

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

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Declassified E.O. 12356 Section 3.3/NND

No. 785021

10000/141/514

ITALIAN INSTITUTIONAL QUESTION
JAN., JULY 1946

Copy : Legal Sub Commission

Confidential

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

24 January 1946

Tel. : 620

TO : GAS

SUBJECT : Italian Institutional Question.

1. Reference your proposed reply to the Executive Commissioner's letter (file 9/26.1/CA - 24 Jan 46). Lt Col. Mansford of Legal Sub Commission and myself have examined said draft and we believe it sets forth the position accurately. We have no modifications to suggest.


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

RRT/ea

Copy : Legal Sub Commission

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Confidential

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: 9/26 A/CA.

Tel. Ext. 525.

24 Jan 46.

SUBJECT: Institutional Question.

TO: Legal Sub-Commission,
Local Government Sub-Commission,
Polad (A),
Polad (B).

Reference meeting held in VP's Office on Tuesday 22 Jan 46.

There is attached for your perusal and comments draft of proposed reply to the Executive Commissioner's letter.

Please treat as urgent.

W. H. Carr
W. H. Carr, Brig.,
VP CA Section.

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: 9/26 A/GA.

Tel. Ext. 545.

24 January 1946.

SUBJECT: Institutional Question.

TO: Office of the Executive Commissioner.

Reference your 310/45/III of 17 Jan 46.

1 The AFHQ letter G-5: 091.1/TIMAY of 13 Jan 46 was examined and discussed at a meeting held by me with Legal and Local Government Sub-Commissions. Polads (A) and (B) were also present.

2 The following comments are made on the points raised in the AFHQ

letter:-

(a) Para 2(a)

NAF 1043 clearly envisages the possibility of holding a referendum without Allied supervision and therefore circumstances in this respect have not changed.

(b) Para 2(b)

It is considered that there has been no change in circumstances which alters the basic opinion that a referendum would provide "the best chance of a fair decision". The word "essential" is not used in this connection in NAF 1043.

(c) Para 3.

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Polads (A) and (B) gave as the views of the US and UK Governments, that the interpretation of Decree Law 151 of June 1944 and any modi-

Reference your 310/45/E of 17 Jan 46.

- 1 The AFHQ letter C-5: 091.1/ITALY of 13 Jan 46 was examined and discussed at a meeting held by me with Legal and Local Government Sub-Commissions. Polads (A) and (B) were also present.
- 2 The following comments are made on the points raised in the AFHQ letter:-
- (a) Para 2(a)
- NAF 1043 clearly envisages the possibility of holding a referendum without Allied supervision and therefore circumstances in this respect have not changed.

(b) Para 2(b)

It is considered that there has been no change in circumstances which alters the basic opinion that a referendum would provide "the best chance of a fair decision". The word "essential" is not used in this connection in NAF 1043.

(c) Para 3.

Polads (A) and (B) gave as the views of the US and UK Governments, 512

that the interpretation of Decree Law 151 of June 1944 and any modification or supersession of that Decree Law are entirely the responsibility of the Italian Government.

X It is agreed that a Costituente elected without the Institutional question having been publicly aired beforehand might well not be fully representative.

X The undertaking given by the Italian Government precludes the Institutional question being reopened without Allied consent "until such time as Italy has been liberated and Italian people have the opportunity of themselves determining the form of Government." Italy has now been

- 2 -

liberated and it is felt that sooner or later the Italian Government will make an approach with a view to their being released from the undertaking given. It is considered that at this stage the initiative in this matter should be left with the Italian Government.

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

X In terms of the proposed national electoral law the Italian Government must officially give 70 days notice to the people before the actual date of the election, that an election is to be held. It is considered that such notice-date might be a suitable time for releasing the Italian Government from its undertaking not to raise the Institutional question and that the question should then be thrown open to discussion. It may be that the Italian Government will wish to be relieved of their undertaking earlier ~~back~~ than this but if so they should be left to raise the matter.

(d) Para 4.

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

M. CARL, Brig., 511
VF CA Section.

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(a) Para 4.

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

M. GARR, Brig., 511
WP CA Section.

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : 9/26.A/CA

21 Jan 46

SUBJECT : Italian Institutional Question.

TO : Legal S/C.
Local Government S/C. ✓

Attached for your perusal is a copy of AFHQ letter G-5: 091.1 Italy dated 13 Jan 46. A copy is also attached of AFHQ signal NAF 1043.

The Directors of the above Sub-Commissions are requested to study the subject matter of the attached documents for discussion with the VP tomorrow (22 Jan) at 1700 hrs.

Legal S/C file AC/4117/1/L is returned.

Howard Keane, Jr.
M. CAMP, Brigadier,
VP CA Section.

Encls.

Borrow legal file

AC/4117/1/L

510

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C O P YC O N F I D E N T I A L

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 091.1 ITALY

13 January 1946.

SUBJECT: Italian Institutional Question.

TO: Headquarters, Allied Commission, APO 394.
Br. Resident Minister, AFHQ,
U.S. Political Adviser, AFHQ.

1. Reference is made to AFHQ signal NAF 1043 of 20 July 1945 to the Combined Chiefs of Staff from whom no reply has yet been received. It is for consideration whether or not the time has come to raise this question again and, if so, whether a modified approach should be made.

2. Since NAF 1043 was dispatched the situation has changed to the following extent:

a. Allied supervision of a referendum might no longer be feasible on the grounds of manpower shortage.

b. Neither the elections nor the Peace Treaty are likely to be concluded before late Summer. Italy now has a considerable degree of autonomy and a longer interim period to exercise it than was ever envisaged. By the time that the Constituent is elected the reintroduction into Italy of democratic principles will have advanced further than was anticipated. Thus it is arguable that the institutional question can be safely left to the Constituent and that a referendum is no longer essential.

3. A further point for consideration is whether or not the institutional question should be allowed to colour the forthcoming elections. A Constituent elected without this question having been publicly aired beforehand might well not be fully representative.

4. The suggestion is put forward that the Italian Government should now be relieved of their undertaking not to raise the institutional question and that its future should be left in their own hands.

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5. Your comments on the foregoing are desired.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

(Sgd) ?????? (Col)
for - A.L. HABLET,

Brigadier General, GSC
Assistant Chief of Staff, G-5

C O P Y.SECRET

FX 25466

JULY 210930.

FROM: AFHQ SIGNED ALEXANDER CITE FHGEG.

TO: ACTION AGWAR WASHINGTON (FOR CCS) AMESO LONDON (FOR BRITISH CHIEFS OF STAFF) INFO ALCOM ROME (PERSONAL FOR ADMIRAL STONE) TERMINAL

SECRET

(Personal For FIELD MARSHAL ALEXANDER).

Consideration of Italian Institutional question. This is NAF 1043.

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

2. It is clear to me and my political advisers that when it is decided to allow the institutional question to be re-opened the best chance of a fair decision on the issue between monarchy and republic would be a referendum or plebiscite - preferably under Allied supervision. Even if Allied supervision is not deemed expedient a referendum under Italian auspices would still be preferable to the election of delegates to a constituent assembly with the double duty of deciding both the principle and exact form of government. The reason is simple.

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SECRETCONTINUATION PAGE 2.

In countries such as ITALY with limited experience in recent years of Democratic Government and under the circumstances existing here it is unrealistic to expect that no improper attempt will be made by domestic or external interests to secure the result desired by them. It will clearly be far more difficult to manipulate a referendum throughout the whole country than to influence the members of a constituent assembly.

3. However, communique published 23 June 1944 by Italian Government referring to an Italian decree which was published on the institutional question states "this measure establishes by legislative process that after the liberation of the national territory the institutional question will be decided by the Italian people who, for this purpose will elect by universal direct and secret ballot a constituent assembly to decide the new constitution of the state."

4. While the decree stands in its present form it does not provide for the settlement of institutional question by referendum. The following methods of obtaining a referendum in spite of this situation however present themselves.

(A) To advise the Italian Government that they should consider the revision of the present decree and its substitution by a new decree designed to achieve settlement by referendum. It could be indicated to the Italian Government that such revision would be a sign of the Government's desire to assist the Allied governments in discharging their declared commitments to enable the Italian people to choose freely their permanent form of government.

(B) If it is considered impolitic to ask the Italian Government to modify this decree that government could be requested that when passing a supplementary decree setting up the machinery and

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S C R E T DCONTINUATION PAGE 9.

procedure of the constituent assembly (as will be necessary in any case) a clause should be included requiring that the decision of the constituent assembly on the institutional question should be submitted to the people for ratification or rejection by means of a national referendum. The objection to this course is that the prior decision of the constituent assembly is likely to affect the result of the referendum.

(C) An appropriate clause might be inserted in the Peace Treaty or any other instrument which terminates the current relationship with ITALY (should this be negotiated soon enough) or an appropriate undertaking required of the Italian Government in negotiations preliminary to the signature of such a treaty or instrument to the effect that the institutional question would be decided by referendum rather than by a constituent assembly. Actually such a demand on the part of the Allies would not be objected to by many Italians.

5. It is improbable that complete voters list will be available before mid-November and it is doubtful if a proper referendum could be held before next January at the earliest.

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

7. Directions are accordingly requested.

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DIST.

ACTION - SO to CHIEF COMMISSIONER.
INFO - EXEC COMMISSIONER
POLAD (A) (FOR THE AMBASSADOR)
POLAD (B) (FOR THE AMBASSADOR)
VP CA SEC
FILE (SKEL)

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