Declassified E.O. 12356 Section 3.3/NND No. 785021

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0454

Declassified E.O. 12356 Section 3.3/NND No. 785021

10000/141/2
(1ST)

LOCAL GOV'T ORGANIZATION, GENERAL
(NOV. 1943); FEB. - SEPT. 1944

0455

Declassified E.O. 12356 Section 3.3/NND No. 785021

Ri 369

X 6 / 11 / A / INT

FIRST JACKET

LOCAL GOVERNMENT ORGANISATION

GENERAL

DATE	TO	DATE	TO	DATE	TO	DATE
21 AUG 1944						
15 ~~22~~ 7 44						
~~INT~~ ~~ADMIN~~						
ADMIN 26-8-44						
~~ADMIN~~ 27 AUG 1944						
~~INT~~ ~~30 AUG 1944~~						
ADMIN 11 Sept 44						
~~INT~~ ~~1 SEP 1944~~						
INT 14 SEP 1944						

10000 / 141 / 2

THIS FOLDER CONTAINS PAPERS FROM FEB. 44 TO SEPT. 44

CATALOGUE-

0456

Declassified E.O. 12356 Section 3.3/NND No. 785021

MINUTE SHEET No. 10

date page

0457

Declassified E.O. 12356 Section 3.3/NND No. 785021

MINUTE SHEET No. 4

DATE		PAGE
11 Sept.	Admin Section (37) 1. Reference minute 35, the "guide" for PCs has been revised, as at folio 107 on this file. 2. RCs having asked for extra copies for their PCs, CA Branch has asked if there is an objection to this. 3. Recommend general distribution to PCs has necessitated a slight amendment in para. 12 of the "guide". A copy of it as so amended is at fos. 108, 108 A+B. 4. May R C & M G Section be requested to issue the revised guide accordingly, please? Issue copy of it for their use hereunto. Tel. 478190. C G Lumsden Dillon Capt. for Director, Interior S/C.	107. 108 108 A+B.
	RCMG Herewith revised "Guide". The only change in the form is, The issue only for your use. It is requested that the Guide may be issued at an early date. J H Wright Lt for DP.	
	Admin 30. 1 SEP. 1944 13/9/44 To Admin. Section The revised "Guide" was sent out today with a Covering letter approved by Admin Section and Interior Sub-Committee. W C V Dillon Capt R.C. & M.P. Section.	
	INT. Records note by J H Wright Lt Col. 14 SEP. 1944	

211

0458

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MINUTE SHEET No. 8

DATE		PAGE

(34)

Aug. 26 Admin. Sect

1. I attach a guide to Provincial Commissioners in organizing local government.

2. It was my intention to get the criticisms and suggestions of Amg 5th army to my draft and then submit it to you for transmittal to RC&MG Section with a request that it be formally issued by them. (See my D.O. p. 102)

3. The fact that Col. Mayne has gone ahead and mimeographed the draft for distribution as a matter of urgency perhaps bespeaks its value. (See his letter p. 104)

4. Will you please, in accordance with your conversation (V.P. & Capt. Temple) arrange to have RC&MG Section issue the Guide for general distribution.

R. R. Temple Capt.
Exec. Off. 1st. S/C
for Director.

(35)

RCMG

As 105 is a guide (which the force and area thereof asked for.) on the PC & duties as to Local Govt will you please arrange for its reproduction and distribution. A spare copy for your retention is enclosed.

Admin
27 AUG. 1944

(36)

J. H. Wheildon for VP. Admin Section. Guide being issued returned herewith

28 Aug. J. Keelan Maj. RCMG Section

File V

210

0459

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Aug 1 — Letter Sliding removed Ld.

(31)

Aug. 3rd — Director. The arrangements now contained in 100 are known to this sub Committee & appear satisfactory. In case however the scheme should require a complaint heard from A's or that they do not receive Copy R. Deeds or know their contents. Ld.

(32)

(33)

Aug. 7. — Ed. — That is good. And with two cases as we are concerned. What about those records of yours (Ld. Lewis) Proximus v. Littonia. Have they ever not received copies of A.D. III. They will in future as regards other decrees, but I wish to ensure that III is in hands of sub Registrar Prefects. Is this covered? Ld. V.

0460

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Minute Sheet No. 60

Date

Page

23rd July (27)

98 Journal.

No 6 Italian Version of above has been deleted after Consultation with Capt. TENNEY.

R. R. Tenney

(28)

24th July Ex

99. means briefly that each of the two of Quinta are not to change. Correct?

(29)

July 24 Director

1. Reference minute 28, I respectfully agree.
2. Have you noticed the point made in #95A, 4th para., last sentence? I have side-lined it in pencil.
3. The principle above laid down is that Prefectural nominations to Giunta ought to aim at producing the same results as would arise from free administrative elections.
4. This seems to me to be not only a perfectly sound principle but a good reason for leaving the no. of members of the various Giunte as they stand. C.G.S.

Yes I understand. Think it may be verbally expressed.

(30)

July 31 Adj Please have all officers read p. 100.

RRT.

208

SUBJECT: Revision of Exec. Memo No. 39. 20 Jul 44

TO : Interior Subcommission.

1. Reference your minute 23.

2. In view of the further restoration of territory taking effect today, we suggest that subparas (a) and (b) of your paragraph 1 might be rewritten to be contained in one paragraph as follows:

"a. In Italian Government territory local government is now regulated by Royal Decree No. 111, published in the Gazzetta Ufficiale on 22 April 1944. All Regional Orders dealing with the reorganisation of local government ceased automatically to be effective in any territory on the date on which such territory was restored to the jurisdiction of the Italian Government."

3. In your subpara (c) the word "applicable" should be substituted for "effective". Unfortunately, due to deficiency of stocks of the RD in question, the RD has not yet been made effective (except as mentioned below) north of Naples and Campobasso provinces, and some delay is bound to take place before it can be made so.

4. By Regional Order No. 14 of Rome Region the RD has been made effective in "the territory of the ex-Governatorato of Rome".

5. The last line of subpara (c) is not strictly correct. It would be better to omit it and to say at the end of the draft:"This Memorandum supercedes Executive Memorandum No. 39, which is hereby cancelled".

6. While your para 2 is strictly unobjectionable, there is at present (due to the difficulty already mentioned) no procedure by which the advice given can be immediately adopted by the AMG authorities concerned. It might therefore be well to insert at the end of the first sentence the words "as soon as possible".

7. While it is hoped that the delay in making the RD effective in forward areas will not be very great, it may be necessary, if the matter is one of urgency, to proceed by way of General or Regional Orders, and this Subcommission will be pleased to discuss the necessary arrangements if you so desire.

Richard H Wheeler 207
RICHARD H. WHEELER
Colonel, CAC
Acting Chief Legal Officer.

(23)

July 21 Director - 1. I discussed the suggested changes with Capt. Moss and agreed with them. Accordingly I

Declassified E.O. 12356 Section 3.3/NND No. 778502

diction of the Italian Government."

3. In your subpara (c) the word "applicable" should be substituted for "effective". Unfortunately, due to deficiency of stocks of the RD in question, the RD has not yet been made effective (except as mentioned below) north of Naples and Campobasso provinces, and some delay is bound to take place before it can be made so.

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7. While it is hoped that the delay in making the RD effective in forward areas will not be very great, it may be necessary, if the matter is one of urgency, to proceed by way of General or Regional Orders, and this Subcommission will be pleased to discuss the necessary arrangements if you so desire.

Richard H Wheeler 207
RICHARD H. WHEELER
Colonel, CAC
Acting Chief Legal Officer.

(25)

July 21 Director - 1. I discussed the suggested changes with Capt. Wore and agreed with them. Accordingly I have incorporated them in the Exec. memo. I also discussed para. 3 & 4, with Capt. Wore and suggested the addition of a phrase to 1 c. (1 b in new draft) "or by such other method as may be authorized in the future." Capt. Wore agreed.
2. Para. 7 of Legal's memo should be followed up.
R L Temple
Capt. Ex. Off.
INT.

(26)

July 21. Acting V.P. 1. In accordance with your instructions I have had Exec. Memo #39 revised. Suggestions of Legal have been incorporated
2. Draft letter to Ex. Commr. herewith for your signature, please, if you approve.

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0463

Declassified E.O. 12356 Section 3.3/NND No. 785021

Minute sheet No. 4.

Date | Page

June 26 | Director - Letter to RC Reg I for your signature, please RKT. (21) (22)

June 27 | Ex. Staff.

An executive memo. should go to RC H.Q. now without waiting to Hal. Govt. Full decision Hab D.A. at Forest consists of Reside + 6 + 2 under R.D. III.

2. That Italian Govt. is taking further decisions in the matter, and they will be communicated as received.

(Sup p. 67) p 91 to VI A (1965)

23.

July 17 | SUBJECT: Revision of Executive Memorandum No. 39
TO : Legal Sub-Commission

206

1. At the request of the Vice-President, Administrative Section I have had the attached revision of Executive Memorandum No. 39 prepared.

2. Please examine this document and advise me as to whether any changes should be made before being presented to RC & MG Section for promulgation.

July/17 Entered

Date | Minute sheet No. 3. | Page

Apr. 15 — Admin. Dept. (13)

For V.P. signature, please.

R.R. Temple, Capt. (INT.)

(14)

May 9. — V.P. To see 63A personally please. It would appear to me that the present Minister is really playing for not us more than half way.

15

Nov 19 — Newspaper

5

9.5.44

(16)

June 17 — Capt. W. Please check on para. 3 of Col. Hancock's letter (P.85) Para 1 seems unnecessary in view of ~~the~~ amplifying of Gen. Memo. by Royal Decree No. 111. Right? Prepare reply.

R.K. Temple - Gen. Off.

(17)

June 18 — (a) Requested Lt. Apostolo to commit Ministry of Interior on point raised in para. 3 of #80. The answer brought back showed that the point had not been understood

(b) #86 therefore written, after informally consulting Lt.-Col. Thackrah who agrees entirely with (a) the statement of the law set forth in #86 and (b) the action taken in sending #86.

(18)

June 8 — Capt. W. Agreed. - When answer from Min. of Int. received, reply RC Reg. I and RC and NS. R.K.T.

205

(19)

June 23 — Director I spoke to Dr. Sorrentino about the sign of the Deput. Prov. He had not seen our letter (P.86) yet [illegible] interpretation. He said he [illegible]

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No 9

Reminder

5

7.5.24

(16)

June 17 Capt. W. Please check on para. 3 of Col Hancock's letter (P. 85) Para 1 seems unnecessary in view of ~~cable~~ ~~sending~~ outplanting of Exc. Memo. by Royal Decree No. 111. Right? Prepare reply.

RRT compln - Exc Off

(17)

June 18 ① Requested Lt. Aportolo to commit Minister of Interior on point raised in para. 3 of #80. The answer brought back showed that the point had not been understood

② #86 therefore written, after informally consulting Lt.-Col. Thackrah who agrees entirely with (a) the statement of the law set forth in #86 and (b) the action taken in sending #86. EC/W

(18)

June 18 Capt. W. Agreed. When answer from Min. of Int received, reply RC Reg I and RC & NG. RRT.

205

(19)

June 23 Director I spoke to Dr. Sorrentino about the sign of the Deput. Prov. He had not seen our letter (P. 86) yet but agreed with our interpretation. He said he had an appointment with Prof. Forte of Naples Univ. to discuss this matter. He will send me a formal reply.

RRT.

(20)

June 23 Ex. Staff. Awaiting reply to Reg. I taking question in re to legal competence, etc before Italian Govt. who are studying point. 2. R. A. III. ~~naturally cancelled~~ [illegible] has no authority [illegible] will be notified

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0455

0466

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Interior S/C re 67/502 (10)

I believe Finance should have asked such questions to Col. Young.

I agree with Captain Williams' letter.

Anyhow no legislation can be passed by a Ministry affecting every industry another Ministry, without the consent of the latter.

Furthermore it has to be signed by the Minister concerned: Col. Young has read the Dewa, he has not been consulted in regard to its provisions & therefore feels certain that no existing financial procedure is affected by its terms.

13 April 44 (11) G. G. Hammerton Major Legal

Apr 13 Finance

1. Please see S1 also Min. (10) as above from Legal.

2. The whole structure development of Local Govt. is being gravely jeopardized by the retardation of this Dewa.

(3) Are you satisfied with the provisions as stated or do you wish to take any further steps in the matter? If so please do so with all possible expedition before Govt. ceases.

Apl 14. Interior S/C. (12)

1/- The purpose of raising the questions outlined in 67/50 was solely to ensure that no actual change would result in the existing financial powers and responsibilities of communes and provinces.

2/- No further action seems to be called for on this point following the decision of the Legal S/C as given above (13th April).

14th April 1944. Maj. Fin. S/C Budget Sec.

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0467

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Date	MINUTE SHEET # 2	Page

2 April 44 (continued from Sheet 1)

7. Maj Hannaford confirms my opinion that, whether or not the references mentioned in para 5 above are included in the new draft, -
   (a) it could in any event always be amended by a further R.D.L.:
   (b) the legislature, when constituted, could also amend it.
8. The point therefore becomes one of policy, rather than law or administration.
9. In view of paras 6 and 7, I see no particular advantage in pressing the point on the Italian Government.
10. Submit that the question be minuted to Admin Section through Legal.

Asst. Sec. Control Commission
2 April 1944
TX - 37

Capt.
2 April
Agreed
I Mcaff

7.

3 April 44 **Legal**

1. Please see Minute (6) above, and documents referred to therein.
2. To press the Italian Government to insert in the body of the decree references to future parliamentary reform or to the duration of the war would, I consider, be to strain unecessarily at a point not of primary importance.
3. Moreover, the new draft decree is in one respect an advance on previous proposals in that it provides (Art. 9) for the "citizen members" of the GPA to be elected by the Provincial Deputation, with the Prefect's approval and not appointed by the Prefect.
4. The new draft has been fully discussed with Major Hannaford.
5. Please let me have your views.

8.

5 Apr 5 Int.

Para 2. I agree.

Para 3. If the decree carries out your policy the form seems appropriate.

(A)

Apr 5 Capt. W. Address Flo formally stating that the early publication of decree will be welcomed I am grateful for this opportunity of making it known.

Acc/67/INT

DATE. MINUTE SHEET. No 1. PAGE

March 8. V. R.

Letter P. 39 drafted before minute system introduced.
Letters 39. - 38 refer. Document is Hegged 1.

(2).

Int
13 signed

Adm Sec
8 Mar
IX-50

(3).

March 15. Regal

Please see. L.

16 Dec. D.L. noted. (4)

(5)

Capt. Williams Draft letter H. of Int. Please early stating that the substitution is not acceptable, that we must ask for it to be additional, and also add that should include the specific parliamentary legislation - not general terms. We feel in view of our views now reflected in this regard, he will include it.

March 16

(6)

2 April 44

Director

1. Reference your instructions on #49A, in amplification of minute (5) above. #26-48-50 also refer.
2. The new draft of R.D.L. (#49) is in order as to citizen members of the G.P.A. A mis-translation in Art. 9 has been corrected.
3. Agreed with Maj Hammford that there is only

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Mar 15.

(3).

Legal

Please see.

Int. noted. (4)

(5)

Capt. Williams Draft letter M. of Int. Please early

March 16 stating that the substitution is not acceptable, that we must ask for it to be additional, and also add that should include the "specific parliamentary legislation" not a general term. In the face of our views now repeated in this regard, it will include it.

(6)

2 April 44

Director

1. Reference your instructions on #49A, in amplification of minute (5) above. #26-48-50 also refer.
2. The new draft of R.D.L. (#49) is in order as to citizen members of the G.P.A. A mis-translation in Art. 9 has been corrected.
3. Agreed with Maj Hannaford that there is only one substantial point of difference between #39 and #26. Other points of difference are matters of Italian draftsmanship or procedure.
4. Comparisons of #49 with the draft Reg. Order annexed to our Administrative Instructions shows only the same single point of difference.
5. The point referred to in paras 3 and 4 above is: There is omitted from the body of the new draft all reference to:
   (a) the duration of the state of war; and
   (b) the ultimate reform of local government by a representative legislature.
6. On the other hand, the new draft:
   (a) states in its heading that its provisions are "transitory"; and
   (b) emphasises this transitory character in its 4th recital.

(continued on sheet #2)

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1A

(110)

HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

DEMI OFFICIAL

21 September 1944

Dear Temperley

It was brought up at the Vice President's meeting today that you felt that the Prefects were not being sufficiently directed by the Central Government.

This has already been represented by me to the Prime Minister, who in the first instance has created a number of Generali Ispettivi who are to tour the provinces of restored Italy and to give Prefects direct instructions personally in their duties when and as required.

I also informed the Chief of Cabinet of Interior that this is a very long term view since transport is difficult and it is essential that they should get out directives and circulars of instructions to these Prefects and I hope this will have the desired effect.

Yours sincerely,

V.

Col C.E. Temperley CBE, MC
RC Southern R.

Col C. E. Temperley, CBE, MC
RC, Southern Region

0471

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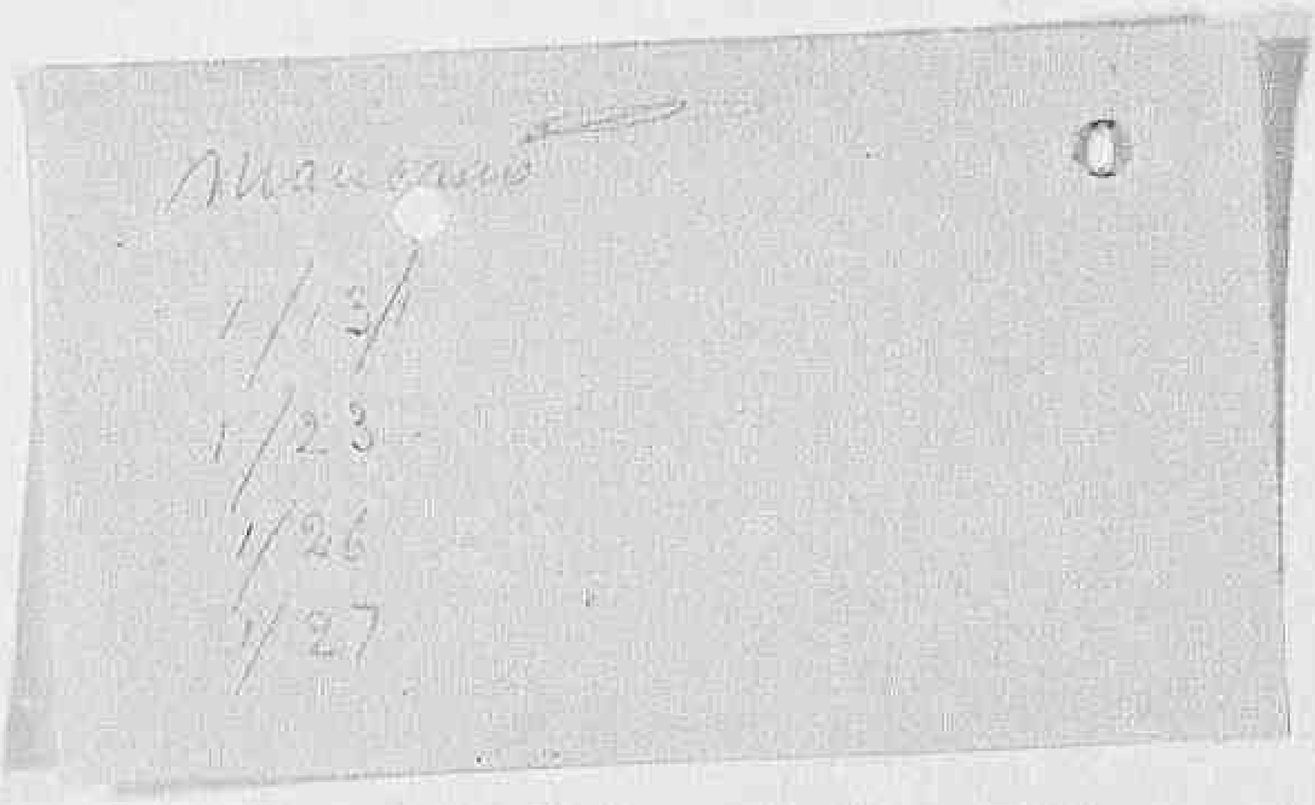

0472

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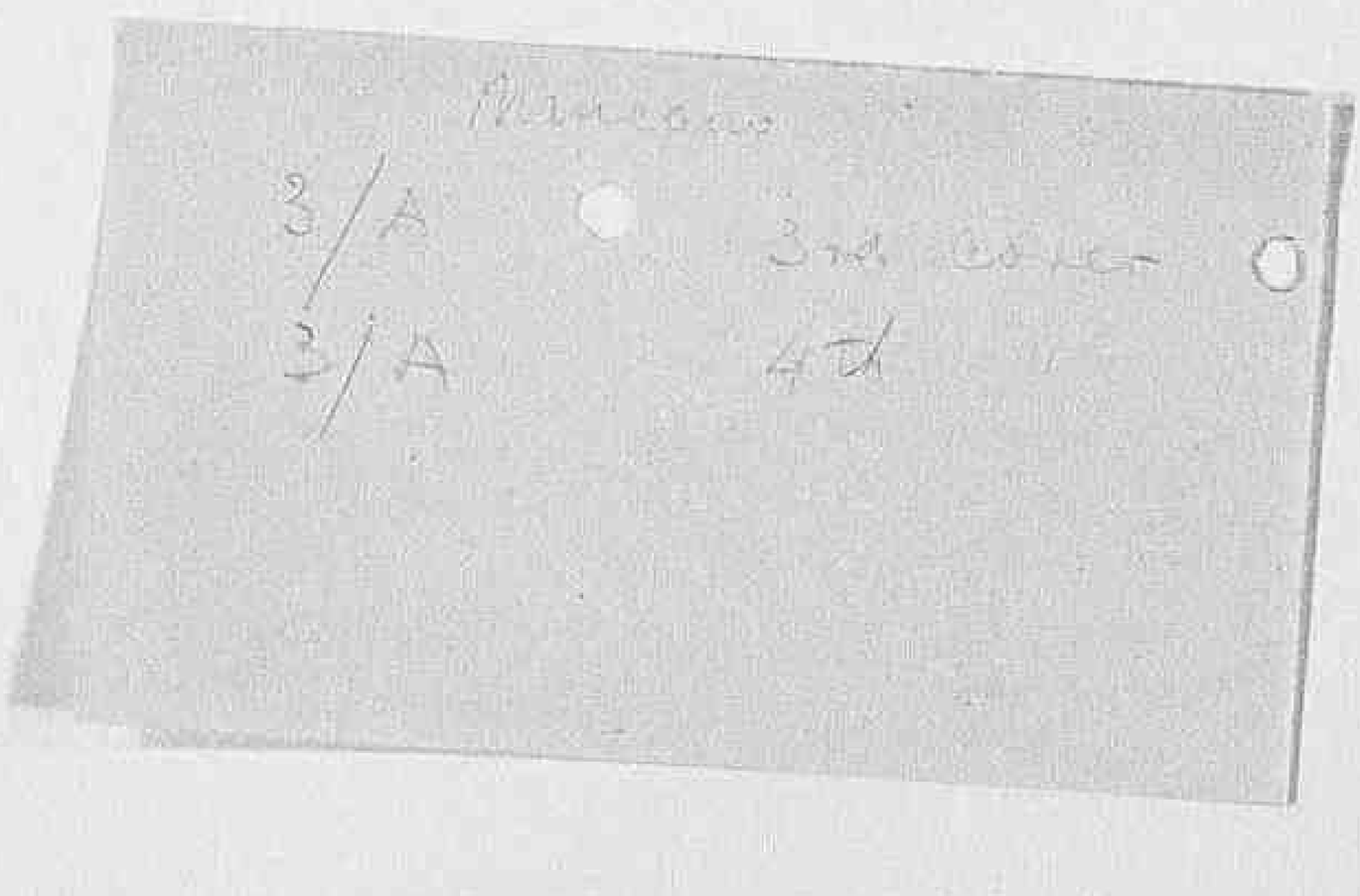

0473

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THIS JACKET

CLOSED

See 2ND COVER

0474

Declassified E.O. 12356 Section 3.3/NND No. 785021

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

Ref/103/11/CA. 13 Sept. 1944.

SUBJECT: Provincial Commissioners Guide in Organising Local Government.

TO : AMG Fifth and Eighth Armies.
Regions VIII, IX, Liguria, Piemonte, XI, and XII.

1. We refer to our letter of 29 August 1944, reference 103/8/CA.

2. Attached you will find 10 copies of the Guide for the use of Provincial Commissioners in organising Local Government.

3. It should be carefully noted that in the copies of the Guide here attached, a change has been made in paragraph 12 to adapt the instructions for Regions as well as Army Areas.

4. Paragraph 12 of all copies of the Guide previously received should therefore be amended to conform with the wording of paragraph 12 of the revised Guide.

for NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

Copy to: Admin. Section.
Econ. Section.
AAI
AFHQ

0475

Declassified E.O. 12356 Section 3.3/NND No. 178502

PROVINCIAL COMMISSIONER'S GUIDE IN

ORGANIZING LOCAL GOVERNMENT

1. Read the following Executive Memoranda.

(a) Revised Executive Memorandum No.39 dealing with Italian Local Government Organization. (appendix "A")
(b) Revised Executive Memorandum No. 12 and 70 dealing with title of Prefect. (appendix "B" and "C")
(c) Executive Memorandum No. 62 dealing with the filling of vacancies in Italian Civil Service positions. (Appendix "D").

2. Read list of offices in an Italian Provincial Administration (Appendix "E").

3. Know what KEY officials must be filled as soon as possible in a Province and Commune. These are starred in Appendix "E".

4. Contact committee of National Liberation and Patriot Committees regarding recommendations for officers. It should be made clear to the Committee of Liberation that it is an advisory body only whose advice, when asked for by the Provincial Commissioner or the Prefect, may be accepted or rejected.

5. Contact Bishops and other prominent people regarding prospective officials and problems of Provinces and Communes.

6. Obtain Scheda Personale forms and have them completed and reviewed by Security Officers for all officials in office or proposed.

7. Interview and form opinion of officials. Get following biographical data in writing: name, title; honours; career (listing, grades, position held, places employed, dates; military service).

8. Report to your commanding officer the names disignated

positions, and information of officials (career and non-career) available after getting Security Reports (Scheda Personale) and interviews.

9. The Giunta Comunale (Municipal Board) in each town should be formed as early as conditions permit by CAOs after having appointed a Sindaco (Mayor) and a Segretario Comunale (Communal Secretary). The Giunta Comunale will vary in numbers from 2 to 10 depending on the size of the population. Consult the Local Committee of Liberation for suggested nominees who should represent varying political and occupational interests. See to it that this first step in the rebirth of democratic institutions is followed by regularly held meetings of the Giunta. (See Executive Memorandum No. 39 for details)

10. Request SCAO (or Regional Commissioner, if so authorised) to appoint formally the Prefect and Vice-Prefect. Then have Prefect appoint other officials with your approval.

11. Obtain from R.C. copies of Royal Decree No. 111.

12. Hand a copy of Royal decree to Prefect as soon as conditions permit. (Note for R.Cs only ; the procedure laid down in Legal S/C's circulars ACC/4010/2/L of 25&29 July 1944 must also be followed.)

13. In organizing Provincial Administration, the first body to be revived is the Deputazione Provinciale which varies in size from 6 to 10 unpaid citizen members depending on the population in the province. All shades of political opinion and occupational interests should be represented on this body. It is presided over by a separately chosen President, who is also the "Capo dell'Amministrazione Provinciale." Have the Prefect consult the Committee of Liberation and have Scheda Personale forms completed before submitting the names of his nominees to you for ACC, approval.
(See Revised Executive Memorandum No. 39 for details).

14. Once formed, the first job of the Deputazione Provinciale will be to nominate the 4 regular and the 2 substitute citizen members of the Giunta Provinciale Amministrativa in order that they be confirmed by the Prefect, subject to approval of ACC.

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Here again great care should be taken to select persons who represent popular opinion. (See Revised Executive Memorandum No. 39 for details).

15. See that Fascist government organs are abolished and officials removed; particulary the "Retoratto" and the "Preside" (on the Provincial level) and the Podesta ' and "consulta" (on the Communal level). (See Executive Memorandum No. 67, MC. & MC. Section Circular on Defascism dated 4 August 44; and English translation of DLL 159 on Sanctions against Fascism distributed by Administrative Section, AMG, on 2 August 44.

APPENDICES:

"A" Executive Memorandum No. 39 dated 27 July 44.
"B" Executive Memorandum No. 12 Dated 13 February 44.
"C" Executive Memorandum No. 70 Dated 18 July 44.
"D" Executive Memorandum No. 62 dated 16th June 1944.
"E" List of Principal Prefectural, Provincial, and Communal Officials and bodies.

All of above, except appendix "E" which is attached, should be obtained for your files from Regional Headquarters.

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Declassified E.O. 12356 Section 3.3/NND No. 758202

APPENDIX "F"

LIST OF PRINCIPAL PREFECTURAL

PROVINCIAL AND COMUNAL OFFICIALS

AND BODIES.

I. ADMINISTRATIVE OFFICIALS OF PREFETTURA

+ A. Prefect (Prefetto)
+ B. Vice-Prefect Vicar (Vice-Prefetto Vicario)
C. Vice-Prefect Inspector (Vice-Prefetto Ispettore)
+ D. Councillors (Consiglieri)
+ E. Secretaries (Segretari)
+ F. Questor (Questore)
+ G. Head-Accountant (Ragioniere Capo)
H. Intendent of Finance (Intendente di Finanza)
+ I. Provincial Health Officer (Medico Provinciale)
J. Provincial Veterinary (Veterinario Provinciale)
K. Head Archivist (Primo Archivista)
L. Provincial Agricultural Inspector (Ispettore Provinciale dell'Agricoltura)

II. ADMINISTRATIVE BODIES OF PREFECTURE

A. Provincial Administrative Board (Giunta Provinciale Amministrativa)
B. Prefectural Council (Consiglio di Prefettura)
C. Cabinet (Gabinetto)

III. PROVINCIAL ADMINISTRATION

A. President and Head of Provincial Administration (Presidente e Capo dell'Amministrazione Provinciale)
B. Provincial General Secretary (Segretario Generale Provinciale)
C. Provincial Deputation (Deputazione Provinciale)

IV. COMMUNAL ADMINISTRATION

+A. Mayor (Sindaco)
+B. Communal Secretary (Segretario Comunale)
C. Communal Board (Giunta Comunale)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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

REF : 103/8/0A. 29 August 44

SUBJECT : Provincial Commissioners Guide in Organising Local Government.

TO : AMG. 5th. and 8th. Armies.

There is forwarded 10 copies of the attached Guide for the use of Provincial Commissioners in organising Local Government, which has been prepared by Administrative Section (Interior Sub-Commission)

NORMAN E. FISKE
Colonel,
Deputy Executive,
Commissioner.

Copy to: Southern Region.
Reg. I, II, V, VI, VIII, IX, X, XI, and XII.
Admin. Section, Economic Section
AAI.
AFHQ.

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0480

Declassified E.O. 12356 Section 3.3/NND No. 785021

107A

PROVINCIAL COMMISSIONER'S GUIDE IN ORGANIZING LOCAL GOVERNMENT

1. Read the following Executive Memoranda.

   (a) Revised Executive Memorandum No.39 dealing with Italian Local Government Organization. (appendix "A")
   (b) Revised Executive Memorandum No. 12 and 70 dealing with title of Prefect. (appendix "B" and "C")
   (c) Executive Memorandum No. 62 dealing with the filling of vacancies in Italian Civil Service positions. (Appendix "D").

2. Read list of offices in an Italian Provincial Administration (Appendix "E").

3. Know what KEY officials must be filled as soon as possible in a Province and Commune. These are starred in Appendix "E".

4. Contact committee of National Liberation and Patriot Committees regarding recommendations for officers. It should be made clear to the Committee of Liberation that it is an advisory body only whose advice, when asked for by the Provincial Commissioner or the Prefect, may be accepted or rejected.

5. Contact Bishops and other prominent people regarding prospective officials and problems of Provinces and Communes.

6. Obtain Scheda Personale forms and have them completed and reviewed by Security Officers for all officials in office or proposed.

7. Interview and form opinion of officials. Get following biographical data in writing: name, title; honours; career (listing, grades, position held, places employed, dates; military service).

8. Report to your commanding officer the names disignated

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positions, and information of officials (career and non-career) available after getting Security Reports (Scheda Personale) and interviews.

9. The Giunta Comunale (Municipal Board) in each town should be formed as early as conditions permit by CAOs after having appointed a Sindaco (Mayor) and a Segretario Comunale (Communal Secretary). The Giunta Comunale will vary in numbers from 2 to 10 depending on the size of the population. Consult the Local Committee of Liberation for suggested nominees who should represent varying political and occupational interests. See to it that this first step in the rebirth of democratic institutions is followed by regulary held meetings of the Giunta. (See Executive Memorandum No.39 for details)

10. Request SCAO (or Regional Commissioner, if so authorised) to appoint formally the Prefect and Vice-Prefect. Then have Prefect appoint other officials with your approval.

11. Obtain from RC, copies of Royal Decree No. 111.

12. Hand a copy of Royal Decree to Prefect as soon as conditions permit. Obtain receipt on form provided since the Decree takes effect from date handed to Prefect.

13. In organizing Provincial Administration, the first body to be revived is the Deputazione Provinciale which varies in size from 6 to 10 unpaid citizen members depending on the population in the province. All shades of political opinion and occupational interests should be represented on this body. It is presided over by a seperately chosen President, who is also the "Capo dell' Amministrazione Provinciale". Have the Prefect consult the Committee of Liberation and have Scheda Personale forms completed before submitting the names of his nominees to you for your approval. (See Revised Executive Memorandum No. 39 for details).

14. Once formed, the first job of the Deputazione Provinciale will be to nominate the 4 regular and the 2 substitute citizen members of the Giunta Provinciale Amministrativa in order that they be confirmed by the Prefect, subject to approval of ACC.

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Here again great care should be taken to select persons who represent popular opinion. (See Revised Executive Memorandum No. 39 for details).

15. See that Fascist government organs are abolished and officials removed; particulary the "Retoratto" and the "Preside" (on the Provincial level) and the Podesta ' and "consulta" (on the Communal level). (See Executive Memorandum No. 67, RC. & MG. Section Circular on Defascism dated 4 August 44; and English translation of DLL 159 on Sanctions against Fascism distributed by Administrative Section, AMG, on 2 August 44.

APPENDICES:

"A" Executive Memorandum No. 39 dated 27 July 44.
"B" Executive Memorandum No. 12 Dated 13 February 44.
"C" Executive Memorandum No. 70 Dated 18 July 44.
"D" Executive Memorandum No. 62 dated 16th June 1944.
"E" List of Principal Prefectural, Provincial, and Communal Officials and bodies.

All of above, except appendix "E" which is attached, should be obtained for your files from Regional Headquarters.

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APPENDIX "E"

LIST OF PRINCIPAL PREFECTURAL

PROVINCIAL AND COMMUNAL OFFICIALS

AND BODIES.

I. ADMINISTRATIVE OFFICIALS OF PREFETTURA

+ A. Prefect (Prefetto)
+ B. Vice-Prefect Vicar (Vice-Prefetto Vicario)
C. Vice-Prefect Inspector (Vice-Prefetto Ispettore)
+ D. Councillors (Consiglieri)
+ E. Secretaries (Segretari)
+ F. Questor (Questore)
+ G. Head-Accountant (Ragioniere Capo)
H. Intendent of Finance (Intendente di Finanza)
+ I. Provincial Health Officer (Medico Provinciale)
J. Provincial Veterinary (Veterinario Provinciale)
K. Head Archivist (Primo Archivista)
L. Provincial Agricultural Inspector (Ispettore Provinciale dell'Agricoltura)

II. ADMINISTRATIVE BODIES OF PREFECTURE

A. Provincial Administrative Board (Giunta Provinciale Amministrativa)
B. Prefectural Council (Consiglio di Prefettura)
C. Cabinet (Gabinetto)

III. PROVINCIAL ADMINISTRATION

A. President and Head of Provincial Administration (Presidente e Capo dell'Amministrazione Provinciale)
B. Provincial General Secretary (Segretario Generale Provinciale)
C. Provincial Deputation (Deputazione Provinciale)

IV. COMMUNAL ADMINISTRATION

+A. Mayor (Sindaco)
+B. Communal Secretary (Segretario Comunale)
C. Communal Board (Giunta Comunale)

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HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB-COMMISSION
APO 394

AGO/1/A/Int. 28th August 1944

SUBJECT: Size of Deputazione Provinciale.

TO : Lt.Col. R. HOLME F.C. Florence Province

1. Pursuant to your request I transmit the following informations :

2. A decree amending Royal Decree No. III has been approved by the Council of Ministers and will be published in the Gazzetta Ufficiale shortly.

3. The same amendment restores the composition of the Deputazione Provinciale to the size provided for in the Unified Text of 1915 and as stated in Revised Executive Memorandum No. 39 as follow:

Inhabitants of Province	Regular Deputies	Alternates
Over 600.000	10	4
3 300.000	8	2
Other Provinces	6	2

R. H. Templeton Capt.

for R. C. B. SPICER
Colonel
Director
Interior Sub-Commission

FINT/cms

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(Note for RCs only:- the procedure laid down in Legal S/C's circulars ACC/4010/2/L of 25 & 29 July 1944 must also be followed)

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PROVINCIAL COMMISSIONER'S GUIDE TO ORGANIZING

LOCAL GOVERNMENT

2. Read the following Executive Memoranda attached hereto.

a. Revised Executive Memorandum No. 39 dealing with Italian Local Government Organization. (Appendix "A")

b. Revised Executive Memorandum No. 12 and 70, dealing with title of Prefect. (Appendix "B" and "C")

c. Executive Memorandum No. 62 dealing with the filling of vacancies in Italian Civil Service positions. (Appendix "D")

2. Read list of offices in an Italian Provincial Administration (Appendix "E").

3. Know what KEY officials must be filled as soon as possible in a Province and Commune. These are starred in Appendix "E".

4. Contact Committee of National Liberation and Patriot Committees regarding recommendations for offices. It should be made clear to the Committee of Liberation that it is an advisory body only whose advice, when asked for by the Provincial Commissioner or the Prefect, may be accepted or rejected.

5. Contact Bishops and other prominent people regarding prospective officials and problems of Provinces and Communes.

6. Obtain Scheda Personale forms and have them completed and reviewed by Security Officers for all officials in office or proposed.

7. Interview and form opinion of officials. Get following biographical data in writing: Name, title; honours; career (listing grades, positions held, places employed, dates; military service).

8. Report to your commanding officer the name, designated positions, and information of officials (career and non-career) available after getting Security Reports (Scheda Personale) and interviews.

9. The Giunta Comunale (Municipal Board) in each town should be formed as early as conditions permit by CAOs after having appointed a Sindaco (Mayor) and a Segretario Comunale (Communal Secretary). The Giunta Comunale will vary in numbers from 2 to 10 depending on the size of the population. Consult the Local Committee of Liberation for suggested nominees who should represent varying political and occupational interests. See to it that this first step in the rebirth of democratic institutions is followed by regularly held meetings of the Giunta. (See Executive Memorandum No. 39 for details).

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10. Request SCAO (or Regional Commissioner, if so authorized) to appoint formally the Prefect and Vice-Prefect. Then have Prefect appoint other officials with your approval.

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c. Executive Memorandum No. 62 dealing with the [illegible] in Italian Civil Service positions. (Appendix "D")

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10. Request CAO (or Regional Commissioner, if so authorized) to appoint formally the Prefect and Vice-Prefect. Then have Prefect appoint other officials with your approval.

11. Obtain from HQ copies of Royal Decree No. 111.

12. Hand a copy of Royal Decree to Prefect as soon as conditions permit. ~~Obtain promise or form provided since the Decree takes effect from date handed to Prefect.~~

13. In organizing Provincial Administration, the first body to be revived is the Deputazione Provinciale which varies in size from 6 to 10 unpaid citizen members depending on the population in the province. All shades of political opinion and occupational interests should be represented on this body. It is presided over by a separately chosen President, he is also the "Capo dell'Amministrazione Provinciale." Have the Prefect consult the Committee of Liberation and have Scheda Personale forms completed before submitting the names of his nominees to

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you for ACC approval. (See Revised Executive Memorandum No.39 for details).

14. Once formed, the first job of the Deputazione Provinciale will be to nominate the 4 regular and 2 substitute citizen members of the Giunta Provinciale Amministrativa in order that they be confirmed by the Prefect, subject to approval of ACC. Here again great care should be taken to select persons who represent popular opinion. (See Revised Executive Memorandum No.39 for details).

15. See that Fascist government organs are abolished and officials removed; particularly the "Rettorato" and the "Direttorio" (on the Provincial level) and the Podesta and "consulta" (or the Communal level). (See Executive Memorandum No. 67, AD & MG Section Circular on Defascism dated 4 August 1944; and English translation of DLL 199 on Sanctions against Fascism distributed by Administrative Section. ACC, on 2nd August 1944).

APPENDICES:

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"D" Executive Memorandum No.62, dated 16th June, 1944.
"E" List of Principal Prefectural, Provincial, and Communal Officials and bodies.

All of above, except appendix "E", which is attached, should be obtained for your files from Regional Headquarters.

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APPENDIX "B"

LIST OF PRINCIPAL PREFECTURAL

PROVINCIAL, AND COMMUNAL OFFICIALS

AND BODIES

I. ADMINISTRATIVE OFFICIALS OF PREFECTURE

+ A. Prefect (Prefetto)

+ B. Vice-Prefect Vicars (Vice-Prefetto Vicario)

C. Vice-Prefect Inspector (Vice-Prefetto Ispettore)

+ D. Councillors (Consiglieri)

+ E. Secretaries (Segretari)

+ F. Quaestor (Questore)

+ G. Head Accountant (Ragioniere Capo)

H. Intendent of Finance (Intendente di Finanza)

+ I. Provincial Health Officer (Medico Provinciale)

J. Provincial Veterinary (Veterinario Provinciale)

K. Head Archivist (Primo Archivista)

L. Provincial Agricultural Inspector (Ispettore Provinciale dell' Agricoltura)

II. ADMINISTRATIVE BODIES OF PREFECTURE

A. Provincial Administrative Board (Giunta Provinciale Amministrativa)

B. Prefectural Council (Consiglio di Prefettura)

C. Cabinet (Gabinetto)

III. PROVINCIAL ADMINISTRATION

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A. President and Head of Provincial Administration (Presidente e Capo dell' Amministrazione Provinciale)

B. Provincial General Secretary (Segretario Generale Provinciale)

C. Provincial Deputation (Deputazione Provinciale)

IV. COMMUNAL ADMINISTRATION

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C. Vice-Prefect Inspector (Vice-Prefetto Ispettore)

+ D. Counsillors (Consiglieri)

+ E. Secretaries (Segretari)

+ F. Quester (Questore)

+ G. Head Accountant (Ragioniere Capo)

H. Intendent of Finance (Intendente di Finanza)

+ I. Provincial Health Officer (Medico Provinciale)

J. Provincial Veterinary (Veterinario Provinciale)

K. Head Archivist (Primo Archivista)

L. Provincial Agricultural Inspector (Ispettore Provinciale dell' Agricoltura)

II. ADMINISTRATIVE BODIES OF PREFECTURE

A. Provincial Administrative Board (Giunta Provinciale Amministrativa)

B. Prefectural Council (Consiglio di Prefettura)

C. Cabinet (Gabinetto)

III. PROVINCIAL ADMINISTRATION

A. President and Head of Provincial Administration (Presidente e Capo dell' Amministrazione Provinciale)

B. Provincial General Secretary (Segretario General Provinciale)

C. Provincial Deputation (Deputazione Provinciale)

IV. COMMUNAL ADMINISTRATION

+A. Mayor (Sindaco)

+ B. Communal Secretary (Segretario Communale)

C. Communal Board (Giunta Comunale)

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
FIFTH ARMY
APO 464

20th August 1944.

Captain Ralph R. Temple,
Interior Subcommission.
HQ ALLIED CONTROL COMMISSION.

Dear Captain,

Thank you for your letter of the 16th August enclosing your draft guide for Provincial Commissioners. This is just the type of thing we wanted.

We are having your draft mimeographed for distribution to new Provincial Commissioners as they come under our control in very slightly modified form, a copy is enclosed for your information.

Yours sincerely,

Colonel E.B.Mayne.

E B Mayne

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PROVINCIAL COMMISSIONERS' GUIDE IN ORGANIZING LOCAL GOVERNMENT

1. Read the following Executive Memoranda attached hereto:-

   a. Revised Executive Memorandum No. 39 dealing with Italian Local Government Organization. (Appendix "A")

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2. Read list of offices in an Italian Provincial Administration (Appendix "E").

3. Know what KEY officials must be filled as soon as possible in a Province and Commune. These are starred in Appendix "E".

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5. Contact Bishops and other prominent people regarding prospective officials and problems of Provinces and Communes.

6. Obtain Scheda Personale forms and have them completed and reveiwed by Security Officers for all officials in office or proposed.

7. Interview and form opinion of officials. Get following biographical data in writing: Name; title; honours; career (listing grades, positions held, places employed, dates; military service).

8. Report to your commanding officer the names, designated positions, and information of officials (career and non-career) available after getting Security Report (Scheda Personale) and interviews.

9. The Giunta Comunale (Municipal Board) in each town should be formed as early as conditions permit by CAOs after having appointed a Sindaco (Mayor) and a Segretario Comunale (Communal Secretary). The Giunta Comunale will vary in numbers from 2 to 10 depending on the size of the population. Consult the local Committee of Liberation for suggested nominees who should represent varying political and occupational interests. See to it that this first step in the rebirth of democratic institutions is followed by regularly held meetings of the Giunte. (See Executive Memorandum No. 39 for details)

10. Request SCAO (or Regional Commissioner, if so authorized) to appoint formally the Prefect and Vice-Prefect. Then have Prefect appoint other

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Prefect. (Appendix "B" and "C")

c. Executive Memorandum No. 62 dealing with the filling of vacancies in Italian Civil Service positions. (Appendix "D")

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8. Report to your commanding officer the names, designated positions, and information of officials (career and non-career) available after getting Security Report (Scheda Personale) and interviews.

9. The Giunta Communale (Municipal Board) in each town should be formed as early as conditions permit by CAOs after having appointed a Sindaco (Mayor) and a Segretario Comunale (Communal Secretary). The Giunta Comunale will vary in numbers from 2 to 10 depending on the size of the population. Consult the Local Committee of Liberation for suggested nominees who should represent varying political and occupational interests. See to it that this first step in the rebirth of democratic institutions is followed by regularly held meetings of the Giunte. (See Executive Memorandum No. 39 for details)

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12. Hand a copy of Royal Decree to Prefect as soon as conditons permit. Obtain receipt on form provided since the Decree takes effect from date handed to Prefect.

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13. In organizing Provincial Administration, the first body to be revived is the Deputazione Provinciale which varies in size from 6 to 10 unpaid citizen members depending on the population in the province. All shades of political opinion and occupational interests should be represented on this body. It is presided over by a separately chosen President, who is also the "Capo dell' Amministazione Provinciale." Have the Prefect consult the Committee of Liberation and have Scheda Personale forms completed before submitting the names of his nominees to you for ACC approval. (See Revised Executive Memorandum No. 39 for details).

14. Once formed, the first job of the Deputazione Provinciale will be to nominate the 4 regular and 2 substitute citizen members of the Giunta Provinciale Amministrative in order that they be confirmed by the Prefect, subject to approval of ACC. Here again, great care should be taken to select persons who represent popular opinion. (See Revised Executive Memorandum No. 39 for details).

15. See that Fascist government organs are abolished and officials removed; particularly the "Retoratto" and the "Preside" (on the Provincial level) and the Podesta' and "Consulta" (on the Communal level). (See Executive Memorandum No. 67, RC & MG Section Circular on Defascism dated 4 August 1944; and English translation of DLL 159 on Sanctions against Fascism distributed by Administrative Section, ACC, on 2 August 1944).

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"E" - List of Principal Prefectural, Provincial, and Communal Officials and Bodies.

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nominate the 4 regular and 2 substitute citizen members of the Giunta Provinciale Amministrative in order that they be confirmed by the Prefect, subject to approval of ACC. Here again, great care should be taken to select persons who represent popular opinion. (See Revised Executive Memorandum No. 39 for details).

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APPENDIX "E"

LIST OF PRINCIPAL PREFECTURAL, PROVINCIAL
AND COMMUNAL OFFICIALS AND BODIES

I. ADMINISTRATIVE OFFICIALS OF PREFETTURA

+ A. Prefect (Prefetto)

+ B. Vice-Prefect Vicario (Vice-Prefetto Vicario)

C. Vice-Prefect Inspector (Vice-Prefetto Ispettore)

+ D. Councillors (Consiglieri)

+ E. Secretaries (Segretari)

+ F. Questor (Questore)

+ G. Head Accountant (Ragioniere Capo)

H. Intendent of Finance (Intendente di Finanza.)

+ I. Provincial Health Officer (Medico Provinciale)

J. Provincial Veterinary (Veterinario Provinciale)

K. Head Archivist (Primo Archivista)

L. Provincial Agricultural Inspector (Ispettore Provinciale dell' Agricoltura)

II. ADMINISTRATIVE BODIES OF PREFECTURE

A. Provincial Administrative Board (Giunta Provinciale Amministrativa)

B. Prefectural Council (Consiglio di Prefettura)

C. Cabinet (Gabinetto)

III. PROVINCIAL ADMINISTRATION

A. President and Head of Provincial Administration (Presidente e Capo dell' Amministrazione Provinciale) 84

B. Provincial General Secretary (Segretario Generale Provinciale)

C. Provincial Deputation (Deputazione Provinciale)

IV. COMMUNAL ADMINISTRATION

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+ B. Vice-Prefect Vicario (Vice-Prefetto Vicario)

C. Vice-Prefect Inspector (Vice-Prefetto Ispettore)

+ D. Councillors (Consiglieri)

+ E. Secretaries (Segretari)

+ F. Questor (Questore)

+ G. Head Accountant (Ragioniere Capo)

H. Intendent of Finance (Intendente di Finanza)

+ I. Provincial Health Officer (Medico Provinciale)

J. Provincial Veterinary (Veterinario Provinciale)

K. Head Archivist (Primo Archivista)

L. Provincial Agricultural Inspector (Ispettore Provinciale dell' Agricultura)

II. ADMINISTRATIVE BODIES OF PREFECTURE

A. Provincial Administrative Board (Giunta Provinciale Amministrativa)

B. Prefectural Council (Consiglio di Prefettura)

C. Cabinet (Gabinetto)

III. PROVINCIAL ADMINISTRATION

A. President and Head of Provincial Administration (President 884
Capo dell' Amministrazione Provinciale)

B. Provincial General Secretary (Segretario Generale Provinciale)

C. Provincial Deputation (Deputazione Provinciale)

IV. COMMUNAL ADMINISTRATION

+ A. Major (Sindaco)

+ B. Communal Secretary (Segretario Comunale)

C. Communal Board (Giunta Comunale)

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APPENDIX "E"

LIST OF PRINCIPAL PREFECTURAL,
PROVINCIAL, AND COMMUNAL OFFICIALS
AND BODIES

I. ADMINISTRATIVE OFFICIALS OF PREFETTURA

+ A. Prefect (Prefetto)

+ B. Vice-Prefect Vicare (Vice-Prefetto Vicario)

C. Vice-Prefect Inspector (Vice-Prefetto Ispettore)

+ D. Councillors (Consiglieri)

+ E. Secretaries (Segretari)

+ F. Questor (Questore)

+ G. Head Accountant (Ragioniere Capo)

H. Intendent of Finance (Intendente di Finanza.)

+ I. Provincial Health Officer (Medico Provinciale)

J. Provincial Veterinary (Veterinario Provinciale)

K. Head Archivist (Primo Archivista)

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II. ADMINISTRATIVE BODIES OF PREFECTURE

A. Provincial Administrative Board (Giunta Provinciale Amministrativa)

B. Prefectural Council (Consiglio di Prefettura)

C. Cabinet (Gabinetto)

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I. ADMINISTRATIVE OFFICIALS OF PREFETTURA

+ A. Prefect (Prefetto)

+ B. Vice-Prefect Vicare (Vice-Prefetto Vicario)

C. Vice-Prefect Inspector (Vice-Prefetto Ispettore)

+ D. Councillors (Consiglieri)

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+ F. Questor (Questore)

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H. Intendent of Finance (Intendente di Finanza.)

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J. Provincial Veterinary (Veterinario Provinciale)

K. Head Archivist (Primo Archivista)

L. Provincial Agricultural Inspector (Ispettore Provinciale dell' Agricoltura)

II. ADMINISTRATIVE BODIES OF PREFECTURE

A. Provincial Administrative Board (Giunta Provinciale Amministrativa)

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C. Cabinet (Gabinetto)

III. PROVINCIAL ADMINISTRATION

A. President and Head of Provincial Administration (Presidente e Capo dell' Amministrazione Provinciale)

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B. Provincial General Secretary (Segretario Generale Provinciale)

C. Provincial Deputation (Deputazione Provinciale)

IV. COMMUNAL ADMINISTRATION

+ A. Mayor (Sindaco)

+ B. Communal Secretary (Segretario Comunale)

C. Communal Board (Giunta Comunale)

Declassified E.O. 12356 Section 3.3/NND No. 775502

Draft
Rec'd Comp
16 Aug 44

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GUIDE IN ORGANIZING

LOCAL GOVERNMENT

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7. Interview and form opinion on officials. Get following biographical data in writing: Name; title; honours; career (listing grades, positions held, places employed, dates; military service).

8. Report to your commanding officer the names, designated positions, and information of officials (career and non-career) available after getting Security Reports (Scheda Personale) and interviews.

9. The Giunta Comunale (Municipal Board) in each town should be formed as early as conditions permit by CAOs after having appointed a Sindaco (Mayor) and a Segretario Comunale (Communal Secretary). The Giunta Comunale will vary in numbers from 2 to 10 depending on the size of the population. Consult the Local Committee of Liberation for suggested nominees who should represent varying political and occupational interests. See to it that this first step in the rebirth of democratic institutions is followed by regularly held meetings of the Giunte. (See Executive Memorandum No. 39 for details.)

181

10. Request SCAO (or Regional Commissioner, if so authorized) to appoint formally the Prefect and Vice-Prefect. Then have Prefect appoint other officials

0501

Declassified E.O. 12356 Section 3.3/NND No. 778021

Government Organization. (Appendix "A")

b. Revised Executive Memorandum No. 12 and 70, dealing with title of Prefect. (Appendix "B" and "C")

c. Executive Memorandum No. 62 dealing with the filling of vacancies in Italian Civil Service positions. (Appendix "D")

2. Read list of offices in an Italian Provincial Administration (Appendix "E").

3. Know what KEY officials must be filled as soon as possible in a Province and Commune. These are starred in Appendix "E".

4. Contact Committee of National Liberation and Patriot Committees regarding recommendations for offices. It should be made clear to the Committee of Liberation that it is an advisory body only whose advice, when asked for by the Provincial Commissioner or the Prefect, may be accepted or rejected.

5. Contact Bishops and other prominent people regarding prospective officials and problems of Provinces and Communes.

6. Obtain Scheda Personale forms and have them completed and reviewed by Security Officers for all officials in office or proposed.

7. Interview and form opinion on officials. Get following biographical data in writing: Name; title; honours; career (listing grades, positions held, places employed, dates; military service).

8. Report to your commanding officer the names, designated positions, and information of officials (career and non-career) available after getting Security Reports (Scheda Personale) and interviews.

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181

10. Request SCAO (or Regional Commissioner, if so authorized) to appoint formally the Prefect and Vice-Prefect. Then have Prefect appoint other officials with your approval.

11. Obtain from RC copies of Royal Decree No. 111.

12. Hand a copy of Royal Decree to Prefect as soon as conditions permit. Obtain receipt on form provided since the Decree takes effect from date handed to Prefect.

0502
Declassified E.O. 12356 Section 3.3/NND No. 78 502 /

13. In organizing Provincial Administration, the first body to be revived is the Deputazione Provinciale which varies in size from 6 to 10 unpaid citizen members depending on the population in the province. All shades of political opinion and occupational interests should be represented on this body. It is presided over by a separately choser President, who is also the "Capo dell'Amministrazione Provinciale". Have the Prefect consult the Committee of Liberation and have Scheda Personale forms completed before submitting the names of his nominees to you for ACC approval. (See Revised Executive Memorandum No. 39 for details).

14. Once formed, the first job of the Deputazione Provinciale will be to nominate the 4 regular and 2 substitute citizen members of the Giunta Provinciale Amministrativa in order that they be confirmed by the Prefect, subject to approval of ACC. Here again, great care should be taken to select persons who represent popular opinion. (See Revised Exeucitve Memorandum No. 39 for details.)

15. See that Fascist government organs are abolished and officials removed; particularly the "Retoratto" and the "Preside" (on the Provincial level) and the Podesta' and "Consulta" (on the Communal level). (See Executive Memorandum No. 67, RC & M. Section Circular on Defascism dated 4 August 1944; and English translation of DLL 159 on Sanctions against Fascism distributed by Administrative Section, ACC, on 2 August 1944.)

Declassified E.O. 12356 Section 3.3/NND No. 78 5021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

(102)

HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/1/a/Int

16 August 1944

SUBJECT: Guide for Organizing Local Government

TO : Col E. B. Mayne, AMG 5th Army

My dear Col Mayne:

I have prepared this guide at the direction of Colonel Spicer. Before we do anything further about it, I would be grateful for your criticisms and suggestions.

Sincerely yours,

/ALT

Captain
Executive Officer
Interior Sub-Commission

Encls: as above
/jgt

2nd Draft
16 Jan 44
16 Aug 44

GUIDE IN ORGANIZING

LOCAL GOVERNMENT

1. Read the following Executive Memoranda attached hereto.

a. Revised Executive Memorandum No. 39 dealing with Italian Local Government Organization. (Appendix "A")

b. Revised Executive Memorandum No. 12 and 70, dealing with title of Prefect. (Appendix "B" and "C")

c. Executive Memorandum No. 62 dealing with the filling of vacancies in Italian Civil Service positions. (Appendix "D")

2. Read list of offices in an Italian Provincial Administration (Appendix "E").

3. Know what KEY officials must be filled as soon as possible in a Province and Commune. These are starred in Appendix "E".

4. Contact Committee of National Liberation and Patriot Committees regarding recommendations for offices. It should be made clear to the Committee of Liberation that it is an advisory body only whose advice, when asked for by the Provincial Commissioner or the Prefect, may be accepted or rejected.

5. Contact Bishops and other prominent people regarding prospective officials and problems of Provinces and Communes.

6. Obtain Scheda Personale forms and have them completed and reviewed by Security Officers for all officials in office or proposed.

7. Interview and form opinion on officials. Get following biographical data in writing: Name; title; honours; career (listing grades, positions held, places employed, dates; military service).

8. Report to your commanding officer the names, designated positions, and information of officials (career and non-career) available after getting Security Reports (Scheda Personale) and interviews.

9. The Giunta Comunale (Municipal Board) in each town should be formed as early as conditions permit by CAOs after having appointed a Sindaco (Mayor) and a Segretario Comunale (Communal Secretary). The Giunta Comunale will vary in numbers from 2 to 10 depending on the size of the population. Consult the Local Committee of Liberation for suggested nominees who should represent varying political and occupational interests. See to it that this first step in the rebirth of democratic institutions is followed by regularly held meetings of the Giunte. (See Executive Memorandum No. 39 for details.)

178

10. Request SCAO (or Regional Commissioner, if so authorized) to appoint formally the Prefect and Vice-Prefect. Then have Prefect appoint other officials

Declassified E.O. 12356 Section 3.3/NND No. 775027

Government Organization (Appendix "A")

b. Revised Executive Memorandum No. 12 and 70, dealing with title of Prefect. (Appendix "B" and "C")

c. Executive Memorandum No. 62 dealing with the filling of vacancies in Italian Civil Service positions. (Appendix "D")

2. Read list of offices in an Italian Provincial Administration (Appendix "E").

3. Know what KEY officials must be filled as soon as possible in a Province and Commune. These are starred in Appendix "E".

4. Contact Committee of National Liberation and Patriot Committees regarding recommendations for offices. It should be made clear to the Committee of Liberation that it is an advisory body only whose advice, when asked for by the Provincial Commissioner or the Prefect, may be accepted or rejected.

5. Contact Bishops and other prominent people regarding prospective officials and problems of Provinces and Communes.

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8. Report to your commanding officer the names, designated positions, and information of officials (career and non-career) available after getting Security Reports (Scheda Personale) and interviews.

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178

10. Request SCAO (or Regional Commissioner, if so authorized) to appoint formally the Prefect and Vice-Prefect. Then have Prefect appoint other officials with your approval.

11. Obtain from RC copies of Royal Decree No. 111.

12. Hand a copy of Royal Decree to Prefect as soon as conditions permit. Obtain receipt on form provided since the Decree takes effect from date handed to Prefect.

Declassified E.O. 12356 Section 3.3/NND No. 778502/

13. In organizing Provincial Administration, the first body to be revived is the Deputazione Provinciale which varies in size from 6 to 10 unpaid citizen members depending on the population in the province. All shades of political opinion and occupational interests should be represented on this body. It is presided over by a separately chosen President, who is also the "Capo dell'Amministrazione Provinciale". Have the Prefect consult the Committee of Liberation and have Scheda Personale forms completed before submitting the names of his nominees to you for ACC approval. (See Revised Executive Memorandum No. 39 for details).

14. Once formed, the first job of the Deputazione Provinciale will be to nominate the 4 regular and 2 substitute citizen members of the Giunta Provinciale Amministrativa in order that they be confirmed by the Prefect, subject to approval of ACC. Here again, great care should be taken to select persons who represent popular opinion. (See Revised Executive Memorandum No. 39 for details.)

15. See that Fascist government organs are abolished and officials removed; particularly the "Retoratto" and the "Preside" (on the Provincial level) and the Podesta' and "Consulta" (on the Communal level). (See Executive Memorandum No. 67, RC & MG Section Circular on Defascism dated 4 August 1944; and English translation of DLL 159 on Sanctions against Fascism distributed by Administrative Section, ACC, on 2 August 1944.)

Declassified E.O. 12356 Section 3.3/NND No. 775027

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4010/2/L. /rlp.

29 July 1944.

SUBJECT : Directive on Implementation of Italian legislation in Military Government Territory.

TO : See Distribution List.

1. Reference is made to this sub-commission's directive ACC/4010/2/L of 25 July 1944 on the above subject.

2. The endorsement of the Executive Commissioner referred to in para. 2 of the above directive is printed on page 661 of the reprinted collection.

A. R. THACKRAH,
Lt. Col.,
Italian Branch,
for Acting Chief Legal Officer.

DISTRIBUTION:

RLO (THRU: RC)	Reg 1 - 6 copies	- for info	
" "	" 2 - 6 "	- for info	
" "	" 3 - 10 "		
" "	" 4 - 10 "		
" "	" 5 - 10 "		- for distribution to PCs (Attn: PLOs)
" "	" 6 - 6 "	- for info	
" "	" 7 - 6 "	- for info	
" "	" 8 - 10 "		
" "	" 9 - 10 "		
" "	RCME Reg- 5 "		
SLO (THRU: SCAO)	AMG 5th Army	- 2 copies	- for info
" "	" 8th "	- 2 "	- " "
Admin Sec, Econ Sec	for distrib.	-10 "	- " "
		-10 "	- " "
RC&MG Sec		-10 "	- " "
Communications Sec		- 1 "	- " "
Displaced Persons S/C		- 1 "	- " "

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB- COMMISSION
APO 394

28 JUL 1944 28 JUL 1944

25 July 1944.

ACC/4010/2/L.

SUBJECT : Directive on Implementation of Italian legislation in Military Government Territory.

TO : See Distribution List.

1. Italian legislation in Italian Government territory is promulgated by publication of Decrees in the Gazzetta Ufficiale of the Kingdom. In order to ensure the continuity of the Italian legal system over as much of Italian territory as is compatible with Allied Military interests and for the purpose of extending appropriate Italian legislation to Military Government Territory the procedure of implementation which has been applied in the past will now be followed in the newly liberated provinces of Military Government Territory administered under Regional Commissioners.

2. The legislation enacted by the Italian Government in Brindisi and Salerno and published in the Gazzetta Ufficiale - Special Series No.1/B to 6/B and 1 to 39 in force in Italian Government Territory has been collected and reprinted in book form. In accordance with the principle set out above it is now proposed to render the bulk of this legislation operative in the provinces of Military Government Territory by an endorsement of the Executive Commissioner, ACC. Such endorsement, reproduced on each copy of the reprinted collection, provides that all laws contained in the reprint shall become operative in Military Government Territory with the exception of certain enumerated decrees which have been reproduced for information only.

3. A packet containing sufficient quantities of the reprint (each copy addressed to the regular Italian official recipients of the Gazzette Ufficiale) will be forwarded to each Provincial Commissioner (for attention of the PLO) for delivery to the Prefect. Each packet will be accompanied by a form of receipt in triplicate (a sample copy enclosed herewith) which will be signed by the Prefect personally and on which each Prefect concerned will record at the request of the Provincial Commissioner the date of receipt of the reprint together with his confirmation that each copy of the reprint will be stamped or otherwise marked with the said date which will be the effective date of the reprinted legislation in the respective province. The Prefect having marked each copy of reprint with the aforesaid date will effect the distribution to Italian officials. One copy of the receipt, signed and dated by the Prefect, will be forwarded by the PC at once to the Legal Sub-Commission, HQ ACC, the second will be left with the Prefect and the third copy kept in the files of the Provincial Commissioner.

4. In the future all ordinary issues of the Gazzetta Ufficiale will bear an endorsement by the Executive Commissioner ordering that all decrees printed therein or in previous issues, with possible exception of certain enumerated decrees, shall become operative in each province within Military Government Territory as of the date when the Prefect thereof shall first receive from the Allied Control Commission the copies of the issue containing said endorsement. In order to establish as a matter of record the effective

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Kingdom. In order to assist the Commander-in-Chief [illegible] over as much of Italian territory as is compatible with Allied Military interests and for the purpose of extending appropriate Italian legislation to Military Government Territory the procedure of implementation which has been applied in the past will now be followed in the newly liberated provinces of Military Government Territory administered under Regional Commissioners.

2. The legislation enacted by the Italian Government in Brindisi and Salerno and published in the Gazzetta Ufficiale - Special Series No.1/B to 6/B and 1 to 39 in force in Italian Government Territory has been collected and reprinted in book form. In accordance with the principle set out above it is now proposed to render the bulk of this legislation operative in the provinces of Military Government Territory by an endorsement of the Executive Commissioner, ACC. Such endorsement, reproduced on each copy of the reprinted collection, provides that all laws contained in the reprint shall become operative in Military Government Territory with the exception of certain enumerated decrees which have been reproduced for information only.

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4. In the future all ordinary issues of the Gazzetta Ufficiale will bear an endorsement by the Executive Commissioner ordering that all decrees printed therein or in previous issues, with possible exception of certain enumerated decrees, shall become operative in each province within Military Government Territory as of the date when the Prefect thereof shall first receive from the Allied Control Commission the copies of the issue containing said endorsement. In order to establish as a matter of record the effective date of certain decrees in a particular province, the obtaining of the fully completed receipts mentioned above is required.

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5. The procedure designed for the delivery of the reprinted collection and set out in para. 3 above will be followed also in respect to each future issue of the Gazzetta containing the endorsement of the Executive Commissioner referred to above in para. 4.

6. The Gazzetta containing such endorsements will be sent out to each Provincial Commissioner (Attention PLO), in packets containing sufficient quantities and with the necessary indications to enable the Prefect to effect distribution to Italian officials. Accompanying the overall packet will be a triplicate form of receipt in Italian and English on which each Prefect concerned will record at the request of the Provincial Commissioner the date of receipt of the relevant issue of the Gazzetta, together with his confirmation that each copy, before it is distributed, will be stamped, or otherwise marked with the said date.

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Declassified E.O. 12356 Section 3.3/NND No. 778502

The three copies of the receipt ~~bearing the Prefect's personal signature~~ will be disposed of as follows: the first copy will be returned by the Provincial Commissioner to this sub-commission at soonest. The second copy of the receipt will be left with the Prefect and the third filed in the files of the Provincial Commissioner.

7. It must be clearly understood that whenever any issue of the Gazzetta contains decrees which have been excepted from implementation in Military Government Territory, that part of such issue is circulated in Military Government Territory, for information of the Italian officials only, and does not become effective therein.

8. It is not proposed to circulate the endorsed Gazette in Army areas.

9. The Regional Legal Officers will see that all Provincial Commissioners and Provincial Legal Officers become thoroughly familiar with this directive and exercise all possible care in putting it into effect.

/s/ Richard H. Wilder

RICHARD H. WILDER,
Colonel, CAC,
Acting Chief Legal Officer.

DISTRIBUTION:

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RLO (THRU: RC)	Reg 2 - 6 "	- for info
RLO (THRU: RC)	Reg 3 -10 "	- for distribution to PCs (Attn PLOs)
RLO (THRU: RC)	Reg 4 -10 "	
RLO (THRU: RC)	Reg 5 -10 "	
RLO (THRU: RC)	Reg 6 - 6 "	- for info
RLO (THRU: RC)	Reg 7 - 6 "	- for info
RLO (THRU: RC)	Reg 8 -10 "	
RLO (THRU: RC)	Reg 9 -10 "	

SLO (THRU: SCAO)	AMG 8th Army - 2 copies	- for info
SLO (THRU: SCAO)	AMG 5th Army - 2 copies	- " "
Admin Sec	- 10 copies	- " "
Econ Sec	- 10 copies	- " "
RC&MG Sec	- 10 copies	- " "
Communications Sec	- 1 copy	- " "
Displaced Persons S/C	- 1 copy	- " "

for distrib.

Declassified E.O. 12356 Section 3.3/NND No. 785021

0512

Declassified E.O. 12356 Section 3.3/NND No. 785021

RECEIPT RICEVUTA

To The Provincial Commissioner, ACC.
Al Commissario Provinciale, ACC.
Province of .....
Provincia di

I hereby acknowledge the receipt on .....1944 of a
Con la presente dichiaro di aver ricevuto in data 1944

Consignment of copies of the "Gazzetta Ufficiale", year 85
un quantitativo di esemplari della Gazzetta Ufficiale, anno 85

No. ..... for distribution within this Province.
n. ..... per la distribuzione in questa Provincia.

I confirm that before distribution each copy of the Gazette will
Assicuro che prima della distribuzione ogni esemplare della Gaz-

be stamped or otherwise officially marked with the above date
zetta porterà timbrata, od in altro modo ufficialmente annotata,

which shall be the effective date of publication in this
la data di cui sopra, che ha valore di data effettiva di pubblica-

Province on the decrees listed in the special endorsement
zione nell'ambito di questa Provincia dei decreti elencati nella

on the last page thereof.
speciale disposizione di cui all'ultima pagina della Gazzetta
medesima.

THE PREFECT OF THE PROVINCE OF .....
IL PREFETTO DELLA PROVINCIA DI .....

(Signature - F/to) .....

100A

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0513

Declassified E.O. 12356 Section 3.3/NND No. 785021

1800

99

Location: 34 - Interior - 23.7.44 - Roma

Ministry of the Interior
Cabinet
File no. 664

Rome 18th July 44
F. A.C.C.
Interior Section.

Subject: Giunta Comunale (Communal Board)

This Ministry has already made known the ~~suggestions~~ opinions of the A.C.C. as stated in letter 1/A/Int. of the 4th July inst., with the ministerial letter no. 4301/gab. dated 1st July inst.

P.93

P.95A

by order of the Minister
The Chief of Cabinet

0514

Declassified E.O. 12356 Section 3.3/NND No. 785021

Mod. 868

Roma 18 luglio 1944

Ministero dell'Interno

GABINETTO

Divisione
Prot. N° 66h | Sez.
Allegati

Alla COMMISSIONE ALLEATA DI CONTROLLO - Sottocommissione Interni

ROMA

Risposta al foglio del
Div. Sez. N°

OGGETTO: Giunta Comunale.

Circa quanto è stato prospettato da codesta On.le Commissione con la lettera 1/A/Int. del 4 luglio corrente, questo Ministero ha già fatto conoscere il suo pensiero con la ministeriale n. 4301/gab. in data 1° Luglio corrente.

d'ordine del Ministro
IL CAPO DI GABINETTO

F.

0515

Declassified E.O. 12356 Section 3.3/NND No. 785021

file 98

HEADQUARTERS
ALLIED CONTROL COMMISSION
EXECUTIVE SECTION
APO 394

ACC/IA/INT.

21 July 1944

SUBJECT: Revision of Executive Memorandum No. 39

TO : Executive Commissioner, PG & RE Section

FROM : Acting Vice-President, Administrative Section

1. Executive Memorandum No. 39 had originally been published as an instruction to Regional Commissioners in order that the pattern of Italian local government envisaged by Region Order in Region I be followed in other regions.

2. Italian local government is now regulated by Royal Decree No. 111 and was promulgated for application in Military Government Territory (with the exception of 5th and 8th Army AMG areas) by endorsement of the Executive Commissioner. In effect this had made Executive Memorandum No 39 inoperative.

3. Royal Decree No. 111 made slight changes in the form of local government set forth in Executive Memorandum No. 39.

4. It is essential for the guidance of AMG officers and particularly those in the 5th and 8th Army AMG areas that instructions be issued as to the pattern of Italian local government to be established if uniformity and continuity are to be attained.

5. Legal Sub-Commission has been consulted on the draft of the new Executive Memorandum and its suggestions have been agreed upon and incorporated in the draft submitted herewith for your approval and for issue.

6. May the covering letter sending out the revised memo make it clear that it supersedes the previous issue (dated in the 'twenties)

for G. R. WATSON
Colonel
Acting Head
Admin Section

Encl: as in 5, above.

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1625

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HEADQUARTERS
ALLIED CONTROL COMMISSION
RC & MG SECTION
APO 394

Ref:

EXECUTIVE MEMORANDUM)
NUMBER 39)
(First Revision)

~~Replacing Executive Memorandum No. 39~~

ITALIAN LOCAL GOVERNMENT

1. The present position with regard to the organization of Italian Provincial and Communal Administration in Italian Government Territory and Military Government Territory (with the exception of 5th and 8th Army AMG area) is as follows:

a. In Italian Government territory local government is now regulated by Royal Decree No. 111, published in the Gazzetta Ufficiale on 22 April 1944. All Regional Orders dealing with the reorganization of local government ceased automatically to be effective in any territory on the date on which such territory was restored to the jurisdiction of the Italian Government.

b. In Military Government Territory (with the exception of 5th and 8th Army AMG areas) Royal Decree No. 111 was made applicable by virtue of the Executive Commissioner's endorsement published in the Gazzetta Ufficiale of 10 May 1944. The actual operation of the Royal Decree dates from the time a copy of the Gazzetta Ufficiale is actually handed to the Prefect by the Allied Control Commission, or by such other method as may authorised in the future.

2. With a view to uniformity and continuity of the same pattern of local government throughout Italy, the Interior Sub-Commission advises that those of the provisions of the Royal Decree No. 111 outlined in Schedule "A", as can be applied to 5th and 8th Army AMG areas shall be so applied as soon as possible. It should be noted, however, that Royal Decree No. 111 is a transitory measure, passed as a war emergency gap pending the restoration of elections.

3. a. Schedule "A" is an Administrative Instruction for the guidance of Senior Civil Affairs Officers, Regional Commissioners and the officers under their respective commands. It outlines the pattern of local government to be followed. 170

b. Schedule "B" is a chart of Italian local government.

c. Schedule "C" is a list of Administrative Ranks of Civil Servants.

d. Schedule "D" is the English translation of Royal Decree No. 111.

e. Schedule "E" is the Italian version of Royal Decree No. 111.

4. ~~This memorandum supercedes Executive Memorandum No. 39 which is hereby~~

Declassified E.O. 12356 Section 3.3/NND No. 785021

1. The present position with regard to the organization of Italian Provincial and Communal Administration in Italian Government Territory and Military Government Territory (with the exception of 5th and 8th Army AMG area) is as follows:

a. In Italian Government territory local government is now regulated by Royal Decree No. 111, published in the Gazzetta Ufficiale on 22 April 1944. All Regional Orders dealing with the reorganization of local government ceased automatically to be effective in any territory on the date on which such territory was restored to the jurisdiction of the Italian Government.

b. In Military Government Territory (with the exception of 5th and 8th Army AMG areas) Royal Decree No. 111 was made applicable by virtue of the Executive Commissioner's endorsement published in the Gazzetta Ufficiale of 10 May 1944. The actual operation of the Royal Decree dates from the time a copy of the Gazzetta Ufficiale is actually handed to the Prefect by the Allied Control Commission, or by such other method as may authorized in the future.

2. With a view to uniformity and continuity of the same pattern of local government throughout Italy, the Interior Sub-Commission advises that those of the provisions of the Royal Decree No. 111 outlined in Schedule "A", as can be applied to 5th and 8th Army AMG areas shall be so applied as soon as possible. It should be noted, however, that Royal Decree No. 111 is a transitory measure, passed as a war emergency gap pending the restoration of elections.

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170

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c. Schedule "C" is a list of Administrative Ranks of Civil Servants.

d. Schedule "D" is the English translation of Royal Decree No. 111.

e. Schedule "E" is the Italian version of Royal Decree No. 111.

~~This memorandum supercedes Executive Memorandum No. 39 which is hereby cancelled.~~

BY COMMAND OF CAPTAIN HILARY W. STONE (USNR):

M. S. LUSH
Brigadier
Executive Commissioner

0517

Declassified E.O. 12356 Section 3.3/NND No. 785021

98B

SCHEDULE "A"

ALLIED CONTROL COMMISSION

ADMNISTRATIVE INSTRUCTION No. ____

SUBJECT : Reorganization of Provincial and Communal Admnistration

TO : All Senior Civil Affairs Officers, Regional Officers and Officers under their respective commands.

1. The various government officers and organs herein mentioned derive their powers and functions from certain fundemental laws embodied in a Unified Text of Municipal and Provincial Laws of 1915 no. 148 with certain modifications made by the Royal Decree of December 30, 1923, no. 2839.

2. Provincial Afmnistration is to be organized as follows :

a) The highest position in provincial admnistration is that of Prefect. Next in order come the Vice-Prefect (Vice Prefetto Vicario) and Vice Prefect Inspector (Vice Prefetto Ispettore). The Vice Prefect Vicario acts in the absence of the Prefect with the latter's powers. The Vice Prefect Inspector is charged with the inspection of conditions of local government throughout the provinces.

b) When the post of Prefect is vacant, and a suitable civil service career official of the necessary grade and qualifications is available, he shuld be appointed with the title "Prefetto". If no such career official is available, a person must be nomimated to the position who, possesses the requisite executive ability and does not have an objectionable political background. Hi title should be "Prefetto Reggente". The same principle applies when a vacancy exists for a Vice-Prefect when no suitable career official is available for appointment. Executive memorandum No. 12 sets forth the procedure in detail.

3. In both istances, nominations supported by indormationx as to the qualifications of nominees, are to be submitted to the Senior Civil Affairs or to the Regional Commissioner for transmission through (RC & MG Section CA Branch) channels to the Admnistrative Section for notification to the Italian Government and for approval by Allied Control Commission.

4. The principal organs of provincial government which are to be revived in consultation with the Prefect are the following :

a) CONSIGLIO DI PREFETTURA - (Prefectural Council) : It is normally composed of the Prefect or his substitute, who presides, and two senior Councillor (Consiglieri)of the Prefecture. Its powers and functions are principally advisory and are regulated by specific laws, although the Prefect may request the opinion of the Council on any matter. It also has certain functions relating to the approval of accounts of communes and certain institutions, in which capacity its composition is anlarged to include additional officials.

Declassified E.O. 12356 Section 3.3/NND No. 778502

1. The various government officers and organs herein mentioned derive their powers and functions from certain fundamental laws embodied in a Unified Text of Municipal and Provincial Laws of 1915 no. 148 with certain modifications made by the Royal Decree of December 30, 1923, no. 2839.

2. Provincial Afmnistration is to be organized as follows :

a) The highest position in provincial admnistration is that of Prefect. Next in order come the Vice-Prefect (Vice Prefetto Vicario) and Vice Prefect Inspector (Vice Prefetto Ispettore). The Vice Prefect Vicario acts in the absence of the Prefect with the letter's powers. The Vice Prefect Inspector is charged with the inspection of conditions of local government throughout the provinces.

b) When the post of Prefect is vacant, and a suitable civil service career official of the necessary grade and qualifications is available, he shuld be appointed with the title "Prefetto". If no such career official is available, a person must be nomimated to the position who, possesses the requisite executive ability and does not have an objectionable political background. Hi title should be "Prefetto Reggente". The same principle applies when a vacancy exists for a Vice-Prefect when no suitable career official is available for appointment. Executive memorandum No. 12 sets forth the procedure in detail.

3. In both istances, nominations supported by indormations as to the qualifications of nominees, are to be submitted to the Senior Civil Affairs or to the Regional Commissioner for transmission through (RC & MG Section CA Branch) channels to the Admnistrative Section for notification to the Italian Government and for approval by Allied Control Commission.

4. The principal organs of provincial government which are to be revived in consultation with the Prefect are the following :

a) CONSIGLIO DI PREFETTURA - (Prefectural Council) : It is normally composed of the Prefect or his substitute, who presides, and two senior Councillor (Consiglieri)of the Prefecture. Its powers and functions are principally advisory and are regulated by specific laws, although the Prefect may request the opinion of the Council on any matter. It also has certain functions relating to the approval of accounts of communes and certain institutions, in which capacity its composition is enlarged to include additional officials.

b) GIUNTA PROVINCIALE AMMINISTRATIVA - (Provincial Admnistrative Board) It is composed of ten members with the Prefect or Vice Prefetto Vicario as President of the Board, and includes the following officials of the Prefecture : a Vice Prefect Inspector, two Councillors, the Chief Accountant (Ragioniere Capo) or his substitute and the Intendent of Finance (Intendente di Finanza) or his substitute. The remaining four regular and two substitute members, are citizen appointees chosen from experts in legal

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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administrative or technical matters, nominated by the Deputazione Provinciale, where it has been possible to constitute such body, and confirmed by the Prefect subject to approval of the Allied Control Commission. The Giunta Provinciale Amministrativa has powers of review over communal administration.
The following persons cannot be members of the Giunta Provinciale Amministrativa :

I - The President, Vice-President and members of the Deputazione Provinciale
II - Mayors and Aldermen of Communes
III - Paid Provincial and Communal functionaries
IV - Relatives up to the second degree; and first degree relatives of the Provincial tax-collector and tax-receiver.

c) DEPUTAZIONE PROVINCIALE - (Provincial Deputation) : This body is revived to replace the fascist-created Rettorato, the latter body being now abolished. In Pre-fascist provincial government, the Deputation was normally appointed by, and from among, the members of a larger elected body known as the Consiglio Provinciale (Provincial Council). For present purpose since the elective Consiglio is not possible at this time, the Deputation is to be nominated by the Prefect and approved by the Allied Control Commission. It consists of a President and unpaid regular and substitute citizen members. The numerical composition of the Deputazione Provinciale varies according to the population as follows :

Inhabitants	Regular Deputies	Alternates
Over 600.000	10	4
" 300.000	8	2
Other provinces	6	2

The President is also the Head of Provincial Administration (Capo dell'Amministrazione Provinciale). He convokes, presides over, prepares the agenda for , and executes the decisions of the Deputazione Provinciale. The Presi dent, subject to the approval of the Prefect, may appoint a Vice-President from among the Provincia Deputies who assists him and substitutes for him in his absence. The President may entrust the deputies with special admnistrative duties.

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5. Municipal Admnistration is to be organized as follows :

a) SINDACI - : In place of "Podestà" the democratic title of "Sindaco" (Mayor) must be adopted where a commune has a Giunta Comunale, and "Commissario Prefettizio" where there is no such local body. New appointments or changes in the position of Maypr will be made by the Prefect, if in office, and appro ved by the Allied Control Commission. Appointments of Vice-Sindaci are to be similarly effected.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

I - The President, Vice-President and members of the Deputazione Provinciale
II - Mayors and Aldermen of Communes
III - Paid Provincial and Communal functionaries
IV - Relatives up to the second degree; and first degree relatives of the Provincial tax-collector and tax-receiver.

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Inhabitants	Regular Deputies	Alternates
Over 600.000	10	4
" 300.000	8	2
Other provinces	6	2

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5. Municipal Admnistration is to be organized as follows :

a) SINDACI - : In place of "Podestad" the democratic title of "Sindaco" (Mayor) must be adopted where a commune has a Giunta Communale, and "Commissario Prefettizio" where there is no such local body. New appointments or changes in the position of Mayor will be made by the Prefect, if in office, and appro ved by the Allied Control Commission. Appointments of Vice-Sindaci are to be similarly effected.

b) The Mayor may entrust to the Aldermen (Assessori) special duties in connection with the principal Admnistration. The Mayor convokes, presides over, pre-pares the agenda for, and executes the decisions taken by the Giunta Municipale.

c) SEGRETARIO COMUNALE - (Town ClerK) : This official is a civil servant and cannot be appointed mayor, or be lightly dismissed. The Prefect has

Declassified E.O. 12356 Section 3.3/NND No. 778-021

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full power to effect transfers, retirements, and appointments of Town Clerks, and changes should be effected only through him under the standing procedure which must be closely followed.

d) GIUNTA COMUNALE - (Municipal Board of Aldermen) : This body is revived to replace the fascist-created Consulta Comunale. Normally, as in the case of the Provincial Deputation, its members, called "assessori" (Aldermen) should be selected by, and from among the members of, an elected Consiglio Comunale (Municipal Council). Under present emergency conditions the members of the Giunta Comunale are appointed and removed by the Prefect, if in Office, with the approval of the Allied Military Government. The Giunta Comunale should be established as early as conditions so permit. The numerical composition of the Giunta varies according to population and is as follows :

Inhabitants	Assessori (Aldermen)	Alternates
Over 250.000	10	4
" 60.000	8	4
" 30.000	6	2
" 3.000	4	2
Other communes	2	2

6. Substitute or alternate members of any of the aforementioned agencies do not take part in their meeting except in the absence of the regular members.

7. In the selection of members of the above agencies, consideration should be given to various shades of political opinion according to their local strength. Labour and agriculture as well as industry and the professions, moreover, must be adequately represented. Persons who held such positions in the Fascist Party as specified in Article I of Royal Decree of December 28, 1943, no. 29/B are barred from office .

8. For the purposes of securing a proper understanding and a uniform application of these instructions, as well as other matters affecting locale government, meeting of all Provincial Commissioners will be held at regular intervals. Similar meeting of all Prefects will also be held in order to assure a uniform application of the patterns of local government herein set forth.

9. In conformity with the above, from now onwards, all Provincial and Municipal Decree and Orders must be issued in the name of the Prefect or local Mayor respectively and bear only the "VISTO" of the Allied Military Government Officer concerned.

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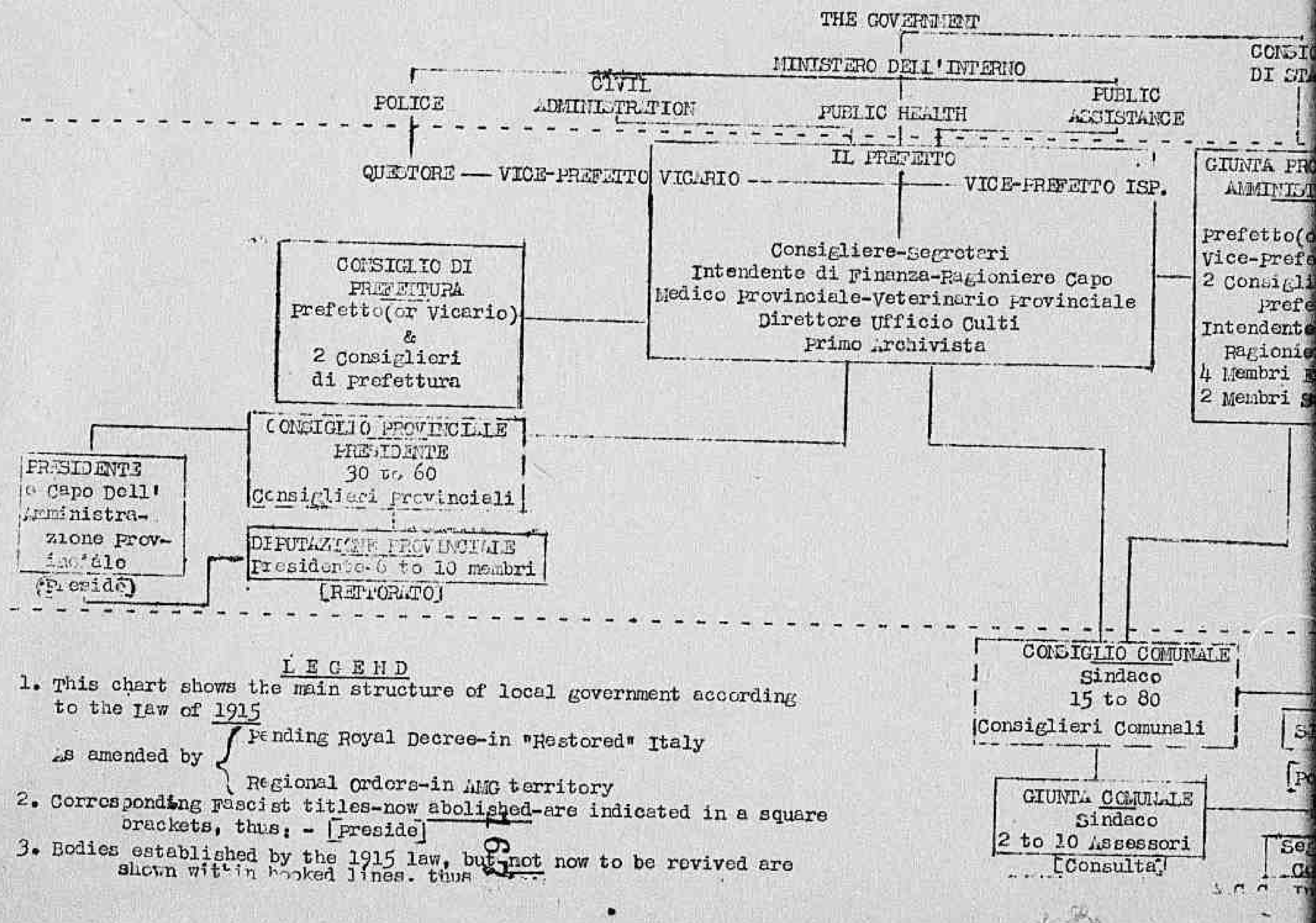
CHART OF ITALIAN LOCAL GOVERNMENT



L E G E N D

1. This chart shows the main structure of local government according to the law of 1915
   As amended by { Pending Royal Decree-in "Restored" Italy / Regional Orders-in AMG territory
2. Corresponding Fascist titles-now abolished-are indicated in a square brackets, thus: - [Preside]
3. Bodies established by the 1915 law, but not now to be revived are shown within hooked lines. thus

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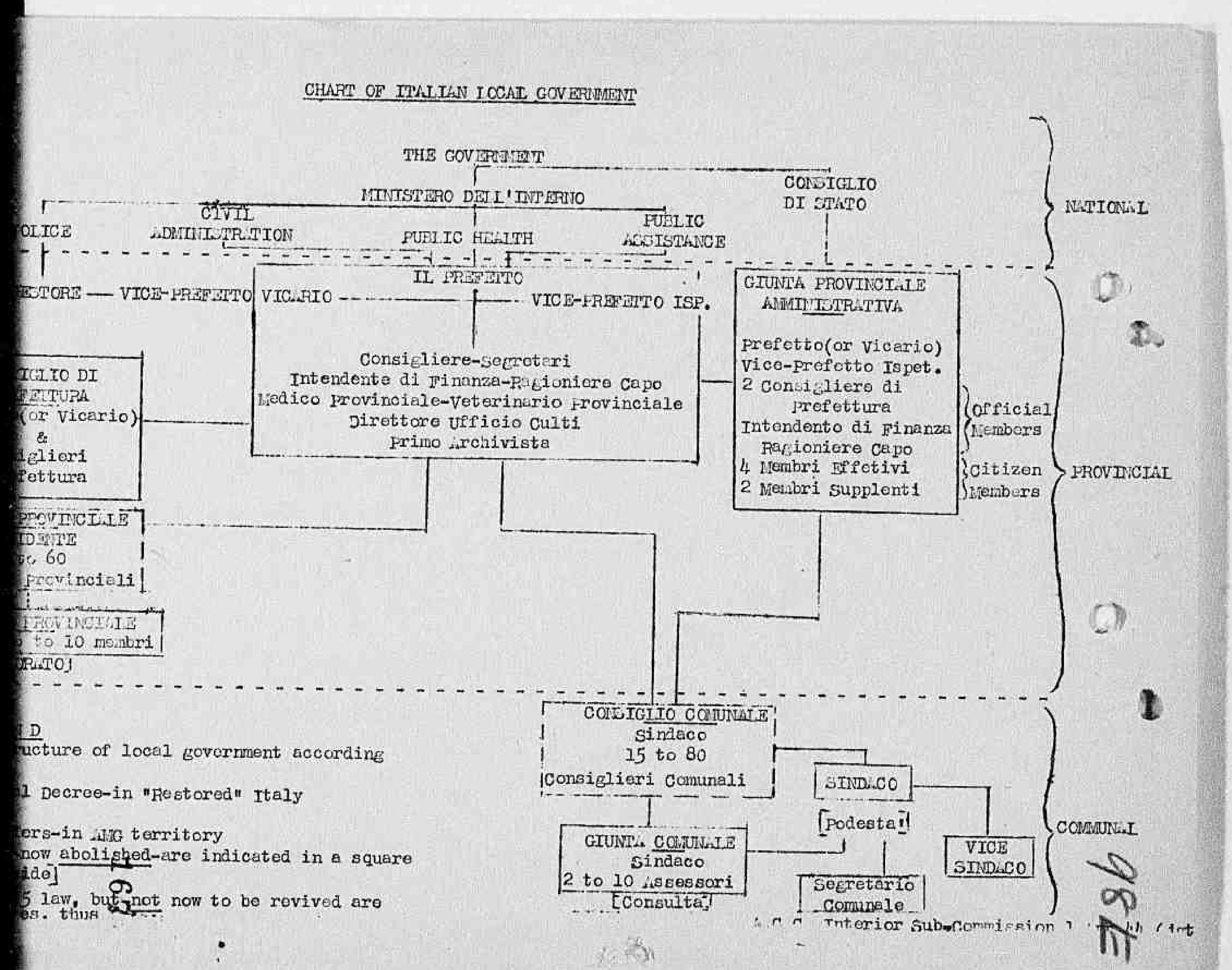
Declassified E.O. 12356 Section 3.3/NND No. 785021

CHART OF ITALIAN LOCAL GOVERNMENT



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A C C Interior Sub-Commission

798

ALLIED CONTROL COMMISSIO
_____ REGION HEADQUART.

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ADMINISTRATIVE INSTRUCTION NO.

APPENDIX B

Civil Servants are divided into three groups, A., B., and C.

The first deals with political and administration affairs; the second handles accountancy and administration; the third takes care of archives, registry, typing, etc.

ADMINISTRATIVE RANKS

Grade	XI	Under Secretary
"	X	Secretary
"	IX	First Secretary
"	VIII	Councilor Second Class
"	VII	" First "
"	VI	Vice Prefect - Inspector
"	V	" " - "Vicario"
"	IV	Prefect Second Class
"	III	" First "

In addition to the foregoing, there is another category of personnel appointed by the Ministry of the Interior, who have not passed the prescribed civil service examination, consequently without rank, known as "personale avventizio".

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Declassified E.O. 12356 Section 3.3/NND No. 785021

(Translation by Interior sub-Commission, A.C.C. - 10 May 1944)

98G

ROYAL DECREE - LAW of APRIL 4th, 1944 No. 111

Transitory Rules for the Administration of Communes and Provinces.

VITTORIO EMANUELE III
By Grace of God and by the Will of the Nation
King of Italy

Whereas Art. 18 of the Law of January 19th, 1939, No. 129;
Whereas the Unified Text of the Communal and Provincial Law approved by Royal Decree of March 3rd, 1934, No. 383;
Whereas the Royal Decree Law of October 30th, 1943, No. 2/B;
Having considered that it is necessary to issue transitory rules for the administration of Communes and Provinces while waiting to establish administrative elections;
Considering the state of emergency in consequence of the war;
After having heard the Council of the Ministers;
On the proposal of the Minister of Interior;

WE HAVE DECREED AND WE DECREE:

Art. 1

Each commune has a mayor (Sindaco) and a board of alderman (Giunta Municipale).
The mayor (Sindaco) and the aldermen (Assessori Municipali) are appointed by the Prefect.
They may be removed by the Prefect for not having complied with the duties of their office or for reasons of public order.
Against any measures of removal no appeal is allowed juridically or administratively.

Art. 2

The mayor (Sindaco), in the case of absence or inability to appear, is substituted by the alderman, delegated as such (Assessore Delegato), who will be appointed by the decision of the mayor (Sindaco) subject to approval of the Prefect.
The mayor (Sindaco) may, moreover, entrust to the aldermen (Assessori) special duties in connection with the administration of the commune.
The mayor (Sindaco) convokes and presides over the board of aldermen (Giunta Municipale), arranging the matters to be discussed at each meeting, and executes the decisions taken by the board.

Art. 3

The board of alermen (Giunta Municipale) is empowered to deliberate on the matters over which the Unified Text of February 4th, 1915, No. 148, as modified by R.D. of December 30th, 1923, No. 2839, established the authority of the board of aldermen (Giunta Municipale) and of the Communal Council (Consiglio Municipale), without prejudice to the provisions of special laws in force.

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Art. 4

The administration of each province is composed of a president (Presidente) and a Provincial Deputation (Deputazione Provinciale).
The president (Presidente) and the provincial deputies (Deputati Provinciali)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

are appointed by the prefect. The provisions of paragraph 3 of Art. 1 apply to them.

Art. 5

The president (Presidente) may appoint a Vice-President (Vice Presidente) from among the provincial deputies (Deputati Provinciali), and he may entrust them with special duties in connection with the administration of the province.

The vice president (Vice Presidente) assists the president (Presidente) and substitutes for him when absent or prevented by a justified reason.

The appointment of the Vice President (Vice Presidente) must be approved by the Prefect. The president (Presidente), moreover, convokes and presides over the Provincial Deputation (Deputazione Provinciale) arranging the matters to be discussed at each meeting, and executes the decisions taken by the Provincial Deputation (Deputazione Provinciale).

Art. 6

The Provincial Deputation (Deputazione Provinciale) is empowered to deliberate on all matters over which the Unified Text of February 4th, 1915, No. 148, as modified by Royal Decree of December 30th, 1923, No. 2839, established the authority of the Provincial Deputation (Deputazione Provinciale) and of the Provincial Council (Consiglio Provinciale), without prejudice to the provisions of the special laws in force.

Art. 7

Besides the cases provided by the Unified Text of February 4th, 1915, No. 148, those persons cannot be appointed to the office of mayor (Sindaco), president (Presidente), alderman (Assessore Comunale), provincial deputy (Deputato Provinciale), or elective member (Membro Elettivo) of the Giunta Provinciale Amministrativa (G.P.A.) who come under any of the provisions of Art. 1 of the Royal Decree of December 28th, 1943, No. 29/B.

Art. 8

The composition, convocation, and functioning of the Board of Aldermen (Giunta Comunale) and of the Provincial Deputation (Deputazione Provinciale) are governed by the provisions of the Unified Text of February 4th, 1915, No. 148, as modified by Royal Decree of December 30th, 1923, No. 2839.

The decisions of the mayor (Sindaco), Board of Aldermen (Giunta Municipale, president (Presidente) and of the Provincial Deputation (Deputazione Provinciale) are subject to the control of legality and of importance conferred on the organs of the Government by the provisions of the laws in effect.

Art. 9

The Provincial Administrative Board (Giunta Provinciale Amministrativa) is composed of the Prefect or his deputy, who presides, of the Provincial Inspector (Ispettore Provinciale), of the finance superintendent (Intendente di Finanza), of two councillors of the Prefecture (Consiglieri di Prefettura) appointed at the beginning of every year by the Prefect, of the Chief Accountant of the Prefecture (Ragioniere Capo della Prefettura), of four regular members (Membri Effettivi) and two substitute members chosen from among persons expert in juridical, administrative and technical matters appointed by the decision of the provincial deputation (Deputazione Provinciale), subject to approval of the Prefect.

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The Prefect and the finance superintendent (Intendente di Finanza) respectively delegate as substitutes, a councillor of the Prefecture (Consigliere di Prefettura), an official of the accountancy office of the Prefecture, and an official of the Provincial Office of Taxes (Intendenza).

The substitutes do not take part in the meetings of the board unless there is an insufficient number of the regular members in the respective category.

A quorum of five members is sufficient to render valid the decisions of the Giunta Provinciale Amministrativa in administrative session (in sede amministrativa, For an equality of votes, the President's vote prevails.

Art. 10.

The following persons cannot be members of the Giunta Provinciale Amministrativa:

(a) The President, the Vice President and the members of the Provincial Deputation (Deputazione Provinciale);
(b) The Mayors (Sindaci) and the Aldermen (Assessori) of the communes of the province;
(c) Provincial and Communal functionaries and employees as well as accountants and those persons of public institutions of assistance and charity who receive wages or salaries.
(d) Those persons who do not possess the required qualifications for being appointed "Assessore" in conformity to the regulations in force concerning the "Corti d'Assise" (Grand Jury).
(e) Relatives up to the second degree of relationship, and relatives of the Provincial tax-collector and tax-receiver in the first degree while he is fulfilling the office of the "Esattoria" and of the "Ricevitoria". (Provincial Administration of Taxes).

Art. 11.

In the case of the dissolution of the Provincial Deputation (Deputazione Provinciale) the elective members of the Giunta Provinciale Amministrativa go out of office but are empowered to act until the appointment of the new members.

The elective members who without justified motive do not attend three consecutive meetings lose their office. The dismissal is resolved by the Giunta itself on the proposal of the President (Presidente) after having heard the interested persons.

The vacancies resulting among the elective members are filled by the senior substitute elective member.

When there are no substitutes left, new ones are appointed by the Deputation (Deputazione).

Art. 12.

To the elective members of the Giunta Provinciale Amministrativa a fee for each meeting attended by them is paid, the amount of which to be determined by Decree of the Minister of Interior.

The respective expenses are charged to the Provincial Administration.

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Art. 13.

The regulations of the Unified Text of March 3rd, 1934 No. 383, and subsequent legislation at variance or incompatible with the present decree are abrogated.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

The Prefects will provice for the appointment of the aldermen (Assessori Comunali) and of the Provircial Deputies (Deputati Provinciali) within 60 days that this decree becomes effective.

The Provincial Deputations (Deputazione Provinciali) will provide, within a month after their installation in office, for the appointment of the elective members of the Giunta Provinciale Ammiristrativa in substitution of the members in office appointed by the Ministry.

Art. 14.

The present Decree which will become effective on the day following its publication in the "Gazzetta Ufficiale del Regno", Special Series, will be presented to the Legislative Assemblies for conversion into law.

The Minister of Interior, the proposer is authorized to present the respective bill of the Law.

We order, to whomsoever concerned, to observe this present decree and to see that it will be observed as a Law of the State.

Dated at Salerno, April 4th, 1944.

VITTORIO EMANUELE

Badoglio - Reale.

Approved:

The Lord Privy Seal (Guardasigilli): Casati.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Translation No. 4 -Pfc. Bonanni -

Salerno , 6 July 1944

MINISTRY OF THE INTERIOR
Cabinet

TO: THE A.C.C.
INTERIOR SUB-COMMISSION
SALERNO

File No. 4382

Subject: Forming the Provincial Deputation.

In compliance with the eager desire of the Sub-Commission, this Ministry has prepared the draft of the measure intended to increase the number of members of the Provincial Deputation in relation to the population, as was established by the law of 1915.

The measure will be submitted for approval to the Council of Ministers in its next meeting.

THE MINISTER
/s/ Bonomi

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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1/A Interni - Tratt. 04 Mod. 574

Ministero dell'Interno

Gabinetto

Divisione Sez.

Prot. N. 4382 Allegati

Salerno, 6 luglio 1944

Alla COMMISSIONE ALLEATA DI CONTROLLO
Sottocommissione per l'Interno - SALERNO
Risposta al f. del

Div. Sez. N.

OGGETTO Formazione della Deputazione Provinciale.

In relazione alle premure di codesta Sottocommissione questo Ministero ha predisposto lo schema di provvedimento che si invia per visione diretta ad aumentare il numero dei membri della Deputazione Provinciale in rapporto alla popolazione così come era stabilito dalla legge del 1915.

Il provvedimento sarà sottoposto all'approvazione del Consiglio dei Ministri nella prossima seduta.

IL MINISTRO

F. Bonomi

162

97B

DRAFT OF DECREE LAW OF THE

LIEUTENANT GENERAL OF THE KINGDOM No.....

Amendment of the R.D.L. of 4th. April No. 111

HUMBERT OF SAVOY, PRINCE OF PIEDMONT

LIEUTENANT GENERAL OF THE KINGDOM

By virtue of the Authority delegated to us;

whereas the decree law of the Lieutenant General of the Kingdom:.....

whereas article 8 of R.D.L. of 4 April 1944, No. 111; and

whereas article 247 of the Consolidated Laws of 4 February 1915, No.148;

whereas the resolution of the Council of Ministers;

upon the proposal of the Minister of the Interior

WE HEREBY SANCTION AND PROCLAIM AS FOLLOWS:

Article 1.

The composition of the provincial Deputation is ruled by the provision of article 247 of the Consolidated Laws of 4 February 1915, No. 148;

Article 2.

The present decree becomes effective on the same day of its publication in the Official Gazzette of the Kingdom- Special series -

We order all those concerned to observe the present decree and have others observe it as law of the State.

In Salerno.

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Declassified E.O. 12356 Section 3.3/NND No. 778021

Declassified E.O. 12356 Section 3.3/NND No. 785021

ART. 1. =

La composizione della Deputazione provinciale è regolata dalla disposizione dell'art. 24/ del r.d. 4 febbraio 1915 n. 148.

ART. 2 =

Il presente decreto entra in vigore lo stesso giorno della sua pubblicazione nella gazzetta ufficiale del regno - Serie Speciale.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dato a Salerno

SCHEMA DI DECRETO LEGGE LUOGOTENENZIALE n°...
Modifica del R.D.L. 4 Aprile 1944 n. 111

UMBERTO DI SAVOIA PRINCIPE DI PIEMONTE
Luogotenente generale del regno

In virtù dell'autorità a noi delegata;

visto il decreto legge luogotenenziale:.....

visto l'art. 5 del R.D.L. 4 Aprile 1944 n. 111;

visto l'art. 24/ del testo unico 4 febbraio 1915, n. 140;

vista la deliberazione del Consiglio dei Ministri;

sulla proposta del Ministro dell'Interno

ABBIAMO SANZIONATO E PROMULGHIAMO quanto segue:

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REPORT

With the law of 4 April 1944, No. 111 the Provincial Deputations, which the fascist regime had suppressed, were reconstituted; it seemed advisable to bring back into effect many of the provisions contained in the Consolidated Regulations of the suppressed Communal and Provincial law of 4 February 1915, No. 148, thus satisfying, for the time being, the need of placing a Collegiate body beside the President.

Article 8 of the above mentioned law of 4 April 1944, ruling on the composition of the Provincial Deputation according to the provisions of the law of 1915, recalls, however, the amendment appended to it through R.D. of 30 December 1923, No. 2839, according to which (with article 83) the number of members was reduced to six.

In the course of the preparatory work carried out by the Prefecture it was found necessary to base the number of provincial deputies, as in the mentioned law of 1915, on the population of the provinces, that is, to have 10 members in provinces with a population exceeding 600.000, eight in those with more than 300.000 and six in the other provinces.

This draft of law is intended to provide for such requirements.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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R E L A Z I O N E

Con la legge 4 aprile 1944 n. 111 furono ricostituite le Deputazioni provinciali, che il regime fascista aveva soppresso, e sembrò opportuno richiamare in vigore molte delle disposizioni contenute nel T.Unico della soppressa legge Comunale e Provinciale del 4 febbraio 1915 n. 148 ritenendo in tal modo, per il momento, soddisfatta la esigenza di affiancare al Presidente un organo Collegiale.

L'art. 6 della suindicata legge 4 aprile 1944, nel regolare la composizione della Deputazione Provinciale a termini delle disposizioni della legge 1915, richiama però la modifica apportatavi dal R.D. 30 dicembre 1923 n. 2839, in base al quale, con l'art. 63, il numero dei membri era stato ridotto a sei.

Nei lavori preparatori condotti dalle Prefetture si è rivelata la necessità che il numero dei deputati provinciali, come nella citata legge del 1915, sia adeguato alla popolazione delle provincie, e cioè si abbiano dieci membri nelle provincie la cui popolazione eccede i 600.000 abitanti, otto in quelle di oltre 300.000 e sei nelle altre.

A tali esigenze si provvede con presente disegno di Legge.

158

Declassified E.O. 12356 Section 3.3/NND No. 778021

Translation No. 971 — Interior — 5.7.44 — Romano

1656

Ministry of the Interior (1A) Salerno, 30th June, 44

No. 4300/Gab. 96A

8 - JUL 1944

To A.C.C.

Subject: General situation

To AFHQ
Interior Sub-Com.

The General situation of the Liberated provinces presents indeed a complicated and difficult problem, as a first study on the part of the Government has proved revealed.

The consequences of 20 years of fascist politics, of military occupation and the passage of the battle line constitute a considerable burden on the life of the population.

To old and new political questions and administrative problems are added the difficulties of practical life, such as the lack of raw materials, the scarcity of food products, aggravated by the serious problem of transport.

I do not think it possible to solve

Declassified E.O. 12356 Section 3.3/NND No. 778502/

provinces presents indeed a complicated and difficult problem, as a first study on the part of the Government has proved revealed.

The consequences of 20 years of fascist politics, of military occupation and the passage of the battle line constitute a considerable burden on the life of the population.

To old and new political questions and administrative problems are added the difficulties of practical life, such as the lack of raw materials, the scarcity of food products, aggravated by the serious problems of transport.

I do not think it possible to solve the various difficulties with a program of formula but each single problem must be examined separately, adapting the solution which each particular case requires.

In every case every situation will

Declassified E.O. 12356 Section 3.3/NND No. 785021

2) will be met with decision, with severity
of intentions and, above all, with the practical
common sense. I am sure that I will not
lack the whole-hearted collaboration of the
A.C.C. in this arduous task.

The Minister.

Declassified E.O. 12356 Section 3.3/NND No. 78502/

1656

Antwerp S/C (9d)
Rome 11
Transl # 971

Ministero dell'Interno

N. 4300/ GAB.

Risposta alla lettera

N. *del*

OGGETTO

Situazione Generale.

Salerno, 30 Giugno 1944

ALLA COMMISSIONE ALLEATA di CONTROLLO - Sottocommissione Interni

S A L E R N O

La situazione generale delle province liberate si è presentata ad un primo esame del Governo quanto mai complessa e difficile.

Le conseguenze di un ventennio di politica fascista, dell'occupazione militare e del passaggio della guerra pesano enormemente sulla vita delle popolazioni.

Questioni politiche vecchie e nuove e problemi amministrativi si intrecciano a difficoltà di vita materiale, quali la mancanza di materie prime e la deficienza di generi alimentari, aggravate dalla grave crisi dei mezzi di trasporto.

Ritengo che non sia possibile risolvere le varie situazioni con formulazioni programmatiche, ma che sia invece necessario esaminare uno per uno i singoli problemi, adattando a ciascuno la soluzione aderente alla singolarità del caso.

Comunque ogni situazione sarà affrontata con decisione, con serietà di intenti e, sopratutto, con senso pratico e son sicuro che in tale arduo lavoro non mi mancherà la franca collaborazione di codesta on. Commissione.

156

IL MINISTRO

Declassified E.O. 12356 Section 3.3/NND No. 785021

Risposta alla lettera

N. ..... *del* .....

OGGETTO

Situazione Generale.

ALLA COMMISSIONE ALLEATA di CONTROLLO - Sottocommissione Interni

SALERNO

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156

IL MINISTRO

Cam/

0540

Declassified E.O. 12356 Section 3.3/NND No. 785021

Translation no 972 – Interior – 7.7.44 – Romano

Ministry of the Interior — Salerno, 1st July 44

no. 4301/Gab — To A.C.C. (95A)

Interior Sub-comm

7 JUL 1944

Subject: Municipal Commission

This Ministry has carefully considered the question of the number of members for the Municipal Commissions in the Municipalities having up to 30,000 inhabitants, in connection with the fact that the number of members of the said Commissions of the Municipalities is inferior to the number of parties represented in the government block; hence rendering impossible the participation of all the parties in the composition of the Commissions themselves.

In consequence of the particular political situation arisen in Italy, the political parties have not as yet had the opportunity to gather the support of the people in all the towns and therefore, especially in

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considered the question of the number of members for the Municipal Commissions in the Municipalities having up to 30,000 inhabitants, in connection with the fact that the number of members of the Com commissions of the said Municipalities is inferior to the number of parties represented in the government block; hence rendering impossible the participation of all the parties in the composition of the Commissions themselves.

In consequence of the particular political situation arisen in Italy, the political parties have not as yet had the opportunity to gather the support of the people of all the towns and therefore, especially in the smaller towns they have not a substancial consistance if not entirely lacking official representatives.

As a result of this there can be no difficulties reason for concern

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2) Hence there is no reason for concern if in the smaller towns the number there be only 4 or 2 members to the Commission instead of 6. On the contrary, if the number were raised to 6 for every town, there the communes would result in artificial combinations, derfectie rather than spontaneous, if it were desired to provide with two each party ~~an increase~~ of aldermen.

However, in cases where the parties are substantially represented th and the positions of alderman would not be sufficient to insure the representation of all parties, the prefects have been ordered to choose the representatives of those parties which locally have the greater support, i.e. the greatest number of followers. Thus could be obtained a situation similar to that which an election would determine

Naturally the procedure explained above is definitely exceptional and temporary,

Declassified E.O. 12356 Section 3.3/NND No. 778502

than spontaneous if it were desired to provide
each party with ~~an portion of~~ aldermen.

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tatives of those parties which locally have the
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followers. Has could be obtained a situation
similar to that which an election would determine

Naturally the procedure explained
above is definitely exceptional and temporary,
because as soon as administrative elections
can be arranged the people themselves will
appoint their own representatives.

The Minister.

Declassified E.O. 12356 Section 3.3/NND No. 785021

1657

Interior S/C (95)
Room [illegible]
Travel # 997

Ministero dell'Interno

N. 4301/GAB.

Risposta alla lettera

N. *del*

OGGETTO

Giunta Municipale.

6 JUL 1944

Salerno, 1° Luglio 1944

ALLA COMMISSIONE ALLEATA DI CONTROLLO- Sottocommissione Interni.

S A L E R N O

Questo Ministero ha considerato attentamente la questione della composizione numerica delle giunte municipali nei comuni con popolazione fino a 30.000 abitanti, in relazione all'osservazione che il numero dei componenti delle giunte di detti comuni è inferiore al numero dei partiti rappresentati nella compagine governativa, di guisa che si rende impossibile la partecipazione di tutti i partiti alla composizione delle giunte stesse.

Data la particolare situazione politica determinatasi in Italia, i partiti politici finora non hanno avuto ancora l'occazione di raccogliere le adesioni delle popolazioni di tutti i comuni e, pertanto, specie nei comuni minori essi non hanno una consistenza sufficiente se non, addirittura, mancano di esponenti ufficiali.

Da ciò deriva che nessuna preoccupazione può sorgere dal fatto che nei comuni minori i componenti della giunta siano quattro o due invece di sei. Anzi, se il numero di essi fosse elevato a sei per tutti i comuni, bisognerebbe ricorrere ad artificiose combinazioni, autoritarie e non spontanee, per assegnare a ciascun partito un posto di assessore.

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Risposta alla lettera

N. _____ *del* _____

OGGETTO

Giunta Municipale.

ALLA COMMISSIONE ALLEATA DI CONTROLLO- Sottocommissione Interni.

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Nel caso, poi, che in determinati comuni i partiti siano solidamente costituiti, di modo che i posti di assessori siano insufficienti per assicurare a tutti la propria rappresentanza, i prefetti hanno avuto disposizione di scegliere i rappresentanti di quei partiti che localmente hanno maggior seguito, cioè maggior

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numero di aderenti. Ciò che rispecchia la situazione che si sarebbe determinata se si fosse fatto luogo all'elezione.

S'intende che la suesposta situazione è del tutto eccezionale e transitoria perchè sarà la volontà popolare a designare i i propri rappresentanti, non appena si potranno indire anche le elezioni amministrative.

IL MINISTRO

Bonomi

Gam/

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Declassified E.O. 12356 Section 3.3/NND No. 775021

94

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
A.P.O. 394

AOO/1/A/Int

5 July 1944

SUBJECT: Deputazione Provinciale.

TO : see Distribution below.

1. Questions have been raised in certain Regions as to
(a) the proper number of members of the Deputazione Provinciale: and
(b) whether any amendments are necessary in Executive Memorandum no. 33.

2. Under the Italian Government's Royal Decree Law 4 April 1944 no. 111, the number of members of the Deputazione Provinciale is six with 2 alternates in every province. This statement differs from what is said about the number of members in the Administrative Instruction, Schedule "A" to the Executive Memorandum above-mentioned: and rightly so, because the terms of Decree no. 111 are different from those of the Regional Order, App. A to the Executive Memorandum.

3. The President of the Deputazione Provinciale is in addition to the six ordinary members, making 7 in all.

4. Italian local government is now regulated by Decree no. 111 and not by Executive Memorandum no. 33. No amendments in the latter are therefore required. It is obvious that the Executive Memorandum has ceased to have effect, when it is considered that: -

(a) in Italian Government Territory, all Regional Orders made in the form of App. "A" to the Memorandum ceased to have any effect on 11 February 1944:
(b) if in any Region no such Regional Order had in fact been made by 11 February, then the local government system arranged by the Memorandum never became law:
(c) in Military Government Territory, Executive Memorandum no. 33 is superseded by the Executive Commissioner's Order applying Decree no. 111.

5. The question of enlarging the Deputazione is under consideration by the Italian Government. Prefects should not use this as an excuse to delay the appointment of the President and six members and two alternates now required but should proceed with these nominations forthwith.

153
R.K. Temple Capt.
for
H. C. B. [illegible]
Colonel
Director
Interior Sub-Commission

DISTRIBUTION:
1493 - MCAO 5th Army
1494 - MCAO 8th Army
1495 - [illegible]

1498 · 1499 · 500 · 501 · 502 · 503 · 504

1. Questions have been raised in certain Regions as to
(a) the proper number of members of the Deputazione Provinciale: and
(b) whether any amendments are necessary in Executive Memorandum no. 39.

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153

for R. C. R. SPOONER
Colonel
Director
Interior Sub-Commission

R.L. Temple Capt.

DISTRIBUTION:
1493 - SCAO 5th Army
1494 - SCAO 8th Army
1495 - MG, Region I - Further to your letter MG/AG of 14 June
1496 - MG, Regions II, III, IV, V, VI, VII, VIII, and IX
1497 MG & MG Section - Reference your 103/5/GA of 30 June

1498 1499 1500 1501 1502 1503 1504

CCS/Jet

1493

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(92)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/1/a/Int 4 July 1944

SUBJECT: Giunta Comunale

TO : His Excellency Dr I. Bonomi, Minister of the Interior

Your Excellency:

1. Representations have been received, both from officers of the Allied Control Commission and from Prefects that great difficulty is being experienced in securing proper representation upon the Giunte Comunali that are now being formed owing to the small numbers of these bodies.

2. When Dr. Sorrentino came to see me on the 29th June, I discussed the matter with him and asked to be supplied with the considered views of the Italian Government on the problems involved. I should value your advice accordingly as to the principles to be observed and the procedure to be followed in appointing the members of the Giunte.

3. The difficulties of the question are so many that it might be worthy of consideration whether the size of the Giunte Comunali ought not to be increased, as suggested in my letter of 29 June relating to the Deputazione Provinciale. I should be glad if you would consider this point also and let me have your views on it.

R. K. Temple
Capt.

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for R. G. B. SPICER
Colonel
Director
Interior Sub-Commission

CGW/jet

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Interior

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

Ref/103/6/CA

30 June 1944

SUBJECT: Size of Deputazione Provinciale.

TO : Admin. Sect (for Interior Sub-Comm.)

P.85

Reference is made to letter RC/040 of 14 June 44 from Region I to this Headquarters copy to you. May we have your comments please.

Edward Reeves Fiske Jr

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

JSR/JR

Col. R.G.B. S CER

(90)

Representation on the Giunta Comunale

1. Reference No 41 A, para (5) and minute 8, para 1. — see file 700.1/6/INT.

2. To secure the proper representation of all political parties on the Giunta Comunale is impossible. The most that can be done is to reach some rough-and ready, empirical approach to the ideal solution.

3. Under R.D.L. 4 April 1944 No 111, the number of the Giunta is:-

	Population of Commune	Assessori	Supplenti
Group 1.	30,000 and under	2	2
2.	over 30,000 and up to 60,000	4	2
3.	over 60,000 and up to 250,000	8	4
4.	over 250,000	10	4

4. The number of Communes in Groups 2, 3, and 4 in para 3 is roughly:-

	over 250,000	60,000 to 250,000	30,000 to 60,000
Ital. Govt. Territ.	2	10	26
Milit.Govt. Territ.	3	3	14

Note:- The Northern boundary of Military Govt. Territory has been taken as inclusive Provinces Grosseto, Siena, Perugia, Ancona.

5. Thus there are, in all liberated Italy, only

5 Communes which will have a Giunta of 10
13 " " " " " " 8
40 " " " " " " 6.

Hundreds will only have 2 Assessori. Several Provinces will not contain a single Giunta of more than 2.

6. The best method of proceeding in Military Government Territory appears to me to be as follows:

(1) The PC should first make his own estimate of the relative strength of the parties.

(2) This estimate should be based on the local knowledge of the PC and his Staff — the advise of the Prefect, Sindaco and others officials - F&S and CIC Reports- information from the Co. HR. - and figures furnished by local party officials, which should not be regarded as conclusive but only as one factor.

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(3) In making the estimate allowance must be made for

(a) many of the population having a particular political faith but not being members of the party concerned:

(b) a still larger number, possibly, being of no particular political faith.

(4) The PC should then make a provisional allotment of seats.

(5) If the Giunta is 2

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Group 1.	30,000 and under	2	2
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(b) a still larger number, possibly, being of no particular political faith.

(4) The PC should then make a provisional allotment of seats.

(5) If the Giunta is 2, allot seats to the two largest parties.

(6) If it is 4, allot seats to the four largest: BUT if one party is considered to represent 40% + of the population, give it 2 seats and 2 to the two next largest parties.

(7) If the Giunta is 6, one seat to each party; BUT if one party is considered to represent, say 25-35%, give it 2 seats. If it is considered to represent 35-60%, give it 3. And the remainder one each to the next largest.

(8) If the Giunta is 10, proceed similarly, but reducing the above rough percentages proportionately.

(9) The above assumes the existence of only the 6 major political parties. There

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might be however, in a particular commune, other parties of reasonably sufficient numbers and weight to require consideration. In that case the figures for the provisional allotment of seats must be ~~varied~~ revised accordingly.

(10) At this stage the parties chosen for representation should be asked to recommend names.- it being made quite clear that the PC appoints, not they and that their nominations will not necessarily be accepted.

(11) At this point consideration should be given to the representation of social and economic interests. If the nominations received show a reasonable distribution in this respect, well and good. If not, consult again with the parties selected for representation.

(12) The foregoing is very rough and ready and will dissatisfy most of those concerned. I consider however, that substantial justice would be done.

Capt.

C.G.R.WILLIAMS
Captain
Ass't Exec.Officer

CGRW/

Copy on file ACC/1/6/INT

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

DRAFT

90

TO: Colonel R. G. B. Spicer, Director

FROM: Captain R. R. Temple, Executive Officer

SUBJECT: Political representation on Giunte Comunali.

STATEMENT OF PROBLEM

1. In certain communes some trouble has arisen over the selection of members of the Giunta Comunale with regard to political representation.

2. Instances have appeared where there may be a mere handful of members of a political party who insist on representation on the Giunta, for example, there may be as few as 10 Christian Democrats out of 10,000 people or 10 Communists out of 10,000 people in a commune, and yet these small groups claim political representation on the Giunta.

3. My analysis on and views on the foregoing problem follows:

ANALYSIS

A. Alternative solutions. There are various possible solutions to this problem which may be stated categorically as follows:

1. Each group, regardless of size, should have representation on the Giunta which is a legalised institution.

2. Political representation of each group should be proportionate to the numerical strength of each party.

3. Establishing a quasi-legal institution such as committees of parties, with representative from each party thereon who might be consulted with regard to administrative appointments and also in selection of members of the Giuntas.

4. Each party ~~should~~ have 1 representative on the Giunta but a varying number of votes depending upon the political strength of each party.

B. Discussion of alternative solutions

1. Each group, regardless of size, should have representation on the Giunta which is a legalized institution.

This proposition takes cognisance of a very practical observation, namely, that in view of the fact that there are no elections, it is extremely difficult, if not impossible, to accurately say that there is a stated

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number of members of each party in existence. Furthermore, it should be observed that there are many people who profess to accept the philosophy of a party and yet have not formally registered as a member thereof. This latter group consequently might justifiably insist upon a protagonist of their point of view representing them, or a duly legalized governmental body.

The difficulty, however, in giving equal representation to each party lies in the fact that the size of a Giunta is fixed by law; varying from 2 to 10, depending upon the size of the commune. Therefore, in a commune of, say, 30,000, which according to the law is supposed to have a Giunta of 4 members, it would be impossible to give each of the 7 parties now represented in the national government equal representation. The obvious solution for this dilemma is to increase the size of the Giunta, beginning with the number 7 and increasing it proportionately.

Assuming, however, that equal representation would be given, it might result in the possibility that a very small political party whose members have been fairly accurately measured, would be able to determine with an equality of votes a position that is hardly justifiable by the paucity of ~~MAR~~ adherents to their particular political faith.

In taking one of the examples cited in the statement of the problem, one would find the ~~similar~~ situation there 10 Christian Democrats out of a total population of 10,000 would have an equal voice with, say, a representative of 5,000 adherents of the Labor Democratic Party. This balance of power hardly seems justified.

It should be further pointed out that representatives of particular political groups, when duly constituted members of a governmental body, thereafter not only represent the members of their party, but all people.

That, of course, is a premise which operates in democratic countries such as United States and Great Britain. However, here again one should not be naive enough to believe that the principle is carried out thoroughly.

2. Political representation of each group should be proportionate to it's numerical strength of each party.

This principle is a fundamental one and rests as the basis for the whole theory of proportionate representation. It has provided the scheme of voting in such places as the United States in New York City and Cincinatti and also in such countries as France, Germany, and Switzerland. Theoretically and politically, it is the most ideal system because each group and exercises its influence according to its relative strength and consequently is in no position to unjustifiably influence legislative processes. In carrying out the principle where a Giunta had its size fixed, the situation would be as follows: Suppose there were 4 places to be filled on a Giunta and 75 0/0 of the population is, say, Christian Democrats: then 75 o/o of 4, or 3 members, would represent that party. The 4th place to be filled by the next largest group to the exclusion of the others. In the case mentioned in the statement of the problem where there were 10 Communists in a population of 10,000, no legal representation would be provided for that small group. However, opportunity would be afforded to that group to petition the Giunta and get hearings before it, thus giving voice to its views.

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The difficulty of carrying out this idea is the fact that without free secret elections, there is almost an insurmountable task to determine the relative strength of a party. Much would depend upon the honesty of the Prefect is selecting the members of the Giunta to see that

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representation was had according to political strength.
Officially, the Italian Government has advanced point 2 as its position in the circular issued by the Minister of Interior on 27 April 1944 accompanying the R.D.L. 111 dealing with reorganization of local government. The following language is used:

"These bodies, although not elected by the people, must represent the will of the people. Therefore the Prefects when forming the municipal bodies and the Provincial Deputation will not forget the political composition of the present government and, based on it, the participation of representatives of the various parties in the 2 collegiate bodies forming a local administration. They will consequently chose a smaller or bigger number of representatives, according to the local strength of the different political organizations."

3. Establishing a quasi-legal institution such as committees of parties, with representative from each party thereon who might be consulted with regard to administrative appointments and also [illegible] selection of members of the Giunta.

This 3rd point is in reality a corollary to point 2. The fixed number in the size of the Giunta would not be disturbed, the proportionate number of each body commensurate with its political strength would be represented but yet opportunity would be given to political groups to voice their sentiments. By the use of public forums and press, fairly adequate control over the public which does not contain members from all parties might be had.

4. Each party would have 1 representative on the Giunta but a varying number of votes depending upon the political strength of each party.

This point is obviously a compromise of points 1, 2, and 3. In effect, it recognizes the existence of all groups regardless of their size and gives them legal representation. The first thing that would have to be done would be to increase the size of the Giunta so that its number of members is 7. 1 representative from each party would thereupon be appointed to the Giunta. A rough estimate would have to be made of the relative strength of each party and thereupon each representative could be given a varying number of votes depending upon such strength. For example: If out of a population of 10,000, 5,000 were Communists, a single representative of that party on the Giunta would be given 1/2 of the total number of votes. If there were 1,000 adherents in the commune to the Labor Parties, the single representative of that party would get 1/10 the total number of votes. Each group, however, regardless of the size, would have at least 1 vote, so that as in one of the cases mentioned, the 10 Christians Democrats would have 1 vote in any event.

This method has been used in many countries and is in fact an application of the principle of proportionate representation in the Congress of the United States. In that body, the 435 votes are divided among the states proportionate to the population of each state. As a result of this, New York state had 47 votes (or delegates) and Nevada has 1. However, each state has at least 1 regardless of its size. Recognition is thereby given to the existence of the state, but yet its influence is in direct proportion to its numerical strength. This system obviously is a bit complicated and is therefore difficult to carry out by virtue of the fact that again, it is almost impossible to determine accurately the number of persons belonging to any party without having an election.

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RECOMMENDED SOLUTION

Any recommendation of this sort should be prefaced by the observation that this whole problem is a highly political one fraught with difficulties and implications that might act as a boomerang so far as AMG is concerned, and one which the AOC, let alone the Interior Sub-Commission, should have nothing to do with.

Assuming that the Italian Government would not amend the Royal Decree to enlarge the size of the Giunta (and this is an assumption that we must make) it would seem that solution No.2 would be most practical. It would carry out the principle of any particular group having as much influence as its strength justified. Further, it would advance the proposition that persons, once connected to a governmental body, loose their political aspects and represent the will of all the people.

This method is used with provision made for an opportunity of all political groups to voice their sentiments publicly. The face of the Giunta should take on the political complexion of the various shades of political opinion in the community.

24 June 1944
RTT/jet

R. R. TEMPLE
Captain
Executive Officer
Interior Sub-Commission

0559

Declassified E.O. 12356 Section 3.3/NND No. 785021

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DRAFT

SUBJECT: Giunta Comunali

TO : Executive Officer (Captain P.H. Temple)

1. I am indeed grateful for your masterly analysis of this problem which I think is a highly important one.

2. I have no doubt in my own mind that 2 is the correct solution, since in all its principles it coincides manifestly with the views of the Italian Government.

3. We must on no account try to teach the Italians the way in which they are to govern their own country.

4. To divide itself into 2 heads, therefore:

1. That should be the primary and supervisory counsel given to the Prefect in the selection of the Giunta Comunali by both the PCs and RCs of AMG.

2. In what manner AMG officers should direct their Prefects in the formation of the Giunta Comunali in AMG.

5. I do not think for one moment that the Italian Government will issue any further Royal Decree since it would obviously say it has covered the matter as contained in R.D.L. 111. And there is no doubt the Italian Govt. will resent any implication to the effect that the honesty of their Prefects is to be doubted.

6. I quite see, moreover, the point that it is difficult to estimate the relative strength of the political parties, and this will no doubt have to be based on common sense and on approximate and practical estimates.

7. What I am anxious to do, therefore, is to get out a Memorandum on this point which RC & PG will authorise as an Executive Memorandum to both AMG and AMG Regional Commissioners. It will be required to be worded in straightforward language, and I should omit any reference to comparisons to the U.S. Great Britain, France, Switzerland, or Germany, or opinions as to the ideal system, but merely state in hard words what the system to be followed should be in accordance with your finding solution that 2 is the best, and based more or less on the words of Royal Decree 111 which should be its preamble and then with explanation as to how this should be done and how Prefects of AMG should be advised and how in AMG Territory they should be directed.

0560

Declassified E.O. 12356 Section 3.3/NND No. 785021

89

HQR ITALIAN ZONE,
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

AGO/4/c/Int 29 June 1944.

SUBJECT: Composition of the Deputazione Provinciale

TO : His Excellency Dr. I. Bonomi, Minister of Interior

Your Excellency:

1. I refer to my letter of 13 June on this subject.

2. I had an opportunity of discussing the question further with Dr. SORRENTINO when he came to see me this morning.

3. Dr. Sorrentino agreed that the effect of Art. 8 of R.D.L. 4 April 1944, no. 111, is to fix the number of the Deputazione at 6 "membri effettivi" and 2 "supplenti" for all provinces. He also agreed that the President is in addition to the 6 "deputati", making a total of 7. This answers the questions put in my letter above-mentioned.

4. As I told Dr. Sorrentino, it would be helpful, I think, if the size of this body were enlarged for the following reasons:-

(a) The Deputazione is now of greater importance than it was before the Fascist Regime because
(i) it represents and has the powers of the Consiglio Provinciale which can not at present be revived;
(ii) it appoints the elective members of the Giunta Provinciale Amministrativa.

(b) In many parts of Italian Government territory and before that territory had been returned to the control of the Italian Government, Orders had been made by the Allied Military Government for reconstituting the organs of local administrations. These Orders were made with reference solely to the Testo Unico of 1915 as originally enacted: no account was taken of the amendments made in the Testo by the decrees of 1923 or 1925. Thus there are in existence Deputazioni Provinciali constituted under these AMG Orders which consist of 6 or 10 members. As a result of the language of R.D.L. no. 111 Art. 8, however, some of these members have now to relinquish office. This is causing difficulty.

(c) Representations to the effect are being received from a number of quarters, that is to say, from both Allied officers and Prefects themselves.

143

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Declassified E.O. 12356 Section 3.3/NND No. 785021

89

FOR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

Acc/A/a/int

29 June 1944.

SUBJECT: Composition of the Deputazione Provinciale

TO : His Excellency Dr. I. Bonomi, Minister of Interior

Your Excellency:

1. I refer to my letter of 18 June on this subject.

2. I had an opportunity of discussing the question further with Dr. SORRENTINO when he came to see me this morning.

3. Dr. Sorrentino agreed that the effect of Art. 8 of R.D.L. 4 April 1944, no. 111, is to fix the number of the Deputazione at 6 "membri effettivi" and 2 "supplenti" for all provinces. He also agreed that the Presidente is in addition to the 6 "deputati", making a total of 7. This answers the questions put in my letter above-mentioned.

4. As I told Dr. Sorrentino, it would be helpful, I think, if the size of this body were enlarged for the following reasons:-

(a) The Deputazione is now of greater importance than it was before the Fascist Regime because
(i) it represents and has the powers of the Consiglio Provinciale which can not at present be revived;
(ii) it appoints the elective members of the Giunta Provinciale Amministrativa.

(b) In many parts of Italian Government territory and before that territory had been returned to the control of the Italian Government, Orders had been made by the Allied Military Government for reconstituting the organs of local administrations. These Orders were made with reference solely to the Testo Unico of 1915 as originally enacted: no account was taken of the amendments made in the Testo by the decrees of 1923 or 1925. Thus there are in existence Deputazioni Provinciali constituted under those AMG Orders which consist of 8 or 10 members. As a result of the language of R.D.L. no. 111 Art. 8, however, some of those members have now to relinquish office. This is causing difficulty.

(c) Representations to the effect are being received from a number of quarters, that is to say, from both Allied officers and Prefects themselves.

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5. If Your Excellency agrees that the Deputancies could advantageously be enlarged, would you inform me of your proposals in this respect?

R. G. B. SPICER
Colonel
Director
Interior Sub-Commission

CGRT/jgt

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Declassified E.O. 12356 Section 3.3/NND No. 785021

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/1A/Int 26 June 1944

SUBJECT: The Composition of the Deputazione Provinciale.

TO : RC, Region I

1. Reference is made to your letter of 14 June 1944, file RC/040.

2. The question raised as to the composition of the Deputazione Provinciale is one of legal complexity. It has been submitted to the Italian Government which is now studying the point.

3. Royal Decree No. 111 actually cancels Executive Memorandum No. 39. The latter, therefore, has no legal effect and therefore has no authority.

4. As soon as the position has been cleared you will be accordingly notified.

R. G. B. SPICER
Colonel
Director
Interior Sub-Commission

1202/jgt

1416

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394.

ACC/IA/INT.

13th June, 1944.

SUBJECT: Composition of Deputazione Provinciale.

TO : His Excellency, The Minister of Interior.

Your Excellency,

1. I shall be glad to have your advice as to the proper composition of the Deputazione Provinciale which is now being appointed in each province under R.D.L. of 4 April 1944 No.111.

2. Art. 8 of the above-mentioned R.D.L. states that the composition of the Deputazione Provinciale is regulated by the provisions of the Testo Unico 4 February 1915 No.148 as modified by R.D. 30 December 1923 No.2839. On referring to this R.D. of 1923, I observe that Art.83 of it abrogates Art. 257 of the Testo Unico of 1915 and substitutes for it a new Article. This new Article states that the members of the Deputazione Provinciale are in the number of six.

3. From this it appears to me that the Deputazione now being formed must consist of six members in every province. Any legislation that may have been passed between 1923 and 1944 for altering this number of six is not, it seems, now in force. R.D. No.111 would seem to revive only that portion of past legislation to which it makes direct reference.

4. Do you agree with this statement of the law and, if not, would you please advise me what is the correct position.

5. Another point which is not entirely clear to me relates to the Presidente della Deputazione Provinciale. Is the Presidente included in the above-mentioned number of six or is he an additional member, thus making a total of seven?

R. K. Temple, Capt.
for

R.G.B.SPEDER,
Colonel,
Director,
Interior Sub-Commission.

CC/RGW.

Reminder sent 24/6 see P. 89

0504
Declassified E.O. 12356 Section 3.3/NND No. 778502/

composition of the Deputazione Provinciale which is now being appointed in each province under R.D.L. of 4 April 1944 No.111.

2. Art. 8 of the above-mentioned R.D.L. states that the composition of the Deputazione Provinciale is regulated by the provisions of the Testo Unico 4 February 1915 No.148 as modified by R.D. 30 December 1923 No.2839. On referring to this R.D. of 1923, I observe that Art.83 of it abrogates Art. 247 of the Testo Unico of 1915 and substitutes for it a new Article. This new Article states that the members of the Deputazione Provinciale are in the number of six.

3. From this it appears to me that the Deputazione now being formed must consist of six members in every province. Any legislation that may have been passed between 1923 and 1944 for altering this number of six is not, it seems, now in force. R.D. No.111 would seem to revive only that portion of past legislation to which it makes direct reference.

4. Do you agree with this statement of the law and, if not, would you please advise me what is the correct position.

5. Another point which is not entirely clear to me relates to the Presidente della Deputazione Provinciale. Is the Presidente included in the above-mentioned number of six or is he an additional member, thus making a total of seven?

R. H. Temple, Capt.
for

R.G.B.SPICER,
Colonel,
Director,
Interior Sub-Commission.

CGR/pw.

Reminder sent 29/6 sec P.89

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Interior S.C. 1311

(3)

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

FILE:RC/040

14 June 1944

SUBJECT: Size of Deputazione Provinciale

TO : Executive Commissioner
R.C.& M.G. Section
H.Q. A.C.C. Naples

HEADQUARTERS
16 JUN 1944
A. C. C.

P.83.

Reference ACC/1/A/Int of 9 JUN pointing out that the size of the local government body Deputazione Provinciale shall consist of SIX members with two alternates, in accordance with Royal Decree No 111 of 25 APR 44.

1. May the appropriate amendment be made to para 7(c) of schedule "A" to Executive Memorandum No 39 contained in "Instructions for the Guidance of Officers of the Commission".

2. Schedule A was originally drafted on the basis of the Testo Unico of 1915.

3. It is not clear from above-quoted Interior Sub-Commission letter whether the President is one of the SIX members, or is additional as in Schedule A.

A.M. HANCOCK
Colonel
Regional Commissioner

Copy TO: Interior Sub-Commission ✓

SECTION TO V.C.C.
RECEIVED JUN 13

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Declassified E.O. 12356 Section 3.3/NND No. 785021

RESTRICTED
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/1/N/Int 9 June 1944

SUBJECT: Local Government, Region VII

TO : RC, Region VII
(for attention of Captain Lonnar, PO, Reggio)

1. Several points were raised in the telephone conversation between Captain Lonnar, PO, Reggio, and Captains Temple and Williams of my staff, which I desire to clarify.

2. Executive Memorandum No. 39 is out of date and has been supplanted and replaced by Royal Decree No. 111 (effective April 23, 1944) which is now the governing law as regards Royal Italy.

3. Copies of the English translation of Royal Decree No. 111 together with the Minister of Interior's circular thereon were sent to all regions through RC & RT Section on May 14th.

4. With regard to the size of the Deputazione Provinciale, the Testo Unico of 1915 has been amended by Royal Decree of 1923, No. 2839 and incorporated in the Royal Decree No. 111 under discussion. Accordingly it is provided that there shall be six regular members of that body and two alternates.

R. G. B. SPICER
Colonel
Director
Interior Sub-Commission

RGS/jet

(See p. 8 A)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

[redacted]
[redacted]
[redacted]
[redacted]

9 June 1944

AGI/A/A/Ins

SUBJECT: Sites of Repatriations Provinciale

TO : HQ, Regions I, II, III, V, VI, and VII
HQ & HQ Section

1262 1263 1264 1265 1266 1267 1268

1. For your information and guidance, your attention is requested to the point that the sites of the local governors body, the Repatriate Provinciale, as provided in Royal Decree No. 111 (effective April 15, 1944) shall consist of six members with two alternates.

2. Royal Decree No. 111 incorporates an amendment by Royal Decree of 1941, No. 307 of the Penal Code of 1925 which had originally provided for a membership of six to ten persons depending on the size of the province.

H. C. [redacted]
Colonel
Director
Interior Administration

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1/A. art. 83 - Royal Decree 1923, n. 2839

(82)

art 83. L'articolo 247 della legge è abrogato e sostituito dal seguente:

"I membri della deputazione provinciale sono in numero di sei.

"Saranno pure eletti due membri supplenti per tener luogo dei membri ordinari assenti o legittimamente impediti."

Translation

Art 83 Article 247 of the law is abrogated and substituted by the following:

"The members of the deputazione provinciale are in the number of six.

However two alternate members will be elected to take the place of the ordinary members absent or legitimately prevented (impeded.)

HRT

Declassified E.O. 12356 Section 3.3/NND No. 78 5022

sono in numero di sei.

" Saranno pure eletti due membri supplenti per tener luogo dei membri ordinari assenti o legittimamente impediti."

Translation

Art 83. Article 247 of the law is abrogated and substituted by the following:

" The members of the deputazione provinciale are in the number of six.

However two alternate members will be elected to take the place of the ordinary members absent or legitimately prevented (impeded.)

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RRT

9 June 64

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

8 June 1944

SUBJECT: Local Government, Region VII

TO : Colonel R. G. B. Spicer, Director

NOTE OF TELEPHONE CONVERSATION: Reggio

1. Captain E. T. Lonman, PC, Region VII telephone at 1100 hours this morning. There is a hitch about the composition of the Deputazione Provinciale.

2. He referred to Ex. Mem. No. 39, schedule A, para 7 (c), which states that the D.P. consists of a President plus 10 members - but in provinces with less than 60,000 irhabitants, the numbers are reduced - and the duties and powers are regulated by Law of 1915 Unico Testo which should be consulted for further details.

3. Local Italian officials say this does not conform to R.D.L. No. 111.

4. They say that under R.D.L. No. 111 the composition of the D.P. is regulated by the 1915 text as modified by R.D.L. 1923 - see article 8, of R.D.L. No. 111.

5. They say the unammended 1915 text lays down numbers of the D.P. as follows:

Provinces with population exceeding 600,000 - 10
" " " " 300,000 - 8
" " " of 300,00 or less - 6

(NOTE: we know this to be an accurate statement of the law of 1915)

6. The Italian officials at Reggio also say, however, that the ammending decree of 1923 altered the numbers of D.P. to 6, apparently, for every province no matter the size.

(NOTE: The contents of this Decree of 1923 are not known to me, nor, as far as I know, has it been studied in this Sub-Commission) - Should study RR T re: in regard D.P. list all modifications. Problem and conflict noted, meanwhile, no change

7. Captain Lonman says there is a conflict between the Admin. Instructions and the R.D.L. No. 111 and which is he to follow, please?

8. He says he spoke to Captain Temple on the telephone about this yesterday, and that Capt T. gave him the impression that the Admin. Instructions were the governing document. I said that I could not understand Capt. T's saying this, as in "Royal Italy", the Italian Government's Decrees are the law and if there is a conflict between them abd any of our Exec. Memos. or Admin. Instructions, then the

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Italian Decree must prevail because it is the law of the land.

9. I added that if the Italian officials said that 6 was the correct number of the D.P. according to present Italian law, I thought Captain Lonman could accept their word for it and proceed accordingly.

C. G. R. WILLIAMS
Captain
Ass't Executive Officer
Interior Sub-Commission

CGRW/jgt

Order by Director

I Telephone confirm in writing to A.C. Region all for Capt. Bourquin that A.D. 111 is the governing document.
That is to say Memo. 89 is out of date as regards Royal Italy entirely overruled. replaced by A.D. 111. Instructions to this effect were cabled to all Provinces on May 9th

II Take up with Chiefs of Para 6 of the Ital. Govt. Admin Decree

after copies of the translations from the Chiefs and Councillors of Commissariat have been sent to all Provinces on July 14.

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Colonel.

Turn 2.

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NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/1/A/Int 2 June 1944

SUBJECT: Local Government Organisation

TO : HQ & MG Section

1. With reference to your Ref: 160/54/GA of 23rd May which referred to my ACC/1A/Int of 19th May: I discussed this very briefly with Colonel Fiske and at greater length with Major Talbot.

2. To be concrete in regard to this matter, I, for my part, having inspected the areas personally, can see no reason why it should not be possible to inaugurate Giunte Comunali in such towns as Vasto, Lanciano, and Ortona, at this stage, and as the position clears, to reorganise, similarly, in such areas as certain provinces are cleared, the higher forms of local government, such as the Deputazione Provinciale, and the Giunta Provinciale Amministrativa.

3. I may say that the Commanding Officer of the 8th Army Group appeared to me entirely sympathetic towards the project by stating that in his opinion he was held up by the old clauses contained in the AMGOT bible.

E. K. Wilkie Lt-

E. G. B. MILLER
Colonel
Director
Interior Sub-Commission

ACC/Jct

(20)

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

1258

Ref/160/54/CA 23 May 1944

SUBJECT: Local Government.

TO : Interior Sub-Commission.

P.76.

1. Ref. your ACC/IA/Int of 19 May 44.

2. It is proposed to bring this matter up at the forthcoming Regional Commissioners conference.

Ack

Should require
(1) Rifle
(2) Executive Memorandum book
(3) Knight ~~Bible~~ marked officer required to take with me to Berlin.

for Dorfield White
Major Gen.
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

✓ Mary
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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

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ACC/I/A/IMG

20 May 1944

SUBJECT: Administration of Communes and provinces

TO : PC. Region IV

1. Your R4/461 dated 19 May 1944 refers.

2. 5 more copies of R.D.-L. #111 (English translation) and Minister's circular thereon (English translation) are enclosed.

3. Your para 3 has been noted for future action in similar cases.

for CGHS Capt.
R. G. B. SPICER
Lt Colonel
Director
Interior Sub-Commission

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Encls: as in 2. above
CGRS/jgt

(099)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

1220

20 MAY 1944

CMG/lk

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HEADQUARTERS REGION 4
ALLIED MILITARY GOVERNMENT
A. P. O. 394

TO : Interior Sub-Commission, 19 May 1944
HQ ACC, Rear

SUBJECT : Request for Publications

FILE No.: R4/461

P 72

1. Ref. your ACC/IA/INT. of 14th May 1944.

2. Request that five more copies of English translation of "Royal Decree Law No. III" and English translation of Circular sent by the Minister of Interior to Prefects on same subject, be supplied this HQ.

3. Request also that your distribution to us be increased from 8 to 10 copies, to cover our Provinces and files.

Deputy Regional Commissioner

Adpt
Please with form 3 attn for future cases
20/5/44

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
No. 394.

AOC/INT/ET.

19th May, 1944.

SUBJECT: Local Government.

TO : HQ and MG Section.

1. It has been brought to my notice that there is a reluctance on the part of officers in forward areas to adopt either the implemented Royal Decree No.111, dealing with local government, or Executive Memorandum No.39, in view of General Administrative Instruction No.2, in the 2nd edition of AMGOT Plan, Proclamations and Instructions, (para.5 in particular).

2. Although this is headed "Fascist Officials", the inferences of sub-paras c and d are still being taken as instructions holding up the approved policy of the rehabilitation of local government.

3. Can orders be issued to the SCAOs in command, 5th and 8th Army Groups that the instructions contained in the AMGOT Manual" no longer apply and are replaced by Executive Memorandum No.39 and or Royal Decree No.111.?

R.C.B. SPICER,
Lt.Colonel,
Director,
Interior Sub-Commission.

RCBS/D/w.

(09)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/I/S/Int

18 May 1944

SUBJECT: Administration of Communes and Provinces

TO : FC & HE section

1. Your letter I21/7/C& dated 17 May 1944 refers.

2. Copies of the documents in question have been sent direct to RCs Region VIII and IX, as requested

CGBW/jet

R. G. B. SPICER
Lt Colonel
Director
Interior Sub-Commission

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FEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

f.a
(74)

ACC/I/A/int

18 May 1944

SUBJECT: Administration of Communes and Provinces

TO : MG. Region VIII and MG. Region IX 1075

1. I forward herewith copies of:
(a) an English translation of Royal Decree Law No. 111 dated 19 April, 1944, as to the temporary reform of communal and provincial local governments;
(b) an English translation of the Minister of the Interior's circular dated 27 April 1944 and issued by him to prefects upon (a) above.

2. Copies of these documents have already been sent to MG Regions I - VII inclusive. At the request of MG & RO section they are now sent to you for information.

3. This sub-commission has recommended that the Decree be made applicable to occupied territory.

for Col. Cuff.
R. C. B. SPIGER
Lt Colonel
Director
Interior Sub-Commission

Encls: as in 1 above

CGRM/jat

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(23)

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

Ref/421/7/CA. 17 May 1944.

SUBJECT: Administration of Communes and Provinces.

TO : Admin. Section - For Interior Sub-Commission.

1. Reference your ACC/1A/INT of 14 May 1944.

2. Will you please send copies of the documents enumerated in your letter to Regions VIII and IX for their perusal.

Norman E. Fiske maj.

NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
A.P.O. 394.

14th May, 1944.

ACC/LA/INT.

SUBJECT: Administration of Communes and Provinces.

TO : HQs. through EC & MP Section.

1. There are sent herewith for your information and that of your HQs, copies of :

(a) the English translation of Royal Decree Law No.111 and

(b) the English translation of the circular sent by the Minister of Interior to Prefects in connection with (a).

per R.C.B.SPICER, Capt.
Lt.Colonel,
Director,
Interior Sub-Commission.

RCBS/pcw.

Distribution:

HQ & MP Section	(2)
HQ. Region I	(10)
II	(7)
III	(6)
IV	(8)
V	(11)
VI	(4)
VII	(4)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

(Translation by Interior Sub-Commission, A.C.C. - 10 May 1944)

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ROYAL DECREE - LAW of APRIL 4th, 1944 No. 111

Transitory Rules for the Administration of Communes and Provinces.

VITTORIO EMANUELE III
By Grace of God and by the Will of the Nation
King of Italy

Whereas Art. 18 of the Law of January 19th, 1939, No. 129;
Whereas the Unified Text of the Communal and Provincial Law approved by Royal Decree of March 3rd, 1934, No. 383;
Whereas the Royal Decree Law of October 30th, 1943, No. 2/B;
Having considered that it is necessary to issue transitory rules for the administration of Communes and Provinces while waiting to establish administrative elections;
Considering the state of emergency in consequence of the war;
After having heard the Council of the Ministers;
On the proposal of the Minister of Interior;

WE HAVE DECREED AND WE DECREE:

Art. 1

Each commune has a mayor (Sindaco) and a board of aldermen (Giunta Municipale).
The mayor (Sindaco) and the aldermen (Assessori Municipali) are appointed by the Prefect.
They may be removed by the prefect for not having complied with the duties of their office or for reasons of public order.
Against any measures of removal no appeal is allowed juridically or administratively.

Art. 2

In case of
The mayor (Sindaco), in the absence or inability to appear, is substituted by the alderman, delegated as such (Assessore Delegato), who will be appointed by the decision of the mayor (Sindaco) subject to approval of the Prefect.
The mayor (Sindaco) may, moreover, entrust to the aldermen (Assessori) special duties in connection with the administration of the commune.
The mayor (Sindaco) convokes and presides over the board of aldermen (Giunta Municipale), arranging the matters to be discussed at each meeting, and executes the decisions taken by the board.

Art. 3

The board of alermen (Giunta Municipale) is empowered to deliberate on the matters over which the Unified Text of February 4th, 1915, No. 148, as modified by R.D. of December 30th, 1923, No. 2839, established the authority of the board of aldermen (Giunta Municipale) and of the Communal Council (Consiglio Municipale) without prejudice to the provisions of special laws in force.

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Art. 4

The administration of each province is composed of a President (Presidente) and a Provincial Deputation (Deputazione Provinciale).
The president (Presidente) and the provincial deputies (Deputati Provinciali)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

are appointed by the Prefect. The provisions of Paragraph 3 of Art. 1 apply to them.

Art. 5

The president (Presidente) may appoint a Vice-President (Vice Presidente) from among the provincial deputies (Deputati Provinciali), and he may entrust them with special duties in connection with the administration of the province.

The vice president (Vice Presidente) assists the president (Presidente) and substitutes for him when absent or prevented by a justified reason.

The appointment of the Vice President (Vice Presidente) must be approved by the Prefect. The President (Presidente), moreover, convokes and presides over the Provincial Deputation (Deputazione Provinciale) arranging the matters to be discussed at each meeting, and executes the decisions taken by the Provincial Deputation (Deputazione Provinciale).

Art. 6

The Provincial Deputation (Deputazione Provinciale) is empowered to deliberate on all matters over which the Unified Text of February 4th, 1915, No. 148, as modified by Royal Decree of December 30th, 1923, No. 2839, established the authority of the Provincial Deputation (Deputazione Provinciale) and of the Provincial Council (Consiglio Provinciale), without prejudice to the provisions of the special laws in force.

Art. 7

Besides the cases provided by the Unified Text of February 4th, 1915, No. 148, those persons cannot be appointed to the office of mayor (Sindaco), president (Presidente), alderman (Assessore Comunale), provincial deputy (Deputato Provinciale), or elective member (Membro Elettivo) of the Giunta Provinciale Amministrativa (G.P.A.) who come under any of the provisions of Art. 1 of the Royal Decree of December 28th, 1943, No. 29/B.

Art. 8

The composition, convocation, and functioning of the Board of Aldermen (Giunta Comunale) and of the Provincial Deputation (Deputazione Provinciale) are governed by the provisions of the Unified Text of February 4th, 1915, No. 148, as modified by Royal Decree of December 30th, 1923, No. 2839.

The decisions of the mayor (Sindaco), Board of Aldermen (Giunta Municipale, President (Presidente) and of the Provincial Deputation (Deputazione Provinciale) are subject to the control of legality and of importance conferred on the Organs of the Government by the provisions of the laws in effect.

Art. 9

The Provincial Administrative Board (Giunta Provinciale Amministrativa) is composed of the Prefect or his deputy, who presides, of the Provincial Inspector (Ispettore Provinciale), of the finance superintendent (Intendente di Finanza), of two councillors of the Prefecture (Consiglieri di Prefettura) appointed at the beginning of every year by the Prefect, of the Chief Accountant of the Prefecture (Ragioniere Capo della Prefettura), of four regular members (Membri Effettivi) and two substitute members chosen from among persons expert in juridical, administrative and technical matters, appointed by the decision of the provincial deputation (Deputazione Provinciale), subject to approval of the Prefect.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

The Prefect and the finance superintendent (Intendente di Finanza) respectively designate as substitutes, a councillor of the Prefecture (Consigliere di Prefettura), an official of the accountancy office of the Prefecture, and an official of the Provincial Office of Taxes (Intendenza).

The substitutes do not take part in the meetings of the board unless there is an insufficient number of the regular members in the respective category.

A quorum of five members is sufficient to render valid the decisions of the Giunta Provinciale Amministrativa in administrative session (in sede amministrativa). For an equality of votes, the President's vote prevails.

Art. 10.

The following persons cannot be members of the Giunta Provinciale Amministrativa:

(a) The President, the Vice President and the members of the Provincial Deputation (Deputazione Provinciale);
(b) The Mayors (Sindaci) and the Aldermen (Assessori) of the communes of the province;
(c) Provincial and Communal functionaries and employees as well as accountants and those persons of public institutions of assistance and charity who receive wages or salaries.
(d) Those persons who do not possess the required qualifications for being appointed "Assessore" in conformity to the regulations in force cconcerning the "Corti d'Assise" (Grand Jury).
(e) Relatives up to the second degree of relationship, and relatives of the Provincial tax-collector and tax-receiver in the first degree while he is fulfilling the office of the "Esattoria" and of the "Ricevitoria". (Provincial Administration of Taxes).

Art. 11.

In the case of the dissolution of the Provincial Deputation (Deputazione Provinciale) the elective members of the Giunta Provinciale Amministrativa go out of office but are empowered to act until the appointment of the new members.

The elective members who without justified motive do not attend three consecutive meetings lose their office. The dismissal is resolved by the Giunta itself on the proposal of the President (Presidente) after having heard the interested persons.

The vacancies resulting among the elective members are filled by the senior substitute elective member.

When there are no substitutes left, new ones are appointed by the Deputation (Deputazione).

Art. 12.

To the elective members of the Giunta Provinciale Amministrativa a fee for each meeting attended by them is paid, the amount of which to be determined by Decree of the Minister of Interior.

The respective expenses are charged to the Provincial Administration.

Art. 13.

The regulations of the Unified Text of March 3rd, 1934 No. 383, and subsequent legislation at variance or incompatible with the present decree are abrogated.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

The Prefects will provide for the appointment of the aldermen (Assessori Comunali) and of the Provincial Deputies (Deputati Provinciali) within 60 days that this decree becomes effective.

The Provincial Deputations (Deputazione Provinciali) will provide, within a month after their installation in office, for the appointment of the elective members of the Giunta Provinciale Amministrativa in substitution of the members in office appointed by the Ministry.

Art. 14.

The present Decree which will become effective on the day following its publication in the "Gazzetta Ufficiale del Regno", Special Series, will be presented to the Legislative Assemblies for conversion into law.

The Minister of Interior, the proposer is authorized to present the respective bill of the Law.

We order, to whomsoever concerned, to observe this present decree and to see that it will be observed as a Law of the State.

Dated at Salerno, April 4th, 1944.

VITTORIO EMANUELE

Badoglio - Reale.

Approved:

The Lord Privy Seal (Guardasigilli): Casati.

0586

Declassified E.O. 12356 Section 3.3/NND No. 785021

(70)

(English translation by Interior Sub-Commission ACC, 12 May 1944).

MINISTRY OF THE INTERIOR
Gabinetto.

SALERNO 27 April 1944.

File No. 2139.

To: The High Commissioner for Sicily
The High Commissioner for Sardinia
The Prefects.

SUBJECT: Administration of Communes and Provinces.

The "Official Gazzette" No. 21 of 22 April has published R.D.L. 4 April 1944, No.111, concerning transitory regulations for the administration of Communes and Provinces.

Because of the impossibility to proceed to administrative elections in the present state of war, the above mentioned R.D.L. charges the Prefect with the appointment of new provincial and communal bodies.

These bodies, although not elected by the people, must represent the will of the people.

Therefore, the Prefects when forming the "Municipal Boards", and the "Provincial Deputations", will not forget the political composition of the present government, and base on it the participation of representatives of the various parties in the two collegiate bodies forming the local administration. They will consequently choose a smaller or bigger number of representatives, according to the local efficiency of the different political organisations.

Article 7 of the mentioned R.D.L. prescribes that such elections must not concern whoever is at present in one of the conditions indicated in Article 1 of R.D.L., 28 Dec. 1943, No.29 B, regulating the "Defascistizatione" of the State Administration and of Public Organisations. As already known, the list contained in such article, includes only those who, having belonged to the fascist Party, have obtained the qualification of "Squadristi", "Marcia su Roma", "Sciarpa Littorio" and also some definite categories of "Gerarchi". The minor offices of the fallen Fascist Party - such as the Political Secretaries of towns with less than 50,000 inhabitants and the Chiefs of "Gruppi Rionali" etc. - are not included in such list.

Although the law has not decreed a condition of incapacity in getting public appointments for whoever has occupied the above mentioned offices, the Prefects will abstain of choosing whoever has occupied mainly political positions or has been involved in intense political activity, or whoever, even without having occupied any official position, has committed acts undermining civil liberties or is in general known by the public opinion as a profiteer.

In any case the choice must fall on elements of proved honesty so that the government of local agencies can function to the best interest of the people. 122

THE MINISTER.

F/to Aldisio.

P.C.C.

IL CAPO DI GABINETTO.

0587

Declassified E.O. 12356 Section 3.3/NND No. 785021

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

1A/69

ACC/1A/Int

9 May 1944

SUBJECT: Executive Memorandum #39

TO : RC & MG Section

1. I attach for your information copy cable which was dispatched to Region V at the urgent request of the Legal Sub-Commission.

P. G. B. SPICER
Lt Colonel
Director
Interior Sub-Commission

Encls: as above

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101C

0566

Declassified E.O. 12356 Section 3.3/NND No. 785021

Major White, Adm [illegible] telephoned 1015 hours 9 May 44 (68)
stating that RC & MG had not been informed of the
contents of Cable despatched on 8 May 44 to [illegible]gions V
III and IV - Subject:- Ex Memo No. 39.
Action to be taken.

To Director. T.C.S.

Secret urgent action / Subject

0589

Declassified E.O. 12356 Section 3.3/NND No. 785021

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

67

INTERIOR
ROMS/MBR

7/28 745
2728

MAY 081835B

CONFIDENTIAL

ROUTINE

AGO REAR

AMG REGION 3, AMG REGION 4, AMG REGION 5

EXECUTIVE MEMORANDUM NUMBER THIRTY NINE AND CONCOMITANT APPENDICES ARE OUT OF DATE FD TO AMG REGION THREE CMA AMG REGION FOUR CMA AMG REGION FIVE FROM AGO REAR FROM AG 10201 SUBJECT MGFAR/AFE TO ROYAL DECREE NUMBER ONE HUNDRED AND ELEVEN DEALING WITH THIS SUBJECT HAS BEEN PUBLISHED AND IS BEING IMPLEMENTED TO COVER ALL OCCUPIED ITALY AS FAR AS IT IS POSSIBLE TO APPLY CONDITIONS CONTAINED THEREIN

AUTHENTICATED:

W. J. CHIOCCA
CWO USA
Asst Adj

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DECLASSIFIED ADJ GEN'S OFF GRAF HQ. A.C.S.

120

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

0590

Declassified E.O. 12356 Section 3.3/NND No. 785021

1A/66

FROM: Lt.Colonel R.G.B.SPICER. Interior Sub Commission. 8th May, 1944.

TO: REGIONS V, III and IV for information.

EXECUTIVE MEMORANDUM NUMBER THIRTY NINE AND CONCOMITANT APPENDICES ARE OUT OF DATE AS ROYAL DECREE NUMBER ONE HUNDRED AND SEVEN DEALING WITH THIS SUBJECT HAS BEEN PUBLISHED AND IS BEING IMPLEMENTED TO COVER ALL OCCUPIED ITALY AS FAR AS IT IS POSSIBLE TO APPLY CONDITIONS CONTAINED THEREIN

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO. 394.

AGG/I/A/INT. 8th May, 1944.

SUBJECT: Cable.

TO : A.G.

Will you please despatch the above cable, ROUTINE - CONFIDENTIAL.
Copy to Legal Sub-Commission.

R.G.B. SPICER,
Lt.Colonel,
Director,
Interior Sub-Commission.

RGBS/pgw.

995

0591

Declassified E.O. 12356 Section 3.3/NND No. 785021

(65)

Translation jg.

1109

SUBJECT: Temporary guides for the administration of communes and provinces.

We forward a copy of the Gazzetta Ufficiale which publishes the R.D.L. 4 April 1944, no. 111 relative to the above subject.

We forward also a copy of the circular distributed to the Prefects containing directives for the selection of members of the Giunta Municipale and the Deputazione Provinciale.

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THE MINISTER
/s/ S. Aldisio

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Yours sincerely,

R. C. B. SPICER
Lt Colonel
Director
Interior Sub-Commission

0593

Declassified E.O. 12356 Section 3.3/NND No. 785021

0 1109

Ministero dell'Interno

Salerno, lì 3 Maggio 1944

(64)

N. 2429 Gab.

Risposta alla lettera

N. ..... *del* .....

OGGETTO

Norme transitorie per l'amministrazione dei comuni e delle provincie.-

Alla

COMMISSIONE ALLEATA DI CONTROLLO
- Sottocommissione Interni -
S A L E R N O

Si trasmette un esemplare della Gazzetta Ufficiale che pubblica il R.D.L. 4 Aprile 1944, n.111 relativo all'oggetto.

Si trasmette altresì copia della circolare diramata ai Prefetti contenente direttive per la scelta dei componenti delle Giunte municipali e delle deputazioni provinciali.-

IL MINISTRO

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0594

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Conto corrente con la Posta

SERIE SPECIALE
Anno 85° — Numero 21

GAZZETTA UFFICIALE
DEL REGNO D'ITALIA

PARTE PRIMA — Salerno, sabato 22 aprile 1944 — SI PUBBLICA DI NORMA NEI GIORNI DI MERCOLEDI' E SABATO

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI - SALERNO
AMMINISTRAZIONE PRESSO L'INTENDENZA DI FINANZA DELLA PROVINCIA OVE HA SEDE IL GOVERNO

CONDIZIONI DI ABBONAMENTO

ALLA PARTE PRIMA E SUPPLEMENTI ORDINARI

Nel Regno	Abb. annuo	L. 200	All'Estero	Abb. annuo	L. 400
	» semestrale	» 100		» semestrale	» 200
	» trimestrale	» 50		» trimestrale	» 100
	Un fascicolo	» 4		Un fascicolo	» 8

ALLA PARTE SECONDA

Nel Regno	Abb. annuo	L. 120	All'Estero	Abb. annuo	L. 240
	» semestrale	» 60		» semestrale	» 120
	» trimestrale	» 30		» trimestrale	» 60
	Un fascicolo	» 4		Un fascicolo	» 8

Al solo « BOLLETTINO DELLE ESTRAZIONI » (sorteggio titoli, obbligazioni, cartelle)

Nel Regno	Abbonamento annuo	L. 100	All'Estero — Abbonamento annuo L. 200
	Un fascicolo - Prezzi vari.		Un fascicolo - Prezzi vari raddoppiati

Per gli annunzi da inserire nella « Gazzetta Ufficiale » valgono le norme riportate nella testata della parte seconda

La « Gazzetta Ufficiale » e tutte le altre pubblicazioni ufficiali sono in vendita al pubblico presso i negozi delle Librerie dello Stato e presso le Librerie depositarie di tutti i Capoluoghi delle Provincie del Regno

Le inserzioni nella parte II della « Gazzetta Ufficiale » si ricevono presso l'Intendenza di Finanza della Sede del Governo

I versamenti devono effettuarsi al conto corrente postale n. 13/7412 intestato: Intendenza di Finanza - Amministrazione della Gazzetta Ufficiale - serie speciale.

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LEGGI E DECRETI

REGIO DECRETO LEGGE 4 aprile 1944, n. 111.
Norme transitorie per l'amministrazione dei comuni e delle provincie

VITTORIO EMANUELE III
PER GRAZIA DI DIO E PER VOLONTA' DELLA NAZIONE
RE D'ITALIA

Visto l'art. 18 della legge 19 gennaio 1939, n. 129;

Visto il T. U. della legge comunale e provinciale, approvato con R. decreto 3 marzo 1934, n. 383;

Visto il R. decreto-legge 30 ottobre 1943, n. 2/B;

Considerato che, in attesa di poter indire le elezioni amministrative, occorre dettare norme transitorie per l'amministrazione dei comuni e delle provincie;

Ritenuto che si versa in istato di necessità a causa di guerra;

Sentito il Consiglio dei Ministri;

Sulla proposta del Ministro dell'Interno;

Abbiamo decretato e decretiamo:

Art. 1

Ogni comune ha un sindaco ed una giunta municipale.

Il sindaco e gli assessori municipali sono nominati dal Prefetto.

Essi possono essere revocati dal Prefetto per inadempienza dei doveri d'ufficio o per motivi di ordine pubblico.

Contro i provvedimenti di revoca non è ammesso gravame in sede giurisdizionale o amministrativa.

Art. 2

Il sindaco, in caso di assenza o impedimento, è sostituito dall'assessore delegato, che viene nominato con deliberazione del sindaco approvata dal Prefetto.

Il sindaco, inoltre, può affidare agli assessori speciali incarichi nell'amministrazione del comune.

Il sindaco convoca e presiede la giunta municipale, stabilendo gli affari da trattare nelle singole adunanze, ed esegue le deliberazioni della giunta stessa.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 3

Spetta alla giunta municipale di deliberare sulle materie per le quali nel testo unico 4 febbraio 1915, n. 148, modificato con R. decreto 30 dicembre 1923, n. 2839, era stabilita la competenza della giunta e del consiglio municipale, salvo le disposizioni delle leggi speciali in vigore.

Art. 4

L'amministrazione di ogni provincia è composta da un presidente e da una deputazione provinciale.

Il presidente e i deputati provinciali sono nominati dal Prefetto. Ad essi è applicabile il disposto del terzo comma del precedente articolo 1.

Art. 5

Il presidente può nominare un vice presidente tra i deputati provinciali e affidare agli stessi speciali incarichi nell'amministrazione della provincia.

Il vice-presidente coadiuva il presidente e lo sostituisce in caso di assenza o di legittimo impedimento.

La nomina del vice presidente deve essere approvata dal Prefetto. Il presidente inoltre convoca e presiede la deputazione provinciale, stabilendo gli affari da trattare nelle singole adunanze, ed esegue le deliberazioni della deputazione provinciale.

Art. 6

Spetta alla deputazione provinciale di deliberare su tutte le materie per le quali nel testo unico 4 febbraio 1915, n. 148, modificato con R. decreto 30 dicembre 1923, n. 2839, era stabilita la competenza della deputazione e del consiglio provinciale, salvo le disposizioni delle leggi speciali in vigore.

Art. 7

Oltre i casi previsti dal T. U. 4 febbraio 1915, n. 148, non possono essere nominati all'ufficio di sindaco, presidente, assessore comunale, deputato provinciale o membro elettivo della giunta provinciale amministrativa coloro che si trovano in una delle condizioni di cui all'art. 1 del R. decreto-legge 28 dicembre 1943, n. 29/B.

Art. 8

La composizione, la convocazione e il funzionamento della giunta comunale e della deputazione provinciale sono regolate dalle disposizioni del T. U. 4 febbraio 1915, n. 148, modificato con R. decreto 30 dicembre 1923, n. 2839.

Le deliberazioni del sindaco, della giunta municipale, del presidente e della deputazione provinciale sono soggette ai controlli di legittimità e di merito attribuiti agli organi governativi dalle vigenti disposizioni di legge.

Art. 9

La giunta provinciale amministrativa si compone del Prefetto o di chi ne fa le veci, che la presiede, dell'ispettore provinciale, dell'intendente di finanza, di due consiglieri di prefettura, designati al principio di ogni anno dal Prefetto, del ragioniere capo della Prefettura, di quattro membri effettivi e due supplenti, scelti tra persone esperte in materia giuridica, amministrativa e tecnica e nominati con deliberazione della deputazione provinciale, approvata dal Prefetto.

Il Prefetto e l'intendente di finanza designano rispettivamente come supplenti un consigliere di Prefettura, un funzionario di ragioneria della Prefettura e un funzionario dell'Intendenza.

I supplenti non intervengono alle sedute della giunta, se non quando mancano i membri effettivi della rispettiva categoria.

Per la validità delle deliberazioni della giunta in sede amministrativa è sufficiente l'intervento di cinque membri. A parità di voti prevale il voto del presidente.

Art. 10

Non possono far parte della giunta provinciale amministrativa:

a) il presidente, il vice presidente e i membri della deputazione provinciale;

b) i sindaci e gli assessori dei comuni della provincia;

c) gli stipendiati, i salariati e i contabili delle provincie, dei comuni e delle istituzioni pubbliche di assistenza e beneficenza;

d) coloro che non abbiano i requisiti per la nomina ad assessore a norma del vigente ordinamento delle Corti d'Assise;

e) i parenti fino al secondo grado e gli affini di primo grado con l'esattore o col ricevitore provinciale, durante l'esercizio dell'esattoria o della ricevitoria.

Art. 11

In caso di scioglimento della deputazione provinciale, i membri elettivi della giunta provinciale amministrativa decadono di diritto, restando in carica fino alla nomina dei nuovi membri.

I membri elettivi che non intervengono, senza giustificato motivo, a tre adunanze consecutive decadono dalla carica. La decadenza è pronunziata dalla giunta stessa su proposta del presidente, sentiti gli interessati.

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Alle vacanze che si verificano tra i membri elettivi si provvede sostituendo al titolare cessato il supplente anziano.

Quando siano venuti a mancare tutti i supplenti la deputazione provvede a sostituirli con nuove nomine.

Art. 12

Ai membri elettivi della giunta provinciale amministrativa è corrisposta una medaglia di presenza per ogni seduta, nella misura determinata con decreto del Ministro dell'Interno.

La relativa spesa è a carico dell'Amministrazione provinciale.

Art. 13

Sono abrogate le norme del T. U. 3 marzo 1934, n. 383 e successive disposizioni contrarie o incompatibili con il presente decreto.

I Prefetti provvederanno alla nomina degli assessori comunali e dei deputati provinciali entro 60 giorni dall'entrata in vigore del presente decreto.

Le deputazioni provinciali provvederanno entro un mese dalla data del loro insediamento alla nomina dei membri elettivi della giunta provinciale amministrativa in sostituzione dei membri di nomina ministeriale in carica.

Art. 14

Il presente decreto, che entrerà in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale -, sarà presentato alle Assemblee legislative per la conversione in legge.

Il Ministro dell'Interno, proponente, è autorizzato a presentare il relativo disegno di legge.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dato a Salerno il 4 aprile 1944.

VITTORIO EMANUELE

BADOGLIO - REALE

Visto
Il Guardasigilli: CASATI

DEC. DEL CAPO DEL GOV. 30 dicembre 1943.
Trattamento di missione.

IL CAPO DEL GOVERNO

Visto il R. decreto-legge 2 dicembre 1943, n. 14/B;
Ritenuta la necessità di regolare il trattamento di missione per il personale statale fuori sede in servizio presso le Amministrazioni centrali;

Di concerto con il Sottosegretario di Stato per le Finanze;

Determina:

Le disposizioni di cui all'art. 1 del R. decreto-legge 2 dicembre 1943, n. 14/B troveranno applicazione per tutti i dipendenti statali che si trovino a prestare servizio, fuori della propria residenza ordinaria, presso gli uffici delle Amministrazioni centrali con decorrenza dall'8 settembre 1943.

P. M. 151, 30 dicembre 1943.

BADOGLIO - JUNG

DEC. DEL CAPO DEL GOV. 5 aprile 1944.
Nomina del Commissario della Società Mineraria Carbonifera Sarda.

IL CAPO DEL GOVERNO
PRIMO MINISTRO SEGRETARIO DI STATO

Visto il R. decreto-legge 15 novembre 1943, n. 8/B;
Visto il R. decreto-legge 24 gennaio 1944, n. 20;
Visto l'atto costitutivo della Società Mineraria Carbonifera Sarda, Anonima per azioni con sede in Roma, in data 9 dicembre 1933, rogito notaio Sandrin Bruno;
Ritenuta la necessità di provvedere, in relazione alle presenti contingenze, alla gestione delle sedi secondarie, site nel territorio liberato, della Società predetta;

Decreta:

Art. 1

Il Dott. Ing. Bruno Sanna è nominato Commissario della Società Mineraria Carbonifera Sarda, Anonima per azioni, costituita con atto del 9 dicembre 1933, rogito notaio Sandrin Bruno, per provvedere alla gestione delle sedi secondarie della Società stessa nel territorio liberato fino a quando gli organi centrali di amministrazione non potranno esercitarvi le loro attribuzioni.

Art. 2

Il Commissario ha nel territorio liberato la legale rappresentanza dell'Ente e vi sostituisce gli organi di amministrazione, esercitando tutti i poteri che, ai sensi dell'atto costitutivo, spettano al Presidente, al Consiglio di Amministrazione ed all'Assemblea della Società in relazione alla sua amministrazione.

Art. 3

Con deliberazione del Commissario, soggetta alla preventiva approvazione del Ministro delle Finanze e di quello dell'Industria, del Commercio e del Lavoro, sarà costituito un comitato, le attribuzioni del quale saranno stabilite nella deliberazione anzidetta.

0597

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 4

Il presente decreto sarà pubblicato nella Gazzetta Ufficiale del Regno - serie speciale.

Salerno, 5 aprile 1944.

BADOGLIO

DECRETO MINISTERIALE del 18 marzo 1944.

Norme speciali per le operazioni sui buoni del Tesoro ordinari nei territori dell'Italia liberata.

IL MINISTRO PER LE FINANZE

Visto l'art. 10 della legge 17 giugno 1943, n. 528 che dà facoltà al Ministro per le Finanze di emettere buoni del Tesoro ordinari secondo le norme stabilite con suoi decreti, anche a modificazione, ove occorra, di quelle previste dal Regolamento per la Contabilità Generale dello Stato;

Ritenuta la necessità di dettare norme speciali per le operazioni sui Buoni del Tesoro ordinari da compiere nei territori dell'Italia liberata ove lo stato di guerra impedisce il rifornimento alle Sezioni di R. Tesoreria Provinciale dei titoli definitivi dei buoni stessi, da consegnare agli acquirenti di essi, in luogo della ricevuta provvisoria mod. 49-T.;

Decreta:

Art. 1

Le Filiali dell'Istituto di emissione operanti nei territori dell'Italia liberata sono autorizzate a compiere operazioni di sconto e di anticipazioni sui buoni del Tesoro ordinari rappresentati dalle ricevute provvisorie mod. 49-T., rilasciate dalle Sezioni di R. Tesoreria Provinciale della provincia, ai sensi dell'articolo 1041 delle Istruzioni Generali sui Servizi del Tesoro, agli acquirenti dei buoni medesimi.

Art. 2

Salvo per quanto è disposto col precedente articolo, le ricevute provvisorie mod. 49-T. sostitutive dei buoni del Tesoro ordinari sottoscritti nei territori dell'Italia liberata, non sono girabili.

Il rimborso dei buoni predetti al portatore o di libera disponibilità sarà eseguito alla scadenza dalla stessa Sezione di R. Tesoreria che ha emessa la ricevuta provvisoria mod. 49-T. contro quietanza dell'intestatario da apporsi sulla ricevuta medesima e previo accertamento della sua perfetta corrispondenza con la relativa matrice da cui venne staccata.

Quando invece gli intestatari delle ripetute ricevute non abbiano la libera disponibilità dei buoni da esse rappresentati non si dovrà procedere al rimborso senza alligarvi la copia dell'autorizzazione della Direzione Generale del Tesoro da richiedersi in precedenza.

Art. 3

Le Sezioni di R. Tesoreria Provinciale sono autorizzate a comprendere nella contabilità dei buoni del Tesoro ordinari rimbersati le suddette ricevute provvisorie mod. 49-T. che siano regolarmente quietanzate, annullate e perforate.

Il presente decreto sarà pubblicato nella Gazzetta Ufficiale del Regno — Serie Speciale.

Salerno, 18 marzo 1944.

IL MINISTRO
JUNG

DECRETO MINISTERIALE DEL 19 aprile 1944.

Reiscrizione del Rag. Italo Forti nel ruolo dei revisori ufficiali dei conti.

IL MINISTRO PER LA GRAZIA E GIUSTIZIA

Visto il R. D. L. 24-7-1936, n. 1544, convertito nella legge 3-4-1937, n. 517, e relative norme di attuazione contenute nel R. D. 10-2 1937, n. 228;

Visto il D. M. 22-3-1938, col quale il ragioniere Forti Italo fu nominato revisore ufficiale dei conti ed iscritto nel ruolo relativo;

Visto il D. M. 3-2-1940, col quale fu ordinata la cancellazione dal detto ruolo del rag. Forti perchè appartenente alla razza ebraica;

Visto il R. D. L. 20-1-1944, n. 25, che abroga le leggi razziali;

Ritenuto che, in seguito all'abolizione delle leggi razziali, il rag. Forti ha diritto di essere reiscritto nel ruolo dei revisori dei conti;

Decreta:

Il rag. Italo Forti fu Carlo è reiscritto nel ruolo dei revisori ufficiali dei conti, dal quale fu cancellato con D. M. 3-2-1940.

Il presente decreto sarà pubblicato nella Gazzetta Ufficiale - serie speciale.

Salerno, 19 aprile 1944.

CASATI

TESTI VITTORIO *gerente*

M. Spadafora Linotypografia — Salerno

(63A)

Translation No. 581 - Lt. Gerardo -

Ministry of the Interior

File No. 2139

Salerno, 27th. April, 1944

To: The High Commissioner for Sicily
The High Commissioner for Sardinia
The Prefects.

Subject: Administration of Communes and of Provinces.

The "Official Gazzette" , No.21 of 22 April has published R.D.L., 4 April, 1944, No. 111, concerning transitory regulations for the administration of Communes and Provinces.

Because of the impossibility to proceed to administrative elections in the present moment, the above mentioned R.D.L. charges the Prefects with the appointment of new provincial and communal bodies.

These bodies, although not elected by the people, must represent the will of the people.

Therefore, the Prefects when forming the "Municipal Boards" and the "Provincial Deputations ", will not forget the political composition of the present government and base on it the partecipation of representatives of the various parties to the two collegiate bodies forming the local administration. They will consequently choose a smaller or bigger number of representatives, according to the efficiency of the different political organizations.

Article 7 of the mentioned R.D.L. prescribes that such elections must not concern whoever is at present in one of the conditions

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Declassified E.O. 12356 Section 3.3/NND No. 785021

The Prefects.

Subject: Administration of Communes and of Provinces.

The "Official Gazzette" , No.21 of 22 April has published R.D.L., 4 April, 1944, No. 111, concerning transitory regulations for the administration of Communes and Provinces.

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These bodies, although not elected by the people, must represent the will of the people.

Therefore, the Prefects when forming the "Municipal Boards" and the "Provincial Deputations ", will not forget the political composition of the present government and base on it the partecipation of representatives of the various parties to the two collegiate bodies forming the local administration. They will consequently choose a smaller or bigger number of representatives, according to the efficiency of the different political organizations.

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Article 7 of the mentioned R.D.L. prescribes that such elections must not concern whoever is at present in one of the conditions indicated in Article 1 of R.D.L., 28th. December, 1943, No.29,B, regulating the "defascistizzazione" of the State Administration and of Public Organizations. As already known, the list contained in such article, includes only those who, having belonged to the fascist party, have obtained the qualification of "squadristi", "Marcia su Roma", "sciarpa littorio" and also some definite categories of "gerarchi". The minor offices of the falled Fascist Party - such as the Political Segretaries of towns with less than

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Declassified E.O. 12356 Section 3.3/NND No. 778621

(63B)

50.000 inhabitants and the chiefs of "gruppi rionali", etc, - are not included in such list.

Although the law has not decreed a condition of incapacity in getting public appointments for whoever has occupied the above-mentioned offices, the Prefects will abstain from choosing whoever has occupied mainly political positions or has been involved in intense political activity, or whoever, even without having occupied any official position, has committed acts undermining civil liberties or is generally known by the public opinion as a profiteer.

In any case the choise must fall on elements of proved honesty so that the government of the local agencies can function to the best interest of the people.

The Minister -

Declassified E.O. 12356 Section 3.3/NND No. 778927

0601

Declassified E.O. 12356 Section 3.3/NND No. 785021

Translation No. 181 1/A. 62 Mod 814

Salerno, 27 Aprile 1944

Ministero dell'Interno

Gabinetto

Divisione *Sez.*

Prot. N. 2139 *Allegati*

Al ALTO COMMISSARIO SICILIA
ALTO COMMISSARIO SARDEGNA
ALLE LL.EE. I PREFETTI

Risposta al f.° del
Div. *Sez.* *N.*

OGGETTO Amministrazione Comuni e Provincie.

TIPI A. BUFFA-DONNA - SALERNO

La Gazzetta Ufficiale n.21 del 22 corrente pubblica il R.D.L.4 Aprile 1944,n.111,recante norme transitorie per l'amministrazione dei comuni e delle provincie.

Nella impossibilità di procedere alle elezioni amministrative nell'attuale stato di guerra,dal predetto R.D.L. viene demandato alle EE.LL. la nomina dei nuovi organi dei comuni e delle provincie.

Essi tuttavia dovranno essere,anche senza l'investitura della volontà popolare,l'espressione delle popolazioni che rappresenteranno.

Pertanto le EE.LL. nella ricostituzione delle giunte municipali e delle deputazioni provinciali terranno presente la composizione attuale del Governo e modelleranno su di essa la partecipazione degli esponenti dei vari partiti ai due organi collegiali degli enti locali,scegliendo da ciascuna organizzazione politica un numero maggiore o minore di elementi a seconda della efficienza locale dell'organizzazione stessa.

L'art.7 del citato R.D.L. prevede che non possono essere eletti alle cariche di cui al R.D.L.stesso coloro che si trovano in una delle condizioni indicate nell'Art.I del R.D.L. 28 Dicembre 1943,n.29/B,contenente norme sulla defascistizzazione delle Amministrazioni dello Stato e degli enti pubblici.

Come é noto,nell'elencazione contenuta nel predetto articolo sono compresi solo coloro che,avendo militato nel partito fascista,abbiano conseguito le qualifiche di squadrista,marcia su Roma,sciarpa littorio,nonché determinate categorie di gerarchi,nelle quali non sono incluse le cariche minori del cessato partito fascista,come ad esempio i segretari politici dei centri minori ai 50 mila abitanti,i capi dei gruppi rionali ecc.

Quantunque il legislatore non abbia voluto colpire con una condizione di incapacità a ricoprire cariche pubbliche coloro che hanno tenuto le predette cariche,le EE.LL. si asterranno ugualmente dal prescegliere quelli che abbiano comunque ricoperto incarichi di carattere eminentemente politico o che abbiano svolto particolare attività politica e quelli che, anche senza aver ricoperto cariche di sorta,abbiano compiuto azioni dirette a limitare la libertà altrui o siano additati quali profittatori della

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/./

0602

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pubblica opinione.

In ogni caso, la scelta dovrà cadere su elementi di provata onestà perché nel governo degli enti locali possa essere assicurata la migliore amministrazione della vita pubblica.-

IL MINISTRO
F/to Aldisio

P. C. C.
IL CAPO DI GABINETTO

0603

Declassified E.O. 12356 Section 3.3/NND No. 785021

61A

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

AGC/14/Int 3 May 1944

SUBJECT: Gazzetta Ufficiale, No. 21 of 22 April 1944.

TO : Legal Sub-Commission

re file 23. Page 100

1. Reference your memo AGC/4010/L of 30 April, this sub-Commission recommends that RDL of 4 April 1944, no. 111 "Transitory rules for administration of communes and provinces" be included in the indorsement in Gazzetta Ufficiale.

2. This decree continues the arrangements for provincial and communal government introduced by Regional Order in Region I and which were about to be similarly introduced into Region II at the time those areas were restored.

3. Your letter to the Vice President of 23 February and to me of 7 March (both /4005/L) refer.

4. It is now desired that these provisions on a basis of uniformity be made applicable to occupied territory and the terms thereof adopted where circumstances permit.

R. A. Spicer 4.5.44

R. G. B. SPICER
Lt Colonel
Director
Interior Sub-Commission

94F

(61)

Translation No. 17. - Draft R.D.L. as approved by Council of Ministers - revised in chnical expressions by C.C.R.W.

R.D.L. No.

Temporary provisions regarding the administration of communes and provinces.

VICTOR EMANUEL THE III

By the Grace of God and the Will of the Nation

King of Italy

Whereas Art.18 of the Law of January 19th.,1939 No.129, and

Whereas the codified ~~text~~ text of Communal and Provincial Law, approved by R.D.of March 3rd.1934 No.383; and

Whereas R.D.L.of October 30th.,1943 No.2/B; and

Whereas it is necessary to make temporary provisions for the administration of communes and provinces, while waiting to establish administrative elections; and

Whereas it is deemed necessary on account of the war;

On proposal of the Minister of the Interior;

Having heard the Council of Ministers;

WE HAVE DECREED AND WE DECREE:

Art. 1.

Each commune has a "Sindaco" and a "Giunta Municipale".
The "Sindaco"and the Municipal "Assessori" are nominated by the Prefect.
They may be removed by the Prefect for non-performance of the duties of their office or for reasons of public order.
Against any measures of removal no appeal is admitted in juridical or administrative sense (to a juridical or administrative instance).

Art. 2.

The "Sindaco",when absent or prevented,is substituted by the "assessore" deputed,who is nominated by a decision of the "Sindaco" and approved by the Prefect.
The "Sindaco" may,furthermore,entrast special tasks to the "Assessori" in the administration of the Commune.
The "Sindaco" convokes and presides over the "Giunta Municipale", fixes the agenda of every meeting and executes the decisions made by the "Giunta".

Art.3. 111

It belongs to the "Giunta Municipale" to decide on matters in respect of which,according to the Unified Text of February 4th.1915

Declassified E.O. 12356 Section 3.3/NND No. 778502

Whereas R.D.L.of October 30th.,1943 No.2/B; and

Whereas it is necessary to make temporary provisions for the administration of communes and provinces, while waiting to establish administrative elections; and

Whereas it is deemed necessary on account of the war;

On proposal of the Minister of the Interior;

Having heard the Council of Ministers;

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Art. 2.

The "Sindaco",when absent or prevented,is substituted by the "assessore" deputed,who is nominated by a decision of the "Sindaco" and approved by the Prefect.
The "Sindaco" may,furthermore,entrust special tasks to the "Assessori" in the administration of the Commune.
The "Sindaco" convokes and presides over the "Giunta Municipale", fixes the agenda of every meeting and executes the decisions made by the "Giunta".

Art.3.

111

It belongs to the "Giunta Municipale" to decide on matters in respect of which,according to the Unified Text of February 4th.1915 No.148,as modified by R.D.of December 30th.,1923,No.2839,the competence of the "Giunta Municipale" and the "Consiglio Municipale" was established,without prejudice to the terms of special legislation in force.

Art.4.

The administration of each province is composed of a "presidente" and a provincial deputation.
The "Presidente" and the provincial deputies are nominated by the Prefect.
To them is applicable the provision in para 2 of the preceding Art.2.

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T.O.

Declassified E.O. 12356 Section 3.3/NND No. 778021

Art.5.

The "Presidate" may nominate a "Vice-Presidente" from among the provincial Deputies and entrust to them special tasks in the provincial administration.
The "Vice-Presidente" assists the "Presidente" and substitutes him in cases of absence or when legitimately prevented.
The appointment of the "Vice-Presidente" must be approved by the Prefect.
The "Presidente",furthermore,presides over and convokes the provincial Deputation,fixes the agenda of every meeting,and executes the decisions made by the Provincial Deputation.

Art.6.

It belongs to the Provincial Deputation to decide on all matters in respect of which the competence of the Provincial Council was established by the Unified Text of February 4th.,1915,No.148 as modified by R.D of December 30th.1923,No.2839, without prejudice to the terms of special laws in force.

Art.7.

Apart from the cases provided for in the Unified Text of February 4th.,1915,No.148, there cannot be appointed to the office of "Sindaco","Presidente","Assessore Comunale" or "Deputato Provinciale", anyone who is under any of the conditions mentioned in Art.1 of R.D.L. of December 28th.,1943,No.29/B.

Art.8.

The composition, convocation and functioning of the "Giunta Comunale" and of the "Deputazione Provinciale" are governed by the provisions of the Unified Text of February 4th.,1915,No.148 as modified by R.D.of December 30th.,1923,No.2839.
The decisions of the "Sindaco" the "Giunta Municipale",the "Presidente" and the "Deputazione Provinciale" are subject to the supervision and tutelage conferred on the organs of the government by the provisions of existing laws.

Art.9. 109

The "Giunta Provinciale Amministrativa" is composed of the 110
Prefect or his Deputy,who presides,of the provincial inspector, of the finance superintendent,of two councillors of the prefecture

Declassified E.O. 12356 Section 3.3/NND No. 785021

executes the decisions made by the Provincial Deputation.

Art.6.

It belongs to the Provincial Deputation to decide on all matters in respect of which the competence of the Provincial Council was established by the Unified Text of February 4th.,1915,No.148 as modified by R.D of December 30th.1923,No.2839, without prejudice to the terms of special laws in force.

Art.7.

Apart from the cases provided for in the Unified Text of February 4th.,1915,No.148, there cannot be appointed to the office of "Sindaco","Presidente","Assessore Comunale" or "Deputato Provinciale", anyone who is under any of the conditions mentioned in Art.1 of R.D.L. of December 28th.,1943,No.29/B.

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The composition, convocation and functioning of the "Giunta Comunale" and of the "Deputazione Provinciale" are governed by the provisions of the Unified Text of February 4th.,1915,No.148 as modified by R.D.of December 30th.,1923,No.2839.
The decisions of the "Sindaco" the "Giunta Municipale",the "Presidente" and the "Deputazione Provinciale" are subject to the supervision and tutelage conferred on the organs of the government by the provisions of existing laws.

Art.9. 109

The "Giunta Provinciale Amministrativa" is composed of the 110
Prefect or his Deputy,who presides,of the provincial inspector, of the finance superintendent,of two councillors of the prefecture appointed at the beginning of every year by the Prefect,of the Chief-Accountant of the Prefecture, of four members and two Deputy members,chosen from among persons expert in juridical, administrative and technical matters and appointed by decision of the "Deputazione Provinciale" and approved by the Prefect.
The Prefect and the Superintendent of Finance (Chief of the Provincial Office of taxes) appoint respectively as deputies one councillor of the Prefecture,one official of the accountancy of the Prefecture and one official of the Provincial Office of Taxes (Intendenza di Finanza.)

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The Deputi s are not present at the m etings of the "Giunta" unless there is a shortage of effective members in the respective category.
The presence of five members is sufficient to render valid the decisions of the "Giunta" during an administrative session (in sede amministrativa). At a parity of votes the President's vote prevails.

Art.10.

The following persons cannot be members of the "Giunta Provinciale Amministrativa":

a.) The "Presidente", the "Vice-Presidente" and the members of the "Deputazione Provinciale";
b.) The "Sindaci" and the "Assessori" of the Communes in the Province;
c.) Provincial and Communal functionaries and employees as well as accountants and those of public institutions of assistence and charity who receive wages or salaries.
d.) those persons who do not possess the required qualifications for being appointed "assessore" in conformity to the regulations being effective concerning the "Corti d'Assisi" (Grand Jury).
e.) Parents up to the second degree of relationship and relatives of the Provincial tax-collector and tax-receiver in the first degree while he is performing the office of the "Esattoria and of the "Ricevitoria".(Provincial Administration of Taxes).

Art.11.

In the case of the dissolution of the "Deputazione Provinciale" the elected members of the "Giunta Provinciale Amministrativa" are to be dismissed but remain in office until the appointment of the new members.
The elected members who do not take part without justified motive in three consecutive meetings lose their office.The dismissal is pronounced by the "Giunta" itself on the proposal of the "Presidente" after having heard the interested persons.
The vacancies resulting among the elected members are filled in by the senior deputy elected member.
When there are no deputies left new ones are appointed by the

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Declassified E.O. 12356 Section 3.3/NND No. 778627

Amministrativa":

a.) The "Presidente", the "Vice-Presidente" and the members of the "Deputazione Provinciale";

b.) The "Sindaci" and the "Assessori" of the Communes in the Province;

c.) Provincial and Communal functionaries and employees as well as accountants and those of public institutions of assistance and charity who receive wages or salaries.

d.) those persons who do not possess the required qualifications for being appointed "assessore" in conformity to the regulations being effective concerning the "Corti d'Assisi" (Grand Jury).

e.) Parents up to the second degree of relationship and relatives of the Provincial tax-collector and tax-receiver in the first degree while he is performing the office of the "Scattoria and of the "Ricevitoria".(Provincial Administration of Taxes).

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In the case of the dissolution of the "Deputazione Provinciale" the elected members of the "Giunta Provinciale Amministrativa" are to be dismissed but remain in office until the appointment of the new members.

The elected members who do not take part without justified motive in three consecutive meetings lose their office.The dismissal is pronounced by the "Giunta" itself on the proposal of the "Presidente" after having heard the interested persons. 109

The vacancies resulting among the elected members are filled in by the senior deputy elected member.

When there are no deputies left new ones are appointed by the "Deputazione".

Art.12.

To the elected members of the "Giunta Provinciale Amministrativa" a salary for the presence at each meeting is paid the amount of which will be determined by Decree of the Minister of the Interior.

The respective expenses are charged to the Provincial Administratio

T.O.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art.13.

The provisions of the Unified Text of March 3rd.,1934 No.383 and of the subsequent legislation being at variance and incompatible with the present decree are abrogated.
The Prefects will provide for the appointment of the "Assessori Comunali " and of the "Deputati Provinciali" within 60 days after the present decree having come into force.
The Provincial Deputations will provide,within a month after their entering upon office,for the appointment of the elective members of the "Giunta Provinciale Amministrativa" in substitution of the members in office appointed by the Ministry.

Art.14.

The present decree which will be effective as from the day following that of its publication in the "Gazzetta Ufficiale del Regno",Special Series,will be presented to the Legislative Assemblies for conversion into Law.
The Minister of the Interior,proposing this law,is authorised to submit the respective bill of the Law.
We order,to whomsoever concerned,to observe this present decree and to see that it will be observed as a Law of the State.

Made at Salerno .....

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

NB. -This is a copy of # 59 with the amendments typed in

67/60

TRANSLATION NO. 299 - Interior Sub-Comm. - 28 April 44. - SGT. SORISI.

(COPY)

SALERNO, 3 April 1944

MINISTRY OF THE INTERIOR
Cabinet.

TO: Their Excellencies the Prefects.

File No. 1590

Subject: Provincial Committee and Communal Giunta.

We have been informed that "Giunte Municipali" are in process of formation in many provinces.

We wish to bring to your attention that by means of an enactment approved by the Council of Ministers, regulations are being established for the temporary administration of communes and provinces. These regulations include the setting up of "Debutazioni Provinciale" and Giunte Municipali and also the renewal of the offices of "Sindaco" and of "Presidente della Debutazione Provinciale". We wish to state clearly that the setting-up of the above-mentioned organizations must not proceed until the aforementioned enactment is published.

Your Excellencies may, in the meantime, start to select persons to be members of these organizations, keeping in mind that for the constitution of these bodies the provisions of the Combined Text for Communes and Provinces of 1915 will be brought into force again.

THE MINISTER
/S/ Reale.

PGW

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Declassified E.O. 12356 Section 3.3/NND No. 785021

NB - as typed, this is a copy of #58, made in Interior.

67/59

TRANSLATION NO. 2.. - Interior Sub-Comm. - 28 April 44. - SGT. SORISI.

(COPY)

SALERNO, 3 April 1944

MINISTRY OF THE INTERIOR
Cabinet.

TO: Their Excellencies the Prefects.

File No. 1590

Subject: Provincial Committee and Communal Giunta.

We have been informed that ~~the forming of municipal giunte is in course~~ "Giunte Municipali" are in process of formation in many provinces.

We wish to bring to your attention that by means of ~~provisions now being~~ an enactment readied and approved by the Council of Ministers, regulations are being established for the temporary administration of communes and provinces. These regulations include the setting up of ~~provincial committees~~ and Municipal Giunte, and also the renewal of the offices of ~~mayor~~ and of ~~President~~ of the provincial committee. ~~We request that no forming of~~ the above-mentioned organizations be made until the aforementioned provisions are published.

We wish to state clearly that the setting-up of

Your Excellencies may, in the meantime, start to select persons who shall be members of these organizations, keeping in mind that ~~their selection will proceed under the rules~~ for the constitution of their of the Combined Text for Communes and Provinces, ~~issued~~ of in 1915 will be brought into force again.

THE MINISTER
/S/ Reale.

Copy to Translators Pool for file.

PGW

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N.B - nib amendments on technical matters to C.C.G.R.W.
28/4/44

Translation No. 299 :- Interior/Int-Comm - 28 April 44 - Sec. Sorisi

(COPY)

Selvino, 3 April 1944 67/58

Ministry of the Interior

Cabinet

File No. 1590

Subject: Provincial Committee and Communal Giunta

To Their Excellencies the Prefects

We have been informed that the ~~forming~~ of municipal giunte is in course in many provinces.

We wish to bring to your attention that by means of provisions now being readied and approved by the Council of Ministers, regulations are being established for the temporary administration of communes and provinces. These regulations include the setting up of provincial committees and municipal giunte and also the removal of the offices of mayor and of president of the provincial committee. We request that no forming of the above-mentioned organizations be made until the aforementioned provisions are published.

Your Excellencies may, in the meantime, start to select persons who shall be members of these organizations, keeping in mind that their selection will proceed under the rules of the Combined Text for Communes and Provinces, issued in 1915.

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The Minister

/s/ Reale

Declassified E.O. 12356 Section 3.3/NND No. 778527

grievance is in course in many provinces.

We wish to bring to your attention that by means of provisions now being readied and approved by the Council of Ministers, negotiations are being established for the temporary administration of communes and provinces. These regulations include the setting up of provincial committees and municipal juntas and also the removal of the offices of mayor and of president of the provincial committees. We request that no forming of the above-mentioned organizations be made until the aforementioned provisions are published.

Your Excellencies may, in the meantime, start to select persons who shall be members of these organizations, keeping in mind that their selection will proceed under the rules of the Combined Text for Communes and Provinces, issued in 1915.

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The Minister
/s/ Reale

NOTE: Please let us have a typewritten copy of the above translation, duly numbered, for our files.

Lt. Sorrai

N.B. — This is the original translation of #57.

Declassified E.O. 12356 Section 3.3/NND No. 78 Sor 1

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Declassified E.O. 12356 Section 3.3/NND No. 785021

67/57

MINISTERO DELL'INTERNO
Gabinetto N° 1590

Salerno, 3=4=1944

ALLE LL.EE. I PREFETTI

OGGETTO: Deputazione provinciale e giunta municipale.-

Viene segnalato che in molte province si sta procedendo alla costituzione di giunte municipali.

Nel far presente che con provvedimento approvato dal Consiglio dei Ministri, in corso di perfezionamento vengono stabilite norme per la provvisoria amministrazione dei comuni e delle province, che prevedono la costituzione delle deputazioni provinciali e delle giunte municipali, nonchè il ripristino delle cariche di sindaco e di presidente della deputazione provinciale, si precisa che non dovrà procedersi alla costituzione dei predetti organi collegiali sino a che non sara pubblicato il provvedimento preaccennato.-

Le EE.LL. potranno intanto orientarsi per la scelta delle persone da chiamare a far parte dei collegi stessi, tenendo presente che per la composizione di essi vengono richiamate in vigore le norme del T.U. della legge comunale e provinciale del 1915.

IL MINISTRO
F:to Reale

104

NB – This copy obtained + handed to me by PC Reggio Province at Reggio on 23/4/44.

0616

Declassified E.O. 12356 Section 3.3/NND No. 785021

67/56

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
ADMINISTRATIVE SECTION
APO 394

ACC/67/Int 15 April 1944

SUBJECT: R.D.L. for reform of communal and provincial government

TO : His Excellency, Dr. Reale, Minister of the Interior

Your Excellency:

1. Your courtesy and co-operation in transmitting to me (through It Crotenelli) on 3 March 1944, a copy of the Royal Decree on local government as approved by the Council of Ministers, for our study, was appreciated.

2. I would inform you that the Allied Control Commission will welcome the early enactment of the Decree in the form submitted to us on 31 March.

I have the honour to be,
Your Excellency's obedient servant,

/s/ [illegible]

The Rt. Hon. The Viscount Stansgate
Vice President, Administrative Section

303

779

0617

Declassified E.O. 12356 Section 3.3/NND No. 785021

file

67/55

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

10 April 1944

SUBJECT: Embryo Giunta Comunale in Forward Areas.

TO : Director

FROM : Capt C G R Williams

1. After Lt Lewis' lecture today, on the Giunta Municipale today, Lord Stansgate raised a general discussion. Among other things he asked if any of the officers present had actual experience of setting up such a body and how they had proceeded.

2. Lt Col Norton (A) said that when he was a forward CAO, 5th Army he had set up a similar body in the Commune of SESSA, on the GARIGLIANO. He felt the need of an advisory Committee to be composed of the leading citizens, regardless of their political views so long as they were men of integrity. He first got the Sindaco and the Segretario Comunale to suggest some names. He then got these men to suggest others. He also got the opinion of each man upon the others who had been proposed. He took the 10 who were most highly thought of and constituted them his advisory Committee. This process took him about a week. He first had his 10 "vetted" by FSS and the CC.RR. He found the Committee very helpful. He does not know if his successor continued it.

3. Lt Davenport (A) said that Capt C. Richards (B) the CAO at MONTE SANT' ANGELO (on the Gargano promontory, Province of FOGGIA) had also set up an advisory Committee. He got the Sindaco to select representative men from each class, e.g., landowners, professional men, small farmers, priests, teachers, and agricultural workers. This gave him 60 names. He called these together and had them choose 5 of their number. After screening through the CC.RR., he constituted these 5 his Committee.

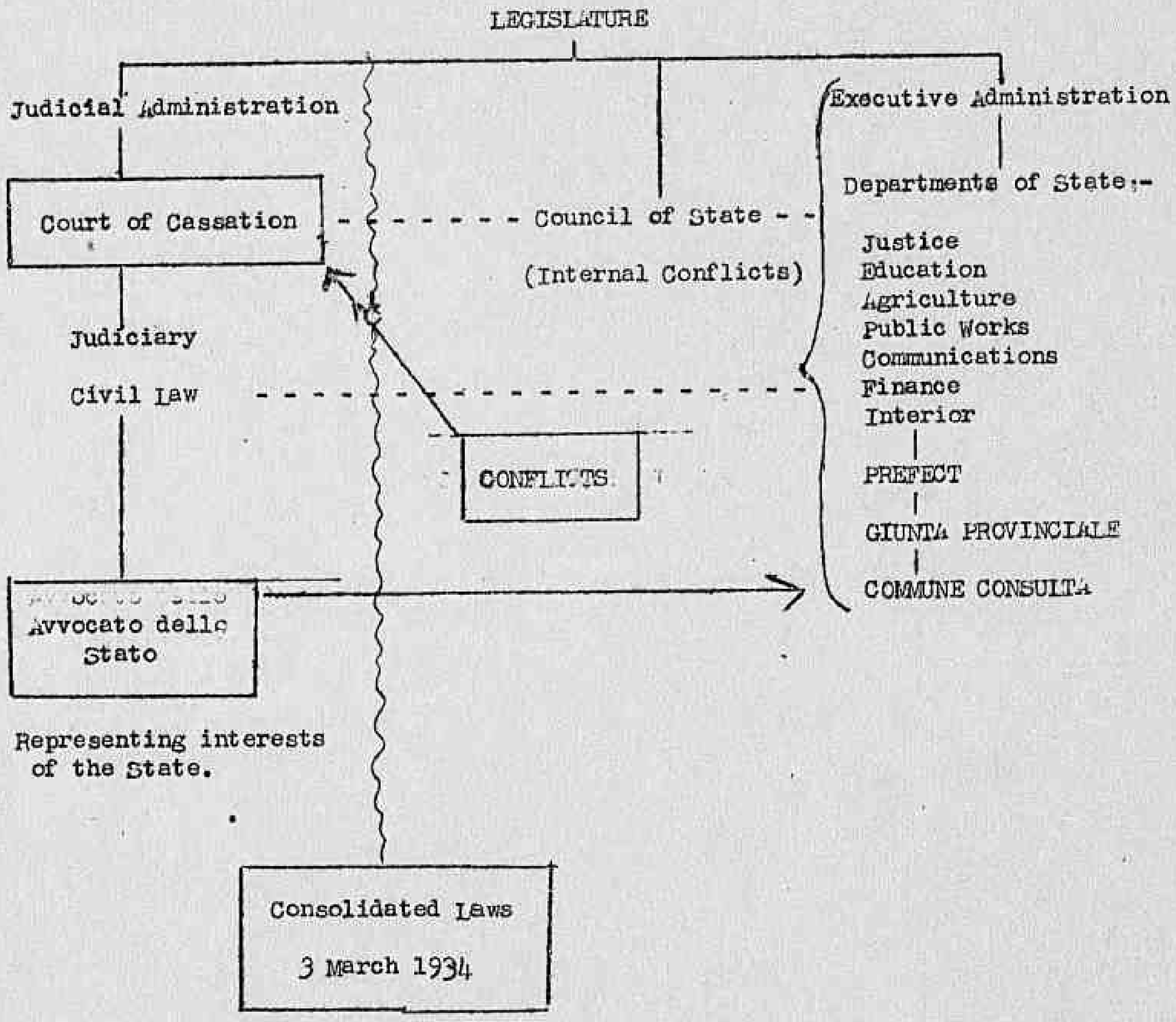
CGR Williams
Capt

9/4/44

0618

Declassified E.O. 12356 Section 3.3/NND No. 785021

67/54



Unclassified E.O. 12356 Section 3.3/NND No. 785021

67/53

FBI/Inspection Service (CA Audit Book -
GOT Admin. UDC

Each bureau has an inspection
Service directly responsible to the
Director. It conducts periodic or
unannounced inspections into
the bureau's and Communications
activities with the Object of ensuring
that the bureau's Services are being
rendered & performed that the Com &
Regulations are strictly complied.
This Service is entrusted to the Custom
Functions vested in the Chief of Inspection

Report covering the inspection Service ~~Records~~
(Restricted)

0520

Declassified E.O. 12356 Section 3.3/NND No. 785021

File 67/52

R. PREFETTURA DI SALERNO

Divisione 2.I N. di prot. .....

Risposta a nota .....

OGGETTO G.P.A. .....

.....

Addì 31.3.944

Al Captain Ralph R.Temple

Palazzo di Giustizia

Salerno

Trasmetto l'acclusa copia dell'ordine del giorno per la seduta della G.P.A.che avrà luogo il I° aprile p.v.,alle ore II.

IL PREFETTO

0621

Declassified E.O. 12356 Section 3.3/NND No. 785021

67/51

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO. 394.

ACC/67/Int. 11th April, 1944.

SUBJECT: Effect of draft R.D.L. on local taxation.

TO : Lt. Col. R.G.B.Spicer.

FROM : Capt. C.G.R.Williams.

1. Nos. 48 and 49 refer.

2. The object of the draft R.D.L. is to reform the structure of Italian Local government by reviving certain of those organs of local administration which were established by the Codified Law of 1915. It is not intended that the R.D.L. should affect in any way the revenues of local authorities.

3. It is stated by Major Hall of Finance Sub Commission that the present taxing powers of local authorities are much wider than those conferred by the Law of 1915. He asks us to verify whether these existing powers as to revenue will be affected by the new R.D.L.

4. In my opinion, the present law as to local taxation will not be affected.

5. The law of 1915 is referred to in the draft R.D.L. in Arts. 5 and 6, which deal with the competence of the "Giunta Municipale" and the "Deputazione Provinciale" respectively. Neither of these articles, in my judgment, have any bearing on the taxing powers of these two bodies.

6. Art. 8 incorporates the provisions of the Law of 1915 as to the composition, convening and functioning of the "Giunta Municipale" and the "Deputazione Provinciale". This clearly does not affect their powers of taxation.

7. The above are the only instances in which the Law of 1915 is expressly revived; nowhere in the draft R.D.L. is it re-enacted as a whole.

8. By Art. 13, only those provisions of the 1934 Codified Law as to local government are abrogated which are contrary to or incompatible with the R.D.L. Any provisions in the 1934 law as to local taxation are not contrary to or incompatible with the new R.D.L.

9. There is therefore no objection to the draft R.D.L. on the ground that it affects the powers of local authorities to raise revenue in accordance with existing law.

C.G.R. Williams Capt.

C.G.R.WILLIAMS,
Captain,
Assistant Executive Officer.
Interior Sub-Commission.

CGRW/pw

98

Copy handed to me by Major Hall. 7.05 hrs. - 11/9/44.

67/50

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Finance Sub-Commission
APO 394

FSCR/57.

10 April 1944.

TO : Chief Legal Officer,
Legal Sub-Commission
(For attention Major Hannaford)

FROM: Finance Sub-Commission - Budget Sub-section.

The opinion of the Legal Sub-Commission is sought on the attached draft Royal Decree, so far as it relates to the existing powers of Communes and Provinces as to the levying of taxes and imposts and the authorisation of expenditures; and to the existing control of Communes and Provinces in financial matters by the Control Commission for Local Finance, or similar body, and/or by the Ministers of Finance and the Interior.

The chief differences between the financial conditions obtaining in 1915 and those of 1934 are:-

(i) The powers to levy sovrimposte was increased in both communes and provinces, first by an increase in rates and finally in 1931 by the introduction of a third limit. The dazio was abolished and the law relating to the impositions of imposte di consumo was extended and unified. T.U. 14 Sept. 1931 No. 1175 and R.D.L. 13 Dec. 1933 No. 1737 (made law 5 Feb. 1934 No. 179) and T.U. (R.D. 3 Mar. 1934 No. 383).

(ii) The formation of the Commission Centrale per Finanza Locale. Communes and Provinces which notwithstanding the imposition of sovrimposte up to the third limit were still unable to balance their budgets were required to submit these to this Commission. The Commission had had powers to authorise Communes and Provinces to increase taxes raise money by loans, etc.

(iii) The general over-riding control of all Communal and Provincial budgets was transferred to the Minister of Finance.

The existing law relating to the administration of Communes and Provinces is T.U. della Legge Comunale e Provinciale (R.D. 3 March 1934 No. 383). The consolidated instructions for local finance are contained in the T.U. per Finanza Locale 14 Sept. 1931 No. 1175. But many of the articles of this latter authority have been transferred into, and superseded by, the T.U. of the Law (R.D. 3 March 1934 No. 383). For example Arts. 23, 24 and 321 of T.U. 14 Sept. 1931 are incorporated into Art. 332 of the R.D. of 3 March 1943 No. 383, and Art. 330 of the T.U. for Finanza Locale is now Art. 330 of the consolidated law (3 March 1934. No. 383).

Opinion is sought therefore as to whether the present draft decree leaves undisturbed -

97

Declassified E.O. 12356 Section 3.3/NND No. 785021

vinces as to the levying of taxes and imposts and the [illegible] of expenditures; and to the existing control of Communes and Provinces in financial matters by the Control Commission for Local Finance, or similar body, and/or by the Ministers of Finance and the Interior.

The chief differences between the financial conditions obtaining in 1915 and those of 1934 are:-

(i) The powers to levy sovrimposte was increased in both communes and provinces, first by an increase in rates and finally in 1931 by the introduction of a third limit. The dazio was abolished and the law relating to the impositions of imposte di consumo was extended and unified. T.U. 14 Sept. 1931 No. 1175 and R.D.L. 13 Dec. 1933 No. 1737 (made law 5 Feb. 1934 No. 178) and T.U. (R.D. 3 Mar. 1934 No. 383).

(ii) The formation of the Commission Centrale per Finanze Locale. Communes and Provinces which notwithstanding the imposition of sovrimposte up to the third limit were still unable to balance their budgets were required to submit these to this Commission. The Commission had had powers to authorise Communes and Provinces to increase these raise money by loans, etc.

(iii) The general over-riding control of all Communal and Provincial budgets was transferred to the Minister of Finance.

The existing law relating to the administration of Communes and Provinces is T.U. della Legge Comunale e Provinciale (R.D. 3 March 1934 No. 383). The consolidated instructions for local finance are contained in the T.U. per Finanze Locale 14 Sept. 1931 No. 1175. But many of the articles of this latter authority have been transferred into, and superseded by, the T.U. of the Law (R.D. 3 March 1934 No. 383). For example Arts. 23, 24 and 321 of T.U. 14 Sept. 1931 are incorporated into Art. 332 of the R.D. of 3 March 1943 No. 383, and Art. 330 of the T.U. for Finanze Locale is now Art. 330 of the consolidated law (3 March 1934. No. 383).

Opinion is sought therefore as to whether the present draft decree leaves undisturbed -

(a) the existing powers of commune and provinces to levy taxation;
(b) the existing control over expenditures by communes and provinces;
(c) the existing financial control over communes and provinces by the Central Commission for Local Finance, or by the Minister of the Interior, and Finance conjointly; or by the Min. of Interior

and in particular whether, notwithstanding the issue of the draft decree the following articles of the Testo Unico della Legge Comunale e Provinciale (R.D. 3 Mar. 1934 No. 383) remain in full force:-

Titolo II Capi 4/6 Articoli 84 to 110
Titolo III Capi 2&4 Articoli 133 to 155
Titolo VI Articoli 251 to 265
Titolo VII Capi 3.5 Articoli 289 to 343.

97

Declassified E.O. 12356 Section 3.3/NND No. 758-22/

TRANSLATION NO. 97 - Draft R.D.L. as approved by Council of Ministers - revised in technical expressions by C. .R.W.

R.D.L. .....N.....

Temporary
~~Provisional~~ provisions regarding the administration of communes and provinces.

VICTOR EMANUEL THE III

By the Grace of God and the Will of the Nation

King of Italy

Whereas art. 18 of the law of 1y January 1934, No. 129, and

Whereas the Codified Law of Communal and Provincal law, approved by R.D. of 3 March 1934, No. 383; and

Whereas R.D.L. of 30 October 1943, No. 2/B; and

Whereas it is necessary to make temporary provisions for the administration of communes and provinces, while waiting to establish administrative elections; and

Whereas it is deemed necessary on account of the war;

On proposal of the Minister of the Interior;

Having heard the Council of Ministers;

WE HAVE DECREED AND WE DECREE

Art. 1

Each commune has a "sindaco" and a municipal "giunta".

The "sindaco" and the municipal "assessori" are nominated by the Prefect.

They may be removed by the Prefect for non-performance of the duties of their office and for reasons of public order.

Against any measures of removal no appeal is admitted to either a judicial or an administrative session.

Art 2.

The "sindaco", when absent or prevented, is substituted by the "assessore" 96 deputed, who is nominated by a decision of the "sindaco" and approved by the Prefect.

The "sindaco" may, furthermore, entrust special tasks to the "assessori" in the

Declassified E.O. 12356 Section 3.3/NND No. 778021

Whereas the Codified Law of Communal and Provincial law, approved by R.D. of 3 March 1934, No. 383; and

Whereas R.D.L. of 30 October 1943, No. 2/3; and

Whereas it is necessary to make temporary provisions for the administration of communes and provinces, while waiting to establish administrative elections; and

Whereas it is deemed necessary on account of the war;

On proposal of the Minister of the Interior;

Having heard the Council of Ministers;

WE HAVE DECREED AND WE DECREE

Art. 1

Each commune has a "sindaco" and a municipal "giunta".

The "sindaco" and the municipal "assessori" are nominated by the Prefect.

They may be removed by the Prefect for non-performance of the duties of their office and for reasons of public order.

Against any measures of removal no appeal is admitted to either a judicial or an administrative session.

Art 2.

The "sindaco", when absent or prevented, is substituted by the "assessore" deputed, who is nominated by a decision of the "sindaco" and approved by the Prefect. 96

The "sindaco" may, furthermore, entrust special tasks to the "assessori" in the administration of the Commune.

The "Sindaco" convokes and presides over the municipal "giunta" fixes the agenda of every meeting and executes the decisions made by the "giunta".

Art. 3

It belongs to the municipal "giunta" to decide on matters in respect of which, according to the codified law of 4 February 1915, No. 148, as modified by R.D. of 30 December, 1923, No. 2839, the competence of the municipal "giunta" and the

5

Declassified E.O. 12356 Section 3.3/NND No. 785021

"consiglio Municipale" was established, without prejudice to the terms of special legislation in force.

Art. 4

The administration of each province is composed of a"presidente" and a provincial deputation.

The "presidente" and the provincial deputies are nominated by the Prefect.

To them is applicable the provision in para. 2 of the preceding art. 2.

Art. 5

The "presidente" may nominate a "vice-presidente" from among the provincial deputies and entrust to them special tasks in the provincial administration.

The "vice-presidente" assists the "presidente" and substitutes him in cases of absence or when legitimately prevented.

The appointments of the "vice-presidente" must be approved by the Prefect.

The "presidente" furthermore presides over and convokes the provincial deputation, fixes the agenda of every meeting, and executes the decisions made by the provincial deputation.

Art. 6

It belongs to the provincial deputation to decide on all matters in respect of which the competence of the provincial council was established by the codified law of 4 February 1915, No. 148 as modified by R.D. of 30 December 1923, No. 2839, without prejudice to the terms of special laws in force.

Art. 7

Apart from the cases provided for in the Codified Law of 4 Feb. 1915, No. 148, there cannot be appointed to the office of "sindaco", "presidente", communal "assessore" or provincial deputy, anyone who is under any of the conditions mentioned in art. 1 of R.D.L. of 28 December 1943, No. 29/B.

95

Art. 8

The composition, convocation and functioning of the communal giunta and of the

Declassified E.O. 12356 Section 3.3/NND No. 778021

To them is applicable the provision in para. 2 of the preceding art. 2.

Art. 5

The "presidente" may nominate a "vice-presidente" from among the provincial deputies and entrust to them special tasks in the provincial administration.

The "vice-presidente" assists the "presidente" and substitutes him in cases of absence or when legitimately prevented.

The appointments of the "vince-presidente" must be approved by the Prefect.

The "presidente" furthermore presides over and convokes the provincial deputation, fixes the agenda of every meeting, and executes the decisions made by the provincial deputation.

Art. 6

It belongs to the provincial deputation to decide on all matters in respect of which the competence of the provincial council was established by the codified law of 4 February 1915, No. 148 as modified by R.D. of 30 December 1923, No. 2839, without prejudice to the terms of special laws in force.

Art. 7

Apart from the cases provided for in the Codified Law of 4 Feb. 1915, No. 148, there cannot be appointed to the office of "sindaco", "presidente", communal "assessore" or provincial deputy, anyone who is under any of the conditions mentioned in art. 1 of R.D.L. of 28 December 1943, No. 29/B.

95

Art. 8

The composition, convocation and functioning of the communal giunta and of the provincial deputation are governed by the provisions of the codified law of 4 Feb. 1915, No. 148 as modified by R.D. of 30 Dec. 1923, No. 2839.

The decisions of the "sindaco", the municipal "giunta", the "presidente" and the provincial deputation are subject to the supervision and tutelage conferred on the organs of the government by the provisions of existing laws.

Declassified E.O. 12356 Section 3.3/NND No. 78502

50 C

Art. 9

The provincial administrative "giunta" is composed of the prefect or his deputy, who presides, of the provincial inspector, of the finance superintendent, of two counsellors of the prefecture appointed at the beginning of every year by the prefect, of the chief-accountant of the prefecture, of four members and two deputy members, chosen from among persons expert in judicial, administrative, and technical matters and appointed by decision of the provincial deputation and approved by the prefect.

The prefect and the superintendent of finance appoint respectively as deputies one counsellor of the prefecture, one officer of the accounts branch of the prefecture accountant and one functionary of the finance "intendenza".

The deputies are not present at the meetings of the "giunta" unless there is a shortage of members in the respective category.

The presence of five members is sufficient to render valid the decisions of the "giunta" during an administrative session. At a parity of votes the President's vote prevails.

Art. 10

The following cannot be members of the Administrative Provincial Giunta:

(a) the "presidente", the "vice-presidente" and the members of the provincial deputation;

(b) the "sindaci" and the "assessori" of communes in the Province;

(c) employees receiving wages or salaries, and accountants of provinces, communes, and public institutions of assistance and charity.

(d) those persons who do not possess the required qualifications to become assessors, under the rules of the Courts of Assize in force.

94

(e) parents up to the second degree of relationship and relations of the provincial tax-collector and tax-receiver, in the first degree, during the process of tax-collecting and tax-receiving.

Declassified per E.O. 12356 Section 3.3/NND No. 785021

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The deputies are not present at the meetings of the "giunta" unless there is a shortage of members in the respective category.

The presence of five members is sufficient to render valid the decisions of the "giunta" during an administrative session. At a parity of votes the President's vote prevails.

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(a) the "presidente", the "vice-presidente" and the members of the provincial deputation;

(b) the "sindaci" and the "assessori" of communes in the Province;

(c) employees receiving wages or salaries, and accountants of provinces, communes, and public institutions of assistance and charity.

(d) those persons who do not possess the required qualifications to become assessors, under the rules of the Courts of Assize in force.

(e) parents up to the second degree of relationship and relations of the provincial tax-collector and tax-receiver, in the first degree, during the process of tax-collecting and tax-receiving.

Art. 11

In the event of the dissolution of the provincial deputation, the electing members of the provincial administrative "giunta" lose their right to sit, but remain in office until the appointment of the new members.

The elective members who do not take part without just cause in three consecutive meetings lose their office. The vacancy is declared by the "giunta" itself on the proposal of the "presidente" and after hearing the parties concerned. The vacancies

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0630

Declassified E.O. 12356 Section 3.3/NND No. 785021

67/48A

Capt. Zerrudachi

May we please have a translation of the answers, as soon as possible?

URGENT

CONFIDENTIAL

Capt.
Interior
Sub-Commission

31/3/44.

Capt. W

Study in detail please capt. new Frontiers directions - fruit orders as regards number of members election on GPA - advise me.

(2) Convert May to March

(3) The duration to be ignored by those army regl reason why it should not be

1.

0631

Declassified E.O. 12356 Section 3.3/NND No. 785021

UNIT _____

* Rank	Full Christian Names & Surname	Personal Number
(a)	(b)	(c)

* In the case of British Officers.

thus resulting [illegible]ng the elective members are fi[illegible]d in by the senior deputy elected member.

When there are no deputies left then new ones are appointed by the deputation.

Art. 12

To the elected members of the provincial administrative "giunta" is issued a medel (medaglia) of presence at each sitting, in the measure determined by decree of the Minister of the Interior.

The expenses so incurred are charged to the Provincial administration.

Art. 13

The provisions of Codified Law of 3 March 1934, No. 383, and subsequent legislation contrary to and incompatible with the present decree are abrogated.

The prefects will provide for the appointment of communal assessors and provincial deputies within 60 days of the promulgation of the present decree.

The provincial deputation will provide, within a month of their entering into office, for the appointment of the elective members of the provincial administrative giunta in substitution of the members in office appointed by the ministry.

Art. 14

The present decree which will be effective as from the day following that of its publication in the Official Gazzette of the Kingdom, specialissue, will be presented to the legislative assemblies for conversion into Law.

The Minister of the Interior proposing this law is authorized to introduce a Bill therefor.

We order, to whomsoever concerned, to observe this present decree and to see that it is observed as/Law of the State.

Given at Salerno 93

Declassified E.O. 12356 Section 3.3/NND No. 785021

TRANSLATION No.137.

Rough Copy.

Translation of #48: 1 draft corrected by CCA/A - Copy to Negro Unit (Bureau) - 9/4/44

clean copy of 11/4/44

67/49

R.D.L.....N.....

Temporary provisions ~~Transient clauses~~ regarding the administration of communes and provinces.

VICTOR EMANUEL THE III

by the Grace of God and the Will of the Nation

King of Italy

Whereas art.[illegible] of the law of 19 January 1939, No.129, and
Whereas the Codified Law of Communal and Provincial law, approved by R.D. of 3 March 1934, No.383; and
Whereas R.D.L. of 30 October 1943, No.2/B; and
Whereas it is necessary to ~~dictate transient clauses~~ make temporary provisions for the administration of communes and provinces, while waiting to establish administrative elections; and
Whereas it is deemed necessary on account of the war;
On proposal of the Minister of the Interior;
Having heard the Council of Ministers;

WE HAVE DECREED AND WE DECREE

Art.1.

Each commune has a "sindaco" and a ~~municipal~~ "giunta" ~~municipale~~
The "sindaco" and the ~~municipal~~ assessors are nominated by the Prefect.
They may be removed ~~revoked~~ by the Prefect for non-performance of the duties of their office and for reasons ~~motives~~ of public order.
Against any measures of removed ~~revocation~~ no appeal ~~pleading~~ is admitted is either a judicial or an ~~jurisdictional or~~ administrative ~~sitting~~ carrier.

Art.2.

The "sindaco", when absent or prevented, is substituted by the "assessore" deputed ~~deputy assessor~~, who is nominated by a decision of the "sindaco" ~~by legislation~~, and approved by the Prefect.
The "sindaco" may, furthermore, entrust special tasks to the assessors"

92

Declassified E.O. 12356 Section 3.3/NND No. 778502

Whereas art.18 of the law of 19 January 1939, No.129, and
Whereas the Codified Law of Communal and Provincial law, approved
by R.D. of 3 March 1934, No.383; and
Whereas R.D.L. of 30 October 1943, No.2/3; and
Whereas it is necessary to ~~dictate provisions about~~ make temporary provisions for the
administration of communes and provinces, while waiting to establish
administrative elections; and
Whereas it is deemed necessary on account of the war;
On proposal of the Minister of the Interior;
Having heard the Council of Ministers;

WE HAVE DECREED AND WE DECREE

Art.1.

Each commune has a "sindaco" and a ~~municipal~~ "giunta" municipale"
The "sindaco" and the ~~municipal~~ assessors are nominated by the
Prefect.
They may be removed ~~revoked~~ by the Prefect for non-performance of the duties
of their office and for reasons ~~motives~~ of public order.
Against any measures of revocation no appeal ~~hindering~~ is admitted in a
judicial or an ~~jurisdictional or~~ administrative ~~sitting~~ session

Art.2.

The "sindaco", when absent or prevented, is substituted by the
"assessore" deputed ~~assessor appointed~~, who is nominated by a decision of the "sindaco" ~~by legislation~~,
and approved by the Prefect.
The "sindaco" may, furthermore, entrust special tasks to the "assessore"
in the administration of the Commune.
The "Sindaco" convokes and presides over the ~~municipal~~ "giunta" municipale"
establishes the agenda of every meeting and executes the decisions
made deemed by the "giunta".

Art.3.

It belongs to the ~~municipal~~ "giunta" municipale to decide ~~legislate~~ on matters in respect
of which, the codified law of 4 February 1915, No.148 as modified by R.D.
of 30 December 1923, No.2839, ~~as regulated~~ established the competence of
the ~~"giunta" municipal~~ "giunta" municipale and the "consiglio municipale" without prejudice to its
~~and council has been established,~~ ~~changes~~

Declassified E.O. 12356 Section 3.3/NND No. 785021

Terms
~~in essence~~ of special legislation in force.

Art.4.

The administration of each province is composed of a "presidente" and by a ~~"deputazione provinciale"~~ "deputazione provinciale".
The "presidente" and the ~~provincial deputies~~ are nominated by the Prefect.
To them is applicable the provision in para.2 of the preceding art.3.

Art.5.

The "presidente" may nominate a "vice-presidente" from among the provincial deputies and entrust to them special tasks in the provincial administration.
The "vice-presidente" assists the "presidente" and substitutes him in cases of absence or when legitimately prevented.
The appointment of the "vice-presidente" must be approved by the Prefect.

The president furthermore presides over and convokes the "deputazione provinciale", ~~fixes~~ the agenda of every meeting and executes the ~~decisions~~ taken by the "deputazione provinciale".

Art.6

It belongs to the "deputazione provinciale" to decide on all matters in respect of which its competence was established by the provincial council, ~~in respect of~~ by the codified law of 4 February 1915, No.148, as modified by R.D. of 30 December 1923, No.2839, without prejudice to the ~~changes~~ of special laws in force.

Art.7.

Apart from special cases provided for in the Codified law of 4 Feb. 1915, No.148, there cannot be appointed to the office of "sindaco", "presidente", ~~assessore, consulente~~, assessore, consulente, or provincial deputy who is under any of the conditions mentioned in art.1 of R.D.L. of 31 December 1943, No.29/B.

Art.8.

Declassified E.O. 12356 Section 3.3/NND No. 785027

Art.5.

The "Presidente" may nominate a "vice-presidente" from among the provincial deputies and entrust to them special tasks in the provincial administration.

The "vice-presidente" assists the "presidente" and substitutes him in cases of absence or when legitimately prevented.

The appointment of the "vice-presidente" must be approved by the Prefect.

The president furthermore presides over and convenes the provinciale "deputazione" and carries out the agenda of every meeting and executes the resolutions taken by the "deputazione" provinciale.

Art.6

It belongs to the "deputazione" provinciale to decide on all matters in respect of which the competence was established by the provincial council, by the codified law of 4 February 1915 No.148 as modified by R.D. of 30 December 1923, No.2839, without prejudice to the provisions of special laws in force.

Art.7.

Apart from special cases provided for in the Codified Law of 4 Feb. 1915, No.148, there cannot be appointed to the office of "sindaco", "presidente", assessore, or provincial deputy who is under any of the conditions mentioned in art.1 of R.D.L. of 31 December 1943, No.29/3.

Art.8.

The composition, convocation and functioning of the municipal "giunta" and of the provincial deputation are governed by the provisions of the codified Law of 4 Feb.1915, No.148 as modified by R.D. of 30 Dec. 1923 No.2839.

The legislation on the "sindaco", the municipal "giunta", the President and the provincial deputation are subject to the supervision and tutelage conferred on the organs of government by the provisions of the existing laws.

Art.9.

Declassified E.O. 12356 Section 3.3/NND No. 778622

Art.9.

The provincial administrative "giunta" is composed of the prefect or his deputy, who presides, of the provincial inspector, of the finance superintendent, of two counsellors of "prefecture" appointed at the beginning of every year by the Prefect, of the chief-accountant of the prefecture, of four members and two deputy members, chosen from among persons expert in juridical, administrative, and technical matters and appointed by decision of the provincial deputation and approved by the prefect.

The prefect and the superintendent of finance appoint respectively as deputies one counsellor of the "prefecture", one officer of the accounts branch of the prefecture ~~accountant "prefetture"~~ and one functionary of the finance "intendenza".

The deputies are not present at the meetings of the "giunta" unless there is a shortage of members in the respective category.

The presence of five members is sufficient to render valid the "giunta" decisions of the "giunta" during an administrative session. At a parity of votes the President's vote prevails.

Art.10.

The following cannot be members of the administrative provincial giunta:

a) the president, the vice-presidents and the members of the provincial deputation;

b) the "sindaci" and the "assessori" of communes in the province;

c) the wages employees receiving wages or salaries and the accountants of the provinces, of the communes, and of the public institutions of assistance and charity.

d) those persons who do not possess the required qualifications to become assessors, under the rules of the existing Courts of Assize in force

e) parents up to the second degree of relationship and/ ~~affins~~ up to the same in the first degree ~~relationship with~~ the provincial tax-collector and tax-receiver, during the process of tax-collecting and tax-receiving.

90

Art.11.

In the event of the dissolution of the provincial deputation, the elective members of the provincial [illegible] lose their [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 778502/

and approved by the prefect.

The prefect and the superintendent of finance appoint respectively as deputies one counsellor of the prefecture, one officer of the accounts bureau of the prefecture, one accountant "prefettizio" accountant and one functionary of the finance "intendenza".

The deputies are not present at the meetings of the "giunta" unless there is a shortage of members in the respective category.

The presence of five members is sufficient to render valid the "giunta" deliberations, even during an administrative session. At a parity of votes the President's vote prevails.

Art.10.

The following cannot be members of the provincial administrative "giunta":

a) the president, the vice-president and the members of the provincial deputation;

b) the "sindaci" and the assessors of communes in the province;

c) employees receiving wages or salaries and accountants of the provinces, communes, and public institutions of assistance and charity.

d) those persons who do not possess the required qualifications to become assessors, under the rules of the existing Courts of Assizes and Air force

e) parents up to the second degree of relationship and/ Military Tribunal to the in the first degree relationship with the provincial tax-collector and tax-receiving during the process of tax-collecting and tax-receiving.

90

Art.11.

In the event of the dissolution of the provincial deputation, the elective members of the provincial administrative "giunta" lose their right to sit, but remain in office until the appointment of the new members.

The elective members who do not take part without just cause in three consecutive meetings lose their office. The vacancy is declared by the "giunta" itself on the proposal of the president, and after hearing the parties concerned. The vacancies resulting among elective members are filled by the senior deputy elected member.

When there are no deputies left then new ones are appointed by the deputation.

Declassified E.O. 12356 Section 3.3/NND No. 778-62/

Art. 12.

To the elected members of the provincial administrative giunta, is issued a ~~token~~ medal (medaglia) of presence at each sitting, in the measure determined by decree of the Minister of the Interior.
The ~~above expenditure~~ expenses so incurred are charged to provincial administration.

Art.13.

The ~~foregoing~~ provisions of Codified Law of 3 March 1934, No.383 and ~~following~~ subsequent ~~acts~~ legislation contrary to and incompatible with the present decree are abrogated.
The prefects will provide for the appointment of communal assessors and provincial deputies within 60 days of the promulgation of the present decree.
The provincial deputations will provide, within a month of their entering into office, for the appointment of the elective members of the provincial administrative giunta in substitution of the members in office appointed by the ministry.

Art.14.

The present decree, which will be effective as from the day following that of its publication in the ~~Kingdom~~ Official Gazette, special issue, will be presented to the legislative assembly for conversion into a Law.
The Minister of the Interior proposing this law is authorized to introduce a Bill therefor.
We order, to whomsoever concerned, to observe this present decree and to see that it is observed as a State Law.

Given at Salerno.....

Translators' Pool: L.S.S.
1/4/44.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Draft R.D.-L. as passed by Council of Ministers } — Handed to Duveen by Dr. Gostanelli – 31/3/44.

A 67/48

R.D.L..... .....

Norme transitorie per l'amministrazione dei comuni e delle province-

VITTORIO EMANUELE III°

per grazia di Dio e per volontà della Nazione

R E D' I T A L I A

Visto l'art.I8 della legge I9 gennaio I939,n.I29;

Visto il T.U. della legge comunale e provinciale,approvato con R.D.3 marzo I934,n.383;

Visto il R.D.L.30 ottobre I943,n.2/B;

Visto che,in attesa di poter indire le elezioni amministrative,occorre dettare norme transitorie per l'amministrazione dei comuni e delle pro vince;

Ritenuto che si versa in stato di necessità a causa di guerra;

Su proposta del Ministro dell'Interno;

Sentito il Consiglio dei Ministri;

ABBIAMO DECRETATO E DECRETIAMO:

Art.I°

Ogni comune ha un sindaco ed una giunta municipale.

Il sindaco e gli assessori municipali sono nominati dal Prefetto.

Essi possono essere revocati dal Prefetto per inadempienza dei dove_ ri d'ufficio o per motivi di ordine pubblico.

Contro i provvedimenti di revoca non è ammesso gravame in sede giu- risdizionale o amministrative.

Art.2°

Il sindaco,in caso di assenza o impedimento,è sostituito dall'assesso_ re delegato,che viene nominato con deliberazione del sindaco,approva- ta dal Prefetto.

Il sindaco,inoltre,può affidare agli assessori speciali incarichi nel_ l'amministrazione del Comune.

88

Il Sindaco convoca e presiede la giunta municipale,stabilendo gli affari da trattare nelle singole adunanze ed esegue le deliberazioni

Declassified E.O. 12356 Section 3.3/NND No. 78527

Visto il T.U. della legge comunale e provinciale,approvato con R.D.3 marzo 1934,n.383;

Visto il R.D.L.30 ottobre 1943,n.2/B;

Visto che,in attesa di poter indire le elezioni amministrative,occorre dettare norme transitorie per l'amministrazione dei comuni e delle province;

Ritenuto che si versa in stato di necessità a causa di guerra;

Su proposta del Ministro dell'Interno;

Sentito il Consiglio dei Ministri;

ABBIAMO DECRETATO E DECRETIAMO:

Art.1°

Ogni comune ha un sindaco ed una giunta municipale.

Il sindaco e gli assessori municipali sono nominati dal Prefetto.

Essi possono essere revocati dal Prefetto per inadempienza dei doveri d'ufficio o per motivi di ordine pubblico.

Contro i provvedimenti di revoca non è ammesso gravame in sede giurisdizionale o amministrativa.

Art.2°

Il sindaco,in caso di assenza o impedimento,è sostituito dall'assessore delegato,che viene nominato con deliberazione del sindaco,approvata dal Prefetto.

Il sindaco,inoltre,può affidare agli assessori speciali incarichi nell'amministrazione del Comune.

88

Il Sindaco convoca e presiede la giunta municipale,stabilendo gli affari da trattare nelle singole adunanze ed esegue le deliberazioni della giunta stessa.

Art.3°

Spetta alla giunta municipale di deliberare sulle materie per le quali nel testo unico 4 febbraio 1915,n.148,modificata con R.D.30 dicembre 1923,n.2839,era stabilita la competenza della giunta e del consiglio municipale,salvo le disposizioni delle leggi speciali in vigore.

0641

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art.4

L'amministrazione di ogni provincia è composta da un presidente e da una deputazione provinciale.

Il presidente e i deputati provinciali sono nominati dal Prefetto.

Ad essi è applicabile il disposto del secondo comma del precedente articolo 2.

Art.5°

Il Presidente può nominare un vice presidente tra i deputati provinciali e affidare agli stessi speciali incarichi nell'amministrazione della provincia.

Il vice-presidente coadiuva il presidente e lo sostituisce in caso di assenza o di legittimo impedimento.

La nomina del vice presidente deve essere approvata dal Prefetto.

Il presidente inoltre convoca e presiede la deputazione provinciale, stabilendo gli affari da trattare nelle singole adunanze ed eseguc le deliberazioni della deputazione provinciale.

Art.6°

Spetta alla deputazione provinciale di deliberare su tutte le materie per le quali nel testo unico 4 febbraio 1915,n.148,modificata con R.D. 30 dicembre 1923,n.2839,era stabilita la competenza della deputazione e del consiglio provinciale,salvo le disposizioni delle leggi speciali in vigore.

Art.7°

Oltre i casi previsti dal Testo Unico 4 febbraio 1915,n.148, non possono essere nominati all'ufficio di sindaco,presidente,assessore comunale o deputato provinciale coloro che si trovano immuna delle condizioni di cui all'art.1 del R.D.L.28 dicembre 1943,n.29/B.

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Art.8°

La composizione,la convocazione e il funzionamento della giunta comunale e della deputazione provinciale sono regolate dalle disposizioni del testo unico 4 febbraio 1915,n.148,modificata con R.D.30 dicembre

0642

Declassified E.O. 12356 Section 3.3/NND No. 775021

ticolo 2.

Art.5°

Il Presidente può nominare un vice presidente tra i deputati provinciali e affidare agli stessi speciali incarichi nell'amministrazione della provincia.

Il vice-presidente coadiuva il presidente e lo sostituisce in caso di assenza o di legittimo impedimento.

La nomina del vice-presidente deve essere approvata dal Prefetto.

Il presidente inoltre convoca e presiede la deputazione provinciale, stabilendo gli affari da trattare nelle singole adunanze ed esegue le deliberazioni della deputazione provinciale.

Art.6°

Spetta alla deputazione provinciale di deliberare su tutte le materie per le quali nel testo unico 4 febbraio 1915,n.148,modificata con R.D. 30 dicembre 1923,n.2839,era stabilita la competenza della deputazione e del consiglio provinciale,salvo le disposizioni delle leggi speciali in vigore.

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Oltre i casi previsti dal Testo Unico 4 febbraio 1915,n.148,non possono essere nominati all'ufficio di sindaco,presidente,assessore comunale e deputato provinciale coloro che si trovano immuni delle condizioni di cui all'art.1 del R.D.L.28 dicembre 1943,n.29/B.

87

Art.8°

La composizione,la convocazione e il funzionamento della giunta comunale e della deputazione provinciale sono regolate dalle disposizioni del testo unico 4 febbraio 1915,n.148,modificata con R.D.30 dicembre 1923,n.2839.

Le deliberazioni del sindaco,della giunta municipale,del presidente e della deputazione provinciale sono soggette alla vigilanza e tutela attribuita agli organi governativi dalle viganti disposizioni di legge.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Art.9°

La Giunta Provinciale Amministrativa si compone del Prefetto o di chi ne fa le veci,che la presiede,dell'ispettore provinciale,dell'intendente di finanza,di due consiglieri di prefettura,designati,al principio di ogni anno dal Prefetto,dal ragioniere capo della Prefettura,di quattro membri effettivi e due supplenti,scelti tra persone esperte in materia giuridica,amministrativa e tecnica e nominati con deliberazione della deputazione provinciale,approvata dal Prefetto.

Il prefetto e l'intendente di finanza designano rispettivamente come supplenti un consigliere di Prefettura,un funzionario di ragioneria della Prefettura e un funzionario dell'Intendenza.

I supplenti non intervengono alle sedute della Giunta,se non quando mancano i membri effettivi della rispettiva categoria.

Per la validità delle deliberazioni della Giunta in sede amministrativa è sufficiente l'intervento di cinque membri.A parità di voti prevale il voto del Presidente.

Art.IO

Non possono far parte della Giunta Provinciale Amministrativa:

a)Il presidente,il vice presidente e i membri della deputazione provinciale;

b)i sindaci e gli assessori dei comuni della provincia;

c)gli stipendiati,i salariati e i contabili delle province,dei comuni e delle istituzioni pubbliche di assistenza e beneficenza.

d)coloro che non abbiano i requisiti per la nomina ad assessore, a norma del vigente ordinamento delle Corti d'assisi.

e)i parenti fino al secondo grado e gli affini di primo grado con l'esattore o col ricevitore provinciale,durante l'esercizio dell'esattoria o della ricevitoria.

86

Art.II

In caso di scioglimento della deputazione provinciale,i membri elettivi della Giunta Provinciale Amministrativa decadono di diritto,re-

Declassified E.O. 12356 Section 3.3/NND No. 778502

tro membri effettivi e due supplenti,scelti tra persone esperte in materia giuridica,amministrativa e tecnica e nominati con deliberazione della deputazione provinciale,approvata dal Prefetto.
Il prefetto e l'intendente di finanza designano rispettivamente come supplenti un consigliere di Prefettura,un funzionario di ragioneria della Prefettura e un funzionario dell'Intendenza.
I supplenti non intervengono alle sedute della Giunta,se non quando mancano i membri effettivi della rispettiva categoria.
Per la validità delle deliberazioni della Giunta in sede amministrativa è sufficiente l'intervento di cinque membri. A parità di voti prevale il voto del Presidente.

Art.IO

Non possono far parte della Giunta Provinciale Amministrativa:
a)Il presidente,il vice presidente e i membri della deputazione provinciale;
b)i sindaci e gli assessori dei comuni della provincia;
c)gli stipendiati,i salariati e i contabili delle province,dei comuni e delle istituzioni pubbliche di assistenza e beneficenza.
d)coloro che non abbiano i requisiti per la nomina ad assessore,a norma del vigente ordinamento delle Corti d'Assisi.
e)i parenti fino al secondo grado e gli affini di primo grado con l'esattore o col ricevitore provinciale,durante l'esercizio dell'esattoria o della ricevitoria.

86

Art.II

In caso di scioglimento della deputazione provinciale,i membri elettivi della Giunta Provinciale Amministrativa decadono di diritto,restando in carica fino alla nomina dei nuovi membri.
I membri elettivi che non intervengono,senza giustificato motivo,a tre adunanze consecutive decadono dalla carica. La decadenza è pronunciata dalla Giunta stessa su proposta del presidente,sentiti gli interessati.
Alle vacanze che si verificano tra i membri elettivi si provvede so-

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stituendo al titolare cessato il supplente anziano.
Quando siano venuti a mancare tutti i supplenti la deputazione provve_
de a sostituirli con nuove nomine.

Art.12

Ai membri elettivi della Giunta Provinciale Amministrativa è corrispo-
sta una medaglia di presenza per ogni seduta,nella misura determinata
con decreto del Ministero dell'Interno.
La relative spesa è a carico dell'Amministrazione provinciale.

Art.13

Sono abrogate le norme del T.U.3 marzo 1943,n.383 e successive dispo-
sizioni contrarie e incompatibili con il presente decreto.
I Prefetti provvederanno alla nomina degli assessori comunali e dei
deputati provinciali entro 60 giorni dall'entrata in vigore del pre-
sente decreto.
Le deputazioni provinciali provvederanno entro un mese dalla data del
loro insediamento alla nomina dei membri elettivi della Giunta provin_
ciale amministrativa in sostituzione dei membri di nomina ministeria-
le in carica.

Art.14

Il presente decreto che entrerà in vigore il giorno successivo a quel_
lo della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie
speciale - sarà presentato alle assemblee legislative per la conver-
sione in legge.
Il Ministro dell'Interno,proponente,è autorizzato a presentare il re-
lativo disegno di legge.
Ordiniamo,a chiunque spetti,di osservare il presente decreto e di fa_
lo osservare come legge dello Stato.

Dato a Salerno.....

85

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0647

Declassified E.O. 12356 Section 3.3/NND No. 785021

67/167

The communes shall be administered by a Sindaco and Giunta Municipale until the end of the war or until the Legislative Assemblies shall have provided, in conjunction with the Chief of the State, for new legislature.

- - - -

The above is Major Hannaford's draft of the wording for Art. 1 of the R. D. -L. - see Minute (5) - prepared by him in my presence this afternoon.

29/3/1944 C. G. R. W.

0648

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67/46

~~written~~
drawn

The commission shall be dissolved ~~with~~ by a resolution
+ [illegible] principle
the end of the war or until the
~~power to propose laws of the present~~
legislative mandate shall have terminated
in agreement with the Chief of the State
for new legislature ~~which~~
~~through the normal constitutional channels~~
~~by the Chief of the State~~

The above is Major Hammerford's draft of the wording for Art. 1. of the R. D.-L. — see Annex (5) — prepared by him in my presence this afternoon.

29/3/1944

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Declassified E.O. 12356 Section 3.3/NND No. 785021

MISCELLANEOUS SECTION

File No. Date

~~4419 - 1 - 22/11/43~~

✓ 4419 - 2 - 27/4/43

✓ 4419 - 4 - 26/1/44 Copy required

4642 - 3) - 26/12/43 Copy required

~~4642 - 24 - 27/1/44~~

✓ 4642 - 27 - 30/12/43

✓ 4082/1 24, 28 & 29A - 30 Dec 43 & 2nd Feb 44

✓ 4089 - 18 - Exc. Memo 18

4016 ——— 5 (Memo 44 (31/12/44/CA)

D 6 5 0

Declassified E.O. 12356 Section 3.3/NND No. 785021

67/45

Subject: Prefetto - Ispettore

Circolare del Ministero dell'Interno ai Prefetti del 24/3/26 n.15800-15:

. . . . la funzione ispettiva e' di pura e semplice vigilanza, non di sostituzione. Gli Ispettori dovranno limitarsi alla constatazione dei fatti ed a dare - se del caso - le opportune istruzioni agli amministratori facendo inoltre le necessarie segnalazioni ai Prefetti per i provvedimenti che, nella loro competenza crederanno di adottare.

Translation

Subject: Prefect - Inspector

Circular from Ministry of Interior to Prefects, dated 24/3/26 No. 15800-15:

. . . . the inspecting function is one of pure and simple watchfulness, not one of substitution. Inspectors willhave to restrict themselves to verify facts only, and if necessary, they will instruct Administrators accordingly and report to Prefects, giving them a necessary picture of the facts and of the measures which they consider should be adopted.

Adjt
File the Architecture in Local Govt
Organization L.C. H. Hurl
15

82 3

67/44

LAW OF 1915	FASCISM
Communal Council (Councillors) (Consiglio Comunale)(Consiglieri)	Council (Consulta)
Municipal Executive Committee (Assessors) (Giunta Municipale) (Assessori)	-
Mayor (Sindaco)	Mayor (Podesta')
Provincial Administration	
Provincial Council	Rettorato (Council)
Provincial Deputation	-
President (Presidente)	President (Preside)

Office of the Prefect (Prefettura)
Governmental Organ of Control.

Prefect

Provincial Administrative Board
(Giunta Provinciale Amministrativa)

Council of the Prefecture
(Consiglio di Prefettura)

- - - - -

The Communal Council was nominated of the people by election.

The Municipal Council (Giunta Municipale) was nominated by the Council from the Councillors.

The Mayor (Sindaco) was nominated by the Council by secret ballot.

The Mayor (Podesta') was nominated by Royal Decree.

The Council (Consulta) was nominated of the Prefect at the proposal of the Municipal officials in conformity with the Provincial Chief of the Party (Federale). La Consulta (Council) has consultative functions contrary to the Consiglio Comunale (Communal Council) and the Giunta Municipale (Municipal Executive Committee) which had deliberative functions.

- - - -

The Provincial Council was nominated by the people by election.
The Provincial Deputation was nominated by the Provincial Council out of the Councillors.

The President (preside) was nominated by Royal Decree.
The Rettorato (Council) was nominated by the Minister of Interior by Royal Decree, and was composed of 5 or 7 members proposed by the Prefect.

- - - -

81

The meetings of the Communal Council and of the Provincial Council were public except in cases where, by express resolution

Since Fascism the Giunta Provinciale amministrativa (Provincial Administrative Board) was composed of members by

Declassified E.O. 12356 Section 3.3/NND No. 778502

Office of the Prefect (Prefettura)
Governmental Organ of Control.

Prefect

Provincial Administrative Board
(Giunta Provinciale Amministrativa)

Council of the Prefecture
(Consiglio di Prefettura)

- - - - -

The Communal Council was nominated of the people by election.

The Municipal Council (Giunta Municipale) was nominated by the Council from the Councillors.

The Mayor (Sindaco) was nominated by the Council by secret ballot.

The Mayor (Podesta') was nominated by Royal Decree.

The Council (Consulta) was nominated of the Prefect at the proposal of the Municipal officials in conformity with the Provincial Chief of the Party (Federale). La Consulta (Council) has consultative functions contrary to the Consiglio Comunale (Communal Council) and the Giunta Municipale (Municipal Executive Committee) which had deliberative functions.

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The President (preside) was nominated by Royal Decree.
The Rettorato (Council) was nominated by the Minister of Interior by Royal Decree, and was composed of 5 or 7 members proposed by the Prefect.

- - - -

81

The meetings of the Communal Council and of the Provincial Council were public except in cases where, by express resolution it was decided otherwise and in cases where the question related to particular persons.
The meetings of the Giunta Municipale (Municipal Executive Committee) and of the Provincial Deputation were secret.

Since Fascism the Giunta Provinciale amministrativa (Provincial Administrative Board) was composed of members by by virtue of their official position and of members designated by the Party.
The official members were:
a. Two councillors of the Office of the Prefect and two other substitutes.
b. The Ragioniere Capo (Head Accountant of the Office of the Prefect)
c. The Chief of the Intendenza di Finanza (Intendent of Finance)(taxes)
d. The Head Accountant (Ragioniere Capo) of the Office of the Intendant of Finance (Intendenza di Finanza).

S

Declassified E.O. 12356 Section 3.3/NND No. 778021

0653

Declassified E.O. 12356 Section 3.3/NND No. 785021

573

Translation by j.t

67/43

Ministry of Interior

No. 1112/GAB

Salerno, 14 March 1944

P. 40

In answer to: 67/Int of 10 March

SUBJECT: Communal and Provincial Organization reform

TO : Allied Control Commission
Interior Sub-commission

Salerno

P. 40

In thanking you for the courtesy extended to me by the above-mentioned letter, I am very happy to honour the request of that Commission and have provided that for the expression "For the duration of the state of war", be substutited by "until new legislative provisions".

I have had to use that wording because in the Italian constitutional legislation, the Chambers (Parliament and Senate) and the Chief of State concur in the formation of laws. It is, as a whole, fully comprehensive as the one suggested by that Commission.

I will transmit the actual text of law as soon as it is approved by the Consigli dei Ministri and signed by the Chief of State.

THE MINISTER

/s/ Scale

80

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Interior
15 MAR 1944 1862
67/42

Ministero dell'Interno

N. 1112/GAB. Salerno, lì 14 marzo 1944

Risposta alla lettera

N. 67/INT. *del* 10 corr.

OGGETTO

Riforma organi comuni e province
r

Alla COMMISSIONE ALLEATA di CONTROLLO
Sottocommissione Interni

S A L E R N O

Nel ringraziare per quanto cortesemente comunicatomi con la nota sopradistinta, sono ben lieto di accogliere la richiesta di codesta Commissione e ho disposto che alla dizione "Per la durata dello stato di guerra" sia sostituita l'altra "Fino a nuova disposizione legislativa".

Ho dovuto usare tale formula perchè nella legislazione costituzionale italiana alla formazione delle leggi concorrono le Camere (Parlamento e Senato) e il Capo dello Stato. Essa, del resto, è ampiamente comprensiva di quella suggerita da codesta Commissione.

Mi riservo di trasmettere il testo definitivo della legge non appena sarà approvato dal Consiglio dei Ministri e firmato dal Capo dello Stato.

IL MINISTRO

79

Declassified E.O. 12356 Section 3.3/NND No. 785021

N. 67/INT. del 10 corr.

OGGETTO

Riforma organi comuni e province
r

Alla COMMISSIONE ALLEATA di CONTROLLO
Sottocommissione Interni

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Mi riservo di trasmettere il testo definitivo della legge non appena sarà approvato dal Consiglio dei Ministri e firmato dal Capo dello Stato.

IL MINISTRO

79

Cam/

Declassified E.O. 12356 Section 3.3/NND No. 785021

67/41

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/67/Int

SUBJECT: Local Government Financial and Budgetary Situation.

1. The following provides a general picture of the way local government budgets are prepared and how these governmental units are financed.

2. Conferences have been held between ACC, AMFA (now called Allied Financial Agency) and officials of the Italian Government in order to set up a governmental finance system for the immediate future. This program will be announced in a few days, but some reference as to the proposed set-up will be made in this Memorandum.

3. Up until very recently, the Allied Financial Agency, through its regional offices, has been making <u>direct</u> advances to communal and provincial governments upon approval of AMG/ACC. Very little money has been collected in the form of taxes or rents by local governments, and consequently, AFA has had to foot a big bill. The situation has become progressively better. More money has been coming in through regular taxation channels, but it still cannot be said that any local government is self-supporting yet.

4. Under the proposed set-up there will no longer be <u>direct</u> advances by AFA to the communes and provincial governments. It is planned that any needed assistance be made centrally, on approval of Headquarters here, to the national government. In other words, communes will submit their budgets to the Prefect, and the Prefect himself will submit those and his provincial budgets to the Minister of Interior. The Minister of Interior, on approval of these budgets will provide deficit grants to the various levels of local governments under his supervision. AFA will make advances, if needed, to the National Government.

5. As far as I have been able to ascertain, the orthodox budgetary and financial system in Italy in the past, with certain modifications resulting from the abolition of fascistic instrumentalities, is the one to be used in the future.

Briefly, this system is as follows:

(a) <u>Provincial Financial System:</u>

1. Provincial revenues have constituted largely of provincial "sovrimposti"(additional percentages superimposed upon the same tax basis that the central government uses). These sovrimposts are assessed with the national taxes and collected by national esattori. They have been levied mostly on land and income from buildings. For example: if the national tax on rental value of farmlands is 10%, the provincial tax may be 50% of the national tax. The taxes are levied by the national government rather than by the provincial authorities.

2. The provinces have had to submit a "Bilancio di Previsione" (estimated budget) to the Minister of Interior for approval. These provisional budgets were prepared by the President of the Provincial Administration (but actually by the Ragionere Capo), who in turn submitted them to the Rettorato which reviewed them. They were then submitted to the Prefect for approval and signature. Since the Rettorato has been abolished, the Deputazione Provinciale will perform the reviewing functions. The Prefect is assisted in making his decision by the Prefectural Council.

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3. Up until very recently, the Allied Financial Agency, through its regional offices, has been making <u>direct</u> advances to communal and provincial governments upon approval of AMG/ACC. Very little money has been collected in the form of taxes or rents by local governments, and consequently, AFA has had to foot a big bill. The situation has become progressively better. More money has been coming in through regular taxation channels, but it still cannot be said that any local government is self-supporting yet.

4. Under the proposed set-up there will no longer be <u>direct</u> advances by AFA to the communes and provincial governments. It is planned that any needed assistance be made centrally, on approval of Headquarters here, to the national government. In other words, communes will submit their budgets to the Prefect, and the Prefect himself will submit these and his provincial budgets to the Minister of Interior. The Minister of Interior, on approval of these budgets will provide deficit grants to the various levels of local governments under his supervision. AFA will make advances, if needed, to the National Government.

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3. The budget year of the provinces is the calender year, namely January 1 to December 31. Any deficit in provincial budgets are covered by grants from the National Government and appear in the budget of the Ministry of Interior.

(a) <u>Communal Financial System</u>:

1. The revenues of the communes are derived largely from consumption taxes (e.g. consumption of wine, meat, forage, etc.,) which are collected by communal esattori (usually an association or agency). These agencies such as banks, have "concordats" approved by the Minister of Finance, settling the terms on which they act. Assessments are made by the communes and may be exceeded only on permission of the Prefect. Sometimes, further permission by the Minister of

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Interior is required. Provision is also made for the levying of "sovrimposti comunali" (additional percentages) made upon the national levy on lands and buildings. Some additional income is secured from license taxes on various businesses, professions, and arts.

The sovrimposts are collected by the national esattori, whereas the local taxes are collected by the communal esattori. In many cases they are the same persons.

2. The "Bilancio di Previzione" (estimated budget) is actually now prepared by the Mayor (Commissario Prefettizio) and submitted to the provincial official performing the function of the Giunta Provinciale Amministrativa for review; and then in turn submitted to the Prefect for approval. With the recreation of pre-fascistic institutions, the Giunta Comunale will prepare the budget with the Sindaco, and then submit it to the Giunta Porvinciale Amministrativa.

3. At the present time, the communes are running on a month to month basis, submitting each month a 3-month's estimate to the Prefect. Any deficit is to be made up by grants from the National Government and not by the Provinces. This point is important as the communes never receive grants from the provinces directly. These grants are provided for in the budget of the Ministry of Interior. The commune has looked to Rome for assistance in the past, and apparently, this is the system which will be resurrected. Control, however, is exercised by the Giunta Provinciale Amministrativa and the Prefects, through their power of review and approval of communal budgets. The communes must submit their budgets early in October in order that they may be approved on the high level by the end of the year.

4. In cases of non-payments, a system of fines levied on the Esattori and on the defaulting tax-payers is provided.

5. The National Government's budget year runs from July 1 to July 31 (13 months). It should be noted that grants for specific purposes, such as for roads, may be provided in the budget of the national ministry charged with the particular function. This is in addition to the deficit grants which appear in the Ministry of Interior's budget. Other forms of aid to the communes may take the form of approval of loans to be floated by those local governments. Requests by the communes for special expenditures must receive Prefectural approval.

Submitted by

R. R. TEMPLE
Captain
Executive Officer
Interior Sub-Commission

29 February 1944

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HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO. 394.

ACC/67/INT. 9th March. 1944.

SUBJECT: Local Government reorganization Decree by Royal Italian Government.

TO : His Excellency. Minister of Interior.

Your Excellency.

1. Your courtesy and promptitude in forwarding this Sub-Commission the draft of the proposed Royal Decree in regard to Local Government is appreciated.

2. The Chief Legal Officer advised that the text of Article 1 could be strengthened by adding the words "and until such time as Parliament shall provide new legislation in this respect". I feel sure you will see your way to incorporate these words.

3. I would inform you that as soon as the Decree is ready for presentation, it will be a recommendation to the Chief Commissioner that the decree is published in occupied Italy in order to ensure uniformity and to provide for smooth handover in the future.

R. G. B. SPICER.
Lt.Colonel.
Director.
Interior Sub-Commission.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/67/Int
SUBJECT: Local Government Reorganization Decree by the Italian Government

TO : Vice President, Administrative Section

1. I submit our file in this respect. I recommend that I should now request Signor Reale to proceed with the Decree, but to add to Article 1 the words as suggested in para 3 of Legal's letter of 7 March.

2. I have every reason to appreciate the courtesy with which Signor Reale has met me in this matter.

3. As soon as this has been done, I further recommend that it should be brought to the notice of the Chief Commissioner for promulgation under his order, so as to bring about uniformity in occupied Italy.

R. G. B. SPICER
Lt Colonel
Director
Interior Sub-Commission

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394.

GGH/gmf

ACC/1605/L. 7 March 1944.

SUBJECT: Local Government Reorganization.

TO : Interior Subcommission (Director).

1. Ref ACC/67/Int. dated 2 March 1944.

2. The draft decree of the Minister of the Interior appears comprehensive and covers most of the provisions set forth in Region 1 order.

3. Considering the specific point made by you in regard to the text of Article 1, its meaning cannot lead to any confusion but could be strengthened by adding the words "and until such time as Parliament shall provide new legislation in this respect".

4. Article 9. For all intents and purposes the provisions of Article 1 of the Defascistization Decree of 28 Dec 43 n. 29/B give adequate guaranty against possible fascist appointments.

G. G. Hannaford

G. G. HANNAFORD, Major
Officer i/c Italian Section
for Chief Legal Officer.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/67/Int

2 March 1944

SUBJECT: Local Government Reorganization

TO : The Chief Legal Officer

42

1. Referring to your letter ACC/4005/L, dated 23 February, I have informed the Vice President of the position in connection with local government arrangements for unoccupied Italy in the light of your opinion.

2. The Vice President approved my recommendation that the Minister of Interior should be requested to arrange publication of a Decree by the Italian Government corresponding to the Region I Order provided the Chief Commissioner agrees and that the contents of such decree, when made, should be applied to occupied territory.

3. I have discussed the matter with the Minister of Interior and gave him a copy of the Region I Order (copy herewith marked "A").

4. I have since received from the Minister a draft of a proposed decree which the Italian Government is prepared to make. (Copy herewith marked "B".)

5. This Sub-Commission will be glad if you will advise generally upon the draft and in particular, your attention is drawn to the following points:

(i) It should be understood and made clear that the contemplated arrangements are of a temporary nature only. The necessity for them arises from the war and the need to provide a temporary alternative system in place of the abolished Fascist institutions in local government. Region I Order refers to this point. The draft order mentions it in the heading only and the duration period (see also (ii) below). Please advise if, as a matter of drafting, this aspect is sufficiently clear and amend, if considered necessary.

(ii) Article 1 - The proposal is intended as a temporary measure only, for uniform adoption until such a time as the Italians are able to hold elections and/or to make any alternative arrangements they may consider desireable.
In his preliminary comments upon the Region I Order, the Minister wrote as follows:

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"The general lines of the ordinance are laudable.

"Only the duration is lacking, and I should advise fixing it for the duration of the war, save in cases of exceptional incapacity.

"Under our system, this ordinance may be adopted only by a decree. Such a measure will shortly be adopted."

It will be observed that Article 1 refers to "the duration of the state of war". I return your letter of 25 February in which you advised upon this point. (Inclosure marked "C". Kindly return with your reply.)

(iii) Article 9 - This is presumably inserted in substitution for Article 8 of Region I Order. Is it adequate?

(iv) To assist in dealing with the inclosures, I send you a copy of the Administrative Instructions (marked "D") based on those issued by Region I with their Order, and slightly amended to apply to recent changes in ACC organization, etc.

6. After receiving any views which you may wish to express, I will communicate with the Executive Commissioner.

R. G. B. SPICER
Lt Colonel
Director
Interior Sub-Commission

Incls: "A" - as in para 3 above
"B" - as in para 4 above
"C" - as in para 5 (ii) above
"D" - as in para 5 (iv) above

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GOVERNO MILITARE ALLEATO
Quartiere Generale Regionale della
~~Sicilia~~ 11/11/43

ORDINE UFFICIALE .

No. — ~~35~~.

RITENUTO che il T.U. della legge comunale e provinciale, approvato con R.D. 3 marzo 1934, n. 385, non risponde alla mutata situazione politica;

CONSIDERATO che si dimostra opportuno richiamare in vigore, per quanto e' possibile, il T.U. della legge comunale e provinciale, approvato con R.D. 3 Febbraio 1915 n. 148, come quello, che risponde ai principi democratici liberali ed alla libera coscienza politica delle popolazioni;

CHE non e' possibile, per il momento, indire le elezioni amministrative, che costituiscono il presupposto della piena applicazione del citato T. U. del 3 febbraio 1915 N. 148;

RITENUTA, pertanto, la opportunita' di dettare norme transitorie per il funzionamento delle amministrazioni comunali e provinciali, se ed in quanto non possa trovare piena applicazione il ripetuto T.U.;

CONSIDERATO che il ripetuto T.U. del 1915 contiene norme, che consentono, in via di eccezione, la sostituzione della Giunta Municipale al Consiglio Comunale e della Deputazione Provinciale al Consiglio Provinciale, alle quali, nell'attuale momento, si puo' dare applicazione in termini generali;

CHE, pertanto, in via di eccezione, e sempre con carattere transitorio, occorre soltanto dettare le norme per la nomina dei Sindaci, delle Giunte Municipali, del Presidente dell'Amministrazione Provinciale e della Deputazione Provinciale;

VALENDOMI dei poteri conferitimi, io, Charles Poletti, Tenente Colonnello, Ufficiale Capo degli Affari Civili della Sicilia,

O R D I N O

1. Il Sindaco e' nominato dal Prefetto, previa approvazione del Governo Militare Alleato.

2. La Giunta Municipale e' nominata dal Prefetto, previa autorizzazione del Governo Militare Alleato. 72

3. Ogni Provincia ha un Presidente ed una Deputazione Provinciale.

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RITENUTO che il T.U. della legge comunale e provinciale, approvato con R.D. 3 marzo 1934, n. 385, non risponde alla mutata situazione politica;

CONSIDERATO che si dimostra opportuno richiamare in vigore, per quanto e' possibile, il T.U. della legge comunale e provinciale, approvato con R.D. 3 Febbraio 1915 n. 148, come quello, che risponde ai principi democratici liberali ed alla libera coscienza politica delle popolazioni;

CHE non e' possibile, per il momento, indire le elezioni amministrative, che costituiscono il presupposto della piena applicazione del citato T. U. del 3 febbraio 1915 N. 148;

RITENUTA, pertanto, la opportunita' di dettare norme transitorie per il funzionamento delle amministrazioni comunali e provinciali, se ed in quanto non possa trovare piena applicazione il ripetuto T.U.;

CONSIDERATO che il ripetuto T.U. del 1915 contiene norme, che consentono, in via di eccezione, la sostituzione della Giunta Municipale al Consiglio Comunale e della Deputazione Provinciale al Consiglio Provinciale, alle quali, nell'attuale momento, si puo' dare applicazione in termini generali;

CHE, pertanto, in via di eccezione, e sempre con carattere transitorio, occorre soltanto dettare le norme per la nomina dei Sindaci, delle Giunte Municipali, del Presidente dell'Amministrazione Provinciale e della Deputazione Provinciale;

VALENDOMI dei poteri conferitimi, io, Charles Poletti, Tenente Colonnello, Ufficiale Capo degli Affari Civili della Sicilia,

O R D I N O

1. Il Sindaco e' nominato dal Prefetto, previa approvazione del Governo Militare Alleato.

2. La Giunta Municipale e' nominata dal Prefetto, previa autorizzazione del Governo Militare Alleato.

3. Ogni Provincia ha un Presidente ed una Deputazione Provinciale.

4. Il Presidente e' capo dell'Amministrazione Provinciale e presidente della Deputazione Provinciale.

5. Il Presidente e' nominato dal Prefetto, previa approvazione del Governo Militare Alleato.

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6. I membri della Deputazione Provinciale sono nominati dal Prefetto, previa approvazione del Governo Militare Alleato.

7. Sino a quando non saranno costituiti i consigli comunali e provinciali, al Consiglio Comunale si intendera' sostituita la giunta municipale ed al Consiglio Provinciale la Deputazione Provinciale, fermi rimanendo gli altri poteri attribuiti, in via normale, alla giunta municipale ed alla Deputazione Provinciale dal ripetuto T.U. della legge comunale e provinciale del 1915.

8. Alle cause di ineleggibilita' stabilite dal T.U. del 1915 si aggiunge la seguente: Non sono eleggibili alla carica di Sindaco, Assessore, Presidente dell'amministrazione e deputazione provinciale, Deputato provinciale, coloro, che abbiano coperte cariche nel P.N.F.

9. Rimangono salve tutte le altre disposizioni del T.U. della legge comunale e provinciale, approvato con R.D. 3 febbraio 1915 n. 148, in quanto non contrastino col presente decreto o con speciali disposizioni emanate o da emanare dal Governo Militare Alleato.

10. Per l'applicazione delle disposizioni contenute negli articoli precedenti e per la risoluzione di casi dubbi di carattere generale, saranno dettate istruzioni dal Governo Militare Alleato, che avranno carattere normativo.

CHARLES POLETTI
~~Tenente Colonnello~~
Ufficiale Capo degli Affari Civili
della Sicilia

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APPENDIX A

ALLIED MILITARY GOVERNMENT
~~SICILY~~ REGION HEADQUARTERS
A.P.O. 512

11/12/43

OFFICIAL ORDER

No. 25 _____

Whereas the Unified Text of Municipal and Provincial laws approved by Royal decree of March 3, 1934, n. 385, concerning the composition and functions of the Provincial and Municipal administrations, do not conform to the new political situation, necessary changes have to be made. Bearing in mind the Unified Text of Municipal and Provincial laws approved by Royal decree of February 3, 1915, n. 148, as those which better respond to liberal and democratic ideas, and

Whereas it is not possible at present to hold administrative elections which would mean applying in full the Unified Text of the law of February 3, 1915 n. 148;

Considering, therefore, the necessity of issuing temporary regulations in order that the Communal and Provincial Administrations may function, since those rules contained in above mentioned Unified Text cannot be applied;

Considering that the Unified Text of 1915 contains regulations which consent exceptionally the substitution of the Council of Aldermen to Town Council and the Provincial Delegation to Provincial Council, at the present moment they may be given general terms;

Whereas, therefore, exceptionally, and as a temporary measure it is only necessary to issue regulations for the appointment of Mayors, Council of Aldermen, President of the Provincial Administration and of the Provincial Delegation;

In virtue of the power conferred on me, I Charles Poletti, Lt. Colonel, Regional Civil Affairs Officer,

O R D E R

1. The Mayor is appointed by the Prefect subject to approval of the Allied Military Government.

2. The Council of Aldermen is appointed by the Prefect, subject to the authorization of the Allied Military Government.

3. Each Province has a President and a Provincial Deputation.

4. The president is the head of the Provincial Administration and President of the Provincial Delegation.

5. The President is appointed by the Prefect subject to the approval of the Allied Military Government.

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and functions of the Provincial and Municipal administrations, do not conform to the new political situation, necessary changes have to be made. Bearing in mind the Unified Text of Municipal and Provincial laws approved by Royal decree of February 3, 1915, n. 148, as those which better respond to liberal and democratic ideas, and

Whereas it is not possible at present to hold administrative elections which would mean applying in full the Unified Text of the law of February 3, 1915 n. 148;

Considering, therefore, the necessity of issuing temporary regulations in order that the Communal and Provincial Administrations may function, since those rules contained in above mentioned Unified Text cannot be applied;

Considering that the Unified Text of 1915 contains regulations which consent exceptionally the substitution of the Council of Aldermen to Town Council and the Provincial Delegation to Provincial Council, at the present moment they may be given general terms;

Whereas, therefore, exceptionally, and as a temporary measure it is only necessary to issue regulations for the appointment of Mayors, Council of Aldermen, President of the Provincial Administration and of the Provincial Delegation;

In virtue of the power conferred on me, I Charles Poletti, Lt. Colonel, Regional Civil Affairs Officer,

O R D E R

1. The Mayor is appointed by the Prefect subject to approval of the Allied Military Government.

2. The Council of Aldermen is appointed by the Prefect, subject to the authorization of the Allied Military Government.

3. Each Province has a President and a Provincial Deputation.

4. The president is the head of the Provincial Administration and President of the Provincial Delegation.

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5. The President is appointed by the Prefect subject to the approval of the Allied Military Government.

6. The members of the Provincial Delegation are appointed by the Prefect subject to approval by the Allied Military Government.

7. Until such time as the Town and Provincial Councils are constituted the Town Council will be substituted by the Council of Aldermen and the Provincial Council by the Provincial Delegation who

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will retain all the other powers attributed to them by the aforementioned Unified Text of Municipal, and Provincial laws of 1915.

8. To the grounds for ineligibility established by the Unified Text of 1915 are added the following; No one is elegible to the office of Mayor, Alderman, President of the provincial administration and delegation, or Provincial Delegate, if they have held an office in the Fascist Party.

9. All other regulations of the Unified Text of the Provincial and Communal laws approved by Royal decree of February 3, 1915, n. 148, remain in force provided they are not in contrast with the present order or with special rulings issued or to be issued by the Allied Military Government.

10. In the application of the dispositions contained in the above articles, and for doubtful cases of a general character rulings will be issued by the Allied Military Government.

CHARLES POLETTI
Lt. Colonel,
Regional Civil Affairs Officer.

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Declassified E.O. 12356 Section 3.3/NND No. 778527

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This copy of 10.36 with the amendments typed in

Temporary reform of Communal and Provincial Agencies

Vittorio Emanuele III
King by the Grace of God and the Wil of the Nation

WHEREAS in view of the Unified Text of the Communal and Provincial laws approved by Royal Decree on 3 February 1934, n. 383; and

WHEREAS in view of the Royal Decree law of 30 October 1943 n. 2/8; and

WHEREAS in view of the present state of emergency caused by the war;

On the proposal of the Minister Secretary of State for Internal Affairs;

Having heard the Council of Ministers

WE HAVE DECREED AND WE DECREE

Article 1

For the duration of the state of war the communes are administered by a Sindaco and a Giunta Municipale.

Article 2

The Sindaco and the municipal Assessori are appointed by the Prefect and remain in office for the period indicated in Art. 1.

Their appointment may be revoked by the Prefect for failure to perform the duties of their office or for reasons of public order.

Against the revocation of such appointments, there is no recourse either through jurisdictional or administrative channels.

Article 3

The Sindaco may appoint a Vice Sindaco from the Assessori for special purposes connected with the administration of the commune.

The Vice Sindaco assists the Sindaco and replaces him in case of absence or for other proper cause.

The appointment of the Vice Sindaco must be approved by the Prefect.

The Sindaco convokes and presides over the Giunta Municipale, decides upon the matters to be dealt with at each meeting and carries out (executes) the decisions of the Giunta Municipale.

Article 4

68

The matters to which the jurisdiction of the Giunta Provinciale and Consiglio Municipale applies are determined by the consolidated text of the law of 4 February 1915, n. 148.

Article 5

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WHEREAS in view of the present state of emergency caused by the war;

On the proposal of the Minister Secretary of State for Internal Affairs;

Having heard the Council of Ministers

WE HAVE ORDERED AND WE ORDER

Article 1

For the duration of the state of war the communes are administered by a Sindaco and a Giunta Municipale.

Article 2

The Sindaco and the municipal Assessori are appointed by the Prefect and remain in office for the period indicated in Art. 1.

Their appointment may be revoked by the Prefect for failure to perform the duties of their office or for reasons of public order.

Against the revocation of such appointments, there is no recourse either through jurisdictional or administrative channels.

Article 3

The Sindaco may appoint a Vice Sindaco from the Assessori for special purposes connected with the administration of the commune.

The Vice Sindaco assists the Sindaco and replaces him in case of absence or for other proper cause.

The appointment of the Vice Sindaco must be approved by the Prefect.

The Sindaco convokes and presides over the Giunta Municipale, decides upon the matters to be dealt with at each meeting and carries out (executes) the decisions of the Giunta Municipale.

Article 4

68

The matters to which the jurisdiction of the Giunta Provinciale and Consiglio Municipale applies are determined by the consolidated text of the law of 4 February 1915, n. 148.

Article 5

For the period indicated in Art. 1, the provincial government is administrated by the President and the Deputazione Provinciale.

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Article 6

The President and the provincial deputies are appointed by the Prefect and remain in office for the period mentioned in Art. 1.
The provisions of para 2 of Art. 2 apply.

Article 7

The President may appoint a Vice President to be chosen from the provincial deputies and may entrust to him special tasks in the government of the province.
The Vice President assists the President and replaces him in case of absence or for other proper cause.
The appointment of the Vice President must be approved by the Prefect.
Furthermore, the President convokes and presides over the Deputazione Provinciale, decides upon the matters to be dealt with at each meeting and executes the decisions of the Deputazione Provinciale.

Article 8

The matters to which the jurisdiction of the Deputazione Provinciale applies are determined by the consolidated text of the law of 4 February 1915, n. 148.

Article 9

No person shall be appointed to the position of Sindaco, Presidente, Assessore, communal or provincial deputy who is referred to in the provisions of Article 1 of the Royal Decree law of 28 December 1943, n. 29/B.

Article 10

The composition, meeting or functions of the Giunta Comunale and Deputazione are regulated by the provisions of the Consolidated Text of February 1915, n. 148. The decision of the Giunta Municipale and of the Deputazione Municipale are subject to the control and supervision conferred upon the governmental agencies by the provisions of the law in force.

Article 11

The provisions of the Consolidated Text of 3 March 1943, n. 303 and any subsequent provisions contrary to or incompatible with this decree are abrogated.
Prefects will proceed to appoint communal assessors and provincial deputies within 60 days from the date this decree comes into force.
In the meantime the communes and provinces will be administered by the administrator-in-charge with the respective qualification of Sindaco and President.

Article 12

This decree which will come into force on the day following its publication in the Gazetta Ufficiale del Regno, Special Series, will be presented to the legislative assembly for adoption as law. The Minister Secretary of State for the Interior who proposed this decree is authorized to present the relevant draft of the bill. We order all whom it may concern to obey the present decree and have it obeyed as a law of the state.

Declassified E.O. 12356 Section 3.3/NND No. 778502/

Furthermore, the President convokes and presides over the Deputazione Provinciale, decides upon the matters to be dealt with at each meeting and executes the decisions of the Deputazione Provinciale.

Article 8

The matters to which the jurisdiction of the Deputazione Provinciale applies are determined by the consolidated text of the law of 4 February 1915, n. 148.

Article 9

No person shall be appointed to the position of Sindaco, Presidente, Assessore, communal or provincial deputy who is referred to in the provisions of Article 1 of the Royal Decree law of 28 December 1943, n. 29/B.

Article 10

The composition, meeting or functions of the Giunta Comunale and Deputazione are regulated by the provisions of the Consolidated Text of February 1915, n. 148. The decision of the Giunta Municipale and of the Deputazione Municipale are subject to the control and supervision conferred upon the governmental agencies by the provisions of the law in force.

Article 11

The provisions of the Consolidated Text of 3 March 1943, n. 303 and any subsequent provisions contrary to or incompatible with this decree are abrogated.

Prefects will proceed to appoint communal assessors and provincial deputies within 60 days from the date this decree comes into force.

In the meantime the communes and provinces will be administered by the administrator-in-charge with the respective qualification of Sindaco and President.

Article 12

This decree which will come into force on the day following its publication in the Gazetta Ufficiale del Regno, Special Series, will be presented to the legislative assembly for adoption as law. The Minister Secretary of State for the Interior who proposed this decree is authorized to present the relevant draft of the bill. We order all whom it may concern to obey the present decree and have it obeyed as a law of the state.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
* * * * *
INTERIOR SUB COMMISSION

DISTRIBUTION LIST

Date 26.2.44 File 33

Chief Clerk: AV	C. R. No. 376
Registered: Draft.	
Adjutant:	

Please read attached and initial.

TO		
	Lt. Col. SPICER	✓
	Maj. McSWEENEY	
	Capt. TEMPLE	
	Lt LEWIS	
	Lt. SHANKS	

REMARKS

(1)
10. Houses 5. Neale dealt
with the in our draft
decree?.
(2) Take of fruit Head on a
Temporary measure in w
Yokohama better wrote - remain
in force etc.....

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Chief Clerk: File

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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4005

"C"

67/36

READ HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/33/Int

25 February 1944

SUBJECT: Royal Italian Decree

TO : Legal Officer

1. In the matter of decrees, Signor Reale recently asked me to define "duration" insofar as they were concerned. He suggested "for the duration of the war".

2. I should have thought "as a temporary measure and until this decree is annulled" would have been more fitting in view of the unknown future of the present Government and the equally unknown position of Italy in regard to its part in this war or other wars.

3. I should welcome your comments and advice.

R. G. B. SPICER
Lt Colonel
Acting Director
Interior Sub-Commission

To Interior Subcommissi.

1. It is not possible to lay down any general rule applicable to all decrees. The appropriate wording (if necessary at all see para 2 infra) must depend on the nature of the decree.

2. All decrees have, I understand, to be submitted to the Assembly to be passed into a statute; surely therefore no limitation in time should be put in any decree now; it will be for the Assembly to determine whether a statute should be regarded as an emergency measure only for the duration of the war or if so to insert the appropriate wording 170

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or whether it should be restricted in duration.

Chapman
Col.
Chief Legal Off.

P.S. In any event "duration of the war" is a vague term which requires further definition.

Chapman

D 36A

ALLIED CONTROL COMMISSION

ADMINISTRATIVE INSTRUCTION NO

SUBJECT: Reorganization of Provincial and Communal Administration.

TO : All Provincial Commissioners.

1. In order to restore Provincial and Municipal Administration to a pre-Fascist level, and in the interest of securing uniformity in the form and structure of local government, the following instructions are laid down for immediate application in each individual province.

2. The various government officers and organs herein mentioned derive their powers and functions from certain fundamental laws embodied in a Unified Text of Municipal and Provincial Laws of 1915, N. 148. It is necessary to revise certain provisions of these laws which were superseded or repealed under fascism. It will be found that local officials are conversant with the legislation and procedure in regard to local government bodies, and, upon issuance of the attached General Order (Appendix A), can proceed with its immediate execution.

3. The top position in provincial administration is that of Prefect. Next in order come the Vice-Prefect and Vice-Prefect Inspector (Vice Prefetto Ispettore). When the post of Prefect is vacant, and a suitable civil service career official of the necessary grade and qualifications is not available, a person must be nominated to the position who, beside the requisite executive ability, should have a suitable political background. The same principle applies when a vacancy exists for a Vice-Prefect and no suitable career official is available for appointment.

4. In both instances nominations, supported by information as to the qualifications of nominees, are to be submitted to the Regional Commissioner for transmission through channels for approval by the Chief Commissioner (RCMG Section CA Branch).

5. The selection of officials outside the civil service, as an emergency measure, is warmly recommended, for the choice of public spirited men with personality and universally accepted probity should not only enable the system of indirect rule to be greatly extended, but also infuse into the organs of local government a fresh vitality which is so abundantly needed.

6. A table of administrative grades of civil service career personnel in the Prefecture is attached for information (Appendix B), together with a chart outlining local government organization in relation to the Ministry of the Interior (Appendix C).

64

Declassified E.O. 12356 Section 3.3/NND No. 778502

1. In order to restore Provincial and Municipal Administration to a pre-Fascist level, and in the interest of securing uniformity in the form and structure of local government, the following instructions are laid down for immediate application in each individual province.

2. The various government officers and organs herein mentioned derive their powers and functions from certain fundamental laws embodied in a Unified Text of Municipal and Provincial Laws of 1915, N. 148. It is necessary to revise certain provisions of these laws which were superseded or repealed under fascism. It will be found that local officials are conversant with the legislation and procedure in regard to local government bodies, and, upon issuance of the attached General Order (Appendix A), can proceed with its immediate execution.

3. The top position in provincial administration is that of Prefect. Next in order come the Vice-Prefect and Vice-Prefect Inspector (Vice Prefetto Ispettore). When the post of Prefect is vacant, and a suitable civil service career official of the necessary grade and qualifications is not available, a person must be nominated to the position who, beside the requisite executive ability, should have a suitable political background. The same principle applies when a vacancy exists for a Vice-Prefect and no suitable career official is available for appointment.

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6. A table of administrative grades of civil service career personnel in the Prefecture is attached for information (Appendix B), together with a chart outlining local government organization in relation to the Ministry of the Interior (Appendix C).

64

7. The principal organs of provincial government which are to be revived in consultation with the Prefect are the following:

a) CONSIGLIO DI PREFETTURA ("Prefectural Council"): It is normally composed of the Prefect or his substitute, who presides, and two senior Councillors ("Consiglieri") of the Prefecture. Its powers

and

Declassified E.O. 12356 Section 3.3/NND No. 785021

and functions are principally advisory and are regulated by specific laws, although the Prefect may request the opinion of the Council on any matter. It also has certain functions relating to the approval of accounts of communes and certain institutions, in which capacity its composition is enlarged to include additional officials.

b) GIUNTA PROVINCIALE AMMINISTRATIVA ("Provincial Administrative Board"): The formation and functions of this body are regulated by a series of laws and regulations which date from 1865. It is composed of ten members with the Prefect or his substitute as President of the Board, and includes the following officials of the Prefecture: a Vice-Prefect Inspector, two Councillors, the Chief Accountant ("Ragioniere Capo") and the Intendant of Finance ("Intendente di Finanza"). The remaining four members are citizen appointees chosen from experts in legal administrative or technical matters, nominated by the Prefect and approved by the Provincial Commissioner acting for Allied Control Commission.

c) DEPUTAZIONE PROVINCIALE ("Provincial Deputation"): This body is revived to replace the fascist-created Rettorato, the latter body being now abolished. In pre-fascist provincial government, the Deputation was normally appointed by, and from among the members of, a larger elected body known as the Consiglio Provinciale ("Provincial Council"). For present purposes, since the elective Consiglio is not possible at this time, the Deputation is to be nominated by the Prefect and approved by the Provincial Commissioner on behalf of the Allied Control Commission. It consists of a President and ten unpaid citizen members. The President is also the Head of Provincial Administration ("Capo dell'Amministrazione Provinciale"). In provinces of less than six hundred thousand inhabitants, the number of members is reduced. The duties and powers are regulated by the Unified Text of 1915, above mentioned, which should be consulted if further details are required.

B. Municipal Administration is to be organized as follows:

a) SINDACI : In place of "Podesta" the democratic title of "Sindaco" (Mayor) must be universally adopted. As it is not possible to revive the electoral system at this time, new appointments or changes in the position of Mayor will be made by the Prefect who will issue a regular decree for this purpose after the person nominated has been approved by the Provincial Commissioner acting for the Allied Control Commission. Appointments of Vice-Sindaci are to be similarly effected.

b) SEGRETARIO COMUNALE ("Town Clerk"): This official is a civil servant and cannot be appointed mayor, nor be lightly dismissed. The Prefect has full power to effect transfers, retirements, and appointments of Town Clerks, and changes should be effected only through him under the standing procedure which must be closely followed.

c) GIUNTA COMUNALE ("Municipal Board of Aldermen"): This body is revived to replace the fascist-created Consulta Comunale. Normally, as in the case of the Provincial Deputation, its members, called "assessori" ("Aldermen"), would be selected by, and from among the members of, an elected Consiglio Comunale ("Municipal Council"). Under

Declassified E.O. 12356 Section 3.3/NND No. 785021

Prefect Inspector, two Councillors, the Chief Accountant ("Ragioniere Capo") and the Intendant of Finance ("Intendente di Finanza"). The remaining four members are citizen appointees chosen from experts in legal administrative or technical matters, nominated by the Prefect and approved by the Provincial Commissioner acting for Allied Control Commission.

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present

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present emergency conditions, the Giunta Comunale is to be nominated by the Mayor with the concurrence of the Provincial Commissioner or Provincial Officer, and the appointments confirmed by the Prefect of the Province. The numerical composition of the Giunta varies according to population as follows:

INHABITANTS	ASSESSORI (ALDERMEN)
Over 250,000	10
" 60,000	8
" 30,000	6
" 3,000	4
Smaller Communities	2

In order to cope with exceptional conditions, however, Provincial Senior Commissioners may consider it advisable to increase the number at their discretion. The above-mentioned Unified Text of 1915 defines the appointment, powers, duties, and responsibilities of Mayors and Town Councils.

9. In the selection of members of the above agencies, consideration should be given to various shades of political opinion. Labor and agriculture, including the small farmers, must be adequately represented.

10. For the purpose of securing a proper understanding and a uniform application of these instructions, as well as other matters affecting local government, meetings of all Provincial Commissioners will be held at regular intervals. Similar meeting of all Prefects will also be held in order to assure a uniform application of the attached General Order (Appendix A) which is being issued to all Prefects in this Region.

11. In conformity with the above, from now onwards, all Provincial and Municipal Decrees and Orders must be issued in the name of the Prefect or local Mayor respectively and bear only the "VISTO" of the Provincial Commissioner or Provincial Officer concerned.

Regional Commissioner

Declassified E.O. 12356 Section 3.3/NND No. 778502

" 3,000	4
Smaller Communities	2

In order to cope with exceptional conditions, however, Provincial Senior Commissioners may consider it advisable to increase the number at their discretion. The above-mentioned Unified Text of 1915 defines the appointment, powers, duties, and responsibilities of Mayors and Town Councils.

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11. In conformity with the above, from now onwards, all Provincial and Municipal Decrees and Orders must be issued in the name of the Prefect or local Mayor respectively and bear only the "VISTO" of the Provincial Commissioner or Provincial Officer concerned.

Regional Commissioner

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- (APPENDIX A - REVISED)

ALLIED CONTROL COMMISSION

REGION HEADQUARTERS

REGIONAL ORDER
No _____ Date _____

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 March, 1934, n. 385, does not conform to the altered political situation; and

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February, 1915, n. 148, is considered to conform more nearly to liberal and democratic principles and to the free political conscience of the people; and

WHEREAS it is not possible at present to conduct public administrative elections, as would be necessary if full effect were given to said Unified Text of 5 February, 1915, n. 148, and

WHEREAS, therefore, it is considered advisable to issue temporary regulations for the functioning of municipal and provincial administration, insofar as the aforesaid Unified Text cannot be applied in full; and

WHEREAS said Unified Text of 1915 contains provisions that permit in exceptional circumstances, the substitution of the Giunta Municipale for the Consiglio Comunale, and of the Deputazione Provinciale for the Consiglio Provinciale, which provisions may at present be given effect in general terms; and

WHEREAS, therefore, in view of the present exceptional circumstances, and as a temporary measure, it is necessary to issue regulations only for the appointment of Mayors, members of the Giunta Municipale, President of Provincial Administration, and members of the Deputazione Provinciale;

BY VIRTUE OF the powers conferred on me, I, _____ _____, Regional Commissioner, do hereby

ORDER

1. The Mayor shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Control Commission.

3. Each Province shall have a President and a Deputazione Provinciale.

4. The President shall be the Head of Provincial Administration and president of the Deputazione Provinciale.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 March, 1934, n. 385, does not conform to the altered political situation; and

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February, 1915, n. 148, is considered to conform more nearly to liberal and democratic principles and to the free political conscience of the people; and

WHEREAS it is not possible at present to conduct public administrative elections, as would be necessary if full effect were given to said Unified Text of 3 February, 1915, n. 148, and

WHEREAS, therefore, it is considered advisable to issue temporary regulations for the functioning of municipal and provincial administration, insofar as the aforesaid Unified Text cannot be applied in full; and

WHEREAS said Unified Text of 1915 contains provisions that permit in exceptional circumstances, the substitution of the Giunta Municipale for the Consiglio Comunale, and of the Deputazione Provinciale for the Consiglio Provinciale, which provisions may at present be given effect in general terms; and

WHEREAS, therefore, in view of the present exceptional circumstances, and as a temporary measure, it is necessary to issue regulations only for the appointment of Mayors, members of the Giunta Municipale, President of Provincial Administration, and members of the Deputazione Provinciale;

BY VIRTUE OF the powers conferred on me, I, _____ _____, Regional Commissioner, do hereby

ORDER

1. The Mayor shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Control Commission.

62

3. Each Province shall have a President and a Deputazione Provinciale.

4. The President shall be the Head of Provincial Administration and president of the Deputazione Provinciale.

5. The President shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

6. The members of the Deputazione Provinciale shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

Declassified E.O. 12356 Section 3.3/NND No. 785021

7. Until such time as the Consiglio Comunale and the Consiglio Provinciale shall have been constituted, the Giunta Municipale shall be substituted for the Consiglio Comunale, and the Deputazione Provinciale for the Consiglio Provinciale; and the Deputazione Provinciale shall retain all other powers normally vested in them by the aforesaid Unified Text of Communal and Provincial Laws of 1915.

8. To the grounds for ineligibility established by the Unified Text of 1915 is hereby added the following: No one is eligible for appointment to the office of Mayor, Assessor (member of the Giunta Muunicipale), President of provincial administration and of the Deputazione Provinciale, or Delegate (member of the Deputazione Provinciale), if he has held an office in the Fascist Party.

9. All other provisions of the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February 1915, n. 148, shall be and remain in full force and effect, to the extent that they are not in conflict with the present order or with special regulations issued or to be issued by the Allied Control Commission.

10. In the application of the provisions of the foregoing articles, and for the solution of general problems of interpretation arising thereunder, rulings may be issued by the Allied Control Commission, which will have the same effect as this order.

_____

_____
Regional Commissioner

Distribution:

INFORMAT

Declassified E.O. 12356 Section 3.3/NND No. 778502

8. To the grounds for ineligibility established by the Unified Text of 1915 is hereby added the following: No one is eligible for appointment to the office of Mayor, Assessor (member of the Giunta Municipale), President of provincial administration and of the Deputazione Provinciale, or Delegate (member of the Deputazione Provinciale), if he has held an office in the Fascist Party.

9. All other provisions of the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February 1915, n. 148, shall be and remain in full force and effect, to the extent that they are not in conflict with the present order or with special regulations issued or to be issued by the Allied Control Commission.

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_____

_____

Regional Commissioner

Distribution:

INFORMAT

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COMMISSIONE ALLEATA DI CONTROLLO
Quartiere Generale Regionale della

ORDINE UFFICIALE

NO. ____

RITENUTO che il T. U. della legge comunale e provinciale, approveto con R. D. 3 marzo 1934, n. 385, non risponde alla mutata situazione politica;

CONSIDERATO che si dimostra opportuno richiamare in vigore, per quanto e' possibile, il T. U. della legge comunale e provinciale, approvato con R. D. 3 Febbraio 1915 n. 148, come quello, che risponde ai principi democratici liberali ed alla libera coscienza politica delle popolazioni;

CHE non e' possibile, per il momento, indire le elezioni amministrative, che costituiscono il presupposto della piena applicazione del citato T. U. del 3 febbraio 1915 n. 148;

RITENUTA, pertanto, la opportunita' di dettare norme transitorie per il funzionamento delle amministrazioni comunali e provinciali, se ed in quanto non possa trovare piena applicazione il ripetuto T. U. ;

CONSIDERATO che, il ripetuto T. U. del 1915 contiene norme, che consentono, in via di eccesione, la sostituzione della Giunta Municipale al Consiglio Comunale e della Deputazione Porvinciale al Consiglio Provinciale, alle quali, nell'attuale momento, si puo' dare applicazione in termini generali;

CHE, pertante, in via di eccezione, e sempre con carattere transitorio, occorre soltanto dettare le norme per la nomina dei Sindaci, delle Giunta Municipali, del Presidente dell'Amministrazione Provinciale e della Deputazione Provinciale;

VALENDOMI dei poteri conferitimi, io, _____ _____, Commissario Regionale

O R D I N O

1. Il Sindaco e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

2. La Giunta Municipale e' nominata dal Prefetto, previa autorizzazione della Commissione Alleata di Controllo.

3. Ogni Provincia ha un Presidente ed una Deputazione Provinciale.

4. Il Presidente e' capo dell'Amministrazione Provinciale e presidente della Deputazione Provinciale.

5. Il Presidente e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

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Declassified E.O. 12356 Section 3.3/NND No. 785-027

CONSIDERATO che si dimostra opportuno richiamare in vigore, per quanto e' possibile, il T. U. della legge comunale e provinciale, approvato con R. D. 3 Febbraio 1915 n. 148, come quello, che risponde ai principi democratici liberali ed alla libera coscienza politica delle popolazioni;

CHE non e' possibile, per il momento, indire le elezioni amministrative, che costituiscono il presupposto della piena applicazione del citato T. U. del 3 febbraio 1915 n. 148;

RITENUTA, pertanto, la opportunita' di dettare norme transitorie per il funzionamento delle amministrazioni comunali e provinciali, se ed in quanto non possa trovare piena applicazione il ripetuto T. U. ;

CONSIDERATO che, il ripetuto T. U. del 1915 contiene norme, che consentono, in via di eccesione, la sostituzione della Giunta Municipale al Consiglio Comunale e della Deputazione Porvinciale al Consiglio Provinciale, alle quali, nell'attuale momento, si puo' dare applicazione in termini generali;

CHE, pertante, in via di eccezione, e sempre con carattere transitorio, occorre soltanto dettare le norme per la nomina dei Sindaci, delle Giunta Municipali, del Presidente dell'Amministrazione Provinciale e della Deputazione Provinciale;

VALENDOMI dei poteri conferitimi, io, _____, Commissario Regionale

O R D I N O

1. Il Sindaco e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

2. La Giunta Municipale e' nominata dal Prefetto, previa autorizzazione della Commissione Alleata di Controllo.

3. Ogni Provincia ha un Presidente ed una Deputazione Provinciale.

4. Il Presidente e' capo dell'Amministrazione Provinciale e presidente della Deputazione Provinciale.

5. Il Presidente e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

6. I membri della Deputazione Provinciale sono nominati dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

7. Sino a quando non saranno costituiti i consigli comunali e provinciali, al Consiglio Comunale si intendera' sostituita la Giunta Municipale ed al Consiglio Provinciale la Deputazione Provinciale, fermi rimanendo gli altri poteri attribuiti, in via normale, alla Giunta Municipale ed alla Deputazione Provinciale dal ripetuto T. U. della legge comunale e provinciale del 1915.

61

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9. Alle cause di ineleggibilita' stabilite dal T. U. del 1915 si aggiunge la seguente: Non sono eleggibili alla carica di Sindaco, Assessore, Presidente dell' Amministrazione e Deputazione Provinciale, Deputato Provinciale, coloro, che abbiano coperte cariche nel P. N. F.

9. Rimangono salve tutte le altre disposizioni del T. U. della legge comunale e provinciale, approvato con R. D. 3 febbraio 1915 n. 148, in quanto non contrastino col presente decreto o con speciali disposizioni emanate o da emanare della Commissione Alleata di Controllo.

10. Per l'applicazione delle disposizioni contenute negli articoli precedenti e per la risoluzione di casi dubbi di carattere generale, saranno dettate istruzioni della Commissione Alleata di Controllo, che avranno carattere normativo.

_____

_____

_____

Commissario Regionale

Distribution
3
Prefects
Bari

Declassified E.O. 12356 Section 3.3/NND No. 778202

ALLIED CONTROL COMMISSION
_____ REGION HEADQUARTERS

ADMINISTRATIVE INSTRUCTION NO._____

APPENDIX B

Civil Servants are divided into three groups, A., B., and C.

The first deals with political and administration affairs; the second handles accountancy and administration; the third takes care of archives, registry, typing, etc.

ADMINISTRATIVE RANKS

Grade	XI	Under Secretary
"	X	Secretary
"	IX	First Secretary
"	VIII	Councilor Second Class
"	VII	" First "
"	VI	Vice Prefect - Inspector
"	~~VI~~ V	" " - "Vicario"
"	IV	Prefect Second Class
"	III	" First "

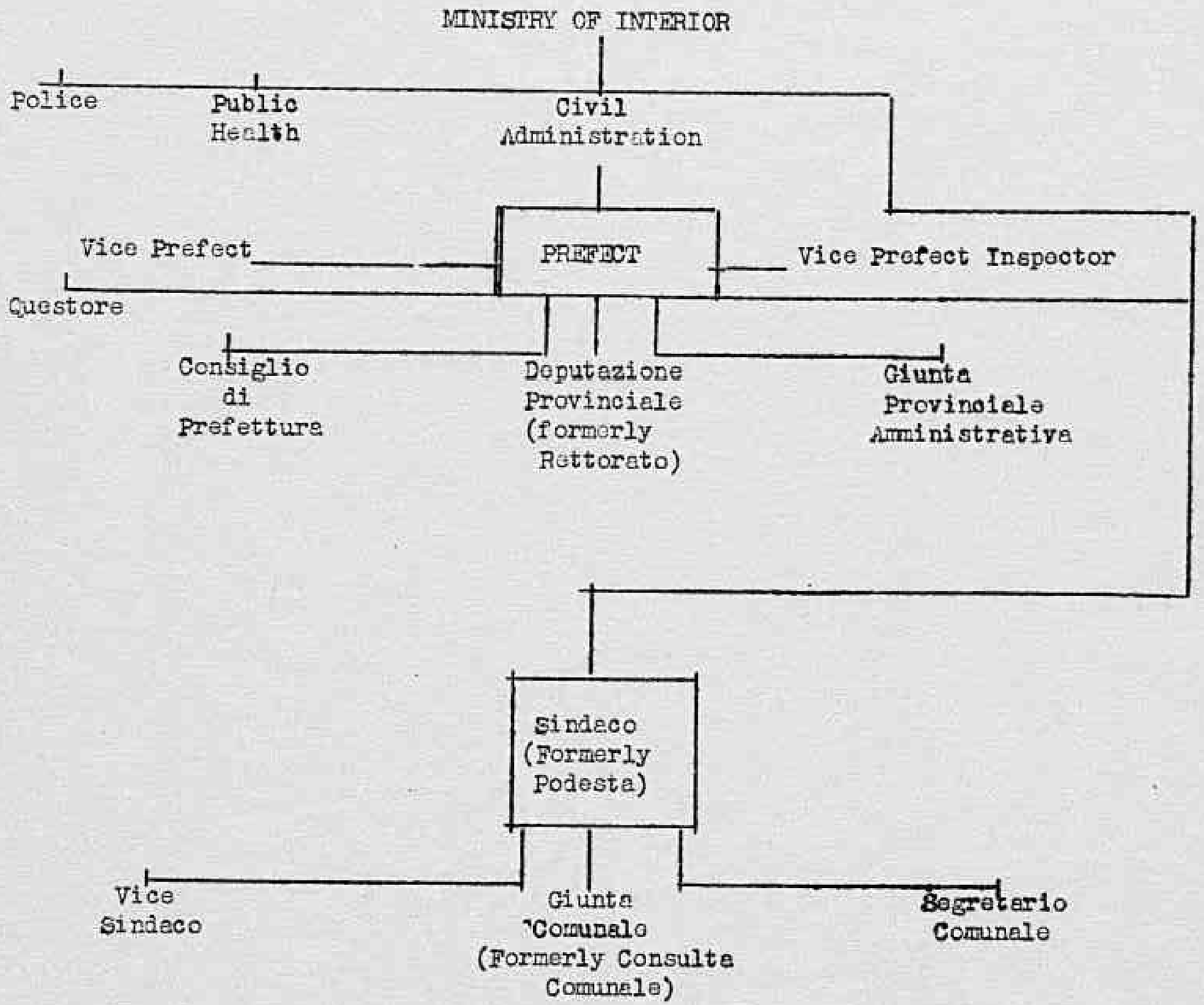
In addition to the foregoing, there is another category of personnel appointed by the Ministry of the Interior, who have not passed the prescribed civil service examination, consequently without rank, known as "personale avventizio".

Declassified E.O. 12356 Section 3.3/NND No. 785021

ALLIED CONTROL COMMISSION
_____ REGION HEADQUARTERS

ADMINISTRATIVE INSTRUCTION NO. _____

APPENDIX C



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67/35

Translation

MINISTRY OF INTERIOR

Salerno, March 3, 1944

To Their Excellencies the Prefects of the Provinces of Salerno, Potenza, Matera, Cosenza, Catanzaro, Reggio C., and for the information of the A.C.C.

Salerno

I beg Your Excellencies to give me prompt notice of the manner in which the change of power has occurred from the Allied Command to the Italian authorities in compliance with the proclamation of General Alexander and the decree laws which have regulated this matter.

In the event this change of power has not yet been performed, it is opportune that the officers directing the various services: Prefects, C.C. of Carabineers, Engineers, Head of Civilian Engineer Corps, Head of Administration of Road Works, Head of Food, Head of Censorship of the Prefect's office, and all other Heads of services corresponding to the heads of similar Allied services, visit the corresponding Allied officials to thank them for services rendered to the country and to make arrangements for the continuation of the work, the responsibility and directing of which is now the duty of the Italian authorities, but in which the collaboration and agreement of the Allied Command is always necessary.

I am expecting a detailed and prompt report on this subject.

THE MINISTER

/s/ Scelba

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Ministero dell'Interno

N. 919/Gab.

Risposta alla lettera

N. ..... del .....

OGGETTO

Salerno, li 3 Marzo 1944

ALLE EE.EE. I PREFETTI DELLE PROVINCIE DI
SALERNO, POTENZA, MATERA, COSENZA,
CATANZARO, REGGIO C.

e, per conoscenza:

commissione alleata di controllo - SALERNO

Prego le VV.EE. di darmi comunicazioni urgenti sul modo con cui é avvenuto il passaggio dei poteri dal Comando Alleato ai funzionari italiani in esecuzione del proclama del Gen. ALEXANDER e dei decreti Leggi che hanno regolato la materia.

Qualora questa presa di possesso non sia avvenuta, ed anche in questo caso, é opportuno che i funzionari dirigenti i vari servizi, Prefetto, Comandante del presidio, Ingegnere capo genio civile, Azienda delle Strada, Ufficio Approvvigionamenti, Ufficio di Censura della Prefettura, e tutti gli altri capi di servizi ai quali corrisponda un'equivalente capo servizio Alleato, rendano visita ai corrispondenti uffici Alleati per ringraziarli dei servizi resi al Paese e prendere gli accordi per la continuazione del lavoro, per cui la direzione e la responsabilità spetta alle Autorità Italiane, ma per cui é sempre necessaria la collaborazione e l'intesa con i Comandi Alleati.

Sono in attesa di un dettagliato sollecito rapporto su questo argomento.-

57

IL MINISTRO

Declassified E.O. 12356 Section 3.3/NND No. 778021

OGGETTO

ALLE EE.EE. I PREFETTI DELLE PROVINCIE DI
SALERNO,POTENZA,MATERA,COSENZA,
CATANZARO,REGGIO C.

e,per conoscenza:

commissione alleata di controllo - SALERNO

Prego le VV.EE. di darmi comunicazioni urgenti sul modo con cui é avvenuto il passaggio dei poteri dal Comando Alleato ai funzionari italiani in esecuzione del proclama del Gen. ALEXANDER e dei decreti Leggi che hanno regolato la materia.

Qualora questa presa di possesso non sia avvenuta,ed anche in questo caso,é opportuno che i funzionari dirigenti i vari servizi, Prefetto,Comandante del presidio,Ingegnere capo genio civile,Azienda delle Strada,Ufficio Approvvigionamenti,Ufficio di Censura della Prefettura, e tutti gli altri capi di servizi ai quali corrisponda un'equivalente capo servizio Alleato,rendano visita ai corrispondenti uffici Alleati per ringraziarli dei servizi resi al Paese e prendere gli accordi per la continuazione del lavoro,per cui la direzione e la responsabilità spetta alle Autorità Italiane,ma per cui é sempre necessaria la collaborazione e l'intesa con i Comandi Alleati.

Sono in attesa di un dettagliato sollecito rapporto su questo argomento.-

57

IL MINISTRO

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

67/33

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/67/Int 2 March 1944

SUBJECT: Local Government Reorganization

To : The Chief Legal Officer

1. Referring to your letter ACC/4005/L. dated 23 February, I have informed the Vice President of the position in connection with local government arrangements for unoccupied Italy in the light of your opinion.

2. The Vice President approved my recommendation that the Minister of Interior should be requested to arrange publication of a Decree by the Italian Government corresponding to the Region I Order provided the Chief Commissioner agrees and that the contents of such decree, when made, should be applied to occupied territory.

3. I have discussed the matter with the Minister of Interior and gave him a copy of the Region I Order (copy herewith marked "A").

4. I have since received from the Minister a draft of a proposed decree which the Italian Government is prepared to make. (Copy herewith marked "B".)

5. This Sub-Commission will be glad if you will advise generally upon the draft and in particular, your attention is drawn to the following points:

(i) It should be understood and made clear that the contemplated arrangements are of a temporary nature only. The necessity for them arises from the war and the need to provide a temporary alternative system in place of the abolished Fascist institutions in local government. Region I Order refers to this point. The draft order mentions it in the heading only and the duration period (see also (ii) below). Please advise if, as a matter of drafting, this aspect is sufficiently clear and amend, if considered necessary.

(ii) Article 1 - The proposal is intended as a temporary measure only, for uniform adoption until such a time as the Italians are able to hold elections and/or to make any alternative arrangements they may consider desireable.
In his preliminary comments upon the Region I Order, the Minister wrote as follows:

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"The general lines of the ordinance are laudable.

"Only the duration is lacking, and I should advise fixing it for the duration of the war, save in cases of exceptional incapacity.

"Under our system, this ordinance may be adopted only by a decree. Such a measure will shortly be adopted."

It will be observed that Article 1 refers to "the duration of the state of war". I return your letter of 25 February in which you advised upon this point. (Inclosure marked "C". Kindly return with your reply.)

(iii) Article 9 - This is presumably inserted in substitution for Article 8 of Region I Order. Is it adequate?

(iv) To assist in dealing with the inclosures, I send you a copy of the Administrative Instructions (marked "D") based on those issued by Region I with their Order, and slightly amended to apply to recent changes in ACC organization, etc.

6. After receiving any views which you may wish to express, I will communicate with the Executive Commissioner.

R. G. B. SPICER
Lt Colonel
Director
Interior Sub-Commission

Incls: "A" - as in para 3 above
"B" - as in para 4 above
"C" - as in para 5 (ii) above
"D" - as in para 5 (iv) above

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION.
INTERIOR SUB COMMISSION
APO 394

ACC/67/INT.

SUBJECT: Local Government Financial and Budgetary Situation

TO : Lt Colonel R. G. B. Spicer

1. The following, pursuant to your instructions, provides a general picture of the way local government budgets are prepared and how these governmental units are financed. A more detailed report showing the procedual steps involved will be furnished, if desired.

2. Conferences have been held between ACC, AMFA (now called Allied Financial Agency) and officials of the Italian Government in order to set up a governmental finance system for the immediate future. This program willbe announced in a few days, but some reference as to the proposed set-up will be made in this Memorandum.

3. Up until very recently, the Allied Financial Agency, through its regional offices has been making <u>direct</u> advances to communal and provincial governments upon approval of AMG/ACC. Very little money has been collected in the form of taxes or rents by local governments, and consequently, AFA has had to foot a big bill. The situation has become progressively better. More money has been coming in through regular taxation channels, but it still can not be said that any local government is self-supporting yet.

4. Under the proposed set-up there will no longer be <u>direct</u> advances by AFA to the communes and provincial governments. It is planned that any needed assistance be made centrally, on approval of Headquarters here, to the national government. In other words, communes will submit their budgets to the Prefect, and the Prefect himself will submit these and his provincial budgets to the Minister of Interior. The Minister of Interior, on approval of these budgets will provide deficit grants to the various levels of local governments under his supervision. AFA will make advances, if needed, to the National Government.

5. As far as I have been able to ascertain, the orthodox budgetary and financial system in Italy in the past, with certain modifications resulting from the abolition of fascistic instrumentalities, is the one to be used in the future.

Briefly, this system is as follows:

(a) <u>Provincial Financial System</u>:

1. Provincial revenues have consisted largely of provincial "sovrimposts" (additional percentages superimposed upon the same tax basis that the central government uses). These sovrimposts are assessed with the national taxes and collected by national esattori. They have been levied mostly on land and income from buildings. For example: if the national tax on rental value of farmlands is 10%, the provincial tax may be 50% of the national tax. The taxes are levied by the national government rather than by the provincial authorities.

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2. The provinces have had to submit a "Bilancio di Previsione" (estimated budget) to the Minister of Interior for approval. These provisional budgets were prepared by the President of the Provincial Administration (but actually by the Ragionere Capo), who in turn submitted them to the Rettorato which reviewed them. They were then submitted to the Prefect for approval and signature. Since the Rettorato has been abolished, the Deputazione Provinciale will perform the reviewing functions. The Prefect is assisted in making his decision by the Prefectural Council

3. The budget year of the provinces is the calendar year, namely January 1 to December 31. Any deficits in provincial budgets are covered by grants from the National Government and appear in the budget of the Ministry of Interior.

(b) Communal Financial System:

1. The revenues of the communes are derived largely from consumption taxes (e.g. consumption of wine, meat, forage, etc.,) which are collected by communal esattori (usually an association or agency). These agencies, such as banks, have "concordats" approved by the Minister of Finance, settling the terms on which they act. Assessments are made by the communes and may be exceeded only on permission of the Prefect. Sometimes, further permission by the Minister of Interior is required. Provision is also made for the levying of "sovrimposti comunali" (additional percentages) made upon the national levy on lands and buildings. Some additional income is secured from license taxes on various businesses, professions, and arts.

The sovrimposts are collected by the national esattori, whereas the local taxes are collected by the communal esattori. In many cases they are the same persons.

2. The "Bilancio di Previsione" (estimated budget) is actually now prepared by the Mayor (Commissario Prefettizio) and submitted to the provincial official performing the function of the Giunta Provinciale Amministrativa for review; and then in turn submitted to the Prefect for approval. With the recreation of pre-fascistic institutions, the GiuntaComunale will prepare the budget with the Sindaco, and then submit it to the Giunta Provinciale Amministrativa.

3. At the present time, the communes are running on a month to month basis, submitting each month a 3-month's estimate to the Prefect. Any deficit is to be made up by grants from the National Government and not by the Provinces. This point is important as the communes never receive grants from the provinces directly. These grants are provided for in the budget of the Ministry of Interior. The commune has looked to Rome for assistance in the past, and apparently, this is the system which will be resurrected. Control, however, is exercised by the Giunta Provinciale Amministrativa and the Prefects, through their power of review and approval of communal budgets. The communes must submit their budgets early in October in order that they may be approved on the high level by the end of the year.

4. In cases of non-payments, a system of fines levied on the Esattori and on the defaulting tax-payers is provided.

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5. The National Government's budget year runs from July 1 to July 31 (13 months). It should be noted that grants for specific purposes, such as for roads, may be provided in the budget of the national ministry charged with the particular function. This is in addition to the deficit grants which appear in the Ministry of Interior's budget. Other forms of aid to the communes may take the form of approval of loans to be floated by those local governments. Requests by the communes for special expenditures must receive Prefectural approval.

R. R. Temple

R. R. TEMPLE
Captain,
Executive Officer,
Interior Sub-Commission

29 February 1944

0700

Declassified E.O. 12356 Section 3.3/NND No. 785021

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

AC3/67/Int 23 February 1944

SUBJECT: Local Government

TO : Chief Commissioner, EC & MO Section (CA Branch)

1. Attached, 5 copies of each of the following documents:
(i) Copy Order (Italian) made in Region I for Local Government Reorganization (slightly amended by introducing ACC for AMG)
(ii) English translation of (i)
(iii) Copy Administrative Instructions

2. The Interior Sub-Commission advise that with a view to uniformity throughout occupied Italy, the above provisions should be applied to Regions 3, 4, and 5.

3. It is requested that after consideration by the Executive Commissioner, a copy of each of 1 should be forwarded to the RC of the above regions with instructions for all necessary steps to be taken for the purpose.

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The Rt. Hon. The Viscount Stansgate
Vice President, Administrative Section

Encls: as above

To Italian
Region 1
1 Jan. 44

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This is a copy of the 726 with amendments typed in when it was sent to Prop. P.

Temporary reform of Communal and Provincial Agencies

Vittorio Emanuele III
King by the Grace of God and the Wil of the Nation

WHEREAS in view of the Unified Text of the Communal and Provincial laws approved by Royal Decree on 3 February 1934, n. 383; and

WHEREAS in view of the Royal Decree law of 30 October 1943 n. 2/3; and

WHEREAS in view of the present state of emergency caused by the war;

On the proposal of the Minister Secretary of State for Internal Affairs;

Having heard the Council of Ministers

WE HAVE DECREED AND WE DECREE

Article 1

For the duration of the state of war the communes are administered by a Sindaco and a Giunta Municipale.

Article 2

The Sindaco and the municipal Assessori are appointed by the Prefect and remain in office for the period indicated in Art. 1.

Their appointment may be revoked by the Prefect for failure to perform the duties of their office or for reasons of public order.

Against the revocation of such appointments, there is no recourse either through jurisdictional or administrative channels.

Article 3

The Sindaco may appoint a Vice Sindaco from the Assessori for special purposes connected with the administration of the commune.

The Vice Sindaco assists the Sindaco and replaces him in case of absence or for other proper cause.

The appointment of the Vice Sindaco must be approved by the Prefect.

The Sindaco convokes and presides over the Giunta Municipale, decides upon the matters to be dealt with at each meeting and carries out (executes) the decisions of the Giunta Municipale.

Article 4

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The matters to which the jurisdiction of the Giunta Provinciale and Consiglio Municipale applies are determined by the consolidated text of the law of 4 February 1915, n. 148.

Declassified E.O. 12356 Section 3.3/NND No. 778527

CONSIDERING in view of the Royal Decree law of 30 October 1943 n. 2/3; and

CONSIDERING in view of the present state of emergency caused by the war;

On the proposal of the Minister Secretary of State for Internal Affairs;

Having heard the Council of Ministers

WE HAVE DECREED AND WE DECREE

Article 1

For the duration of the state of war the communes are administered by a Sindaco and a Giunta Municipale.

Article 2

The Sindaco and the municipal Assessori are appointed by the Prefect and remain in office for the period indicated in Art. 1.

Their appointment may be revoked by the Prefect for failure to perform the duties of their office or for reasons of public order.

Against the revocation of such appointments, there is no recourse either through jurisdictional or administrative channels.

Article 3

The Sindaco may appoint a Vice Sindaco from the Assessori for special purposes connected with the administration of the commune.

The Vice Sindaco assists the Sindaco and replaces him in case of absence or for other proper cause.

The appointment of the Vice Sindaco must be approved by the Prefect.

The Sindaco convokes and presides over the Giunta Municipale, decides upon the matters to be dealt with at each meeting and carries out (executes) the decisions of the Giunta Municipale.

Article 4

The matters to which the jurisdiction of the Giunta Provinciale and Consiglio Municipale applies are determined by the consolidated text of the law of 4 February 1915, n. 148.

Article 5

Pro the period indicated in Art. 1, the provincial government is administrated by the President and the Deputazione Provinciale.

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Declassified E.O. 12356 Section 3.3/NND No. 778021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Article 4

The matters to which the jurisdiction of the Giunta Provinciale and Consiglio Municipale applies are determined by the consolidated text of the law of 4 February 1915 No 148.

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Approved as amended by the Parliament-Law 31.12.47

Temporary reform of Communal and Provincial Agencies

Vittorio Emanuele III
King by the Grace of God and the Will of the Nation

WHEREAS in view of the Unified Text of the Communal and Provincial laws approved by Royal Decree on 3 February 1934, n. 383; and

WHEREAS in view of the Royal Decree law of 30 October 1943 n. 2/B; and

WHEREAS in view of the present state of emergency caused by the war;

On the proposal of the Minister Secretary of State for Internal Affairs;

Having heard the Council of Ministers

WE HAVE DECREED AND WE DECREE

Article 1

For the duration of the state of war the communes are ~~headed~~ administered by a Sindaco and a Giunta Municipale.

Article 2

The Sindaco and the Municiple Assessori are(appointed) nominated by the Prefect and remain in office for the period indicated in Art. 1.

Their appointment may be revoked by the Prefect for failure to perform the duties of their office or for reasons of public order.

Against the revocation of such appointments, there is no ~~appeal~~ recourse either through jurisdictional or administrative channels.

Article 3.

The Sindaco may appoint (~~nominate~~) a Vice-Sindaco from the Assessori for special purposes connected with the administration of the commune.

The Vice-Sindaco assists the Sindaco and replaces (~~represents~~) him in case of absence or for other proper cause.

The ~~nomination~~ (appointment) of the Vice-Sindaco must be approved by the Prefect.

The Sindaco convokes and presides over the Giunta Municipale, decides upon the matters to be dealt with at each meeting and carries out (executes) the decisions of the Giunta Municipale.

Article 4

It is the (right) (duty) (in the competence) of the Giunta Municipale to deliberate (deal with) on matters for which the Unified Text of February 1915, n. 148 determines the right (duty) (competence) of the Giunta and Consiglio Municipale.

See attached slip.

Declassified E.O. 12356 Section 3.3/NND No. 785021

WHEREAS in view of the present state of emergency caused by the war;

On the proposal of the Minister Secretary of State for Internal Affairs;

Having heard the Council of Ministers

WE HAVE DECREED AND WE DECREE

Article 1

For the duration of the state of war the communes are ~~headed~~ administered by a Sindaco and a Giunta Municipale.

Article 2

The Sindaco and the Municiple Assessori are(appointed) nominated by the Prefect and remain in office for the period indicated in Art. 1.

Their appointment may be revoked by the Prefect for failure to perform the duties of their office or for reasons of public order.

Against the revocation of such appointments, there is no ~~appeal~~ recourse either through jurisdictional or administrative channels.

Article 3.

The Sindaco may appoint (~~nominate~~) a Vice-Sindaco from the Assessori for special purposes connected with the administration of the commune.

The Vice-Sindaco assists the Sindaco and replaces (~~represents~~) him in case of absence or for other proper cause.

The ~~nomination~~ (appointment) of the Vice-Sindaco must be approved by the Prefect.

The Sindaco convokes and presides over the Giunta Municipale, decides upon the matters to be dealt with at each meeting and carries out (executes) the decisions of the Giunta Municipale.

Article 4

See attached slip

It is the (right) (duty) (in the competence) of the Giunta Municipale to deliberate (deal with) on matters for which the Unified Text of February 1915, n. 148 determines the right (duty) (competence) of the Giunta and Consiglio Municipale.

Article 5

For the period indicated in Art. 1, the provincial government (administration) is headed by the President and the Deputazione Provinciale.

Article 6

The president and the provincial deputies are appointed (~~nominated~~) by the Prefect and remain in office for the period mentioned in Art. 1.

The provisions of para 2 of Art. 2. apply.

Article 7

The president may appoint (~~nominate~~) a Vice President to be chosen from the provincial deputies and may entrust to him special tasks in the administration

Declassified E.O. 12356 Section 3.3/NND No. 778502/

0706

Declassified E.O. 12356 Section 3.3/NND No. 785021

Article 8.

The matters to which the jurisdiction of the Deputazione Provinciale applies are determined by the consolidated text of the law of 4 February 1915. No. 148.

(goernment) of the province.

The Vice president assists the president and replaces (represents) him in case of absence or for other proper cause.

The nomination (appointment) of the Vice president must be approved by the Prefect.

Furthermore, the President convokes and presides over the Deputazione Provinciale, decides upon the matters to be dealt with at each meeting and carries out (executes) the decisions of the Deputazione Provinciale.

Article 8

See attached slip

It is the right (duty) (in the competance) of the Deputazione Provinciale to deliberate on (deal with) matters for which the Unified Text of February 1915 n. 148 determines the right (duty) (competence) of the Deputazione Provinciale and of the Consiglio Provinciale.

Article 9

No person ~~can~~ shall be ~~(may)~~ be appointed to the position of Sindaco, presidente, Assessore, Communale or provincial deputy who is referred to in the provisions of Article 1 of the Royal Decree law of 28 December 1943 n. 29/B.

Article 10. Consolidated

The compostion, meeting or functions of the Giunta Communale and Deputazione are regulated by the provisions of the Unified Text of February 1915 n. 148. The decisions of the Giunta Municipale and of the Deputazione Municipale are subject to the control and supervision conferred upon the governmental agencies by the provisions of the law in force.

Article 11.
Consolidated

The provisions of the Unified Text of 3 March 1943 n. 303 and any subsequent dispositions (provisions) contrary to or incompatable with this decree are abrogated.

Prefects will proceed to appoint communal assessors and provincial deputies within 60 days from the date this decree comes into force. administered

In the meantime the communes and provinces will be headed by the administrator-in-charge with the respective qualification of Sindaco and President.

Article 12

This decree which will come into force on the day following its publication in the Gazetta Ufficiale del Regno, Special Series, will be presented to the legislative assemble for adoption as law. The Minister Secretary of State for the Interior who proposed this decree is authorized to present the respective draft ~~of the law.~~ We order all whom it may concern to obey the present decree and to have it obeyed as a law of the state.

bill

relevant

Declassified E.O. 12356 Section 3.3/NND No. 758502

0708

Declassified E.O. 12356 Section 3.3/NND No. 785021

Dictated by Lt Gen Clutterbuck.
27/2/-.

DRAFT

Temporary Reform of Communal and Provincial Agencies

WHEREAS in view of the Unified Text of the Communal and Provincial laws approved by Royal Decree of 3 February, 1934., n. 383;

WHEREAS in view of the Royal Decree law of 30 October 1943, 2/B;

WHEREAS in view of the present state of emergency caused by the war on the proposal of the Minister Secretary of State for Internal Affairs, have heard the council of Ministry,

WE HAVE DECREED AND WILL DECREE

Article 1. For the duration of the state of war, Communes are headed by Mayor and Giunta Municipale.

Article 2. The Mayor and the Municipal Assistants are appointed by the Prefect and remain in office for the duration of the period indicated in Article 1, their appointment may be revoked by the Prefect himself for failing to carry out all duties of their office or for reasons of public order.

Against the revocation of such appointment there is no appeal either through jurisdiction or administrative channels.

Article 3. The Sindaco may appoint a Vice-Sindaco to be C. . . for Assessori and may under the Assessori . . . . . tasks regarding administration of the commune. The Vice-Sindeco replaces and assists the Sindaco and replaces him in case of absence or other proper reson. The appointment of the Vice Sindaco must be with the approval of the Prefect. The Sindaco convokes and presides over the Giunta Municipale, and decides upon the matters to be dealt with at each meeting and carries out the decisions of the Giunta Municipale.

Article 4. It is the competency of the Giunta Municiaple to decide on matters for which the Unified Text of February 1915, n. 148 determines the competence of the Giunta and of the Consiglio Municipale.

Article 5. For a period indicated in Article 1, the Provincial administrations are headed by the President and the Deputazione Provinciale.

Article 6. The president and the provincial deputies are appointed by the Prefect, and remain in office for the period indicated in Article 1.

The provisions of para 2, article 2, applies to them.

Article 7. The president may appoint a Vice President to be chosen to the procincial deputies and may entrust ~~it the same~~ special tasks in the administrative provincial.

The Vice President assists the President and replaces him in case of abse absence or other proper reasons. The appointment of the Vice President must be approved by the Prefect. Furthermore, the President convokes and presides over the Deputazione Provinciale and decides on matters to be discussed at each meeting and carries out the decisions of the Deputazione Provinciale.

47.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

INTERIOR SUB COMMISSION

File _____

To: _____

Reference the communication from this sub Commission

dated _____ and file No. as above:-

1) There is no trace that a reply has been received.

2) If reply not yet despatched, please expedite.

for Colonel Officer i/c

A. Grimshaw, Capt. Lieut.
Adjutant
Interior Sub Commission

0710

Declassified E.O. 12356 Section 3.3/NND No. 785021

67/23

Artciel 8. It is the competency of the deputy provincial to debate upon all matters from which the Unified Text of February 1915 n. 148 establishes a competency of the deputy and the Consiglio Provinciale.

Article 9No person can be appointed to position of Sindaco, President, Assessori, Communal or Provincial deputy, who is referred to in the provisions of article 1, of the Royal Decree law of December 28, 1943 29/B.

Article 10. The composition, complication and functions of Giunta Communale and Deputazione Provinciale are ~~xxx~~ regulated by disposition of the Unified Text of February 1915 n. 148. Decisions of the Giunta Municipale and the Deputazione are subject to control and supervision conferred upon the government egencies by laws nowiin force.

Article 11. The ~~xxxxxxx~~ provisions of the Unified Test of 3 march 43 n. 303 and any following dispositions contrary to or incompatable with the present decree are abbrocated. Prefects will proceed to the appointments . . . . . communes and provincial deputies within 60 days from the coming into force of the present decree. In the meanwhile the communes and provinces will be headed by the administrator in charge which the repsective posistions of Sindaco and President.

Artcile 12. The present decree which will come into force on the day following ~~that on~~ its publication in ~~xxxxxxxxxx~~ the Gazzette Officiale del Regno Speciale Series, will be presented to the legislative assembly for adoption as law. The Minister Secretary of State for the Interior whom~~x~~ proposed this decree is authorized to present the respective draft of the law. We order all ~~to~~ whom it may concern to obey the present decree and to have it obeyed as a law of the state.

0711

Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION

FILE _____

TO _____

Reference the communication from this Sub Commission dated _____ and File No. as above: -

1) There is not trace that a reply has been received.

2) If reply not yet despatched, please expedite.

By command of Colonel SPICER:

T. CUNNINGHAM BANKS, Lieut
Adjutant
Interior Sub Commission

The Vice Sindaco, Prefect, assists the Sindaco and replaces replaces (represents) him in Case of absence or in Other proper Cause

The nomination (appointment) of the an alternate the Vice Sindaco must be approved by the Prefect.

The Sindaco Convokes and presides over the Giunta municipale, decides upon the matters to be dealt with at each meeting and carries out (executes) the decisions of the Giunta Municipale

Art. 4.

It is the (right) (duty) (in the Competence) of the Giunta municipale to deliberate (decide) upon matters for which the Articles Sect of Feb 4 1915 n. 148 determines the right (duty) (Competence) of the Giunta and Consiglio municipale.

Art 5.

For the period indicated in Art 1, the provincial government (administration) is headed by the President and the Deputazione Provinciale.

Art 6

The president and the provincial provincial deputies are appointed (nominated) by the Prefect and remain in Office for the period mentioned in Art 1.

The provisions of para 2 of Art 2 apply.

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Art. 7.

The president may appoint (nominate) a Vice

Declassified E.O. 12356 Section 3.3/NND No. 778021

Declassified E.O. 12356 Section 3.3/NND No. 78 5021

Art. 4.

It is the (right) (duty) (in the competence) of the Deliberate of (deputies) Giunta municipale to decide on matters for which the Articles text of Febr 4, 1915 n. 148 determines the right (duty) (competence) of the Giunta and Consiglio municipale.

Art 5.

For the period indicated in Art 1 the provincial government (administration) is headed by the President and the Deputazione Provinciale.

Art 6

The president and the ~~provinciali~~ provincial deputies are appointed (nominated) by the Prefect and remain in office for the period mentioned in Art 1.

The provisions of para 2 of Art 2 apply.

Art. 7.

The president may appoint (nominate) a vice President to be chosen from the provincial deputies and may entrust to him special tasks in the administration (government) of the province.

The vice-president assists the president and replaces (represents) him in case of absence or for other proper cause.

The nomination (appointment) of the vice president must be approved by the Prefect

R D L . . . . . n . . . .

Temporary reform of Communal & Provincial Agencies

Vittorio Emanuele III
by the grace of God & by the of the Nation.

Whereas in view of the Unification of the Communal and Provincial laws approved by Royal Decree on 3 Feb 1934 n. 383

And Whereas in view of the Royal Decree Law passed on 30 Oct 1942 n. 2/B;

And Whereas in view of the present state of emergency caused by the war;

On the proposal of the Minister Secretary of State for Internal Affairs;

Having heard the Council of Ministers

We Have Decreed We Decree

Article 1.

For the duration of the state of war the Communes are headed by a Podestà and a Giunta municipale

Article 2

The Podestà and the municipal assessori (appointed) are nominated by the Prefect and remain in Office

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Whereas in view of the dispositions of the Communal and Provincial laws approved by Royal Decree On 3 Feb 1934 n. 383

And Whereas in view of the Royal Decree Law passed On 30 Oct 1943 n 2/B;

And Whereas in view of the present state of emergency caused by the war;

On the proposal of the Minister Secretary of State for Internal Affairs;

Having heard the Council of Ministers

We Have Decreed We Decree

Article 1.

~~Article 1.~~

For the duration of the state of war the Communes are headed by a Sindaco and a Giunta municipale

Article 2

The Sindaco and the municipal assessori are (appointed) nominated by the Prefect and remain in Office for the period indicated in Art. 1.

Their appointment may be revoked by the Prefect for failure to perform the duties of their office or for reasons of public order.

Against the revocation of such appointments there is no appeal either through jurisdictional or administrative channels.

Article 3.

The Sindaco may appoint (choosing etc) a Vice-Sindaco from the assessori for special purposes connected with the administration of the Commune

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- Inclosure from attache's 67/22
despatch to War Department

The Vice Sindaco Prefect, assists the Sindaco and replaces
replaces (represents) him in Case of absence a
or Other proper Cause

The nomination (appointment) of the or other the
Vice Sindaco must be approved by the Prefect.

The Sindaco Convokes and presides over the
Giunta municipale, decides upon the matters
to be dealt with at each meeting and carries
out (executes) the decisions of the Giunta
Municipale

Art. 4.

It is the (right) (duty) (in the Competence) of the Giunta municipale to deliberate upon (the matters) to decide on which the Articles Sect of Feb 4 1915 A. 148 determines the right (duty) (Competence) of the Giunta and Consiglio municipale.

Art 5.

For the period indicated in Art 1 the provincial government (administration) is headed by the President and the Deputazione Provinciale.

Art 6

The president and the provincial provincial deputies are appointed (nominated) by the Prefect and remain in Office for the period mentioned in Art 1.

The provisions of para 2 of Art 2 appl.

45

Art. 7.

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a le deali loro at each meeting and carries out (executes) the decisions of the Giunta Municipale

Art. 4.

It is the (right) (duty) (in the Competence) of the Deliberate (deals with) Giunta Municipale to decide on matters for which the Articles text of Febr 4, 1915 n. 148 determines the right (duty) (Competence) of the Giunta and Consiglio Municipale.

Art 5.

For the period indicated in Art 1 the provincial goverment (administration) is headed by the President and the Deputazione Provinciale.

Art 6

The president and the ~~provincial~~ provincial deputies are appointed (nominated) by the Prefect and remain in Office for the period mentioned in Art 1.

The provisions of para 2 of Art 2 apply. 45

Art. 7.

The president may appoint (nominate) a Vice President to be chosen from the provincial deputies and may entrust to him special tasks in the administration (government) of the province.

The vice-president assists the president and replaces (represents) him in Case of absence or for other proper cause

The nomination (appointment) of the vice president must be approved by the Prefect

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67/21

Furthermore, the President convokes & presides over the Deputazione Provinciale. decides upon the matters to be dealt with at each meting & carries out (executes) the decisions of the Deputazione Provinciale.

Art 8.

It is the right (duty) (in the competence) of the deputazione provinciale to deal deliberate on (deal with) matters for which the Unified Text of Feb 1915 n 148 determines the right (duty) (competence) of the deputazione provinciale and of the Consiglio provinciale.

Art 9.

No person can be (may) be appointed to the position of giudaco, presidente, Assessore Communale or deputy provinciale deputy who is referred to in the provisions of Article 1 of the Royal Decree Law of 28 December 1943 n 29/B.

Art 10.

The Composition, meeting & functions of the Giunta Communale Deputazione, are regulated by the provisions of the Unified Text of Feb 1915 n. 148. The decisions of the Giunta Municipale & of the deputazione provinciale are subject to the control & supervision conferred upon the governmental agencies by the provisions of the laws in force

Art 11.

44

The provisions of the Unified Text of 3 March 1943 n. 383 remain following subsequent disposizioni

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deputazione provinciale & deal deliberate on
(deal with) matters for which the Unified Text
of Feb 1915 n. 148 determines the right (duty)
(competence) of the deputazione provinciale and
of the Consiglio provinciale.

Art 9.

No person can be (was) be appointed to the
position of sindaco, presidente, Assessore
Communale & deputy provinciale deputato who
is referred to in the provisions of Article 1 of the
Royal Decree law of 28 December 1943 n 29/B.

Art 10.

The Composition, meeting & functions of the Giunta
Communale Deputazione are regulated by the
provisions of the Unified Text of Feb 1915 n. 148.
The decisions of the Giunta municipale & of the
deputazione provinciale are subject to the control
(the provisions of the) supervision conferred upon the governmental agencies
pertaining by laws in force

Art 11. 44

The provisions of the Unified Text of 3 March 1943
n. 303 many following subsequent dispositions
(provisions) contrary to or incompatible with
this decree are abrogated.

Prefects will proceed to appoint Communal
assessors and provincial deputies within 60
days from the date this decree comes into
force.

In the meantime the Communes & provinces
will be headed by the administrator in charge.

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with the usual respective qualifications
of Sindaco & President

Art 12.

This decree shall come into force. Follow
as IN LAST para of typed
draft.

0720

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0721

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0720

Ministero dell'Interno

Salerno, febbraio 944

N. 827 Gab

Risposta alla lettera

N. *del*

OGGETTO

Lt. COLONEL R.G.B. SPICER
Acting Director
Inter Sub Commission
A.C.C.
S A L E R N O

Palazzo di Giustizia

Con riferimento alla sua lettera del 23 febbraio ACC/23/Int.,le trasmetto l'unito schema di R.D.L. per la riforma temporanea degli organi dei comuni e delle province.

Resto in attesa di un suo cortese ri= scontro.

IL MINISTRO

0722

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BEST COPY POSSIBLE

R.D.L..... n.....

Riforma temporanea degli organi dei comuni e delle province---

VITTORIO EMANUELE III
per grazia di Dio e per volontà della Nazione
RE D'ITALIA

Visto il T.U. della legge comunale e provinciale,approvato con R.D. 3 Marzo 1934,n.383;
Visto il R.D.L. 30 ottobre 1943,n.2/B.;
Ritenuto che si versa in stato di necessità a causa di guerra;
Su proposta del Ministro Segretario di Stato per gli Affari dell'Interno;
Sentito il Consiglio dei Ministri;

ABBIAMO DECRETATO E DECRETIAMO:

Art.1°

Per la durata dello stato di guerra i comuni sono retti da un sindaco e da una giunta municipale.

Art.2°

Il sindaco e gli assessori municipali sono nominati dal Prefetto e durano in carica per il periodo indicato nel precedente art.I.
Essi possono essere revocati dal Prefetto stesso per inadempienza dei doveri d'ufficio o per motivi di ordine pubblico.
Contro i provvedimenti di revoca non è ammesso gravame in sede giurisdizionale o amministrativa.

Art.3° 42

Il sindaco può nominare un vice sindaco tra gli assessori e affidare agli stessi speciali incarichi nell'amministrazione del Comune.
Il vice sindaco coadiuva il sindaco e lo sostituisce in caso di assenza o

0723
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Visto il T.U. della legge comunale e provinciale,approvato con R.D. 3 Marzo 1934,n.383;
Visto il R.D.L. 30 ottobre 1943,n.2/B.;
Ritenuto che si versa in stato di necessità a causa di guerra;
Su proposta del Ministro Segretario di Stato per gli Affari dell'Interno;
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Il vice sindaco coadiuva il sindaco e lo sostituisce in caso di assenza o di legittimo impedimento.
La nomina del vice sindaco deve essere approvata dal Prefetto.
Il sindaco convoca e presiede la giunta municipale,stabilendo gli affari da trattare nelle singole adunanze ed esegue le deliberazioni della giunta stessa .

Art.4°

Spetta alla giunta municipale di deliberare sulle materie per le quali nel

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testo unico 4 febbraio 1915,n.148,era stabilita la competenza della giunta e del consiglio municipale.

ART.5°

Per il tempo indicato nel precedente art.I le amministrazioni provinciali sono rette da un presidente e da una deputazione provinciale.

ART.6°

Il presidente e i deputati provinciali sono nominati dal Prefetto e durano in carica per il periodo indicato nel precedente art.I.
Ad essi è applicabile il disposto del secondo comma del precedente art.2.

ART.7°

Il Presidente può nominare un vice presidente tra i deputati provinciali e affidare agli stessi speciali incarichi nell'amministrazione della provincia.
Il vice-presidente coadiuva il presidente e lo sostituisce in caso di assenza o di legittimo impedimento.
La nomina del vice presidente deve essere approvata dal Prefetto.
Il presidente inoltre convoca e presiede la deputazione provinciale,stabilendo gli affari da trattare nelle singole adunanze ed esegue le deliberazioni della deputazione provinciale.

ART.8°

Spetta alla deputazione provinciale di deliberare su tutte le materie per le quali nel testo unico 4 febbraio 1915,n.148,era stabilita la competenza della deputazione e del consiglio provinciale.

ART.9°

Oltre ai casi previsti dal Testo Unico 4 Febbraio 1915,n.148,non possono essere nominati all'ufficio di sindaco,presidente,assessore comunale o deputato provinciale coloro che si trovano in una delle condizioni di cui all'art.I del R.D.L. 28 dicembre 1943,n.29/B.

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Il vice-presidente coadiuva il presidente e lo sostituisce in caso di assenza o di legittimo impedimento.
La nomina del vice presidente deve essere approvata dal Prefetto.
Il presidente inoltre convoca e presiede la deputazione provinciale, stabilendo gli affari da trattare nelle singole adunanze ed esegue le deliberazioni della deputazione provinciale.

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Oltre ai casi previsti dal Testo Unico 4 Febbraio 1915,n.148,non possono essere nominati all'ufficio di sindaco,presidente,assessore comunale o deputato provinciale coloro che si trovano in una delle condizioni di cui all'art.I del R.D.L. 28 dicembre 1943,n.29/B.

ART.10°

La composizione,la convocazione e il funzionamento della giunta comunale e della deputazione provinciale sono regolate dalle disposizioni del testo unico 4 febbraio 1915,n.148.
Le deliberazioni della giunta municipale e della deputazione provinciale sono soggette alla vigilanza e tutela attribuita agli organi governativi dalle vigenti disposizioni di legge.

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69/17

ART.11°

Sono abbrogate le norme del T.U. 3 marzo 1943,n.383, e successive disposizioni contrarie o incompatibili con il presente decreto.

I Prefetti provvederanno alla nomina degli assessori comunali e dei deputati provinciali entro 60 giorni dall'entrata in vigore del presente decreto.

Nel frattempo i Comuni e le province saranno retti dagli amministratori in carica con la qualifica rispettivamente di sindaco e di presidente.

ART.12°

Il presente decreto,che entrerà in vigore il giorno successivo a quello della suapubblicazione nella Gazzetta Ufficiale del Regno- serie speciale- sarà presentato alle assemblee legislative per la conversione in legge.

Il Ministro Segretario di Stato per l'Interno,proponente,è autorizzato a presentare il relativo disegno di legge.

Ordiniamo,a chiunque spetti,di osservare il presente decreto e di farlo osservare come legge dello stato.

Dato a Salerno.....;;;

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67/16

ALLIED CONTROL COMMISSION

ADMINISTRATIVE INSTRUCTION NO

SUBJECT: Reorganization of Provincial and Communal Administration.

TO : All Provincial Commissioners.

1. In order to restore Provincial and Municipal Administration to a pre-Fascist level, and in the interest of securing uniformity in the form and structure of local government, the following instructions are laid down for immediate application in each individual province.

2. The various government officers and organs herein mentioned derive their powers and functions from certain fundamental laws embodied in a Unified Text of Municipal and Provincial Laws of 1915, N. 148, It is necessary to revise certain provisions of these laws which were superseded or repealed under fascism. It will be found that local officials are conversant with the legislation and procedure in regard to local government bodies, and, upon issuance of the attached General Order (Appendix A), can proceed with its immediate execution.

3. The top position in provincial administration is that of Prefect. Next in order come the Vice-Prefect and Vice-Prefect Inspector (Vice Prefetto Ispettore). When the post of Prefect is vacant, and a suitable civil service career official of the necessary grade and qualifications is not available, a person must be nominated to the position who, beside the requisite executive ability, should have a suitable political background. The same principle applies when a vacancy exists for a Vice-Prefect and no suitable career official is available for appointment.

4. In both instances nominations, supported by information as to the qualifications of nominees, are to be submitted to the Regional Commissioner for transmission through channels for approval by the Chief Commissioner (RCMG Section CA Branch).

5. The selection of officials outside the civil service, as an emergency measure, is warmly recommended, for the choice of public spirited men with personality and universally accepted probity should not only enable the system of indirect rule to be greatly extended, but also infuse into the organs of local government a fresh vitality [illegible] 39

6. A table of administrative grades of civil service career personnel in the Prefecture is attached for information (Appendix B), together with a chart outlining local government organization in relation to the Ministry of the Interior (Appendix C).

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3. The top position in provincial administration is that of Prefect. Next in order come the Vice-Prefect and Vice-Prefect Inspector (Vice Prefetto Ispettore). When the post of Prefect is vacant, and a suitable civil service career official of the necessary grade and qualifications is not available, a person must be nominated to the position who, beside the requisite executive ability, should have a suitable political background. The same principle applies when a vacancy exists for a Vice-Prefect and no suitable career official is available for appointment.

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5. The selection of officials outside the civil service, as an emergency measure, is warmly recommended, for the choice of public spirited men with personality and universally accepted probity should not only enable the system of indirect rule to be greatly extended, but also infuse into the organs of local government a fresh vitality which is so [illegible] 39

6. A table of administrative grades of civil service career personnel in the Prefecture is attached for information (Appendix B), together with a chart outlining local government organization in relation to the Ministry of the Interior (Appendix C).

7. The principal organs of provincial government which are to be revived in consultation with the Prefect are the following:

a) CONSIGLIO DI PREFETTURA ("Prefectural Council"): It is normally composed of the Prefect or his substitute, who presides, and two senior Councillors ("Consiglieri") of the Prefecture. Its powers

and

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and functions are principally advisory and are regulated by specific laws, although the Prefect may request the opinion of the Council on any matter. It also has certain functions relating to the approval of accounts of communes and certain institutions, in which capacity its composition is enlarged to include additional officials.

b) GIUNTA PROVINCIALE AMMINISTRATIVA ("Provincial Administrative Board"): The formation and functions of this body are regulated by a series of laws and regulations which date from 1865. It is composed of ten members with the Prefect or his substitute as President of the Board, and includes the following officials of the Prefecture: a Vice-Prefect Inspector, two Councillors, the Chief Accountant ("Regioniere Capo") and the Intendant of Finance ("Intendente di Finanza"). The remaining four members are citizen appointees chosen from experts in legal administrative or technical matters, nominated by the Prefect and approved by the Provincial Commissioner acting for Allied Control Commission.

c) DEPUTAZIONE PROVINCIALE ("Provincial Deputation"): This body is revived to replace the fascist-created Rettorato, the latter body being now abolished. In pre-fascist provincial government, the Deputation was normally appointed by, and from among the members of, a larger elected body known as the Consiglio Provinciale ("Provincial Council"). For present purposes, since the elective Consiglio is not possible at this time, the Deputation is to be nominated by the Prefect and approved by the Provincial Commissioner on behalf of the Allied Control Commission. It consists of a President and ten unpaid citizen members. The President is also the Head of Provincial Administration ("Capo dell'Amministrazione Provinciale"). In provinces of less than six hundred thousand inhabitants, the number of members is reduced. The duties and powers are regulated by the Unified Text of 1915, above mentioned, which should be consulted if further details are required.

8. Municipal Administration is to be organized as follows:

a) SINDACI : In place of "Podesta" the democratic title of "Sindaco" (Mayor) must be universally adopted. As it is not possible to revive the electoral system at this time, new appointments or changes in the position of Mayor will be made by the Prefect who will issue a regular decree for this purpose after the person nominated has been approved by the Provincial Commissioner acting for the Allied Control Commission. Appointments of Vice-Sindaci are to be similarly effected.

b) SEGRETARIO COMUNALE ("Town Clerk"): This official is a civil servant and cannot be appointed mayor, nor be lightly dismissed. The Prefect has full power to effect transfers, retirements, and appointments of Town Clerks, and changes should be effected only through him under the standing procedure which must be closely followed.

c) GIUNTA COMUNALE ("Municipal Board of Alderman"): This body is revived to replace the fascist-created Consulta Comunale. Normally, as in the case of the Provincial Deputation, its members, called "as-

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Prefect Inspector, two Councillors, the Chief Accountant (Ragioniere Capo") and the Intendent of Finance ("Intendente di Finanza"). The remaining four members are citizen appointees chosen from experts in legal administrative or technical matters, nominated by the Prefect and approved by the Provincial Commissioner acting for Allied Control Commission.

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b) SEGRETARIO COMUNALE ("Town Clerk"): This official is a civil servant and cannot be appointed mayor, nor be lightly dismissed. The Prefect has full power to effect transfers, retirements, and appointments of Town Clerks, and changes should be effected only through him under the standing procedure which must be closely followed.

c) GIUNTA COMUNALE ("Municipal Board of Aldermen"): This body is revived to replace the fascist-created Consulta Comunale. Normally, as in the case of the Provincial Deputation, its members, called "assessori" ("Aldermen"), would be selected by, and from among the members of, an elected Consiglio Comunale ("Municipal Council"). Under

present

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present emergency conditions, the Giunta Comunale is to be nominated by the Mayor with the concurrence of the Provincial Commissioner or Provincial Officer, and the appointments confirmed by the Prefect of the Province. The numerical composition of the Giunta varies according to population as follows:

INHABITANTS	ASSESSORI (ALDERMEN)
Over 250,000	10
" 60,000	8
" 30,000	6
" 3,000	4
Smaller Communities	2

In order to cope with exceptional conditions, however, Provincial Commissioners may consider it advisable to increase the number at their discretion. The above-mentioned Unified Text of 1915 defines the appointment, powers, duties, and responsibilities of Mayors and Town Councils.

9. In the selection of members of the above agencies, consideration should be given to various shades of political opinion. Labor and agriculture, including the small farmers, must be adequately represented.

10. For the purpose of securing a proper understanding and a uniform application of these instructions, as well as other matters affecting local government, meetings of all Provincial Commissioners will be held at regular intervals. Similar meeting of all Prefects will also be held in order to assure a uniform application of the attached General Order (Appendix A) which is being issued to all Prefects in this Region.

11. In conformity with the above, from now onwards, all Provincial and Municipal Decrees and Orders must be issued in the name of the Prefect or local Mayor respectively and bear only the "VISTO" of the Provincial Commissioner or Provincial Officer concerned.

Regional Commissioner

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" 50,000	
" 30,000	6
" 3,000	4
Smaller Communities	2

In order to cope with exceptional conditions, however, Provincial Senior Commissioners may consider it advisable to increase the number at their discretion. The above-mentioned Unified Text of 1915 defines the appointment, powers, duties, and responsibilities of Mayors and Town Councils.

9. In the selection of members of the above agencies, consideration should be given to various shades of political opinion. Labor and agriculture, including the small farmers, must be adequately represented.

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Regional Commissioner

38

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- (APPENDIX A - REVISED)

ALLIED CONTROL COMMISSION

REGION HEADQUARTERS

REGIONAL ORDER
No _____ Date _____

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 March, 1934, n. 385, does not conform to the altered political situation; and

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February, 1915, n. 148, is considered to conform more nearly to liberal and democratic principles and to the free political conscience of the people; and

WHEREAS it is not possible at present to conduct public administrative elections, as would be necessary if full effect were given to said Unified Text of 5 February, 1915, n. 148, and

WHEREAS, therefore, it is considered advisable to issue temporary regulations for the functioning of municipal and provincial administration, insofar as the aforesaid Unified Text cannot be applied in full; and

WHEREAS said Unified Text of 1915 contains provisions that permit in exceptional circumstances, the substitution of the Giunta Municipale for the Consiglio Comunale, and of the Deputazione Provinciale for the Consiglio Provinciale, which provisions may at present be given effect in general terms; and

WHEREAS, therefore, in view of the present exceptional circumstances, and as a temporary measure, it is necessary to issue regulations only for the appointment of Mayors, members of the Giunta Municipale, President of Provincial Administration, and members of the Deputazione Provinciale;

BY VIRTUE OF the powers conferred on me, I, _____ _____, Regional Commissioner, do hereby

ORDER

1. The Mayor shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Control Commission. 37

3. Each Province shall have a President and a Deputazione Provinciale.

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2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Control Commission. 37

3. Each Province shall have a President and a Deputazione Provinciale.

4. The President shall be the Head of Provincial Administration and president of the Deputazione Provinciale.

5. The President shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

6. The members of the Deputazione Provinciale shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

Declassified E.O. 12356 Section 3.3/NND No. 778021

7. Until such time as the Consiglio Comunale and the Consiglio Provinciale shall have been constituted, the Giunta Municipale shall be substituted for the Consiglio Comunale, and the Deputazione Provinciale for the Consiglio Provinciale; and the Deputazione Provinciale shall retain all other powers normally vested in them by the aforesaid Unified Text of Communal and Provincial Laws of 1915.

8. To the grounds for ineligibility established by the Unified Text of 1915 is hereby added the following: No one is eligible for appointment to the office of Mayor, Assessor (member of the Giunta Municipale), President of provincial administration and of the Deputazione Provinciale, or Delegate (member of the Deputazione Provinciale), if he has held an office in the Fascist Party.

9. All other provisions of the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February 1915, n. 148, shall be and remain in full force and effect, to the extent that they are not in conflict with the present order or with special regulations issued or to be issued by the Allied Control Commission.

10. In the application of the provisions of the foregoing articles, and for the solution of general problems of interpretation arising thereunder, rulings may be issued by the Allied Control Commission, which will have the same effect as this order.

_____

_____

Regional Commissioner

Distribution:

Declassified E.O. 12356 Section 3.3/NND No. 785021

67/13

COMMISSIONE ALLEATA DI CONTROLLO
Quartiere Generale Regionale della

ORDINE UFFICIALE

NO. ____

RITENUTO che il T. U. della legge comunale e provinciale, approvato con R. D. 3 marzo 1934, n. 385, non risponde alla mutata situazione politica;

CONSIDERATO che si dimostra opportuno richiamare in vigore, per quanto e' possibile, il T. U. della legge comunale e provinciale, approvato con R. D. 3 Febbraio 1915 n. 148, come quello, che risponde ai principi democratici liberali ed alla libera coscienza politica delle popolazioni;

CHE non e' possibile, per il momento, indire le elezioni amministrative, che costituiscono il presupposto della piena applicazione del citato T. U. del 3 febbraio 1915 n. 148;

RITENUTA, pertanto, la opportunita' di dettare norme transitorie per il funzionamento delle amministrazioni comunali e provinciali, se ed in quanto non possa trovare piena applicazione il ripetuto T. U. ;

CONSIDERATO che, il ripetuto T. U. del 1915 contiene norme, che consentono, in via di eccesione, la sostituzione della Giunta Municipale al Consiglio Comunale e della Deputazione Porvinciale al Consiglio Provinciale, alle quali, nell'attuale momento, si puo' dare applicazione in termini generali;

CHE, pertante, in via di eccezione, e sempre con carattere transitorio, occorre soltanto dettare le norme per la nomina dei Sindaci, delle Giunta Municipali, del Presidente dell'Amministrazione Provinciale e della Deputazione Provinciale;

VALENDOMI dei poteri conferitimi, io, _____, Commissario Regionale

O R D I N O

1. Il Sindaco e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

2. La Giunta Municipale e' nominata dal Prefetto, previa autorizzazione della Commissione Alleata di Controllo.

3. Ogni Provincia ha un Presidente ed una Deputazione Provinciale.

4. Il Presidente e' capo dell'Amministrazione Provinciale e presidente della Deputazione Provinciale.

5. Il Presidente e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

RITENUTO che il T. U. della legge comunale e provinciale, approvato con R. D. 3 marzo 1934, n. 385, non risponde alla mutata situazione politica;

CONSIDERATO che si dimostra opportuno richiamare in vigore, per quanto e' possibile, il T. U. della legge comunale e provinciale, approvato con R. D. 3 Febbraio 1915 n. 148, come quello, che risponde ai principi democratici liberali ed alla libera coscienza politica delle popolazioni;

CHE non e' possibile, per il momento, indire le elezioni amministrative, che costituiscono il presupposto della piena applicazione del citato T. U. del 3 febbraio 1915 n. 148;

RITENUTA, pertanto, la opportunita' di dettare norme transitorie per il funzionamento delle amministrazioni comunali e provinciali, se ed in quante non posse trovare piena applicazione il ripetuto T. U. ;

CONSIDERATO che, il ripetuto T. U. del 1915 contiene norme, che consentono, in via di eccesione, la sostituzione della Giunta Municipale al Consiglio Comunale e della Deputazione Porvinciale al Consiglio Provinciale, alle quali, nell'attuale momento, si puo' dare applicazione in termini generali;

CHE, pertante, in via di eccezione, e sempre con carattere transitorio, occorre soltanto dettare le norme per la nomina dei Sindaci, delle Giunta Municipali, del Presidente dell'Amministrazione Provinciale e della Deputazione Provinciale;

VALENDOMI dei poteri conferitimi, io, _____, Commissario Regionale

O R D I N O

1. Il Sindaco e' nominate dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

2. La Giunta Municipale e' nominata dal Prefetto, previa autorizzazione della Commissione Alleata di Controllo.

3. Ogni Provincia ha un Presidente ed una Deputazione Provinciale.

4. Il Presidente e' capo dell'Amministrazione Provinciale e presidente della Deputazione Provinciale.

5. Il Presidente e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

6. I membri della Deputazione Provinciale sono nominati dal Prefetto, previa approvazione della Commissione Alleata di Controllo.

7. Sino a quando non saranno costituiti i consigli comunali e provinciali, al Consiglio Comunale si intendera' sostituita la Giunta Municipale ed al Consiglio Provinciale la Deputazione Provinciale, fermi rimanendo gli altri poteri attribuiti, in via normale, alla Giunta Municipale ed alla Deputazione Provinciale dal ripetuto T. U. della legge comunale e provinciale del 1915.

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8. Alle cause di ineleggibilita' stabilite dal T. U. del 1915 si aggiunge la seguente: Non sono eleggibili alla carica di Sindaco, Assessore, Presidente dell' Amministrazione e Deputazione Provinciale, Deputato Provinciale, coloro, che abbiano coperto cariche nel P. N. F.

9. Rimangono salve tutte le altre disposizioni del T. U. della legge comunale e provinciale, approvato con R. D. 3 febbraio 1915 n. 148, in quanto non contrastino col presente decreto o con speciali disposizioni emanate o da emanare della Commissione Alleata di Controllo.

10. Per l'applicazione delle disposizioni contenute negli articoli precedenti e per la risoluzione di casi dubbi di carattere generale, saranno dettate istruzioni dalla Commissione Alleata di Controllo, che avranno carattere normativo.

_____

_____

_____

Commissario Regionale

Distribution
B
Prefects
Spruce

Declassified E.O. 12356 Section 3.3/NND No. 778021

67/12

ALLIED CONTROL COMMISSION
_____ REGION HEADQUARTERS

ADMINISTRATIVE INSTRUCTION NO._____

APPENDIX B

Civil Servants are divided into three groups, A., B., and C.

The first deals with political and administration affairs; the second handles accountancy and administration; the third takes care of archives, registry, typing, etc.

ADMINISTRATIVE RANKS

Grade	XI	Under Secretary
"	X	Secretary
"	IX	First Secretary
"	VIII	Councilor Second Class
"	VII	" First "
"	VI	Vice Prefect - Inspector
"	~~VI~~ V	" " - "Vicario"
"	IV	Prefect Second Class
"	III	" First "

In addition to the foregoing, there is another category of personnel appointed by the Ministry of the Interior, who have not passed the prescribed civil service examination, consequently without rank, known as "personale avventizio".

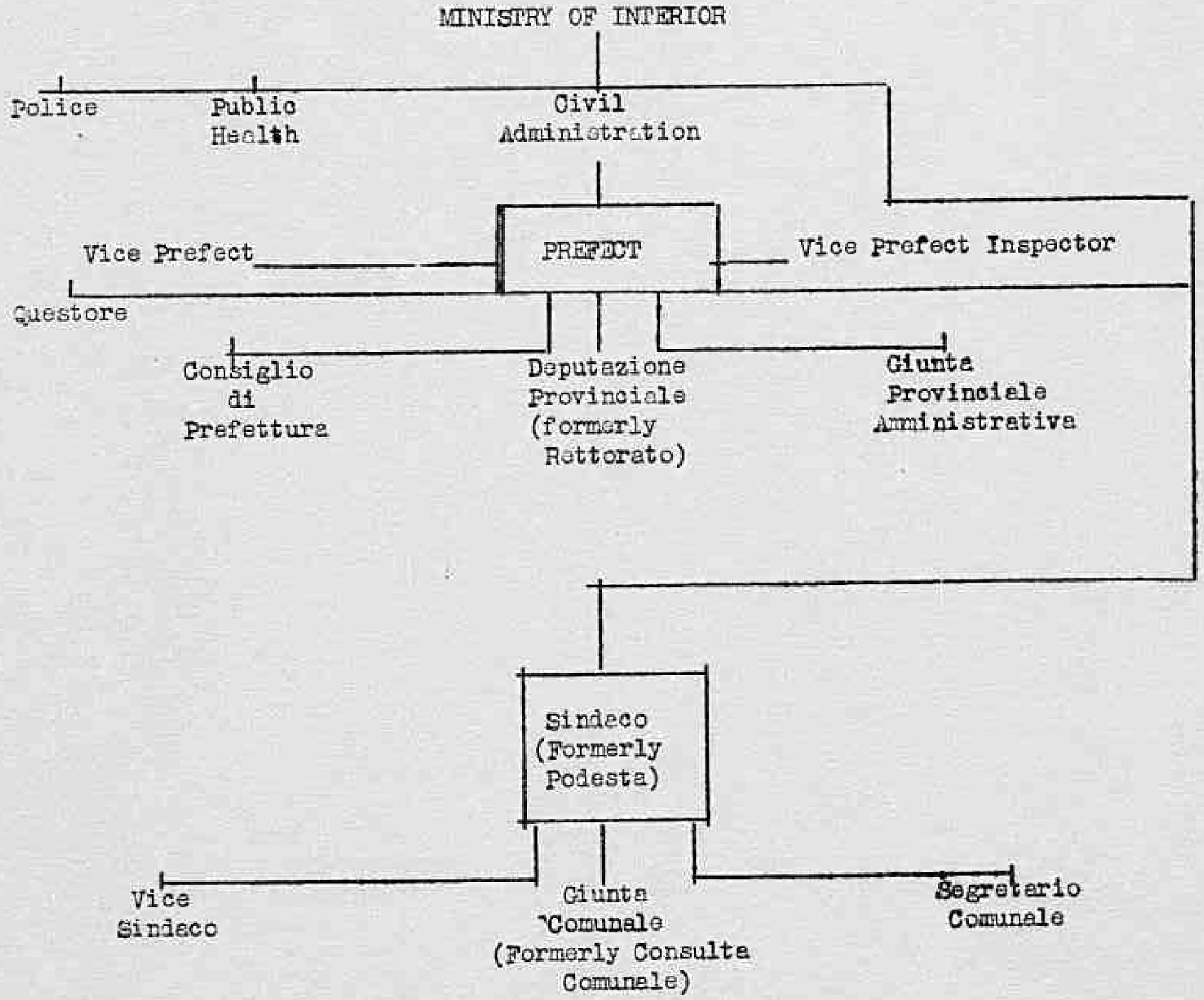
Declassified E.O. 12356 Section 3.3/NND No. 778502

67/11

ALLIED CONTROL COMMISSION
_____ REGION HEADQUARTERS

ADMINISTRATIVE INSTRUCTION NO. _____

APPENDIX C



Declassified E.O. 12356 Section 3.3/NND No. 778502/

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Declassified E.O. 12356 Section 3.3/NND No. 785021

CSO.

On Region 1, Col. Poletti drafted and put into being a Local Government organisation. It had apparently been intended that other Regions should follow the same plan, but this had not been effected before handing over.

It is desirable that Italian Local Govt. should be re-organised on one plan, and not different schemes in unoccupied and occupied Italy.

A conference with the Italian Govt. to agree the plan is desirable so that we can develope occupied areas on the same general plan as will obtain after restoration of the territory and to assure that the plan in restored territory is on a liberation basis not out of accord with the Moscow declaration.

Apparently the Italian Govt. is not unwilling .

Recommend agreement with Colonel Spicer's last paragraph.

T. VP

① The whole question to be the matter finally. Many I have from Washington please

Colonel Spicer's suggestion approved

Noted 1 March

27. 2 44

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Declassified E.O. 12356 Section 3.3/NND No. 785021

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB-COMMISSION
APO 394

ACC/23/Int 24 February 1944

SUBJECT: Local Government Organization and Legal Position Thereof.

TO : Vice President, Administrative Section.

1. A matter of considerable importance has arisen in connection with organization of local government in Royal Italy, and the same condition will undoubtedly arise as occupied territory is handed over increasingly to the Royal Italian Government.

2. In the first place, it must be recorded that the position of local government in the AMG period was covered in Sicily by the issue of a Regional Order issued by the then RCAO, Lt Col Poletti. This was accompanied by the Administrative Instructions and has been operating successfully through Region 1. The position in Region II has unfortunately not made such progress, and, as far as can be ascertained, a similar order drafted at thie Headquarters and approved by an officer of the Legal Sub-Commission, was not signed and issued, nor had, to any serious extent, the Administrative Instructions been carried out in that province.

3. The position in Sardinia is as yet unknown. The fact, however, that the Royal Italian Government has taken over Region I, II, and VI, complicates the issue, and I have little doubt that the matter requires clarifying at high level.

4. The question that requires decision, therefore, seems to me to be whether, as in the territories now taken over by the Royal Italian Government, or in the territories to be taken over by them in the future, they should be guided on the basis of the local government as set up and operating in Region I, which was instituted and carried through successfully by Lt Col Poletti, and whether indeed the system as now applied and operating in Region I can be continued without the full consent of the Royal Italian Government, and if that consent is not forthcoming, what action, if any, can be taken.

5. This further indicates a question as to whether the appointments made within the sphere of local government, i.e., Consiglieri, Assessori, and particularly in regard to bodies as constituted, such as, Giunta Communale/Municipale, Deputazione Provinciale, are to be adhered to insofar as the Allied Control Commission is concerned.

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6. There is no clause that I can find in any of the documents which has any direct bearing on this matter. It would appear to me that Allied Control Commission's policy in regard to all territories coming under either its administration or executive control should be, insofar as possible, uniform, and it would be ill-advised to institute local government in occupied Italy (as opposed to restored Italy) which differed materially in its organization. Such a policy can only lead to misunderstanding and would certainly not result in smooth working in regard to further hand-overs which, I believe, is the policy of the Allied Control Commission.

7. I requested the Chief Legal Officer to advise in this regard, since I think that with regard to the workings of this Sub-Commission, it is the crux.

8. I attach copy of his reply.

9. In the interim, I had further discussed the matter with Signor Reale, and I subjoin a copy of his comments:

" The general lines of the ordinance are laudable.

Only the duration is lacking, and I should advise fixing it for the duration of the war, save in cases of exceptional incapacity.

Under our system, this ordinance may be adopted only by a decree. Such a measure will shortly be adopted."

10. My recommendations are, therefore that, (1) The Minister of Interior should be requested to arrange publication of a decree by the Royal Italian Government corresponding to the attached Region I order, provided the Chief Commissioner and his Vice President are in agreement. (2) If there are any departures or alterations of a major nature, that arrangements are made by this Sub-commission with the Minister to have them brought to our notice, when the Legal Officer's views will be obtained. (3) When finally agreed upon, the decree shall be promulgated both in Royal Italy, and in occupied territory - in the latter case under the signature of the Chief Commissioner or Executive Commissioner.

R. G. B. SPICER
Lt Colonel
Acting Director
Interior Sub-Commission

Incls: as above

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Declassified E.O. 12356 Section 3.3/NND No. 785021

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394.

GRU/gmf

23 February 1944.

ACC/4005/L

SUBJECT: Local Government Organization and Legal Position thereof.

TO : V.P. Administrative Section, ACC.

Ref attached ACC/23/Int dated 21 Feb 44, the legal position is as follows.

1. With the cessation of occupation all Proclamations and Orders came to an end and the administration of the country returns to the Italians. They can therefore adopt, in theory, any form of administration that they please, which may or may not be along the lines of the administration set up by the Allies. In Region VI they have always been free in this regard.

2. Of course any actsby the Italians in this respect are governed by the various agreements reached ~~with~~ their Government but as pointed out by Col. Spicer, little of a positive nature can be found which affects the problem with which he is confronted.

3. It is obviously desirable that the Italian Government should be asked to consider their policy over internal administration in conjunction with ACC and to formulate a policy acceptable to ACC and one which, as Col. Spicer suggests, should be applicable both to occupied and unoccupied territory.

4. If the Italian Government are to be asked to adopt the organization set up in Region I, it would seem wise in the first place to ask for its views and carefully to consider any altenatives that may be proposed.

5. Whether ultimately the Region I organization should be insisted upon by ACC is a matter of high policy for the Chief Commissioner and his Vice Presidents.

G. R. Upjohn

G. R. UPJOHN
Colonel
Chief Legal Officer.

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1422.

- (APPENDIX A - REVISED)

ALLIED CONTROL COMMISSION

REGION HEADQUARTERS

REGIONAL ORDER
No _____

Date _____

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 March, 1934, n. 385, does not conform to the altered political situation; and

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February, 1915, n. 148, is considered to conform more nearly to liberal and democratic principles and to the free political conscience of the people; and

WHEREAS it is not possible at present to conduct public administrative elections, as would be necessary if full effect were given to said Unified Text of 3 February, 1915, n. 148; and

WHEREAS, therefore, it is considered advisable to issue temporary regulations for the functioning of municipal and provincial administration, insofar as the aforesaid Unified Text cannot be applied in full; and

WHEREAS said Unified Text of 1915 contains provisions that permit in exceptional circumstances, the substitution of the Giunta Municipale for the Consiglio Comunale, and of the Deputazione Provinciale for the Consiglio Provinciale, which provisions may at present be given effect in general terms; and

WHEREAS, therefore, in view of the present exceptional circumstances, and as a temporary measure, it is necessary to issue regulations only for the appointment of Mayors, members of the Giunta Municipale, President of Provincial Administration, and members of the Deputazione Provinciale;

BY VIRTUE OF the powers conferred on me, I, _____, Regional Commissioner, do hereby

ORDER

1. The Mayor shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

28

2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Control Commission.

3. Each Province shall have a President and a Deputazione Provinciale.

The President shall be the Head of Provincial Administration and

Declassified E.O. 12356 Section 3.3/NND No. 778502

Royal Decree of 3 March, 1934, n. 385, does not conform to the altered political situation; and

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February, 1915, n. 148, is considered to conform more nearly to liberal and democratic principles and to the free political conscience of the people; and

WHEREAS it is not possible at present to conduct public administrative elections, as would be necessary if full effect were given to said Unified Text of 3 February, 1915, n. 148, and

WHEREAS, therefore, it is considered advisable to issue temporary regulations for the functioning of municipal and provincial administration, insofar as the aforesaid Unified Text cannot be applied in full; and

WHEREAS said Unified Text of 1915 contains provisions that permit in exceptional circumstances, the substitution of the Giunta Municipale for the Consiglio Comunale, and of the Deputazione Provinciale for the Consiglio Provinciale, which provisions may at present be given effect in general terms; and

WHEREAS, therefore, in view of the present exceptional circumstances, and as a temporary measure, it is necessary to issue regulations only for the appointment of Mayors, members of the Giunta Municipale, President of Provincial Administration, and members of the Deputazione Provinciale;

BY VIRTUE OF the powers conferred on me, I, _____ _____, Regional Commissioner, do hereby

ORDER

1. The Mayor shall be appointed by the Prefect, subject to approval of the Allied Control Commission. 28

2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Control Commission.

3. Each Province shall have a President and a Deputazione Provinciale.

4. The President shall be the Head of Provincial Administration and president of the Deputazione Provinciale.

5. The President shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

6. The members of the Deputazione Provinciale shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

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Declassified E.O. 12356 Section 3.3/NND No. 785002

7. Until such time as the Consiglio Comunale and the Consiglio Provinciale shall have been constituted, the Giunta Municipale shall be substituted for the Consiglio Comunale, and the Deputazione Provinciale for the Consiglio Provinciale; and the Deputazione Provinciale shall retain all other powers normally vested in them by the aforesaid Unified Text of Communal and Provincial Laws of 1915.

8. To the grounds for ineligibility established by the Unified Text of 1915 is hereby added the following: No one is eligible for appointment to the office of Mayor, Assessor (member of the Giunta Muunicipale), President of provincial administration and of the Deputazione Provinciale, or Delegate (member of the Deputazione Provinciale), if he has held any office in the Fascist Party.

9. All other provisions of the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February 1915, n. 148, shall be and remain in full force and effect, to the extent that they are not in conflict with the present order or with special regulations issued or to be issued by the Allied Control Commission.

10. In the application of the provisions of the foregoing articles, and for the solution of general problems of interpretation arising thereunder, rulings may be issued by the Allied Control Commission, which will have the same effect as this order.

Distribution:

Regional Commissioner

Declassified E.O. 12356 Section 3.3/NND No. 758002

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Declassified E.O. 12356 Section 3.3/NND No. 785021

~~23/43~~
GTH0

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB-COMMISSION
APO 394

ACC/23/Int 24 February 1944

SUBJECT: Local Government Organization and Legal Position Thereof.

TO : Vice President, Administrative Section.

1. A matter of considerable importance has arisen in connection with organization of local government in Royal Italy, and the same condition will undoubtedly arise as occupied territory is handed over increasingly to the Royal Italian Government.

2. In the first place, it must be recorded that the position of local government in the AMG period was covered in Sicily by the issue of a Regional Order issued by the then RCAO, Lt Col Poletti. This was accompanied by the Administrative Instructions and has been operating successfully through Region I. The position in Region II has unfortunately not made such progress, and, as far as can be ascertained, a similar order drafted at this Headquarters and approved by an officer of the Legal Sub-Commission, was not signed and issued, nor had, to any serious extent, the Administrative Instructions been carried out in that province.

3. The position in Sardinia is as yet unknown. The fact, however, that the Royal Italian Government has taken over Region I, II, and VI, complicates the issue, and I have little doubt that the matter requires clarifying at high level.

4. The question that requires decision, therefore, seems to me to be whether, as in the territories now taken over by the Royal Italian Government, or in the territories to be taken over by them in the future, they should be guided on the basis of the local government as set up and operating in Region I, which was instituted and carried through successfully by Lt Col Poletti, and whether indeed the system as now applied and operating in Region I can be continued without the full consent of the Royal Italian Government, and if that consent is not forthcoming, what action, if any, can be taken.

5. This further indicates a question as to whether the appointments made within the sphere of local government, i.e., Consiglieri, Assessori, and particularly in regard to bodies as constituted, such as, Giunta Communale/Municipale, Deputazione Provinciale, are to be adhered to insofar as the Allied Control Commission is concerned.

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6. There is no clause that I can find in any of the documents which has any direct bearing on this matter. It would appear to me that Allied Control Commission's policy in regard to all territories coming under either its administration or executive control should be, insofar as possible, uniform, and it would be ill-advised to institute local government in occupied Italy (as opposed to restored Italy) which differed materially in its organization. Such a policy can only lead to misunderstanding and would certainly not result in smooth working in regard to further hand-overs which, I believe, is the policy of the Allied Control Commission.

7. I requested the Chief Legal Officer to advise in this regard, since I think that with regard to the workings of this sub-Commission, it is the crux.

8. I attach copy of his reply.

9. In the interim, I had further discussed the matter with Signor Reale, and I subjoin a copy of his comments:

" The general lines of the ordinance are laudable.

Only the duration is lacking, and I should advise fixing it for the duration of the war, save in cases of exceptional incapacity.

Under our system, this ordinance may be adopted only by a decree. Such a measure will shortly be adopted."

10. My recommendations are, therefore that, (1) The Minister of Interior should be requested to arrange publication of a decree by the Royal Italian Government corresponding to the attached Region I order, provided the Chief Commissioner and his Vice President are in agreement. (2) If there are any departures or alterations of a major nature, that arrangements are made by this Sub-commission with the Minister to have them brought to our notice, when the Legal Officer's views will be obtained. (3) When finally agreed upon, the decree shall be promulgated both in Royal Italy, and in occupied territory - in the latter case under the signature of the Chief Commissioner or Executive Commissioner.

R.A. Spicer

F. G. B. SPICER
Lt Colonel
Acting Director
Interior Sub-Commission

Incls: as above

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394.

CPU/gmf

23 February 1944.

ACC/A005/L

SUBJECT: Local Government Organization and Legal Position thereof.

TO : V.P. Administrative Section, ACC.

Ref attached ACC/23/Int dated 21 Feb 44, the legal position is as follows.

1. With the cessation of occupation all Proclamations and Orders came to an end and the administration of the country returns to the Italians. They can therefore adopt, in theory, any form of administration that they please, which may or may not be along the lines of the administration set up by the Allies. In Region VI they have always been free in this regard.

2. Of course any acts by the Italians in this respect are governed by the various agreements reached with their Government but as pointed out by Col. Spicer, little of a positive nature can be found which affects the problem with which he is confronted.

3. It is obviously desirable that the Italian Government should be asked to consider their policy over internal administration in conjunction with ACC and to formulate a policy acceptable to ACC and one which, as Col. Spicer suggests, should be applicable both to occupied and unoccupied territory.

4. If the Italian Government are to be asked to adopt the organization set up in Region I, it would seem wise in the first place to ask for its views and carefully to consider any alternatives that may be proposed.

5. Whether ultimately the Region I organization should be insisted upon by ACC is a matter of high policy for the Chief Commissioner and his Vice Presidents.

25

G. R. UPJOHN
Colonel
Chief Legal Officer.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/23/Int 21 February 1944

SUBJECT: Local Government Organization and Legal Position Thereof.

TO : Vice President, Administrative Section

1. A matter of considerable importance has arisen in connection with organization of local government in Royal Italy, and the same condition will undoubtedly arise as occupied territory is handed over increasingly to the Royal Italian Government.

2. In the first place, it must be recorded that the position of local government in the AMG period was covered in Sicily by the issue of a Regional Order issued by the then RCAC, It Col Poletti. This was accompanied by the Administrative Instructions and has been operating successfully through Region I. The position in Region II has unfortunately not made such progress, and, as far as can be ascertained, a similar order drafted at this Headquarters and approved by an officer of the Legal Sub-Commission, was not signed and issued, nor had, to any serious extent, the Administrative Instructions been carried out in that province.

3. The position in Sardinia is as yet unknown. The fact, however, that the Royal Italian Government has taken over Region I, II, and VI, complicates the issue, and I have little doubt that the matter requires clarifying at high level.

4. The chief of the Legal Sub-Commission, whom I have consulted personally, is of the opinion that a Regional Order such as referred to and which I attach a copy of, is not binding on the Royal Italian Government, and they may or may not accept such Regional Orders as an interim "modus operendi" of local government pending long-termed decisions and policies to be adopted by the Italian Government of the future.

5. The question that requires decision, therefore, seems to me to be whether, as in the territories now taken over by the Royal Italian Government, or in the territories to be taken over by them in the future, they should be guided on the basis of the local government as set up and operating in Region I, which was instituted and carried through successfully by It Col Charles Poletti, and whether indeed the system as now applied and operating in Region I can be continued without the full consent of the Royal Italian Government, and if that consent is not forthcoming, what action, if any, can be taken. 24.

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5. This further indicates a question as to whether the appointments made within the sphere of local government, i.e., Consiglieri, Assessori, and particularly in regard to bodies as constituted, such as, Giunta Comunale/Municipale, Deputazione Provinciale, are to be adhered to insofar as the Allied Control Commission is concerned.

7. There is no clause that I can find in any of the documents which has any direct bearing on this matter. It would appear to me that Allied Control Commission's policy in regard to all territories coming under either its administration or executive control should be, insofar as possible, uniform, and it would be ill-advised to institute local government in occupied Italy (as opposed to restored Italy) which differed materially in its organization. Such a policy can only lead to misunderstanding and would certainly not result in smooth working in regard to further hand-overs which, I believe, is the policy of the Allied Control Commission.

8. My recommendation is as follows: That the Minister of Interior should be asked to arrange publication of a decree by the Royal Italian Government corresponding, in the main, to the organization as now set up and operating in Region I.

9. I ~~consider~~ that the Chief Legal Officer ~~should be asked~~ to advise in this regard ~~since~~ I think that with regard to the working of this Sub-Commission, it is the crux.

8. I attach copy of his reply.

R. G. B. SPICER
It Colonel
Acting Director
Interior Sub-Commission

9. In the interim, I had further discussed the matter with Major Poole and I submit a copy of his comments.

See attach

10. My recommendations are therefore (1) ~~that~~ The Minister of Interior should be requested to arrange publication of a decree by the Royal Italian Government, corresponding to the attached Region I ~~decree~~ provided The Chief Commissioner and his P.G. Branch are in agreement.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

" The general lines of the ordinance
" are laudable.
" One, the duration, is lacking and I should
" advise fixing it for the duration of the
" war. Save in cases of exceptional
" incapacity.
" Under our system this ordinance may
" be adopted one by a decree. Such
" a measure will shortly be adopted."

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(2) If there are any deductions or alterations of a [illegible] nature, that arrangements are made by the Italian Government with the Ministry to have them brought to our notice, when the legal officers views will be obtained.

(3) When finally agreed upon, the decree shall be promulgated both in Royal Italy, and in occupied Territory in the latter case under the signature of the Chief Commissioner or Deputy Commissioner.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

23 February 1944

ACC/23/Int

SUBJECT: Ordnance for Provincial and Communal Administration

TO : His Excellency, Signor Reale, Minister of Interior

Your Excellency:

1. Reference your letter 733/GAP of 19th February, paragraph 5, in connection with Provincial and Communal Administration, I am gratful to your Excellency for the steps you are taking.

2. I should be pleased to receive a draft of the decree before it is published, as it will be necessary for me to consult the Chief Legal Officer in the matter.

3. In regard to the duration, I agree that "for the duration of the war" would appear to me to be reasonable, but again, before I decide this matter, I must of necessity consult the Chief Legal Officer, and as soon as a decision is arrived at, I will let you know.

4. You will appreciate that it is my desire that such a decree be circulated if approved, not only in restored Italy, but also in occupied territory with the approval of the Chief Commissioner.

R. G. B. SPICER
Lt Colonel
Acting Director
Interior Sub Commission

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no. 19 Feb 22/36

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In view of the meeting with you yesterday and of communications made to me I wish to make the following statement:

PREFECT TAMBURRO OF MATERA

1. I was sorry to hear the decision of the ACC, rejecting our proposal to substitute for the present prefect Tamburro another official who might legally (regolarmente) assume the post. I must protest against this incomprehensible decision which is at odds with our administrative system and which sanctions a serious moral disorder. (disorder in morale of officials is probably what is meant.)

The question brought up by this Ministry is not concerned with individuals but with the principle of justice which allows no official to infringe upon the right of other officials superior in rank and merit.

2. Questore Novella of Campobasso. I shall explain briefly the facts and the enclosed documents.

a. Marshal B. made a direct plea for the liberty of Novella and the the Ministry of Interior was not informed of the correspondence between him and AMG; hence it was ignorant of the condition set by the Allies (that R. should not return to Campobasso) and of his being charged with serious (unspecified) offenses.

b. Novella, freed from the Concentration Camp at Taranto Jan 15 last, reported on the 18th to the Ministry of Interior at Lecce (his superiors) and deposited the enclosed note which we beg you to read with care (Encl 1)

c. R. applied for a months leave before returning to the ministry, for the sole purpose of transferring his family and personal effects from Campobasso. Since it was a <u>human</u> request, the Ministry official consented and gave him the letter (of which we include a copy) which he signed himself, not thinking it worth while to trouble his Excellency Reale for such a minor matter. (Enc. 2)

3. I have written to the Prefect of Campobasso to take note that R. is forbidden to remain there beyond the time necessary to move his family and goods, since the information that he is under no charge is inaccurate, that he has been released only for reasons of humanity but he must answer to the Allies for unspecified transgressions.

4. In order that the Allied Command may not base its information on men of doubtful morality we attach herewith the peneal certificate of Acille Lopez, with the sole purpose of preventing inaccurate information from jeopardizing our excellent relations.

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5. Ordinance for Provincial and Communal administration.

The general lines of the ordinance are laudable.

Only the duration is lacking, and I should advise fixing it for the duration of the war, save in cases of serious incapacity.

Under our system this ordinance may be adopted only by a decree. Such a measure will shortly be adopted.

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FWAR HEADQUARTERS
ALLIED SECTION, LEGAL DIVISION
ALLIED COMMISSION
APO 394

ACC/23/Int

21 February 1944

SUBJECT: Local Government Organization and Legal Position Thereof.

TO : Vice President, Administrative Section

1. A matter of considerable importance has arisen in connection with organization of local government in Royal Italy, and the same condition will undoubtedly arise as occupied territory is handed over increasingly to the Royal Italian Government.

2. In the first place, it must be recorded that the position of local government in the AMG period was covered in Sicily by the issue of a Region Order issued by the then MG.A.O., Lt Col Poletti. This was accompanied by the Administrative Instructions and has been operating successfully through Reg 1. The position in Region II has unfortunately not made such progress, and as far as can be ascertained, a similar order drafted at this Headquarters and approved by an officer of the Legal Sub-Commission, was not signed and issued, nor had, to any serious extent, the Administrative Instructions been carried out in that province.

3. The position in Sardinia is not yet known. The fact, however, that Royal Italian Government has taken over Region I, II, and VI, complicates the issue, and I have little doubt that the matter requires clarifying at high level.

4. The staff of the Legal Sub-Commission, whom I have consulted personally is of the opinion that a Regional Order such as referred to and which I attach a copy of, is not binding on the Royal Italian Government, and they may or may not accept such Regional Orders as an interim 'modus operandi' of local government pending long-termed decisions and policies to be adopted by the Italian Government of the future.

5. The question that requires decision, therefore, seems to me to be whether in the territories now taken over by the Royal Italian Government, or in territories to be taken over by them in the future, they should be guided on the basis of the local government as set up and operating in Region I, which was instituted and carried through successfully by Lt Col Charles Poletti, or whether indeed the system as now applied and operating in Region I can be continued without the full consent of the Royal Italian Government, and if that consent is not forthcoming, what action, if any, can be taken.

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6. This further indicates a question as to whether the appointments made within the sphere of local government, i.e., Consiglieri, Assessori, and particularly in regard to bodies so constituted, such as, Giunta Comunale/Municipale, Deputazione Provinciale, are to be adhered to insofar as the Allied Control Commission is concerned.

7. There is no clause that I can find in any of the documents which has any direct bearing on this matter. It would appear to me that Allied Control Commission's policy in regard to all territories coming under either its administration or executive control should be, insofar as possible, uniform, and would be ill-advised to institute local government in occupied Italy (as opposed to restored Italy) which differed materially in its organization. Such a policy can only lead to misunderstanding and would certainly not result in smooth working in regard to further hand-overs which, I believe, is the policy of the Allied Control Commission.

8. My recommendation is as follows: That the Minister of Interior should be asked to arrange publication of a decree by the Royal Italian Government corresponding, in this matter, to the organization as now set up and operating in Region I.

9. I consider that the Chief Legal Officer should be asked to advise in this regard and I think that with regard to the working of this sub-Commission is the crux.

E. A. B. SPIDER
Lt Colonel
Acting Director
Interior Sub-Commission

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