

ACC

10000/141/131

RECONSTRUCTION
SEPT. 1944 - JUN

10000/141/131

RECONSTRUCTION OF ITALIAN LOCAL GOV'T
SEPT. 1944 - JUN. 1945

MINUTE SHEET NO. 2

DATE	(Minute No. 3 - continued)	PAGE
	4. In order to get some clarification of the source of the document and an intimation as to what action might be necessary, I consulted Mr. Dowling, the American Political Advisor, to whose attention I brought the foregoing information. He pointed out that the Moscow Declaration and Amistice terms did not prevent the submission of the document by the Allied Governments to the Italian Government. TAV 467 he stated was not inconsistent with those documents but merely spelled out a relationship between the Allied Commission, as one of the representatives of the Allied Governments, with the Italian Government. He agreed, however, that probably it was a little too late for us to submit any comments on the plan, since it had been already formulated as a finished document by the State Department and as such was being studied by the British and Soviet Governments. He agreed that perhaps if the latter two Governments submitted alternative proposals, we might be called upon to present our observations. Furthermore, he did not know how far the Allied Governments could go in taking "official action . . . to urge the plan upon the Italian Government". (See CC's letter p. 1).	
	5. As to the possibility of contacting the administrative reorganization committee of the Italian Government with regard to its work up to date, he agreed that in view of the formulation of the present State Department's plan, it might be embarrassing to contact the committee just now. If the committee already has conceived a different plan and we were made familiar with it, the Italian Government might think the Allied Governments' plan was purposely drawn to contradict its own scheme.	
	6. It is regretted that we were not consulted by the State Department before it drew up this plan in an apparently academic intellectual vacuum. I submit the foregoing for your information and respectfully suggest that we take no action until instructed to do so. Apparently this is the intention of the Chief Commissioner as well as yourself. <i>R. R. Temple</i> RAILS R. TEMPLE, Major Deputy Director Local Government S/C	
RRS/dec	4	
22 May	22 V.P. 3834 Reference Minute 3 I agree with recommendation in para 6 6.5. Agreed no action required by AC.	

28 May

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R.R. Temple Major
RALPH R. TEMPLE, Major
Deputy Director
Local Government S/C

RRT/dec

22 May

3834

6. U.P. - Reference Minute 3 I agree with recommendation
in para 6

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6. G. - agreed no action required by A.C.
[Signature]

28 May

Director:

29 May

To put you "in the picture", please see minutes and photo on this file.

R.R. Temple Major
[Signature]

Noted *R.R. Temple*
[Signature]

29 May 1945

MINUTE SHEET NO. 1

DATE	PAGE
① To V.I. C For information. I will pass to attached to local Government for retention. <i>L. G.</i> What price FAN 487? <i>sp. by</i> <i>17/10/45</i> 2823	(3) CAS: 21 May 45 1. The document dealing with the reconstruction of Italian local government (fo. p. 1A) with covering letter from Admiral Stone (fo. p. 1) together with the accompanying note from the VP CI Section (Min 0 10) raised some questions in my mind as to what role we are to play in this matter. 2. The subject has been of more or less casual interest to this Sub Commission, ever since the Hon. Salvatore ALDISIO on 3 May 1944 delivered a lecture on this very subject to a group of officers attending a course on local government given under our sponsorship. The idea itself is not new, some of the germs having been planted in the "Risorgimento". In 1921, the Christian Democrats at their conference in Venice made proposals for de-centralization on a regional basis. Fascism, of course, scrapped the idea. 3. Some months ago, we were informed that a committee had been formed by the Italian Government, headed by Professor...

21 May 45

CAS:

(5)

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3. Some months ago, we were informed that a committee had been formed by the Italian Government, headed by Professor PORTI of Naples University, to study the problem of re-organization of the Italian Governmental system. I was instructed by my superiors to refrain from making inquiries as to just what this committee was proposing to do, since it was regarded as a matter solely for the determination of the Italian Government. The ultimate decision as to the system of government to be adopted is, of course, one for a Constituent Assembly. Our avoidance of any contact with the Italian Government concerning this matter is consonant with the policy enunciated in FAI 457, and with the recent "light rein" statement of the Chief Commissioner.

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L.G.
What price FAI 487?

spbm

17 May 45

Government for retention.
L.G. 2/10/45

I will pass to command

SECRET.

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Chief Commissioner

5 JUL 1945

Ref: 310/11/EC.

30 June 1945.

SUBJECT: Italian Institutional Question.

2-11161043

TO : Supreme Allied Commander,
Allied Force Headquarters.

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

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

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

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3. Were an effort of this nature to be undertaken, it would be important to review the reasons, not necessarily those of a legal nature, why a referendum would ensure to the Italian people, in practice, a freer and fairer choice in this important matter. In this connection, the President of the Council, Signor Bonomi, expressed to the Chief Commissioner subsequent to the Yalta Conference, the hope that the Allied Governments would require in the peace treaty or otherwise that the Italian institutional question be determined by referendum rather than by constituent assembly "in order to avoid the danger of having this question decided by less than a majority of the Italian people" (6506/COS, OC200 of 31 March 1945) while as early as July 3, 1944, the Chief Commissioner, in commenting to the Supreme Allied Commander on Decree Law 151, stated that it was clear to him and to his advisers that a referendum offered the best chance of a fair decision on the institutional question since it was unrealistic to expect that no attempt would be made to interfere with the result and since it would be immeasurably more difficult to interfere with a referendum (see ACC memo of July 3, 1944 to SACMED). It should further be pointed out that the same memorandum contains the result of conversations between the Allied Commission and members

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

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

Elmer W. Stone

ELMER W. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to: US Ambassador
Br Ambassador
US Polad, AFHQ
Br Resmin, AFHQ
G-5, AFHQ (2) (Your G-5: 091.1 ITALY of 26 June 45 refers).
Pol Adv (A)
Pol Adv (E)
CA Section (2)
File
Flect
Spars (5)

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HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

14 May 1945.

15 MAY 1945

MEMORANDUM TO: Executive Commissioner.
Vice President, Civil Affairs Section.

The attached document for reorganization of local government in Italy is being submitted to the British and Soviet Governments by the U.S. Department of State for consideration. In the event of their concurrence, official action will be taken to urge the plan upon the Italian Government.

The attached is for your information, particularly with respect to communications which the Commission has had recently with the Italian Government looking to the resumption of its local electoral procedure.

Elmer W. Stone
ELMER W. STONE
Rear Admiral, USNR
Chief Commissioner

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(CAC-294)
September 26, 1944

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ITALY: RECONSTRUCTION OF LOCAL GOVERNMENT

Views of the Inter-Divisional Committee
On Italy

The Inter-Divisional Committee on Italy regards as the preferred solution for the reorganization of local government in Italy: the establishment of A Quasi-Federal State, Composed of Regions, the Regional Governments to Have Only Specified Powers, all Other Powers Being Vested in the National Government.

The Regions

Under this recommendation the fundamental units of local government would be the regions, historical-cultural areas approximately like the compartimenti or regioni which hitherto have been used only for statistical purposes.

Within each region the provinces might be retained as administrative areas. The provinces, as heretofore, would be divided into communes.

Powers of local units

This plan is not federal, but only quasi-federal. Ultimate political authority or sovereignty would pertain to the central government. No region would have power to separate from Italy or to overrule the national law.

The regions, however, would have power, through their own organs, to legislate on and to administer those affairs which the future constitution would specify as regional matters. The precise delimitation of regional powers and functions would be determined by the future Italian constitution. At the same time the constitution would define the powers of communes or municipalities. Once the boundaries of a region were established, they would be subject to change only with its consent. Some organ of the central government, independent of the national legislature, should be established to maintain the observance of the constitutional powers both by the central government and by the regions. This organ might be the Court of Cession (Supreme Court), which could be endowed with the function of interpreting the constitution, or it might be the Council of State, which could be provided with somewhat broader powers as a court of administrative law.

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The regional

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The regional governments would be entrusted with (1) supervision of all elections, national, regional, and communal; (2) supervision of the communes regarding their limits of indebtedness and observation of their powers and functions. The regions would also be entrusted with all those powers which by the law of February 4, 1915 (No. 148) were conferred on the provinces. Precise delimitation of regional powers in legislation, taxation, and administration would, of course, be left to the Italian people to determine. In general, however, it would be essential for the region to have control over regional roads and communications, regional waterways, most aspects of agriculture, local commerce and industry. Most police functions would be performed by the regions and communes. Other functions such as relief, social welfare, education, sanitation, public works and reclamation, might be divided between the central government and the regions.

Form of Regional Government

Each region would have its elective council which would have ultimate authority to make laws or regulations within its sphere of powers. The executive authority within the region would be an executive committee, chosen by the council from among its own members, and responsible to the regional council. One member might be chosen as regional governor or president. Regional administrative officials would be responsible solely to the regional executive. If the office of prefect be retained for administration of the province, the prefect would be responsible solely to the regional executive.

The Communes

Supervision of the communes would devolve essentially on the regions. The national constitution would make general provision for communal powers. Cities should be given control over their own affairs as defined by the functions assigned them, and their elected organs should not be subject to recall, dissolution, or any process except judicial, on the part of a higher unit of government. Co-operative arrangements among small rural communes should be encouraged. Communes unable to exercise fully the functions of local government would be permitted only a limited autonomy, and would be subject to the supervision of regional officials.

Powers of the Central Government

Ultimate political power or sovereignty would pertain to the central government. All powers not specifically conferred on the regions would be vested in the central government. Some organ of

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the central government (such as the Court of Cassation or the Council of State, but not the national parliament), would determine, on the basis of the constitution, the limits of competence of national and regional officials.

National law would be administered within each region by national officials dependent on the various ministries, and by regional officials.

Simplification of Areas of Administrative Jurisdiction

The regions would constitute the fundamental units of local government and would also be used as units of administration by the national government. The government would, after the establishment of the regions, and their minor units (provinces and communes), proceed to a simplification of the areas of administration used by the various ministries at Rome, Finance, Agriculture, Public Works, etc., in order to bring the various fiscal, sanitary, road, public works, judicial and other areas into harmony.

The Committee recommends this solution because:

1. While in no way would it threaten the national unity of Italy, it would provide the basis for local self-government, a necessary predicate for a democratic regime;
2. It would permit a widespread variation in governmental regulations on matters which are essentially local;
3. It would tend to focus the attention of the Italian people on their immediate problems of reconstruction and amelioration, thereby diminishing the appeal of imperialism;
4. It would remove certain great defects under which the national government formerly suffered: concentration of local problems in the ministries at Rome; and the power of the central government to manipulate parliamentary elections.

Prepared and reviewed by the Inter-Divisional Committee on Italy:

TS: DHarris	SR: CWCannon
WCMacLean	JWJones
MHSmyth (drafting officer)	EKHollingshead

CP: JMMitchell	LA: RTirana
JMKennedy	

FMA: FFLincoln

ISO: WMKotschnig
EHBuehrig

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