way to advise the Italian authorities. One of the most important functions of these A.C. Liaison Officers will be liaison between the Allied military authorities in the area and the Italian administrative officials. All but the most routine dealings between the Italian Administration and the Allied Military authorities must be conducted through the Allied Commission and their Liaison Officers in the field. When the Italian Government is directly represented on a central board or committee, the military may, of course, deal directly with that organization without the intervention of Allied Commission.
 3. Requisitioning.
 Although the Allied force have retained the power and the right to requisition private and public property and services in Italian Government territory this right must be exercised sparingly and only for reasons of genuine military necessity and will be exercised through the Italian authorities.
 If, for example, a building is needed by the military it should be requisitioned through the Sindaco of the town where the building is situated, with the assistance of the Liaison officer of the Allied Commission. The usual practice of requisitioning used in occupied territory should be strictly followed in Italian Government territory.
 4. Allied Military Courts.
 As the proclamations of the Military Governor ceases to operate in Italian Government territory, all crimes will be tried under Italian Law and by Italian Courts. Allied Military Courts will not be held in Italian Government territory.
 5. Prisoners of War and Civilian Internees.
 The Allied Forces may continue to hold or require the Italian Government to hold, Italian Government territory.

2400

The Italian Government have to

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disturbances the following agencies which will be used by them in the priority laid down.

- (1) SOBs and Police Agencies
- (2) Internal Security Brigade of Italian Army at Internal Security Divisions in Sicily and Sardinia.
- (3) 5 Infantry Divisions.

It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances.

If such request is made the local Commander will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied military, civilian or consular personnel or property. He will also point out that the quelling of civilian riots or disturbances is a matter for the Italian administration.

If time permits the local Commander will consult with the local Allied Commission Liaison Officer and seek instructions from his superior Commander; in any event he will inform his superior Commander of any request made to him and the action taken thereon without delay.

District and Base Section Commanders in disposing of their forces should have regard for contingencies in which it might be necessary to send troops to quell civil disturbances. They should consult the local Allied Commission officer where appropriate in this matter particularly in regard to contemplated troop movements which might prejudice the security of any locality within their area of responsibility.

7. Relations with Italian Military, Carabinieri and other Police Agencies.

In Italian Government territory, Allied officers will not issue orders to Italian Military or Civil authorities nor to Carabinieri or other Police Agencies. Should the Italian Police be required to arrest a person for an offence against Allied military personnel or property, the matter will be referred to the Italian authorities as a request and not as an order.

8. Process in Italian Courts.

No member of the Allied Forces may be prosecuted or sued in Italian Courts.

9. Emergency Action.

It is appreciated that an emergency may arise which requires immediate action by the Allied Forces for their protection and security but except in such emergency all action required from the Italian administration should invariably be taken through the medium of the Allied Commission Liaison officer. Where immediate action is taken without previous reference to Allied Commission for

(5) 5 Infantry Divisions.

It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances.

If such request is made the local Commander will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied Military, civilian or consular personnel or property. He will also point out that the quelling of civilian riots or disturbances is a matter for the Italian administration.

If time permits the local Commander will consult with the local Allied Commission Liaison Officer and seek instructions from his superior Commander; in any event he will inform his superior Commander of any request made to him and the action taken thereon without delay.

District and Base Section Commanders in disposing of their forces should have regard for contingencies in which it might be necessary to send troops to quell civil disturbances. They should consult the local Allied Commission officer where appropriate in this matter particularly in regard to contemplated troop movements which might prejudice the security of any locality within their area of responsibility.

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8. Process in Italian Courts.

No member of the Allied Forces may be prosecuted or sued in Italian Courts.

9. Emergency Action.

It is appreciated that an emergency may arise which requires immediate action by the Allied Forces for their protection and security but except in such emergency all action required from the Italian administration should invariably be taken through the medium of the Allied Commission Liaison Officer. Where immediate action is taken without previous reference to Allied Commission for emergency reasons, the appropriate Allied Commission Liaison Officer will be informed as soon as possible.

10. ASAC's duties.

A direction defining ASAC's duties is attached.

(28)

G/92

30 September 1945

My dear Mr. Prime Minister:

On 13 May, I wrote your predecessor to clarify the position and responsibilities of the Italian Government in regard to local defense plans.

It is now agreed that the paragraph of my letter which reads as follows:-

"In any case where Allied or Italian troops are employed to quell civil disturbances, no smoke, tear gas, or chemicals of any kind will be employed. It will be noted from the foregoing that this is the only restriction as to arm and armament of Italian troops employed to quell civil disturbances."

is cancelled and the following is substituted therefor:-

"Where Italian troops are used to quell civil disturbances, tear gas and/or smoke grenades may be employed. However, every security precaution must be taken to ensure that stocks of these grenades do not fall into unauthorized hands. All echelons must be instructed that these grenades will not be issued to troops or used by troops except on the command of an officer, that they will be employed only when the use of force is considered necessary and that the object will be achieved with fewer casualties by the use of tear gas and/or smoke than by opening fire."

Yours very truly,

/s/ Elery W. Stone

ELERY W. STONE
Rear Admiral, USNR
Chief Commissioner

2399

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

27

SECRET

EXTRACT

Ref: LWS 00 1001

23 June 1945

TO: SACED
FROM: Chief Commissioner
SUBJECT: Future Policy toward Italy

(P) The retention in Italy of an Allied Military Force of five Divisions (excluding Allied Forces in Venezia Giulia) until such time as reorganized Italian civil and military services come in a position to ensure domestic security in Italy.

The role of the Allied troops at all times would be as representatives of the Government and it would be necessary to arrange for special instruction and even training to this end. Intervention in Italian affairs

except in the gravest emergency would be avoided and the greatest care would be taken in the handling of such administrative problems as accommodation and requisitioning. The troops would be not so much forces of occupation in a defeated country but forces of assistance provided by the Allies in order to give confidence to the population and the Government: to strengthen actively by their presence the authority of the Italian machinery of law and order (but only in exceptional cases to supplant it) and to be used in a last resort to prevent the imposition of undemocratic methods by force.

2308

(d) The retention in Italy of an Allied Military Force of five Divisions (less an Allied Force in Venezia Giulia) until such time as authorized Italian civil and military services have in a position to ensure democratic security in Italy.

The role of the Allied troops in Italy would be as representatives of the Government and it would be necessary to ensure for special instruction and even training to this end. Intervention in Italy, all the except in the present emergency would be avoided and the greatest care would be taken in the handling of such administrative problems as disarmament and repatriation. The troops would be to be used for forces of occupation in a defeated country but forces of assistance provided in the Allied in order to have confidence in the population and the Government. In strength rarely by their presence the authority of the Italian mechanism of law and order (not only in exceptional cases to implement it) and to be used in a last resort to prevent the imposition of unscrupulous methods by force.

SEE CO FILE 1001 FOR COMPLETE DOCUMENT & FURTHER PLANNING

SECRET

2318

Translation

The President of the Council of Ministers
Minister of the Interior

17270

Rome, 16 May 1945

Dear Admiral,

I received your letter of the 13th, a. 4/92,
and I thank you for your kind interest about the important
question for the maintenance of public order in the territory
under the administration of the Italian Government.

I recognize the criterions expressed in your letter
and, on this subject, I have already given the necessary or-
ders to the Military Ministers, the Chief of the Police and
the Commander General of the Royal Carabinieri.

The Prefects are also being imparted instructions on
this important matter.

I remain, my dear Admiral,

Yours sincerely,

B. I. Bonacci

Admiral Henry M. Stone
Chief Commissioner
Allied Commission
R O M E

c.c.

Ex C Dist - 18 May 45
2397

ACTION: LAND Forces

INFO: CHIEF OF STAFF -

Ex Command

C. H. L. S.

(25)

G/50

13 May 1945

My dear Mr. Prime Minister:

In order to clarify the exact position and responsibilities of the Italian Government in regard to local defense plans, the following will serve as your guide:

The Italian Government is responsible for defense against sabotage and the preservation of law and order in all territory in the rear of the Army Areas excepting that under AMG.

As you know, the right is reserved by SACMID to declare specific areas of Italian Government territory to be Military Zones. By the issue of such declaration, the exercise of the powers of Military Government in the area in question is assumed by SACMID.

To carry out its responsibility for the maintenance of law and order, Italian civil authorities have under their control the Carabinieri. If the Carabinieri are unable to deal with the situation, the local Italian authorities should appeal to the nearest Italian military headquarters. If there is still need for additional troops, the Italian civil authorities should request the nearest Allied District/Base Section Commander or his local representative, for assistance. For this reason it is essential that close liaison be maintained between Allied static headquarters and local Italian civil and military authorities.

Should local Italian authorities ask Allied commanders for military assistance in quelling civil disturbances, the local Allied commander has orders to point out that the quelling of civil disturbances is the responsibility of Italian authorities and to refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied military interests. Further, the Italian authorities will be warned that the territory in question will be immediately liable to be made an Allied military zone. If assistance is granted, the first troops to be used will be such Italian troops as may be under command of Allied District/Base Sections. 2396

Where it is necessary for Allied troops to assist the Italian authorities, all Italian troops thus engaged will come under command of Allied District/Base Section Commanders.

In any case where Allied or Italian troops are employed to quell civil disturbances, NO smoke, tear gas, or chemicals of any kind will be employed. It will be noted from the foregoing that this is the only restriction as to arms and armament of Italian troops employed to quell civil disturbances.

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See 25

Yours very truly,

ELLERY W. STONE

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

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

DISTRIBUTION:

CG, CGRR
C-5, AFHQ
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CA Sec
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Ministry of Interior
Ministry of War
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Exec Comm

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DCK/rs

ALLIED FORCE HEADQUARTERS
APO 512Chief
CommissionerMAY 10 1945
cc 1648

ADMINISTRATIVE MEMORANDUM)

NUMBER

31)

7 May 1945

POWERS AND RIGHTS OF ALLIED FORCES IN ITALIAN GOVERNMENT TERRITORY

AFHQ Administrative Memorandum Number 57, 1944, is rescinded and the following substituted therefor:

1. General

a. It is the policy of the Allied Governments, as military exigencies permit and as the Italian Government is able to take on the responsibility, to hand back to its jurisdiction and administration territory formerly subject to Allied Military Government. In such territory Allied Military Government ceases on the hand-over and the Italian Government assumes jurisdiction and administration.

b. In handing back territory to the Italian Government, certain rights are reserved to the Allied Forces by agreement with the Italian Government. It is necessary that Allied troops in these areas should be aware of the most important of these rights and the manner in which they are to be exercised.

c. For the purposes mentioned herein the territory which may from time to time be included in that handed back to the Italian Government is termed Italian Government Territory. At the present time such territory comprises the Islands of Sicily and Sardinia and all provinces on the mainland south of the northern boundaries of the provinces of Viterbo, Rieti and Terni with the exception of the comune of Naples which is still under Allied Military Government.

2. Requisitioning - The Allied Forces have retained the power to requisition private and public property and services in Italian Government territory but it is emphasized that this must be exercised sparingly and only for reasons of genuine military necessity. This will be exercised through the Italian authorities. The usual formalities of requisitioning will be followed.

3. Process in Italian Courts - No members of the Allied Forces, Allied followers of such Forces, or British or US Merchant Seamen will be subject to jurisdiction of Italian Courts.

4. Crimes against Allied Forces

a. In Italian Government territory crimes committed by Italian nationals, will normally be tried under Italian Law and in Italian courts.

b. The Allied Forces however, have reserved to themselves the right to hold Allied Military Courts in Italian Government Territory for the trial of Italian nationals who commit acts seriously hostile to the Allied Forces such as cases of espionage or sabotage and to punish them in accordance with the Italian penal code. The reservation of this right is not intended however to encourage the trial of Italian offenders by Allied Military Courts but is to enable them to deal with the most serious offenses against Allied personnel or property which cannot effectively be dealt with by Italian Courts.

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R E S T R I C T E D

AFHQ Administrative Memo #31 (Cont'd)

c. The procedure to be followed, if it is desired that an offense should be tried by an Allied Military Court, will be for the military authorities to give a full statement of the facts to Headquarters Allied Commission with a request that an Allied Military Government Court be convened to hear the charges. It will be the responsibility of Allied Commission to frame the charges and constitute the Court. It is emphasized that only in the most exceptional circumstances such as mentioned in paragraph 4(b) will any case in Italian Government Territory be referred to Allied Military Courts and then only on order of Allied Commission.

d. There is reserved to the Allied Forces the power to arrest any persons who are believed to have committed offenses against Allied personnel or property. High ranking Italian officials and officers of the Italian Armed Forces should, however, only be arrested in collaboration with the appropriate Italian official (e.g., the Prefect or the Commanding Officer of the officer concerned).

e. Apart from cases mentioned in this paragraph and in paragraph 7 the Allied Forces have no power of arrest in Italian Government Territory.

5. Military Zones

a. The right is reserved by the Supreme Allied Commander, Mediterranean Theater to declare specific areas of Italian Government Territory to be Military Zones. By the issue of such a declaration, the exercise of the powers of Military Government in the Zone in question is assumed by the Supreme Allied Commander, Mediterranean Theater. Should the situation in any area become such as to convince the District Commander that the establishment of Zones is necessary, he should, after consulting the Headquarters Allied Commission where possible, report accordingly to his headquarters, giving full reasons to justify his view.

b. The right is also reserved by the Supreme Allied Commander to have made available to the Allied Forces such facilities, utilities and installations as may be required by him or his agents for such dispositions, use or operation as may be determined.

6. Use of troops in aid of the Civil Power

In the event that the local Italian authorities ask for the assistance of Allied troops in quelling civil disturbances, the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian authorities and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied military interests. Furthermore, before rendering such assistance, the local commander will warn the local official requesting his assistance that the territory in question will be liable to be made forthwith an Allied Military Zone. If time permits, the local commander will consult his superior commander before giving assistance. In any event, if the decision is made to grant the assistance required, the first troops to be used will be such Italian troops as may be under command of District/Base Section Commanders. Allied Commanders will inform their superior Commander without delay of any requests made to them and of the action taken thereon.

7. Military and Civilian Internees - The Allied Forces may continue to hold

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A.I.C. Administrative Memo # 31 (Cont'd)

or require the Italian Government to hold in custody military or civilian internees in Italian Government territory. If the Allied Forces require to arrest any person for security or similar reasons such arrest should be carried out in collaboration with Italian officials unless, in any particular case, it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all such cases Allied Force Headquarters will be notified as soon as possible after the arrest has taken place, and an information copy of such notification will be forwarded to Headquarters, Allied Commission.

8. Allied Commission Liaison Officers - Details of the disposition and functions of Headquarters Allied Commission Liaison Officers stationed in Italian Government Territory together with information for the use of Commanders concerning the Italian civil organization and the Italian officials who should be approached by them in their dealings with the Italians has been issued separately by AFHQ letter file AG 091.1/081 GEC-C, dated 29 March, 1945, subject: "Withdrawal of Allied Commission Personnel from Italian Government Territory".

see file on 106

BY COMMAND OF FIELD MARSHAL ALEXANDER:

G. E. Christenberry
G. E. CHRISTENBERRY
Colonel, AGD
Adjutant General

DISTRIBUTION:

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SECRET

3/9/33

3 March 1945.

SUBJECT: Local Defence Plans.

TO: Allied Force Headquarters,
Attention: G-5 Section.

1. Reference is made to para 9 of your AF 370.5/005 OCT-0 dated 6 January 1945. It is thought that the instructions as laid down in this paragraph are a definite handicap to the Italian military authorities in quelling civil disturbances.

2. For example, during the recent disturbances in SICILY several Italian soldiers were disarmed by the rioters and one of the main reasons was that the Italian officer had not ordered his troops to load their rifles. Furthermore, in SICILY, there are civilians who have machine guns in addition to small arms. If the Italian military are not permitted to use automatic weapons, they would not have as much fire power as the rioters.

3. There is no serious objection to the instructions contained in your para 9 for a normal civil disturbance where the civilians are not armed. However, they do not allow sufficient latitude to the Italian military to permit them to deal effectively with bands of armed rioters, such as were met in the SICILIAN disturbances.

4. You are referred also to "Report on the Rebellion in the Province of Reggio 5/11 Jan 45" para 7 (c) (1) prepared by Lt. Col. Howard, M.A.I.A., and Major Hanley, R.A.M., copy to you.

5. It is recommended that in that part of liberated ITALY under Italian administration, no restrictions shall be imposed by the Allied authorities as to the method or means the Italian authorities may use to quell civil disturbances or subdue bands of armed rioters except that no chemical gas of any type may be used.

2392

M. S. LUSH

SIGNED

for ALLAN V. STONE
Rear Admiral, USNR
Chief CommissionerCopy to: Executive Commissioner.
Civil Affairs Section.
Public Safety Sub-Commission.

22

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1511

~~SECRET~~

Ref: 235

25 January 1945.

Ref: 2506/83/003.

SUBJECT: Use of Troops in Aid of the Civil Power.

TO : Land Forces Sub-Commission (MIA).

1. With reference to AFHQ letter G 370.6/005 COT-0 dated 6 Jan 45, subject: 'Local Defense Plans', attached hereto in copy of letter dated 19 Jan 45 from the Regional Commissioner, SICILY Region.

2. You will see that he does not agree with the provisions of para 9 of the AFHQ letter and there may be something in his contention. As a matter of fact para 9 c. would invalidate the use of armored vehicles which have recently been sent to SICILY and which presumably are armed with automatic weapons.

3. Will you kindly forward your comments on the Regional Commissioner's letter.

Chief Staff Officer,
to the Chief of Staff.

Indl:
as above

2391

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C O P Y

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

SECRET

FILE: 80/000.5

19 Jan 1945.

SUBJECT: Use of troops in aid of civil power.

TO : Headquarters Allied Commission,
R O M E

1. With reference to your 2806/79/XB of 15 Jan 45, this Headquarters is already in possession of a copy of AMHQ Administrative Memorandum No. 57 of 11 Dec 44.

2. In regard to your letter under reference and to AMHQ letter HQ 370.5/005 of 6 Jan 45, I have the following comments.

It, as stated in para 5 of the AMHQ letter, the maintenance of law and order is the responsibility of the Italian authorities, I am at a loss to understand why the Allied authorities should, under para 9 of the letter, lay down specific rules under which the Italian authorities are to discharge their responsibilities.

During the recent disorders in this island, when seeking information as to how it can happen that Italian police and troops can be disarmed by the population, I usually find that rifles were unloaded.

During the disturbances this month in Ragusa Province I had heard that a considerable number of troops had been disarmed. My present information as the result of a personal tour of the area is that this happened when a column of troops in lorries were moving along a road to clear up the situation in a village. The troops, whose rifles were not loaded, were attacked en route and all disarmed. Now that the disturbances are over the rioters have dispersed not only with the arms they brought into the battle but also with those taken from the Armed Forces.

The movement of troops under such circumstances is covered by para 9 of the AMHQ letter which lays down specifically that weapons must be unloaded.

It appears to me that in the case of this island the minds of the local civil and military authorities have become much confused under the instructions which they have received. I think it essential that a distinction be drawn between the forces of law and order dealing with a presumably unarmed crowd in a city and those dealing with rioters which are known to be armed and which, in the case of this island, may be as well if not better armed than their opponents.

Although your letter under reference is only passed to me for information I respectfully suggest that urgent consideration of the points raised above may be necessary.

(Signed) M. CAREY,
British Consul

2. In regard to your letter under reference and to AMHQ letter AC 370.6/005 (001-0) of 6 Jan 45, I have the following comments.

If, as stated in para 5 of the AMHQ letter, the maintenance of law and order is the responsibility of the Italian authorities, I am at a loss to understand why the armed authorities should, under para 9 of this letter, lay down specific rules under which the Italian authorities are to discharge their responsibilities.

During the recent disorders in this Island, when seeking information as to how it can happen that Italian police and troops can be disarmed by the population, I usually find that rifles were unloaded.

During the disturbances this month in REGINA Province I had heard that a considerable number of troops had been disarmed. My present information as the result of a personal tour of the area is that this happened when a column of troops in lorries were moving along a road to clear up the situation in a village. The troops, whose rifles were not loaded, were attacked en route and all disarmed.

Now that the disturbances are over the rioters have dispersed not only with the arms they brought into the battle but also with those taken from the armed forces.

The movement of troops under such circumstances is governed by para 9 of the AMHQ letter which lays down specifically that weapons must be unloaded.

It appears to me that in the case of this Island the minds of the local civil and military authorities have become much confused under the instructions which they have received. I think it essential that a distinction should be drawn between the forces of law and order dealing with a presumably unarmed crowd in a city and those dealing with rioters which are known to be armed and which, in the case of this Island, may be as well if not better armed than their opponents.

4. Although your letter under reference is only passed to me for information I respectfully suggest that urgent consideration of the points raised above may be necessary.

(signed) M. GARR,
Brigadier,
Regional Commissioner.

10/14502/1/13

16 January 1945

My Dear Mr. Prime Minister:

With further reference to your letter 10905/14502/1.6.4 of 25 November 1944 on the employment of Italian troops in aid of the civil power, the position has now been clarified by Allied Force Headquarters.

It has been agreed that, since the maintenance of law and order in Italian Government territory is the responsibility of the Italian authorities, Italian troops may be called out to assist the civil power without prior reference to Allied Military Commanders. The instructions referred to in your letter have now been modified accordingly.

Though this has been arranged it does not abolish the necessity for close liaison between the appropriate local Italian civil and military authorities and the local Allied District, Base Section Area etc commander so that both sides may be fully aware of the situation and of the resources available to meet it.

Yours very truly,

MARKET W. STONE
Rear Admiral, USN
Chief Commissioner

Via Ambasciata Ivanoe Bonomi
The President of the Council of Ministers
Italian Government
Rome

2389

19

SECRET

Tel : 478201

Ref : 2636/79/003.

15 Jan 1985

SUBJECT : Employment of Troops in Aid of the Civil Power.

To : Regional Commissioner,
 Sicily, Sardegna, Southern, Lazio-Umbria,
 Abruzzi-Marche, Toscana, Emilia, Liguria,
 Piemonte, Lombardia and Venetia Regions.
 NATO's Fifth and Eighth Armies.
 NATO 15 Army Group.

1. Attached hereto is copy of AFHQ letter HQ 370.6/005 GFT-0 dated 5 Jan 45, subject : "Local Defense Plans". In para 3 of this letter you will see that it is in amplification of AFHQ Administrative Memorandum No. 57. It is not considered necessary that you should have a copy of the latter, as the pertinent information is contained in paras 5 - 10 of the enclosed.

2. This is passed to you for information.

Brigadier,
 Chief of Staff.

2388

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ALLIED FORCE HEADQUARTERS
420 512

20122

S E O R I T Y
Auth: SAC MI
Initials: HRP
6 January 1945

40-370.6/005 631-0

6 January 1945

SUBJECT: Local Defense Plans;

TO :

- Commanding General, 15th Army Group.
- General Officer Commanding, Number 1 District
- General Officer Commanding, Number 2 District
- General Officer Commanding, Number 3 District
- Commander, Balkan Air Force
- Commander, Land Forces, Adriatic
- Commander, Military Mission to the Italian Army

FOR: Army Sub-Commission.

- Deputy President, Allied Commission
- Commanding General, Peninsular Base Section,
- Commanding General, Home Army Allied Command,

1. Letters, this headquarters, file # 370.6/106 GCF-0, dated 24 September 1944, # 370.6/107 GCF-0, dated 27 November 1944, and # 370.6/107 GCF-0, dated 8 December 1944, all subject as above, are resubmitted and the following submitted therefor:
2. Your attention is directed to recent local uprisings and disorders which indicate the possible inability of local police to cope with such situations.
3. The present policy with respect to military zones and the employment of Allied troops to quell civil disturbances is laid down in paragraphs 5 and 6 of JHQ Administrative Memorandum Number 57, 1944, subject: "Powers and Rights of Allied Forces in Italian Government Territory". The following instructions are in amplification of those included in Administrative Memorandum Number 57.
4. There are two types of areas in that part of Italy in rear **2387** may boundaries where civil riots or disturbances may occur: first, those areas which have been turned back to the Italian Government, including islands of Sicily and Sardinia, and second, those areas still under Allied Military Government control.
5. Within areas which have been turned back to the Italian Government, the Italian Government is responsible for the maintenance of law and order. To accomplish this, the Italian local civil authorities have under their control the local carabinieri. If, in the opinion of the local Italian authorities, the carabinieri are unable to deal with the situation, they should appeal to the nearest Italian military headquarters for the assistance of such Italian troops as the latter has under its control. If no such Italian troops are available, or if there is still need for additional troops, the Italian civil authorities should request the local district (less section) area or sub-area commander for assistance. It is essential that close liaison be maintained by district (less

General Officer Commanding, Number 2 District
General Officer Commanding, Number 3 District
Commander, Italian Air Force
Commander, Land Forces, Adriatic
Commander, Military Mission to the Italian Army

FOR: Army Sub-Commission.

Deputy President, Allied Commission

Commanding General, Peninsular Base Section, 40 782.
Commanding General, Rome Area Allied Command, 40 794

1. Letters, this Headquarters, File # 370.6/106 607-0, dated 24 September 1944, 370.6/107 607-0, dated 27 November 1944, and 370.6/107 607-0, dated 2 December 1944, in subject as above, are retransmitted and the following substituted therefor:

2. Your attention is directed to recent local uprisings and disorders which indicate the possible inability of local police to cope with such situations;

3. The present policy with respect to military zones and the employment of Allied troops to quell civil disturbances is laid down in paragraphs 5 and 6 of JHQ Administrative Memorandum Number 57, 1944, subject: "Powers and Rights of Allied Forces in Italian Government Territory". The following instructions are in amplification of those included in Administrative Memorandum Number 57.

4. There are two types of areas in that part of Italy in rear of the boundaries where civil riots or disturbances may occur: first, those areas which have been turned back to the Italian Government, including islands of Sicily and Sardinia, and second, those areas still under Allied Military Government control.

5. Within areas which have been turned back to the Italian Government, the Italian Government is responsible for the maintenance of law and order. To accomplish this, the Italian local civil authorities have under their control the local carabinieri. If, in the opinion of the local Italian authorities, the carabinieri are unable to deal with the situation, they should appeal to the nearest Italian military headquarters for the assistance of such Italian troops as the latter has under its control. If no such Italian troops are available, or if there is still need for additional troops, the Italian civil authorities should request the local district (base section) area or sub-area commander for assistance. It is essential that close liaison be maintained by district (base

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Ltr, AFHQ, AF 370.6/005 GCM-O,
Dtd 6 January 1945 (cont'd)

section) area and sub-area headquarters with the local Italian civil and military authorities.

6. Within areas which are still under Allied Military Government control, the local Allied Military Government authority is responsible for the maintenance of law and order. The local Carabinieri are under the control of Allied Military Government for this purpose. Should additional assistants be required, the local Allied Military Government authority will appeal to the local district (base section) area or sub-area commander. It is essential that close liaison exist between the local Allied Military Government commander and the local district (base section) area and sub-area commander.

7. The above responsibilities as outlined apply to civil disturbances. A disturbance in which military personnel are involved is a military responsibility and will be dealt with by the appropriate military authority.

8. Immediate reports will be made through normal channels in all cases of riots or civil disturbances, whether or not it has been necessary to employ Allied troops.

9. In any case where Allied or Italian troops are employed to quell civil disturbances, the following instructions will apply:

a. Troops will be moved to the scene of the disturbance with weapons unloaded.

b. Weapons will be loaded only on command of an officer.

c. Only small arms will normally be borne by troops. Commanders are advised that the carrying of automatic weapons by troops in a civil disturbance is most undesirable and will only be allowed in the army areas where they will be kept to a minimum and used only as a last resort. Grenades are specifically prohibited.

d. No smoke, tear gas, or chemicals of any kind will be employed.

e. No troops will open fire upon rioters except on the express order of an officer.

10. Within the army areas, the Commanding General, 15th Army Group will issue such instructions as are considered necessary to implement the general principles outlined above.

11. Commanders concerned are responsible for the preparation of local defense schemes for the protection of Allied government property and to insure the security and efficiency of the Lines of Communication. Addressees who have not already forwarded copies of their local defense plans will do so without delay. Changes or amendments will be submitted immediately on publication.

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Ltr, AFHQ, AG 370.6/005 GCT-0
dtd 6 January 1945 (cont'd)

12. All addressees will acknowledge receipt of this order.

By command of Field Marshal ALEXANDER:

/s/ C.W. CHRISTENSEN
C.W. CHRISTENSEN
Colonel, AG,
Acting Adjutant General

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Commission. 12 Jan 45 2606/COB

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CC 1179
DEC 18 1944ALLIED FORCE HEADQUARTERS
APO 512

ADMINISTRATIVE MEMORANDUM)

SUBJECT)

57)

11 December 1944

POWERS AND RIGHTS OF ALLIED FORCES IN ITALIAN
GOVERNMENT TERRITORY1. General

a. It is the policy of the Allied Governments, as military exigencies permit and as the Italian Government is able to take on the responsibility, to hand back to its jurisdiction and administration territory formerly subject to Allied Military Government. In such territory Allied Military Government ceases on the hand-over and the Italian Government assumes the jurisdiction and administration subject to the paramount guidance and control of the Allied Commission.

b. In handing back territory to the Italian Government, certain rights are reserved to the Allied Forces by agreement with the Italian Government. It is necessary that Allied troops in these areas should be aware of the most important of these rights and the manner in which they are to be exercised.

c. For the purposes mentioned herein the territory which may from time to time be included in that handed back to the Italian Government is termed Italian Government Territory. At the present time such territory comprises the Islands of Sicily and Sardinia and all provinces on the mainland south of the northern boundaries of the provinces of Matera, Bari and Teramo with the exception of the comune of Naples which is still under Allied Military Government.

d. It is to be particularly noted that officers of the Allied Commission stationed in Italian Government territory are there to advise and control the Italian Government and one of their most important functions is liaison between Allied Military Formations in their areas and the local Italian administrative officials.

e. It is further particularly to be noted that all but the most routine dealings with the Italian administration must be conducted through the local Allied Commission representative.

2. Requisitioning - The Allied Forces have retained the power to requisition private and public property and services in Italian Government territory but it is emphasized that this must be exercised sparingly and only for reasons of genuine military necessity. This will be exercised through the Italian authorities. If for example it is necessary to requisition a building it should be done through the Sindaco of the town where the building is situated with the assistance of the nearest provincial officer of the Allied Commission. The usual formalities of requisitioning will be followed.

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AENE Adm Memo # 57 (cont'd)

3. Process in Italian Courts - No members of the Allied Forces, Allied followers of such forces, or British or U. S. Merchant Seamen will be subject to jurisdiction of Italian Courts.

4. Crimes against Allied Forces

a. In Italian Government territory crimes committed by Italian nationals, will normally be tried under Italian Law and in Italian Courts.

b. The Allied Forces however have reserved to themselves the right to hold Allied Military Courts in Italian Government Territory for the trial of Italian nationals who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the Italian penal code. The reservation of this right is not intended however to encourage the trial of Italian offenders by Allied Military Courts but is to enable them to deal with the most serious offences against Allied personnel or property which cannot effectively be dealt with by the Italian Courts.

c. The procedure to be followed, if it is desired that an offence should be tried by an Allied Military Court, will be for the military authorities to give a full statement of the facts to the local representative of the Allied Commission with a request that an Allied Military Government Court be convened to hear the charges. It will be the responsibility of Allied Commission to frame the charges and constitute the Court. It is emphasized that only in the most exceptional circumstances will any case in Italian Government Territory be referred to Allied Military Courts and then only on order of Allied Commission.

d. Concurrent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offences. High ranking Italian officials and officers of the Italian Armed Forces should, however, only be arrested in collaboration with the appropriate Italian official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local Allied Commission officer will be obtained beforehand, except in an emergency when he will be informed immediately after the arrest.

5. Military Zones - The present policy with respect to military zones and the employment of Allied troops to quell civil disturbances is as follows:

The right is reserved by the Supreme Allied Commander, Mediterranean Theater to declare specific areas of Italian Government Territory to be Military Zones. By the issue of such a declaration, the exercise of the powers of Military Government in the Zone in question is assumed by the Supreme Allied Commander, Mediterranean Theater. Should the situation in any area become such as to convince the District Commander that the establishment of Zones is necessary, he should, after consulting the Allied Commission Regional Commissioner, report accordingly to this Headquarters, giving full reasons to justify his view. The Allied Forces may also re-occupy any part of Italian territory, but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders.

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AFHQ Adm Memo #57 (cont'd)

6. Use of troops in aid of the Civil Power

a. In the event that the local Italian authorities ask for the assistance of Allied troops in quelling civil disturbances, the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian authorities and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied military interests. Furthermore, before rendering such assistance, the local commander will warn the local official requesting his assistance that the territory in question will be liable to be made forthwith an Allied Military Zone. If time permits, the local commander will consult the local Allied Commission officer and seek instructions from his superior commander before giving assistance; in any event, he will inform his superior commander of any request made to him and the action taken thereon without delay.

b. District and Base Section Commanders in disposing of their forces should have regard for contingencies in which it might be necessary to send troops to quell civil disturbances. They should consult the local Allied Commission officer where appropriate in this matter particularly in regard to contemplated troop movements which might prejudice the security of any locality within their area of responsibility.

7. Military and Civilian Internees - The Allied Forces may continue to hold or require the Italian Government to hold in custody military or civilian internees in Italian Government territory. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless, in any particular case, it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all such cases the Local Allied Commission officer must, except in emergency, be informed of the intention to make the arrest, whether it is to be effected by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority. Such persons will be detained in 371 PT Camp, or such other place of internment as there may from time to time be designated for that purpose.

8. Emergency Action - All action required from the Italian Administration should invariably be sought through the medium of the Allied Commission Regional or Provincial Commissioner, except where an emergency may arise which requires immediate action by the Allied Forces for their protection and security. Where by reason of the emergency immediate action is taken without previous reference to Allied Commission, the appropriate Allied Commission officer will be informed as soon as possible.

2384

By command of General WILSON:

C. H. Christensen
C. H. CHRISTENSEN,
Colonel, AGD,
Acting Adjutant General.

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

AC/14602/5/PS

10 Dec 44

My dear Mr Prime Minister,

(14)

With reference to your letter 19905/14308/1.6.h of 25 Nov on the employment of Italian troops in aid of the civil power I am discussing the possible modification of the instructions to which you refer with Allied Force Headquarters. I will inform you of the result of the discussion as soon as possible.

Yours very truly,

See (19)

ELBERT W. STONE
Commander, USAF
Chief Commissioner

His Excellency Ivanoe BONOMI
The President of the Council of Ministers
Italian Government
B O M E

650/CC

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(15)

FILES A

Translation

The President of the Council of Ministers
1990/11308/1.6.4

June 2, November 1944

Dear Commodore,

I have just heard about a regulation recently issued by the Allied Authorities about the employment of Italian troops for services of public order.

According to these regulations, the Italian administrative authorities which should have to make use of the troops besides the police forces and the carabinieri, should obtain through A.C. the previous approval of the competent Area Command.

For instance, this would mean that if the Italian authorities of a city needed an immediate intervention, they would first have to inform the Regional Commissioner of Affairs of their intentions; the Regional Commissioner would inform the Command of the sub-area in which the intervention would have to take place of its agreement according to the requirements of the situation. This exchange of communications which would have to take place through a net of Italians would not always correspond to the needs.

It seems that this wouldn't correspond to the timely execution of measures for which rapidity is an essential condition of success.

Besides pointing out the deficiencies of this system from the practical point of view, I also want to stress the fact that it would deprive the Italian authorities - now fully responsible for the maintenance of public order since the powers were given back to them - of one of the most important instruments they have at their disposal to cope with their responsibility.

I shall be most grateful, my dear Commodore, if you will re-examine this regulation, taking my observations in consideration.

I remain,

Yours sincerely,

/s/ I. Bonomi

Commodore - Henry W. Stone
Chief Commissioner of the Allied Commission
A C M S

Trans. S.C.

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EWS/AJP

Ref 2606/39/COS

1 November 1944

SUBJECT: Powers and Rights in Italian Government Territory

TO : G-5 Section, Allied Force Headquarters

1. From the Regional Commissioner, Sicily Region, I have received the attached copy of letter dated 17 October 44, sent to him by 3 District Commander. I would draw your attention to Paras 2 and 3 of this letter, in which it is laid down that in quelling civil disturbances not directly affecting Allied interests Italian troops will not, except in grave emergency, be employed without prior reference through the Allied Commission to the Allied Area Commander.

2. In AAI Administrative Instructions No. 48, para 7, it is stated that "the quelling of civilian riots or disturbances is a matter for the Italian Administration and he (the local Allied Commander) will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied military interests".

3. The possibility of the employment of Italian troops is not specifically mentioned in Administrative Instructions No. 48, and it would appear that a procedure for this contingency should be established.

4. However, the channel for permission to use them, as laid down by 3 District, would, I suggest, in some instances delay their employment to a considerable extent. For example, a demand for Italian troops from a Province in the interior of Sicily administered from Palermo would have to pass to the latter and from there to Catania, HQ of the Sub Area Commander, and of course, follow the same route back. Having regard to the length and slowness of communications, a considerable period would elapse before consent could be obtained, by which time damage and casualties might have occurred.

5. It is suggested that where Italian troops are disposed in Italian Government Territory, the Italian authorities should have liberty of action in the event of a civil disturbance, provided that Allied interests are not directly involved.

6. It is for consideration however if it would not be advisable to prescribe rules and limit the armament of troops so employed.

7. The foregoing does not arise out of the recent incident in Sicily, as you will see by the date of the letter from 3 District, but that occasion does give point to the foregoing proposal. Will you kindly raise the matter and let me know your conclusions.

1 Incl:

As in para 1 above.

ELLERY W. STONE
Commodore, USNR
Acting Chief Commissioner

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

Copies to:

Civil Affairs Section
Sicily Region
3 District ~~Area~~
Land Forces Sub-Commission

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 370.6-1

27 October 1944

1 NOV Recd

SUBJECT: Local Defense Plans.

TO : Headquarters, Allied Control Commission, APO 394.

1. Under date of 3 October 1944 (Ref 2606/6/CCS) you requested confirmation respecting the policy set forth in AG 370.6/07 GGT-0 of 24 September 1944 with regard to the establishment of Military Zones in the event of civil disturbances.

2. It is intended that in the event that a Military Zone is established a status similar to that which existed at the time of the original occupation of the territory by Allied troops will be created. The Military Commander of the area in which the Military Zone is located will become the Deputy Military Governor of the Zone as SACMED's delegate. The Deputy Military Governor will ordinarily delegate his powers and responsibilities with respect to Civil Affairs to a Senior Civil Affairs officer who will perform his functions under the technical direction of the ACC, which will also furnish civil affairs personnel as it now does for the Military Government of Allied Occupied Italy.



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



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ALLIED CONTROL COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

FILE: RC/000.5

24 Oct 1944

SUBJECT: Aid to the Civil Power

TO : H.Q. A.C.C. ROME

COPY TO: 70 Sub Area
No.3 District

1. With reference to enclosed copy of No.3 District letter 69/G of 17 OCT, I have the following observations to make.

2. As regards para 3 of enclosed letter:-

a. The procedure under which A.C.C. and subsequently the Area Commander must be consulted, except in grave emergency, before Italian troops are employed in aid of the civil power is not covered by your 125/66/CA of 18 AUG 44 (forwarding A.A.I. Administrative Instructions N. 48 of 8 August 44) which deals only with the use of Allied troops. In fact, your instructions imply that the employment of Italian troops in such cases is a matter solely for the Italian authorities.

b. I am unaware whether the procedure laid down in para 3 of attached letter has been agreed with your Headquarters and with the Italian Government. If agreed with your Headquarters I cannot trace having received any instructions in the matter.

c. It is not clear in para 3 whether the Italian authorities referred to are "the civil authorities" or the "military authorities". If reference is made to the civil authorities they have, as far as I know, received no instructions in the matter. If the military authorities are referred to it would be necessary for the civil authorities to be informed so that they are aware that there may be considerable delay before troops become available.

d. It seems to me that the procedure laid down

COPY TO: 70 Sub Area
No.3 District

1. With reference to enclosed copy of No.3 District letter 69/G of 17 OCT, I have the following observations to make.

2. As regards para 3 of enclosed letter:-

a. The procedure under which A.C.C. and subsequently the Area Commander must be consulted, except in grave emergency, before Italian troops are employed in aid of the civil power is not covered by your 125/66/CA of 18 AUG 44 (forwarding A.A.I. Administrative Instructions N. 48 of 8 August 44) which deals only with the use of Allied troops. In fact, your instructions imply that the employment of Italian troops in such cases is a matter solely for the Italian authorities.

b. I am unaware whether the procedure laid down in para 3 of attached letter has been agreed with your Headquarters and with the Italian Government. If agreed with your Headquarters I cannot trace having received any instructions in the matter.

c. It is not clear in para 3 whether the Italian authorities referred to are "the civil authorities" or the "military authorities". If reference is made to the civil authorities they have, so far as I know, received no instructions in the matter. If the military authorities are referred to it would be necessary for the civil authorities to be informed so that they are aware that there may be considerable delay before troops become available.

d. It seems to me that the procedure laid down might work in Regions where there was a full A.C.C. or A.M.G. organisation. In SICILIA Region there are A.C.C. Headquarters only in the cities of PALERMO and CATANIA. This must mean, for instance, that in the case of a Province (which does not come under A.C.C. Provincial Headquarters CATANIA) in the interior of the Island a message must be sent by the local authorities to PALERMO, where the local authorities must consult with this Headquarters after which this Headquarters must get into touch with the Su Area Commander at CATANIA. The permission to employ troops must then, be given through the same channels in the reverse direction.

SECRET

- 2 -
S E C R E T

e. Reference to Regional Headquarters would in almost every case be merely a formal matter because this Region has no Public Safety Officers in the Provinces and, as explained above, practically no Provincial Officers. Generally speaking, therefore, this Headquarters could not be in a position to express an opinion as to whether or not troops should be called out.

3. So far as this Region is concerned, I consider that the employment of Italian troops on duties in aid of the civil power should be the responsibility of the Italian authorities and that no good purpose can be served by consultation with A.C.C. having regard to A.C.C. strength here and the difficulty and length of communications. What I consider, however, to be of very great importance is that the method of employment and the armament of Italian troops called out on duties in aid of the civil power should be carefully determined and laid down by the appropriate authorities..

4. I request, therefore, that this matter should be taken up with the military authorities with a view to clarification or reconsideration. If the procedure laid down in para 3 of the enclosed letter is to hold good, I request that this Headquarters and all Italian authorities concerned may receive the necessary instructions.

5. I would point out that the above question did not arise directly out of the serious incident at PALERMO on 19 Oct. when Italian troops were employed in aid of the civil power, as No.3 District letter enclosed is dated 17 Oct and was received at this Headquarters on the 21 Oct.

Can urgent consideration be given to this matter please?

/s/ M. CARR, Brigadier
/t/ M. CARR
Brigadier
Regional Commissioner

1 Encl- Copy of letter, Lt Col Warner to SICILY REGION AGC
69/G 17 OCT 44 re Aid to the Civil Power

COPY

SUBJECT: Aid to the Civil Power.

SECRET3 District
Sgt 3
69/G

17 Oct 44.

Under authority of AAI AAM Instr No. 43 Dated 8 August 44, (which has been subsequently endorsed by AFM Letter AG 370.6/107 GPT-0 dated 26 Sep 44) this HQ issued Operation Instruction No. 10, "Aid to the Civil Power" (Copies attached for LANTO and ABBWEE/PACBEE Regions ACO)

1. Area/3rd Area Cdr commanders will ensure that their liaison with 100 Zone Commissioners (Regional HQ in Sicily) is such that they receive early information of any civil disturbances, should they arise.
2. While the quelling of civil disturbances, which do NOT directly affect Allied interests, is a matter for Italian administrative authorities, it will be borne in mind that the latter will normally only dispose of police and CC.RR.F. resources. Area defence schemes will be drawn up in the light of this.
3. Where as in SICILY and CALABRIA the Italian authorities are to dispose of troops, such will NOT, except in grave emergency, be employed without prior reference through ACO to the Area Commander, who will be kept fully informed of all incidents and actions taken.
4. Areas will forward full reports of all civil disturbances to this HQ, although Allied action may NOT have been called for.

/s/ E. P. Warner

/t/ Lt. Col.

(22 2376

17 Oct

C O P Y

JA thru

4 G-5 G-3 14 Oct 44

1. The ACC letter of 3 October 1944 requests confirmation respecting the policy set forth in AG 370.6/107 OCT-0 of 24 September 1944 with regard to the establishment of Military Zones in the event of civil disturbances.

2. It is believed that in the event that a Military Zone is established that the Military Commander of the area in which the Military Zone is located should become the Deputy Military Governor of the Zone as SACMED's delegate. The Deputy Military Governor should be instructed to delegate his powers and responsibilities with respect to Civil Affairs to a Senior Civil Affairs Officer who will perform his functions under the technical direction of the ACC, which will also furnish civil affairs personnel.

3. It is believed that the above plan is in accordance with Minutes 1 & 2.

4. Your concurrence is requested in principle to a reply to ACC letter of 3 October 1944 in accordance with the plan proposed in Paragraph 2.

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

CMS/AMB/waw

Handed to COS by Lt. Col Mitchell, G-5

2375

14 Oct

COPYS E C R E T

HEADQUARTERS
ALLIED CONTROL COMMISSION,
APO 394

Office of the A/Chief Commissioner

Ref: 2606/6/COS

3rd October, 1944

SUBJECT: Powers and Rights in Italian Govt. Territory

TO : G-5 Section, A.F.H.Q.

1. I refer to letter AG 370.6/107 GCT-O of 24th September 1944 regarding policy in relation to military zones and employment of Allied troops to quell civil disturbances.

2. Should the necessity arise and Military Government be re-imposed, I presume that the S.A.C. would expect the Allied Control Commission to be responsible for the exercise of such civilian powers that are re-assumed and that the local Military-Commander would only be responsible to the S.A.C. for all matters concerning the military occupation apart from civil affairs and would not be considered as the representative of the Military Government. May I have your confirmation on this point.

/s/ M.S. LUSH
Brigadier,

2377

for ELLERY W. STONE,
Captain, USNR
Acting Chief Commissioner.

(5)

COPYS E C R E T

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

A/35A/AS

30 September 1944

Dear Captain Stone;

Presumably in accordance with existing
practice SACMED will expect his Civil Affairs Branch
(and therefore A.C.C.) to be responsible for the
exercise of such civilian powers as we may reassume.

/s/ G. R. Upjohn

/t/ G. R. UPJOHN , Brigadier
V.P. Admin., Section

Captain Ellery W. Stone, USN
Acting Chief Commissioner,
H.Q. Allied Control Commission.

Pencilled note:

C o S: This should be put to SACMED for
clarification of their directive of 24th
September. Gen Brown believes he would be
the Mil. Govt. officer.

EWS.

2373

(7)

C O P Y

HEADQUARTERS
ALLIED CONTROL COMMISSION
APC 394

SECRET

4/35A/AS

25 September 1944

Dear Captain Stone,

Thank you for your letter of the 24th September on the construction of Admin Instruction No. 48 of 8 August 44.

You will appreciate that this Instruction is purely a directive issued by CINC to his own officers and is not the governing document as between the Allied Authorities and the Italian Government.

The rights of the Allies are contained in Article 9 of Document "A" which reads as following:

"The right to reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war."

The position may be summed up I think as follows. In his Admin instruction the CINC lays down one instance (use of troops in aid of the civil power) in which the powers conferred by Article 9 of Document "A" are to be invoked.

Accordingly to circumstances we might lay down in the area any degree of military government that we choose, i.e., from complete A.M.G. to the issue of ordinances dealing mainly with policing, hours of curfew and other law and order regulations leaving the whole of the remaining administration in the hands of the Italian administration.

Captain Ellery W. Stone, USNR,
Acting Chief Commissioner,
H.Q., Allied Control Commission

/s/ G. R. Upjohn
G. R. UPJOHN, Brigadier,
V.P. Admin. Section.

2372

Penned note:

Brig Upjohn:

Noted. But who administers that degree of Mil Govt which it is decided to impose -- the local commander or the A.C.C. officer?

Stone

1537

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Captain Ellery W. Stone, USNR,
Acting Chief Commissioner,
H.Q., Allied Control Commission

/s/ G. R. Upjohn
G. R. UPJOHN, Brigadier,
V.P. Admin. Section.

2372

Penned note:

Erig Upjohn:

Noted. But who administers that degree of Mil Govt which it is decided to impose -- the local commander or the A.C.C. officer?

Stone

9/26

25 Sept

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

ENS/ld

24 September 1944

Dear Brigadier Upjohn:

1. I would be grateful if you could elucidate a point which is not clear to me.

2. Administrative Instruction No. 48 of 8 August 1944 - AAI/3064/
A(0) - states in para 7:

"Use of Troops in Aid of the Civil Power."

"It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances.

"If such a request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied Military interests. Furthermore, before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone. If time permits the local commander will consult the local AOC officer and seek instructions from his Superior Commander before giving assistance; in any event he will inform his Superior Commander of any request made to him and the action taken thereon without delay."

3. Para 5 of the same Administrative Instruction says:

"Military Zones."

"The right is reserved by the Commander-in-Chief to declare specific areas in Italian Government Territory to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief. It is hoped that the need for the establishment of such zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ AAI giving full reasons to justify his

Brigadier G. R. Upjohn
Vice President
Administrative Section

FILES (A-B)

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views. The Allied Forces may also re-occupy any part of Italian territory, but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders."

4. Now, I am clear from para 7 that with the calling out of Allied troops the territory in question is made forthwith an Allied Military Zone. When an area is declared a Military Zone, I would have expected the resumption of military government to be implied in the declaration, but para 5 quoted above does not make this quite clear. It says "the right to exercise the powers of military government in the Zone in question become once more vested in the Commander-in-Chief."

5. In short, may we take it that the Commander-in-Chief is certain to exercise this right, or is it possible that we may find ourselves in the ambiguous position of having declared an area an Allied Military Zone, yet not exercising Allied Military Government within it?

EALBY W. STONE
Captain, USGP
Acting Chief Commissioner

cc: American Commission

HO A.C.C.	Secy Gen
DISPATCHED	
Date Time	SEP 1944 1640
Via	23707
Initials	

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APO 512

COPY NO. 13 RHF:sl

E-1316

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 : 24 September 1944 :
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 : 24 September 1944 :

AG 370.6/107 OCT-0

SUBJECT: Local Defense Plans

TO : Commander-in-Chief, Allied Armies in ITALY
 General Officer Commanding:
 No. 2 District
 No. 3 District
 Land Forces Adriatic
 Commanders:
 Balkan Air Force
 Headquarters, IMIA (FOR: Army Sub-Commission)
 Deputy President, Allied Control Commission
 Commanding Generals:
 SOS NATOUSA, APO 750
 Rome Allied Area Command, APO 794

1. Your attention is invited to the recent incident in ROME, where a witness before a trial court was seized and lynched by a mob, which indicates the possible inability of the local police forces to cope with such situations. During the present stage of events, there is the ever present possibility of other local uprisings and disorders.

2. The present policy with respect to military zones and the employment of Allied troops to quell civil disturbances is as follows:

a. The right is reserved by the Supreme Allied Commander, Mediterranean Theater to declare specific areas in ITALIAN Government Territory to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Supreme Allied Commander, Mediterranean Theater. It is hoped that the need for the establishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to this headquarters, giving full reasons to justify his view. The Allied Forces may also re-occupy any part of ITALIAN territory, but the right to constitute a Military Zone will render it unnecessary to exercise this right in respect of any local disorders.

b. It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances. If such a request is made, the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian administration and he will refuse such assistance, unless he is of the opinion that it is necessary for the

- 1 -

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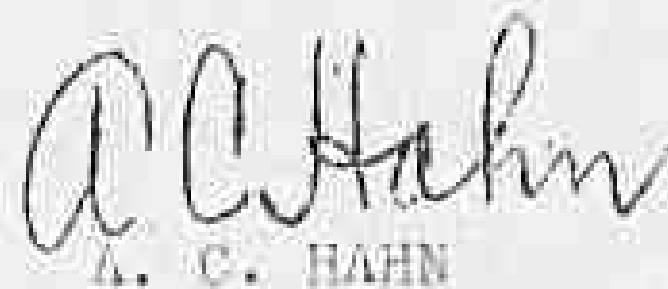
B-1316

Ltr, AFHQ, AG 370.6/107 OCT-O, dtd 24 September 1944

protection of Allied military interests. Furthermore, before rendering such assistance, the local commander will warn the local official, requesting his assistance that the territory in question will be liable to be made forthwith an Allied Military Zone. If time permits, the local commander will consult the local AGC officer and seek instructions from his superior commander before giving assistance; in any event, he will inform his superior commander of any request made to him and the action taken thereon without delay.

3. Commanders concerned are responsible for the preparation of local defense schemes for the protection of Allied government property and to insure the security and efficiency of the Lines of Communication.

By command of General WILSON:



A. C. HAHN
Colonel, AGC
Asst Adjutant General

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C50
Gr. O'Dwyer -
To note & return
Stone

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HEADQUARTERS
 ALLIED CONTROL COMMISSION
 R.C. & M.G. Section
 APO 394

Phone:
 178201

HQ ACC. APO 394

705 Sec'y Com.

Rec'd 18 Aug 1944

By *ERR.*

18 August 1944.

A 186

RAF/125/66/CA.

18 AUG 1944

SUBJECT: Powers and Rights of Allied Forces and
 Allied Military Government in Unoccupied Italy.

TO : Distribution below.

(2)

1. Attached hereto is copy of AAI Administrative Instruction No. 43 dated 8 August 1944.
2. This supercedes our letter 125/18/CA dated 23 March 1944.

Noting and Retention	
Dispatch	

Remarks:

CAPTAIN STONE (U.S.M.R.)

Duty Note?

[Signature]

2368

NORMAN E. FISKE
 Colonel,
 Deputy Executive
 Commissioner.

2367

[Handwritten signature]

(3)

CSO
Gen. O'Dwyer -
To note & return
Stone

SECRET

HEADQUARTERS
 ALLIED CONTROL COMMISSION
 P.C. & M.G. Section
 APO 394

Phone:
 478201

HQ ACC, APO 394

705 Sec'y Gen.

Rec'd 18 Aug 1944

By DRR.

18 August 1944.

A186

Ref/125/66/CA.

ed Forces and
 t in Unoccupied Italy.

(2)
 of AAI Administrative Instruction

er 125/18/CA dated 23 March 1944.

NORMAN E. FISKE,
 Colonel,
 Deputy Executive
 Commissioner.

DISTRIBUTION:

Group 2 & List "C".

2367

(3)

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ALL/3064/A(0)

8. 100.000

ADMINISTRATIVE INSTRUCTIONS NO. 143
FORCES AND RIGHTS OF ALLIED FORCES AND ALLIED MILITARY GOVERNMENT IN
UNOCCUPIED ITALY

This instruction supplements Administrative Instruction No. 6, reference
ALL/3064/A(0) dated 15 May 46.

1. Definition

For the purposes of this instruction the term "Italian Government Territory" means the territory forming part of Italy, SICILY and adjacent islands headed over to Italian Government and jurisdiction, subject to the guidance and administration of the Allied Control Commission under the Chief Commissioner acting for the Commander-in-Chief, A.S.A.

2. General

The object of this instruction is to clarify the more important rights reserved to the Allied Forces by agreement with the Italian Government, in such territory forming part of Italian Government Territory which may be handed over to the Italian Government from time to time, in respect of which full powers of Government will otherwise be possessed by the Italian Authorities.

Apart from those reserves aforesaid, Allied Military Government in Italian Government Territory comes to an end. All Proclamations and Orders of the Military Government and those made by his authority cease and are no longer operative; no such Proclamation or Order can be issued in the future.

Although they will to officers of the Allied Control Commission in Italian Government Territory, they will be there to advise and control the Italian Government, and not as Governors. One of the most important functions of the Regional and Provincial Offices of the ACC will be liaison between Allied Military Authorities in the area and the Italian administrative and the A.S.A. the most positive condition between the Italian administration and the Allied Military Authorities shall be established through the local ACC. When the Italian Government is directly represented or a committee of the Military Government, of course, deal directly with that organization without the intervention of ACC.

3. Requisitioning

The Allied Forces have retained the power and right to requisition private and public property and services in Italian Government Territory - this right must be exercised sparingly and only for reasons of genuine military necessity, and it will be exercised through the Italian authorities. If, for example, a building is needed by the Military, it should be requisitioned through the Command of the town where the building is situated, with the assistance of the Provincial Officer of the ACC. The usual formalities of requisitioning used in Italy. Government provisions will be strictly followed in Italian Government

2568

1. Regulation

For the purposes of this instruction the term "Italian Government Territory" refers to territory forming part of Italy, Sicily and adjacent islands handed over to ITALIAN Government and jurisdiction, subject to the guidance and instruction of the Allied Control Commission under the prior Commission's acting for the United Nations, 1945.

2. General.

The object of this instruction is to clarify the more important rights reserved to the Allied powers by agreement with the Italian Government, in areas forming part of Italian Government Territory which may be handed over to the Italian Government from time to time, in respect of which full powers of Government will otherwise be possessed by the Italian authorities.

That from these reserved rights, Allied Military Government in ITALIAN Government Territory comes to mind. All Proclamations and Orders of the Military Governor and those made by his authority cease and are no longer operative; no such Proclamations or Orders can be issued in the future.

Although there will be officers of the Allied Control Commission in ITALIAN Government Territory, they will be there to advise and control the Italian Government, and not as Governors. One of the most important functions of the Allied Control Commission of the AGC will be liaison between Allied Military Territory in the area and the Italian administrative officials. All but the most routine decisions between the Italian administration and the Allied Military authorities must be referred to them. However, the local Italian Government in direct representation on a central committee "Military Way", of course, deal directly with that organization without the intervention of AGC.

3. Residential

The Allied Forces have retained the power and right to requisition private and public property and services in ITALIAN Government Territory - this right must be exercised sparingly and only for reasons of genuine military necessity. If, for example, a building is needed by the Military, it should be requisitioned through the Sicilian of the town where the building is situated, with the assistance of the Provincial Governor of the AGC. If a usual facilities of requisitioning used in Military Government Territory, will be strictly followed in ITALIAN Government Territory. The property is in direct requisition, without recourse to, that not be seized without giving a receipt, and then only if required for reasons of military necessity.

4. Allied Military Courts

As the Proclamation of the Military Governor ceases to operate in ITALIAN

/Government

2

-2-

Government Territory, all crimes will normally be tried under ITALIAN law and in ITALIAN Courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in ITALIAN Government Territory for the trial of civilians who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the ITALIAN Penal Codes.

The reservation of this right is not intended to encourage the trial of civilian offenders by Allied Courts, but is to enable them to deal with the most serious offenses against Allied personnel or property which cannot be dealt with by the ITALIAN Courts. If such an offense has been committed the military authorities will give a full statement of the facts to the local representative of the AGC with the request that an Allied Military Court be convened to hear the charges. It will be the responsibility of AGC to frame the charges and to estimate the Court. It is emphasized that only in the most exceptional circumstances will any case in ITALIAN Government Territory be referred to AGC Courts and then only on order of AGC.

Consequent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offenses. High ranking ITALIAN officials and officers of the ITALIAN Armed Forces should, however, only be arrested in collaboration with the appropriate ITALIAN official (e.g. the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local AGC officer will be obtained beforehand, except in an emergency, when he will be informed immediately after the arrest.

5. Military Zones.

The right is reserved by the Commander-in-Chief to declare specific areas in ITALIAN Government Territory to be Military Zones. Upon the issue of such a declaration, the right to exercise the powers of military government in the Zone in question becomes once more vested in the Commander-in-Chief. It is hoped that the need for the establishment of such Zones will never arise, but should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ AGC giving full reasons to justify his view. The Allied Forces may also re-occupy any part of ITALIAN territory, but the right to constitute a Military Zone will remain it unnecessary to exercise this right in respect of any local disorders.

6. Military and Civilian Informers

The Allied Forces may continue to hold or require the ITALIAN Government to hold in custody military or civilian informers in ITALIAN Government Territory. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with ITALIAN officials unless, in any particular case, it is thought that a request to the ITALIAN police to arrest a suspect would be ineffective. In all such cases the local AGC officer must, except in emergency, be informed of the intention to make the arrest, whether it is to be effected by the Allied or ITALIAN authorities. If he is not in agreement, the matter will be referred to higher authority. Normally such persons will be detained in 574 PW Camp.

7. Use of Troops in Aid of the Civil Power.

It may happen that the local ITALIAN authorities may ask for the assistance of Allied troops in quelling civil disturbances.

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The Allied Forces may continue to hold or require the Italian Government to hold in custody military or civilian internees in Italian Government Territory. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless, in any particular case, it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all such cases the local AGC officer must, except in emergency, be informed of the intention to make the arrest, whether it is to be effected by the Allied or Italian authorities. If he is not in agreement, the latter will be referred to higher authority. Normally such persons will be detained in 371 PW Camp.

7. Use of Troops in Aid of the Civil Power.

It may happen that the local Italian authorities may ask for the assistance of Allied troops in putting civil disturbances.

If such a request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance, unless he is of the opinion that it is necessary for the protection of Allied military interests. Furthermore, before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone (see para 5 above).

/L tiro

Page 7 contd.

At this point, the 1. and commander will consult the local ACC officer and seek instructions from his Superior Commander before giving assistance; in any event he will inform his Superior Commander of any request made to him and the action taken thereon without delay.

3. Process in ITALIAN Courts

No member of the Allied Forces may be prosecuted or sued in ITALIAN Courts.

9. Emergency Action

It is appreciated that an emergency may arise which requires immediate action by the Allied Forces for their protection and security, but except in such emergency all action required from the ITALIAN Administration should invariably be taken through the medium of the Regional or Provincial Commissioner. Where immediate action is taken without previous reference to ACC for emergency reasons, the appropriate ACC Officer will be informed as soon as possible.

10. Assistance to ITALIAN Authorities.

Apart from the powers and rights described above, it should be remembered that the transfer of territory to the ITALIAN Government is made as part of the policy of the Allied Governments.

It is the duty of all Allied officers to assist the central and local Government authorities in acquiring and maintaining authority, and to avoid thoughtless acts which may undermine the authority of the police, the Sindaco, or the Prefetto.

/VBT

Major General,
Chief Administrative Officer.

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File 5073/A(c)

2363

Deputy Secretary General

24 MAR 1944

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

23 March 1944

Ref A25/18/34.

SUBJECT: Powers and Rights of Allied Forces and Allied
Military Government in Unoccupied Italy.

SUPERSEDED

TO : See Distribution Below.

1. HQ. A.A.I. (Admin. Echelon) C.A.F. has issued an Administrative Instruction to all Military Formations outlining the situation in general terms and substantially as stated in memoranda from this HQ dated 23 Jan and 31 Jan already in your possession.

2. The following extracts are quoted for your information :

(a) Although there will be officers of the Allied Control Commission in unoccupied ITALY they will be there to advise and control the Italian Government and not as governors. One of the most important functions of the Regional and Provincial Officers of the Commission will be liaison between Allied Military Formations in the area and the Italian administrative officials. All but the most routine dealings between the Italian administration and the Allied Military authorities must be conducted through the Commission. When the Italian Government is directly represented on a control board or committee, the Military may, of course, deal directly with that organisation without the intervention of the Commission.

(b) Requisitioning.

The Allied Forces have retained the power and right to requisition private and public property and services in unoccupied ITALY - this right must be exercised sparingly and only for reasons of genuine military necessity. This right will be exercised through the Italian authorities. If, for example, a building is needed by the military it should be requisitioned through the Sindaco of the town where the building is situated, with the assistance of the Provincial Officer of the Commission. The usual formalities of requisitioning used in occupied territory should be strictly followed in unoccupied ITALY. The proposed disavowed fascist societies must not be seized without giving a receipt and then only if required for reasons of military necessity.

(c) Allied Military Courts.

As the Proclamation of the Military Government enforces to operate in unoccupied ITALY, all crimes will normally be tried under Italian law and in Italian courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in unoccupied ITALY for

11

SUPERSEDED

20 : See Distribution Below.

1. HQ. A.I.I. (Admin. Echelon) C.M.I. has issued an Administrative Instruction to all military formations outlining the situation in general terms and substantially as stated in memoranda from this HQ dated 23 Jan and 31 Jan already in your possession.

2. The following extracts are quoted for your information :

(a) Although there will be officers of the Allied Control Commission in unoccupied Italy they will be there to advise and control the Italian Government and not be Governors. One of the most important functions of the Regional and Provincial Officers of the Commission will be liaison between Allied Military formations in the area and the Italian administrative officials. All but the most routine relations between the Italian administration and the Allied Military Authorities must be conducted through the Commission. When the Italian Government is directly represented on a control board or committee, the Military may, of course, deal directly with that organization without the intervention of the Commission.

(b) Requisitioning.

The Allied Forces have retained the power and right to requisition private and public property and services in unoccupied Italy - this right must be exercised sparingly and only for reasons of genuine military necessity. This right will be exercised through the Italian authorities. If, for example, a building is needed by the military it should be requisitioned through the Sindaco of the town where the building is situated, with the assistance of the Provincial Officer of the Commission. The usual formalities of requisitioning used in occupied Italy should be strictly followed in unoccupied Italy. The property should be received by the Fascist authorities but not be seized without giving a receipt and then only if required for reasons of military necessity.

(c) Allied Military Courts.

As the Proclamation of the Military Governor orders to operate in unoccupied Italy, all crimes will normally be tried under Italian law and in Italian courts. The Allied Forces, however, have reserved to themselves the right to hold Allied Military Courts in unoccupied Italy for the trial of civilians who commit acts seriously hostile to the Allied Forces and to punish them in accordance with the Italian Penal Code.

The reservation of this right is not intended to encourage the trials of civilian offenders by Allied Courts but only to deal with the most serious offences against Allied personnel or property which cannot be properly dealt with by the Italian Courts. If such an offence has been committed the Military Authorities should give a full statement of the facts to the local representative of the Commission with the request that an Allied Military Court be convened to hear the charges. It will be the responsibility of the Commission to frame the charges and constitute the Court.

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23 Jan

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Consequent on reservation of the power to try such offenders there is reserved to the Allied Forces the power to arrest persons who are believed to have committed such offenses. High ranking Italian officials and officers of the Italian Armed Forces should, however, only be arrested in collaboration with the appropriate Italian official (e.g., the Prefect or the Commanding Officer of the officer concerned). In all cases of arrest the agreement of the local officer of the Allied Control Commission will be obtained beforehand, except in an emergency, when he should be informed immediately after the arrest.

(a) The right is reserved by the Commander-in-Chief to declare specific areas in unoccupied Italy to be Military Zones. Should the situation in any area become such as to require the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ.I. Giving full reasons to justify his view. It may happen that the local Italian authorities may ask for the assistance of Allied troops in dealing with disturbances. If such request is made the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied Military interests. Before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone. If this permits the local commander will consult the local officer of the Commission before giving assistance.

(e) Prisoners of War and Civilian Internees.

The Allied Forces may continue to hold or require the Italian Government to hold in custody military or civil prisoners of war in unoccupied Italy. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless in any particular case it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all cases, except in emergency, the local officer of the Commission must be informed of the intention to make any such arrest, whether by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority. Normally such persons will be detained in 371 P.W. Camp.

(f) Process in Italian Courts.

No member of the Allied Forces may be prosecuted or sued in Italian Courts.

(g) The agreement now reached with the Italian Government makes the rights of the Allied Forces in the provinces of Aquila identical with their rights in the areas recently transferred from Allied Military Government to Italian Government.

...in emergency, immediate

(d) The right is reserved by the Commander-in-Chief to declare specific areas in unoccupied Italy to be Military Zones. Should the situation in any area become such as to convince the District Commander that such action is necessary, he should, after consulting the Regional Commissioner, report accordingly to HQ,, giving full reasons to justify his view. It may happen that the local Italian authorities may ask for the assistance of Allied troops in quelling civil disturbances. If such request is made, the local commander will point out that the quelling of civilian riots or disturbances is a matter for the Italian Administration and he will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied Military interests. Before rendering such assistance the local commander will warn the local official requesting his assistance that the territory in question will be made forthwith an Allied Military Zone. If time permits the local commander will consult the local officer of the Commission before giving assistance.

(e) Prisoners of War and Civilian Internees.

The Allied Forces may continue to hold or require the Italian Government to hold in custody military or civil prisoners of war in unoccupied Italy. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless in any particular case it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all cases, except in emergency, the local officer of the Commission must be informed of the intention to make any such arrest, whether by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority. Normally such persons will be detained in 371 P.W. Camp.

(f) Process in Italian Courts.

No member of the Allied Forces may be prosecuted or sued in Italian Courts.

(g) The agreement now reached with the Italian Government makes the rights of the Allied Forces in the Provinces of Apulia identical with their rights in the areas recently transferred from Allied Military Government to Italian Government.

3. The instruction emphasises that except where, in emergency, immediate action is required by the Allied Forces for their own protection and security, all action required from the Italian Administration should invariably be taken through the medium of the Regional or Provincial Commissioner.

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It is further notified that when immediate action is taken without previous reference to the Allied Control Commission for emergency reasons, the appropriate officer of the Commission will be informed as soon as possible.

It will thus be appreciated that HQ. A.C.C. are seeking to obtain the fullest co-operation between military commanders and the Allied Control Commission. It should be your constant endeavour to reciprocate.

DISTRIBUTION:

All Regional Commissions.
 SCAG's 5th and 6th armies.
 Identification "C".

NORMAN S. PIERCE
 Colonel,
 Deputy Executive
 Commissioner.

2312

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1554

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

MEMORANDUM FOR
MR. E. R. RICE
Colonel,
Deputy Executive
Commissioner.

DISTRIBUTION:

All Regional Commissioners.
SCAG's 5th and 6th Areas.
Mentelation "Q".

2313

RECEIVED
25 MAR 1964
ASG AC

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FORMER AND FUTURE MILITARY POWERS AND JURISDICTION
OVER THE D. AREA GOVERNMENT TERRITORY

1. On January 1 1946, the Italian Government will assume full jurisdiction and administration control over all Italy (except Venezia Giulia, and Trieste) together with Sicily and adjacent islands. The following paragraphs indicate the position of Allied troops in Italy (except Venezia Giulia and the Province of Udine).

2. General.

All powers of government will be possessed by the Italian authorities in Italian Government territory including operational and administrative control of the Italian Army, subject only to such rights as have been reserved by the Commander-in-Chief by agreement with the Italian Government. The most important of these points are given below in paragraphs.

Allied Military Government in Italy (except Venezia Giulia and the Province of Trieste) comes to an end. All provisions and orders of the Military Government and those made by its authority cease and are no longer operative; no such proclamations or orders can be issued in the future.

Although there will be officers of the Allied Commission in Italian Government territory, they will act purely as liaison officers and not as Governors. Their duties will be to observe and report, but in no way to advise the Italian authorities. One of the most important functions of these A.C. liaison officers will be liaison between the Allied Military authorities in the area and the Italian Administrative officials. All but the most routine dealings between the Italian Administration and the Allied ²³⁴² authorities must be conducted through the Allied Commission and their liaison officers in the field. When the Italian Government is directly represented on a central board or committee, the Military may, of course, deal directly with that organization without the intervention of Allied Commission.

2. General.

although there will be officers of the Allied Commission in Italian Government territory, they will not purely be liaison officers and not as supervisors. Their duties will be to observe and report, but in no way to advise the Italian authorities. The other two will perform functions of liaison with the Italian officers and will be liaison between the Allied Military Authorities in the area and the Italian Administrative officials. All but the most routine dealings between the Italian Administration and the Allied authorities must be conducted through the Allied Commission and their liaison officers in the field. When the Italian Government is directly represented on a central board or committee, the Military may, of course, deal directly with that organ-ization without the intervention of Allied Commissions.

5. Transmission.

Although the Allied forces have retained the power and the right to requisition private and public property and services in Italian Government territory this right must be exercised sparingly and only for reasons of genuine military necessity and will be exercised through the Italian authorities.

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If, for example, a building is needed by the military it should be requisitioned through the Sindaco of the town where the building is situated, with the assistance of the Liaison Officer of the Allied Commission. The usual formalities of requisitioning used in occupied territory should be strictly followed in Italian Government territory.

4. Allied Military Courts

As the proclamations of the military government cease to operate in Italian Government territory, all crimes will be tried under Italian law and by Italian Courts. Allied Military Courts will not be held in Italian Government territory.

5. Prisoners of War and Civilian Internees.

The Allied Forces may continue to hold or require the Italian Government to hold in custody military or civil prisoners of war in Italian Government territory. If the Allied Forces require to arrest any person for security or other reasons such arrest shall be carried out in collaboration with Italian officials unless in any particular case it is thought that a request to the Italian police to arrest a subject would be ineffective. In all cases, except in emergency, the local Allied Commission Liaison Officer must be informed of the intention to make any such arrest, whether by the Allied or Italian authorities. If he is not in agreement the matter shall be referred to higher authority.

6. Use of Force in Aid of the Civil Power.

The Italian Government may at their discretion for the holding of civil disturbances the following agencies which will be used by them in the priority

last down.

- (1) GPM and Police Agencies
- (2) Internal Security Brigade of Italian Army or Internal Security Divisions in Sicily and Sardinia.
- (3) 5 Infantry Divisions.

2261

that the local Italian authorities may ask for the assistance

As the problem at hand is the military Governor desires to operate in Italian Government territory, all crimes will be tried under Italian law and by Italian courts. Allied military courts will not be held in Italian Government territory.

5. Prisoners of War and Civilian Internees.

The Allied Forces may continue to hold or require the German Government to hold in military territory or civil jurisdiction of war in Italian Government territory. If the Allied Forces require to arrest any person for security or other reasons such arrest should be carried out in collaboration with Italian officials unless in any particular case it is thought that a request to the Italian police to arrest a suspect would be ineffective. In all cases, except in emergency, the local Allied Commission Liaison Officer must be informed of the intention to make any such arrest, whether by the Allied or Italian authorities. If he is not in agreement the matter will be referred to higher authority.

6. Use of Force in Aid of the Civil Power.

The Italian Government law on their side and the holding of civil disturbances the following agencies which will be used by them in the priority laid down.

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(1) G.M. and Police Agencies

(2) Internal Security Divisions of Italian Internal Security

Divisions in Sicily and Sardinia.

(3) Infantry Divisions.

It may be noted that the local Italian authorities are not asked for the assistance of Allied troops in dealing with disturbances.

If such request is made the local commander will refuse such assistance unless he is of the opinion that it is necessary for the protection of Allied personnel, civilian or consular personnel or property. He will also point out that the question of civilian riots or disturbances is a matter for the Italian administration.

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If this permits the local commander will consult with the local Allied Commission liaison officer and seek instructions from his superior commander; in any event he will inform his Superior Commander of any request made to him and the action taken thereon without delay.

district and base location commanders in directing to their forces should have regard for contingencies in which it might be necessary to send troops to quell local disturbances. They should consult the local Allied Commission officer where appropriate in their action and authority in regard to contingencies from events which might prejudice the security of any locality within their area of responsibility.

7. Relations with Italian Military, Carabinieri and other Armed Forces
In Italian Government territory, Allied officers will not take action to Italian Military or Civil authorities nor to Carabinieri or other police agencies. Should the Italian Police be required to arrest a person for an offense against Allied military personnel or property, the matter will be referred to the Italian authorities as a request and not as an order.

8. Process in Italian Courts.

No member of the Allied Forces may be presented or tried in Italian Courts.

9. Emergency Action

It is appreciated that an emergency may arise which requires immediate action by the Allied Forces for their protection and security by action in such emergency all action is taken from the Italian administration should immediately be taken through the action of the Allied Commission liaison officer. Where immediate action is taken without previous reference to Allied 2,460 for emergency reasons, the appropriate Allied Commission liaison officer will be informed as soon as possible.

should have regard for contingencies in which it might be necessary to send troops to quell civil disturbances. They should consult the local Allied Commission officers where appropriate in this matter particularly in regard to contingencies from movements which might prejudice the security of any locality within their area of responsibility.

7. Cooperation with Italian Military, Paramilitary and other Forces
In Italian Government territory, Allied officers will not issue orders to Italian Military or civil authorities nor to paramilitary or other police agencies. All the Italian police be required to arrest a person for an offence against Allied, if they possessed no property, the matter will be referred to the Italian authorities as a request and not as an order.

8. Process in Italian Courts.

No member of the Allied Forces may be prosecuted or tried in Italian courts.

9. Emergency Action

It is appreciated that in emergency may arise which require immediate action by the Allied Forces for their protection and security by order in such emergency all action required from the British Administration should invariably be taken through the action of the Allied Commission Liaison Officer. Where immediate action is taken without previous reference to Allied 280 for emergency reasons, the appropriate Allied Commission Liaison Officer will be informed as soon as possible.

10. ACF's Duties

A direction defining ACF's duties is attached.

DSG 4.00

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