

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

ACC

10000/141/517

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

10000/141/517

REGIONAL ORDERS, REGION II
JAN., FEB. 1944

45/22

Page 22 transferred to 23/22A.

For

701

HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION

7 February 1944

File: ACC/23/Int

SUBJECT: Administrative Instructions on local government reorganization

TO : RCAG, Region II

1. I would draw your attention to this Sub-Commission's letter of 25 January, 1944, subject heading: Local Government Reorganization.

2. Appendix "A" was sent you simultaneously.

3. I attach copies for your immediate reference of both the letter and Appendix "A".

4. This Sub-Commission's executive officer, Capt R. R. Temple (A), reports that no action has been taken in Salerno Province.

5. I shall be glad to be informed of the position both in Salerno and in other Provinces under your command in this matter.

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

Copy for file ACC/45/Int
Copy for file ACC/46/Int

C O P Y

45/21A

HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION

25 January 1944

SUBJECT: Local Government Reorganization

TO : Regional Civil Affairs Officer, Region II

1. Reference previous correspondence and to your RCLO's letter of the 11th January (Ref. 2201/18/122).
2. The English translation of the General Order has been considered and revised. The order in its revised (English) form has been approved by the Chief Legal Officer and is returned herewith.
3. It will be observed that the names of official bodies appear in Italian. It is felt that the regular use of the proper name will contribute to the desired uniformity and prevent any possibility of the confusion which experience suggests can arise when endeavours are made to give an English equivalent when this may or may not connote some slight difference of meaning.
4. It will be seen also that the text of the order proper reads in the future tense. As we are aware, the present tense is customarily used in Italian statutes and appears in the Italian version of the order. The change has been made in our translation to effect the known equivalent in English form.
5. In a recent interview with ECAO, Foggia Province, he asked for some definition of "office in the Fascist Party" appearing in the last line of para 7 of the order. This subject is dealt with exhaustively in the Directive issued by Operations and Security Intelligence of the 4th December, Ref: "Screening of Italian Officials."
6. It is requested that arrangements shall now be made for the order to be put into effect throughout the Region as soon as possible.

By order to Col CHARLES H. SPOFFARD, SCS, DCCAO:

N. G. B. SPICER
Lt Col
Acting Director
Interior Sub-Commission

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C O P Y

COPY

(APPENDIX A - REVISED)

ALLIED MILITARY GOVERNMENT

REGION II HEADQUARTERS

CALABRIA, LUCANIA, and PROVINCE OF SALERNO

REGIONAL ORDER

No. _____

(Date) _____

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 March, 1934, n. 335, 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. 143, 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, no. 143, 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, _____

_____, Region Civil Affairs Officer, do hereby

O R D E R

1. The Mayor shall be appointed by the Prefect, subject to approval of 698 Allied Military Government.

WHEREAS the Unified Text of Communal and Provincial laws approved by Royal Decree of 3 March, 1934, n. 935, 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, no. 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, _____

_____, Region Civil Affairs Officer, do hereby

O R D E R

1. The Mayor shall be appointed by the Prefect, subject to approval of **698** Allied Military Government.

2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Military Government.

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 by the Allied Military Government.

6. The members of the Deputazione Provinciale shall be appointed by the Prefect, subject to approval of the Allied Military Government.

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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; in addition to which the Giunta Municipale 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 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. 143, 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 Military Government.

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 Military Government, which will have the same effect as this order.

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Regional Civil Affairs Officer

shall have equal representation; the Consiglio Comunale, and the Deputazioni Provinciali for the Consiglio Provinciale; in addition to which the Giunta Municipale and the Deputazioni Provinciali shall retain all other powers normally vested in them by the aforesaid Unified Text of Communal and Provincial Laws of 1915.

3. To the grounds for ineligibility established by the Unified Text of 1915 is hereby added the following: No one is eligible to the office of Mayor, Assessor (member of the Giunta Municipale), President of provincial administration and of the Deputazioni Provinciali, or Delegate (member of the Deputazioni Provinciali), 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 Military Government.

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 Military Government, which will have the same effect as this order.

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Regional Civil Affairs Officer

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
INTERIOR SUB-COMMISSION

23/45/18
20 January 1944

SUBJECT: Regional Order.

TO : Vice President, Economic Administrative Section.

1. Attached order, together with explanatory Administrative Instructions, for issuance to SCAOs, Region II, was approved by the DCCAO on 5 January 1944, and forwarded to RCA O, Region II.
2. RCAO Region II has issued the Administrative Instructions but RCLO Region II has requested Legal Sub-Commission for a clarification of the text of the order. This request has been transmitted to this Sub-Commission for comment.
3. The text of the order, both in English and Italian, was drafted by Region I, HQ, and was issued in that Region as Official Order No. 25, 11/11/43. On the basis of this order, local government reorganization in Sicily has been carried through to completion in the 9 provinces comprising Region I.
4. To secure the desired uniformity of local government reorganization in Region II with that already effected in Region I, the text of the order sent to Region II is identical with that previously issued in Region I.
5. Following explanatory comments are submitted:
 - (a) Structure and functions of local government are covered by a basic Italian law, the so-called Unified Text of 1915. The order is to be read and construed in conjunction with this basic law.
 - (b) Italian text of the order was designed to effect the desired reorganization with a minimum of change in, or addition to, the basic Unified Text of 1915. It has proved to be

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workable and clearly understandable to Italian local government officials in Region I.

(c) English text of the order is a translation from the Italian. It is awkwardly worded and could be restated in clearer language. A proposed restatement, to meet the objections raised by RCLO Region II, is appended hereto (Appendix A-Revised). If this restatement is approved, it is recommended that it be forwarded to RCAO Region II in substitution for the English text of the original order.

(d) In Italian statutes, the present tense is customarily used instead of the future or the imperative to effect an instruction or command. Thus, the Italian draft states, for example: "The Mayor is appointed by the Prefect . . ." instead of "The Mayor shall be appointed by the Prefect . . ." In lieu of a literal translation, the restatement substitutes the more customary English equivalent for the Italian present tense. This should meet RCLO's objection that the original draft was not "in the form of an Order".

*S. D. Elliott**Capt.**for*

R. G. B. SPICER

Lt. Col.

Acting Director

Interior Sub-Commission

Copy of Revised Order 45/16
Reference to Reg II

(APPENDIX I - REVISED)

ALLIED MILITARY GOVERNMENT

REGION II HEADQUARTERS

CALABRIA, LUCANIA, and PROVINCE OF SALERNO

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

0 4 8 4

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, 694
_____, Region Civil Affairs Officer, do hereby

ORDER

1. The Mayor shall be appointed by the Prefect, subject to approval of the Allied Military Government.
2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Military Government.

- 25/15
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 Military Government.
6. The members of the Deputazione Provinciale shall be appointed by the Prefect, subject to approval of the Allied Military Government.
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; in addition to which the Giunta Municipale 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 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 Military Government.
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 Military Government, which will have the same effect as this order.

pointed by the President, subject to approval of the Allied Military Government.

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; in addition to which the Giunta Municipale 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 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 Military Government.

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 Military Government, which will have the same effect as this order.

Distribution:

Reginal Civil Affairs Officer

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ACTION SHEET

15 Jan 1944
Date

Suspense _____

FROM	TO
C.G., A.M.G.	
C. of Staff	
D.C. of Staff for (O&SI)	
D.C. of Staff Admin.	
Industrial Plan	
Mil. Sec.	
Pol. Sec.	
Econ. & Admin. Sec.	
Communications Sec.	
Economic Director	
✓ Administrative Dir.	X
Executive Off. Admin.	
G-1	
G-4	
Adjutant General	
Personnel	
Publications	
Miscellaneous	
Supply Officer	
Billeting Officer	
Transportation Off.	
Hq. Commandant	
Camp Commandant	
Message Center	
Sub-Commission on;	
X Legal	
INTERIOR.	✓

For: Signature _____
 Recommendation _____
 Information _____
 Approval or Disapp. _____
 Appropriate Action _____
 Investig. & Report _____
 File _____
 Return to Cent. Files _____
 Transmission _____

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Remarks:
 The Legal Sub Commission
 did not participate in this
 matter.
 J. J. [Signature]
 Legal Subcom.
 (over)

In line.

LEON has passed this to
this office,

The Basic document can
issue by your office.

May your remarks and
recommendations be submitted please.

R. R. Kipp
for Asst. Dir.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION 2

11 Jan. 44

Ref. 2201/18/122

Subject :- Regional Order - Local Government Re-organization.

To :- Chief Legal Officer, Legal Sub-Com. AMG Naples.

1 The attached draft RO has been received by the R.C.A.O. Region 2 with instructions for its provisions to be put into effect. The copy in English was received as typed. It would appear to be an attempt at a translation from the copy in Italian, but upon examination is found to be inaccurate as such. It is not altogether even in the form of an Order, and more particularly, it is submitted with respect, that the language is in part unintelligible.

2. It would be appreciated if the order may be revised, since it is felt it could not be issued in its present form.


D.E.S. COUSINS Lt. Col.,
R.C.L.O.

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APPENDIX A

ALLIED MILITARY GOVERNMENT

No 2 REGION HEADQUARTERS

CANTONIERA, LUCENA, and PROVINCE OF SALEMNO.

RECEIVED

OFFICIAL ORDER

No 10

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 ~~present~~ 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 or the Provincial Delegation;

In virtue of the power conferred on me, I G. H. McElroy
McElroy Regional Civil Affairs Officer, -

O R D E R

I. The Mayor is appointed by the Prefect subject to approval of the Allied Military Government.

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.146, 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.146;

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 ~~present~~ 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 G. H. McCarthy
Autentically 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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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 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 eligible 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.

Distribution

Regional Civil Affairs Officer

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 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 eligible 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.

Distribution

Regional Civil Affairs Officer

45/111

GOVERNO MILITARE ALLIATO
Quartiere Generale Regionale della

ORDINE UFFICIALE

N° -

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 è possibile, il T.U. della legge comunale e provinciale, approvato con R.D. 3 Febbraio 1915 n.148, che risponde ai principi democratici liberali ed alla libera coscienza politica delle popolazioni;

CHE non è 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 opportunità 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 può 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;

VALENTINI dei poteri conferitimi, io _____
_____, Ufficiale Capo degli Affari Civili della Sicilia,

O R D I N O

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 è 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 è 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 opportunità 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 può 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;

VALENTONI dei poteri conferitimi, io _____,
Ufficiale Capo degli Affari Civili della Sicilia,

O R D I N O

1. Il Sindaco è nominato dal Prefetto, previa approvazione del Governo Militare Alleato.
2. La Giunta Municipale è nominata dal Prefetto, previa autorizzazione del Governo Militare Alleato.
3. Ogni Provincia ha un Presidente ed una Deputazione Provinciale.
4. Il Presidente è Capo dell'Amministrazione Provinciale e presidente della Deputazione Provinciale.
5. Il Presidente è 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 intenderà sostituita la giunta municipale ed al Consiglio Provinciale la Deputazione Provinciale, fermo restando 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 ineleggibilità 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.

Distribution

Ufficiale Capo degli Affari Civili

pale ed al Consiglio Provinciale la Deputazione Provinciale, fermo 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 ineleggibilità 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.

Distribution

Ufficiale Capo degli Affari Civili

687

(D) 45/9
of Admin Division & Order, & also of local govt org. & other chart of Palermo
Copy to Lt Col Paul E. Hughes, CAO, Foggia Command.
with compliments of Lt Col. Jones.

Sent. 25/1/44

23/

File

Let Col. Coppa be asked to have our
draft filed ~~at the~~ for issue to ^{45/8} (24) January.

D. Col. Spicer: Re: Reg. II. When to go to ask Lucian Brown, Reg. II
I. II for info. Atto ST As Foggia 1/24/51

1. I have read the draft prepared by R.C.L.O. Regione II and compared it with the revised draft prepared in our office and approved by legal sub-committee.

2. The two drafts are almost identical, except that our draft contains certain minor points that were included as a result of a careful re-reading of the original Italian text (see, for example, the phrase "for political conscience of the people" in the 2nd para. of the Preamble. This phrase was somehow omitted from the original English translation).

3. Instead of attempting to translate the names of official bodies like the Giunta, the Consiglio, and the Dipartimento, into English, we have preserved their Italian names in the translated text in order (a) to avoid any possible confusion as to which body is referred to and (b) to accustom SCAOs to using the Italian designations in referring to these bodies.

4. Since our draft has already been approved by legal, I suggest that it be adopted and issued to Regione II, as well as other Regions, including Regione I.

5. Regione II's suggested "short form" version of the Preamble does not contain sufficient explanatory material to clarify the text of the order itself. It is recommended that it be not accepted.

J.D. Elliott

Distribution List:

INTERIOR

→ Date 23 Jan
Please read attached
and initial below:

Lt. Col. Spicer.....
~~Maj. McSwecney~~.....
Capt. Elliott.....
Capt. Temple.....
Lt. Lewis.....
Lt. Shanks.....
Lt. Wadleigh.....
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Last named to return to
.....for INT.
files.

*For your information,
Legal Lab Commission have
approved the revised draft
& have sent it to Admin Div.
for transmittal to Reg II*

JK

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
INTERIOR SUB-COMMISSION

20 January 1944

SUBJECT: Regional Order.

TO : Vice President, Economic Administrative Section.

1. Attached order, together with explanatory Administrative Instructions, for issuance to SCAGs, Region II, was approved by the DCCAO on 5 January 1944, and forwarded to RGA O, Region II.

2. RGAO Region II has issued the Administrative Instructions but RGAO Region II has requested Legal Sub-Commission for a clarification of the text of the order. This request has been transmitted to this Sub-Commission for comment.

3. The text of the order, both in English and Italian, was drafted by Region I, HQ, and was issued in that Region as Official Order No. 25, 11/11/43. On the basis of this order, local government reorganization in Sicily has been carried through to completion in the 9 provinces comprising Region I.

4. To secure the desired uniformity of local government reorganization in Region II with that already effected in Region I, the text of the order sent to Region II is identical with that previously issued in Region I.

5. Following explanatory comments are submitted:

(a) Structure and functions of local government are covered by a basic Italian law, the so-called Unified Text of 1915. The order is to be read and construed in conjunction with this basic law.

(b) Italian text of the order was designed to effect the desired reorganization with a minimum of change in, or addition to, the basic Unified Text of 1915. It has proved to be

45/b

workable and clearly understandable to Italian local government officials in Region I.

(c) English text of the order is a translation from the Italian. It is awkwardly worded and could be restated in clearer language. A proposed restatement, to meet the objections raised by RCLC Region II, is appended hereto (Appendix A-Revised). If this restatement is approved, it is recommended that it be forwarded to RCLC Region II in substitution for the English text of the original order.

(d) In Italian statutes, the present tense is customarily used instead of the future or the imperative to effect an instruction or command. Thus, the Italian draft states, for example: "The Mayor is appointed by the Prefect . . ." instead of "The Mayor shall be appointed by the Prefect . . ." In lieu of a literal translation, the restatement substitutes the more customary English equivalent for the Italian present tense. This should meet RCLC's objection that the original draft was not "in the form of an Order".

J. D. Elliott
Capt.

for
E. G. B. SPICER
Lt. Col.
Acting Director
Interior Sub-Commission

(APPENDIX A - REVISED)

ALLIED MILITARY GOVERNMENT

REGION II HEADQUARTERS

CALABRIA, LUCANIA, AND PROVINCE OF SALERNO

REGIONAL ORDER

No. _____

(Date) _____

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 March, 1934, n. 383, 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 municipalities 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

0 4 3 8

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 March, 1934, n. 305, 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, _____, Region Civil Affairs Officer, do hereby

ORDER

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1. The Mayor shall be appointed by the Prefect, subject to approval of the Allied Military Government.
2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Military Government.

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45/4
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 Military Government.

6. The members of the Deputazione Provinciale shall be appointed by the Prefect, subject to approval of the Allied Military Government.

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; in addition to which the Giunta Municipale 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 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. 146, 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 Military Government.

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 Military Government, which will have the same effect as this order.

6. The members of the Deputazione Provinciale shall be appointed by the Prefect, subject to approval of the Allied Military Government.

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; in addition to which the Giunta Municipale 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 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 Military Government.

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 Military Government, which will have the same effect as this order.

Distribution:

Regional Civil Affairs Officer
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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION II

CALABRIA, LUCANIA, AND PROVINCE OF SALERNO

REGIONAL ORDER NO 11

45/3

WHEREAS the Unified Text of Municipal and Provincial laws approved by Royal Decree of 3 March 1934, n. 385, concerning the composition and functions of the Provincial and Municipal Administrations, does not conform to the new political situation, and certain necessary changes have accordingly to be made:

AND WHEREAS the Unified Text of Municipal and Provincial laws approved by Royal Decree of 3 February 1915, n. 148, better represents 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 3 February 1915, n. 148:

AND WHEREAS, in view of the fact that the rules contained in the above mentioned Unified Text cannot be applied, it is necessary to issue temporary regulations in order that the Communal and Provincial Administrations may function:

AND WHEREAS the Unified Text of 1915 contains regulations which permit, by way of exception, the substitution of Councils of Aldermen for Town Councils and of Provincial Delegations for Provincial Councils, and to which at the present time effect can be given in general terms:

AND WHEREAS therefore, by way of exception, and purely as a temporary measure it is only necessary to issue regulations for the appointment of Mayors, Councils of Aldermen, and Presidents of Provincial Administrations and Provincial Delegations:

NOW THEREFORE by virtue of the powers conferred on me, I, G. H. McCaffrey, Lieutenant Colonel, Infantry, Regional Civil Affairs Officer of Calabria, Lucania, and the Province of Salerno hereby order as follows:-

1. The Mayor shall be appointed by the Prefect subject to the approval of the

Allied Military Government.

2. The Council of Aldermen shall be appointed by the Prefect, subject to the

AND WHEREAS the Unified Text of Municipal and Provincial laws approved by Royal Decree of 3 February 1915, n. 148, better represents 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 3 February 1915, n. 148:

AND WHEREAS, in view of the fact that the rules contained in the above mentioned Unified Text cannot be applied, it is necessary to issue temporary regulations in order that the Communal and Provincial Administrations may function:

AND WHEREAS the Unified Text of 1915 contains regulations which permit, by way of exception, the substitution of Councils of Aldermen for Town Councils and of Provincial Delegations for Provincial Councils, and to which at the present time effect can be given in general terms:

AND WHEREAS therefore, by way of exception, and purely as a temporary measure it is only necessary to issue regulations for the appointment of Mayors, Councils of Aldermen, and Presidents of Provincial Administrations and Provincial Delegations:

NOW THEREFORE by virtue of the powers conferred on me, I, G. H. McCaffrey, Lieutenant Colonel, Infantry, Regional Civil Affairs Officer of Calabria, Lucania, and The Province of Salerno hereby order as follows:-

1. The Mayor shall be appointed by the Prefect subject to the approval of the Allied Military Government.
2. The Council of Aldermen shall be appointed by the Prefect, subject to the ^{approval} ~~authorization~~ of the Allied Military Government.
3. Each Province shall have a President and a Provincial Delegation.
4. Such President shall be the head of the Provincial Administration and President of the Provincial Delegation.
5. The President shall be appointed by the Prefect subject to approval by the Allied Military Government.
6. The members of the Provincial Delegation shall be appointed by the Prefect subject to approval by the Allied Military Government.

45/2

7. Until such time as the Town and Provincial Councils are constituted the Town Council will be replaced by the Council of Aldermen and the Provincial Council by the Provincial Delegation who will retain all the other powers attributed to them by the before mentioned Unified Text of Municipal and Provincial laws of 1915.

8. To the grounds for inelegibility established by the Unified Text of 1915 are added the following: No one shall be eligible for the office of Mayor, Alderman, President of the Provincial Administration and Delegation or Provincial Delegate, if he shall 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.146, remain in force provided they do not conflict with this Order or with special rulings issued or to be issued by the Allied Military Government.

10. In the application of the orders contained in the above articles and in doubtful cases of a general character rulings will be issued by the Allied Military Government.

By Order of the Allied Military Government:

G. H. McCAFFREY,
Lieutenant Colonel, Infantry
Regional Civil Affairs Officer.
Region 2

the Provincial Delegation who will retain all the other powers attributed to them by the before mentioned Unified Text of Municipal and Provincial laws of 1915.

8. To the grounds for inelegibility established by the Unified Text of 1915 are added the following: No one shall be eligible for the office of Mayor, Alderman, President of the Provincial Administration and Delegation or Provincial Delegate, if he shall 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 do not conflict with this Order or with special rulings issued or to be issued by the Allied Military Government.

10. In the application of the orders contained in the above articles and in doubtful cases of a general character rulings will be issued by the Allied Military Government.

By Order of the Allied Military Government:

G. H. McCaffrey,
Lieutenant Colonel, Infantry
Regional Civil Affairs Officer.
Region 2

45/1

WHEREAS the Provincial and Municipal Administrations set up by Royal Decree of 3 March 1934 conform neither in their functions composition nor spirit with the new political situation, and the law approved by Royal Decree of 3 Feb 1915 n. 148 better represents the present liberal and democratic ideas:

AND WHEREAS, although ^{it} is not possible at present to apply the law of 3 Feb 1915 in full, effect thereto in general terms can be given as a purely temporary, ^{and exceptional} measure by substituting Councils of Aldermen for Town Councils and Provincial Delegations for Provincial Councils and by issuing regulations for the appointment of Mayors, Councils of Aldermen and Presidents of Provincial Administrations and Delegations:

(Suggested text by ^{Legal Dept} ~~the~~ Reg. #)
up to "Now Therefore")

Prov. Deleg. } one or the other retained
Deput } he used throught

~~give~~ effect to text not to delegation

WHEREAS the Provincial and Municipal Administrations set up by Royal Decree of 3 March 1934 conform neither in their functions composition nor spirit with the new political situation, and the law approved by Royal Decree of 3 Feb 1915 n. 148 better represent the present liberal and democratic ideas:

AND WHEREAS, although ^{it} is not possible at present to apply the law of 3 Feb 1915 in full, effect thereto in general terms can be given as a purely temporary, ^{and exceptional} measure by substituting Councils of Aldermen for Town Councils and Provincial Delegations for Provincial Councils and by issuing regulations for the appointment of Mayors, Councils of Aldermen and Presidents of Provincial Administrations and Delegations:

(Suggested text by ^{Legal Dept.} ~~the~~ - Reg. #)
up to "Now Therefore")

Prov. Deleg. / one or the other ^{should}
Deput / be used throughout

! Give effect to text not to delegation

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