

ACC

10000/141/553

10000/141/553

CHURCH AFFAIRS  
(MAR. 1943);  
OCT. 1943 - OCT. 1944

Page

Minute sheet No. 1

Date

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LOCAL GOVERNMENT SUB COMMISSION  
APO 394

70

ACC/13/A/Int.

20 October 1944

SUBJECT : Increase of Salary to Clergy of Ischia  
TO : RC. Southern Region

1. A personnel letter from the Bishop of Ischia addressed to the RC. Lazio - Umbria Region has reached this Sub - Commission.
2. The letter states that these clergy of the island of Ischia to whom a 70% increase of salary has been granted under R.D.L. n.19 of 27 Jan. have not yet received that increase. The Bishop adds that in these difficult times his priests find themselves very hard up.
3. The above information is therefore forwarded to you.

+ *R. G. B. SPICER*  
R. G. B. SPICER  
Colonel  
Director  
Local Government S/O

RCR/og.

543

2376

3785  
13A  
HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LAZIO-UMBRIA REGION  
APO 394

66799  
69  
OCT 1944  
14 October 1944.

SUBJECT : Increase of Salary to Clergy of Ischia

TO : Headquarters, Allied Control Commission  
Local Government Sub Commission

1. Reference is made to you ACC/13 A/Int. dated  
7 October 1944.

2. We are enclosing letter from Bishop of Ischia,  
which by an oversight was omitted from being attached to  
our letter to you of 4 October 1944.

*Charles Poletti*  
CHARLES POLETTI  
Colonel,  
Regional Commissioner

1. Incl  
As stated above.

542

Resume' of letter attached

The writer, Ernesto de Laurentis, Bishop of Ischia, Naples, says that the clergy of his island has not yet obtained the increase of 70% in their salaries as in the rest of Italy and in Sicily. He adds that his priests in the island are very hard up in the present critical times.



Intesa Intercomunale  
693

Illmo ed ottimo Signor  
Comandante Charles Polito.

Memore della sua bontà e gentilezza, le  
scrivo per quanto segue:

Il povero Plebe di quest'isola finora non ha  
ancora ottenuto l'aumento del 70%, come l'han  
no ottenuto altri Plebi d'Italia, come per esempio  
quella della Sicilia. Intanto i miei cari e cari  
dotti vivono, purtroppo, una vita ben risoluta  
per tempi critici che corrono.

Per tale motivo, mi permetto pregarla vivamente  
perché con quella bontà che l'è si propende per  
cui tanto si distingue in Napoli, voglia interessarsi  
al riguardo.

Grazie di quanto farà, le imploro dal Signor  
ogni benedizione.

Il 20 settembre  
1944

Devoto servo in G.C.  
Ernesto de Laurentiis  
Vescovo d'Ischia

Napoli.

540

3641  
13A  
HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LAZIO-UMBRIA REGION  
APO 394

0-6658  
67  
A - OCT 1944

4 October 1944.

SUBJECT : Increase of Salary to Clergy of Ischia

TO : Headquarters, Allied Control Commission  
Interior Sub-Commission

1. The attached letter of Mons: Ernesto de Laurentiis, Bishop of Ischia, concerning subject, is forwarded to you for your information and whatever action you deem necessary.

*Charles Polletti*

CHARLES POLETTI  
Colonel, AUS  
Regional Commissioner

1 Incl.  
as stated above.

*No enclosure received.*

*JSW  
6/10/44*

539

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LAZIO-UMBRIA REGION  
APO 394

Headquarters, Allied Control Commission  
Interior Sub-Commission

538

8599-0

COPY

13A

(66)

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

2 OCT 1944

26 Sept. 1944.

Ref/816/3/CA.

SUBJECT : Seminary at JESI.

TO : HQ. Allied Armies in Italy.

1. I have been informed that 61 Sub-Area propose accomodating the Cypriot Base Depot in the Seminary at JESI.
2. As you are aware the Combined Chiefs of Staff have ruled that Vatican property throughout Italy is to be accorded "treatment of property of a neutral State in Foreign territory. Any question of requisitioning or occupying Vatican or other religious property in Italy will in every case be referred to AFHQ with a view to further reference to Combined Chiefs of Staff, except in cases of overriding operational necessity when an immediate report will be submitted to AFHQ which is required to submit report to the Combined Chiefs of Staff."
3. I am sure you will agree that the occupation of the Seminary at JESI is not a case of overriding operational necessity and that you will take steps to stop 61 Sub-Area from occupying these premises.

M. S. LUSH

Brigadier,  
Executive Commissioner,  
For A/Chief Commissioner.Copy to : AG Eighth Army - Reference your cable M581  
of 24 Sept. 44.

537

(1718)

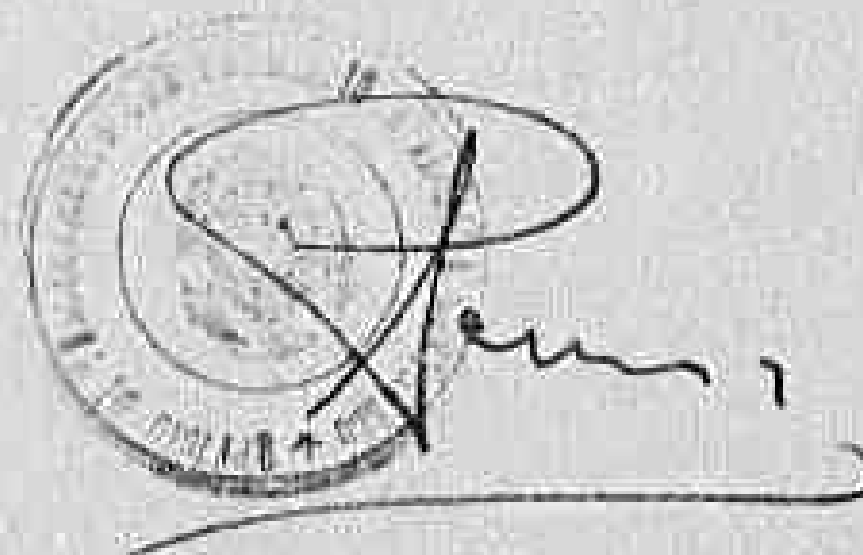
To bring to Salerno - by 1400 early. (65)

1ST CAR - TO GO TO LACEDONIA, SANT'ANGELO DEI LOMBARDI E NUSCO  
(all these places are in Avellino Province)

2ND CAR - TO GO TO POTENZA - There it will find the Bishops  
of Potenza, Melfi and Chiaromonte,  
who will be already, together, in  
the place

3RD CAR - TO GO TO MATERA, THEN (COMING BACK) TO TRICARICO  
AND MURO POTENZA. (In Potenza it will find the  
Bishop of Muro Lucano).

The cars will report to the "Curia Vescovile" in each place.



Col. Spier unable to provide transport.

536

11/6/44

Pages 1 and 41  
transferred to 13/6  
pages 1 and 2

Page 42 transferred to  
13/2 page 1.

Page 43 transferred to  
13/6 page 3

Page 44 transferred to  
13/2 page 2

Page 45 to 48  
transferred to 13/6  
pages 4 to 7

Page 49 + 49A transferred  
to 13/2 pages 3 + 4

Pages 50 to 52  
transferred to 13/4  
pages 1 to 3.

Pages 53 to 55 transferred  
to 13/6 pages 8 to 10

Pages 56 transferred to  
13/5 page 1.

Page 57 transferred to  
13/6 page 11.

Pages 58 to 60 transferred  
to 13/5 pages 2 to 4.

Page 61 transferred to  
13/4 page 4.

Page 62 transferred  
to 13/6 page 12.

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Pages 63 and 64  
transferred to 13/5  
pages 5 and 6.

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

ACC/13/INT.

2nd May, 1944.

SUBJECT: Director General of Religious Affairs.  
Accountants serving at Naples.

TO : His Excellency, Sig. Alaisio, Minister of Interior.

Your Excellency,

1. Referring to previous correspondence (your reference 6/242/Culti)  
I append the contents of a further letter I have today received from IN. Naples:

"Reference your ACC/13/Int of 8 April 1944 a further letter on this  
subject from the Provincial Commissioner NAPLES dated 21 April 1944 shows that  
ACC AROLDO FAZINI, on his own statement, cannot remove to SALENTO due to his  
declining state of health."

WVME/paw.

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

533

940

1058  
HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R.C. & M.G. Section  
APO 394

Interior  
ccs 13/39

Ref/353/47/CA.

29 April 1944.

SUBJECT: Request of Personnel belonging to  
the General Direction for Church Affairs.

TO : Admin Section - For Interior Sub-Commission.

P. 32

Reference your ACC/13/Int of 8 April 1944  
a further letter on this subject from the Provincial  
Commissioner NAPLES dated 21 April 1944 shows that  
ACC AROLDI RAZINI, on his own statement, cannot  
remove to SALERNO due to his declining state of  
health.

Glenn R. Rabin Maj.

NORMAN E. FISKE  
Colonel,  
Deputy Executive  
Commissioner.

32

13/37

HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
INTERIOR SUB COMMISSION  
APO 394

ACC/13/Int

✓ 24 April 1944

SUBJECT: Dir. Gen. of Religious Affairs - Accountants serving at Naples  
TO : Ministry of the Interior

Your Excellency,

1. Reference is made to your letter no. 6/242/Culti of 4 April 1944.
2. I have to inform you that the Allied Control Commission has no objections to the transfer of Accountants RAZZINI, Arnoldo and MUSMEGI, Mario from Naples prefecture to the Ministry.

*R. R. Temple, Capt.  
for*

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

531

855

988  
HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R.C. & M.G. SECTION  
APO 394

Ref/353/31/CA

23 April 1944

SUBJECT: Dir. Gen. of Civil Affairs  
Accountants serving in Naples.

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

Ref. your letter ACC/13/Int. of 8  
April 1944 Region III have no objections to the  
transfer of Accountants RAZZINI AROLDI and  
MUSMECI MARIO.

Original letters from the Prefect, Na-  
ples dated 18 April and Region III dated 19  
April 1944 are forwarded for your retention.

*Norman E. Fiske*  
NORMAN E. FISKE  
Colonel  
Deputy Executive  
Commissioner

Copy to:  
Region III

353 20 APR Recd  
HEADQUARTERS  
PROVINCE OF NAPLES  
ALLIED CONTROL COMMISSION  
PREFETTURA, NAPLES

File NA/111

19 April 1944

Subject: Italian Civil Employees

To: Captain Campbell,  
Region 3, ACC.

20 APR 1944

A. C. C.

With further reference to letter signed by Colonel Fiske,  
Deputy Executive Commissioner, ACC, under date of 12 April 1944,  
I am enclosing translated copy of the Prefect's letter, 18 April  
1944.

For the Provincial Commissioner:

*John N. Lummus*  
JOHN N. LUMMUS  
Captain, AUS  
Executive Officer

1 Encl.  
JNL/jh/er

1st Ind.

OWC/cpr

HQ REGION 3, ACC, APO 394, U.S. Army, April 20, 1944.

TO: Hq A.C.C. (Attn: Deputy Executive Commissioner)

Forwarded.

For the Regional Commissioner:

*O. W. Campbell*  
O. W. CAMPBELL,  
Captain, AUS,  
Adjutant.

530

R. PREFETTURA DI NAPOLI

~~21~~  
13/34

Naples, 18 April 1944

File : "Gab.", No. 4454

SUBJECT : Italian Civilian Employees -

TO : Lt Col JAMES L. KINCAID,  
Provincial Commissioner,  
N A P L E S

We have no objection for the transfer of the following  
officials to the Home Ministry (Ministero dell'Interno) in  
Salerno:

Accountant RAZZINI AROLDO

-"- MUSMECI MARIO

( Sgn )

F. Selvaggi  
The Prefect

er

529

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
INTERIOR SUB COMMISSION  
APO 394

ACC/13/Dat

12/33  
3 April 1944

SUBJECT: Dir. Gen. of Religious Affairs - Accountants serving at Naples.

TO : His Excellency, Dr. V. Reale, Minister of the Interior

Your Excellency,

I have received your letter no. 6/242/Culti dated 4 April 1944, and  
hope to answer your request very shortly.

*EGS*  
*for*  
R. G. B. SPICER  
1st Colonel  
Director  
Interior Sub-Commission

GERW/jgt

528

518

13/32

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
INTERIOR SUB COMMISSION  
APO 394

AGG/13/Int

8 April 1944

SUBJECT: Dir. Gen. of Religious Affairs - Accountants serving at Naples

TO : RI and RD Section, for RC, Region III

1. Herewith copy translation of letter no. 6/242/Culti from the Ministry of the Interior dated 4 April 1944.

2. May I please be furnished with the views of RC, Region III upon the Minister's proposal to transfer Ragioniere Capo RAZZINI and Ragioniere MOSMEDI from Naples' Prefecture to the Ministry?

*CLW Capt.*  
*for*

R. G. E. SPTONER  
Lt Colonel  
Director  
Interior Sub-Commission

Encl: as in 1, above

CCW/1st

127

518

Ministry of the Interior  
No. 6/242/Cult.

Salerno 4/4/44

13/31

791  
SUBJECT: Request of personnel  
belonging to the General  
Direction for Church Affairs.

to the  
Allied Control Commission  
SALERNO

The following accountants belonging to the General Direction for Church Affairs  
serve with the R. Prefecture of Naples.

1. De bonis Saverio, Head Accountant
2. Donato Vincenzo, " "
3. Razzini Aroldo, " "
4. Mastellone Tomaso, 1st. Accountant
5. Musmeci Mario, Accountant

As this Ministry urgently needs personnel, it asks the approval of A.M.C.  
concerning the transfer of the following accountants, before action is taken:

1. Razzini Aroldo, Accountant
2. Musmeci Mario, Accountant

526

We wait for a your kind acknowledgement.

THE MINISTER  
(Signature)



*Ministero dell'Interno*

*Interior 12/30*  
*66 APR. 1944* *WNY*

Salerno, 4 Aprile 1944

N. 6/242/Culti

*Risposta alla lettera*

N. del

ALLA COMMISS. MILITARE ALLEATA

di CONTROLLO

SALERNO

OGGETTO

Richiesta personale appartenente  
 alla Direzione Gen/le degli Affa-  
 ri di Culto.

Presso la Prefettura di Napoli pre-  
 stano servizio i seguenti funzionari di ragioneria  
 appartenenti alla Direzione Gen/le degli Affari di Cul-  
 to:

|                        |               |
|------------------------|---------------|
| 1. DE BONIS SAVERIO,   | Rag/le Capo   |
| 2. DONATO VINCENZO,    | " "           |
| 3. RAZZINI AROLDI,     | " "           |
| 4. MASTELLONE TOMMASO, | 1° Ragioniere |
| 5. MUSMECI MARIO,      | Ragioniere    |

Avendo questo Ministero bisogno assoluto e impre-  
 scindibile di personale, prima di disporre in meri-  
 to chiede l'assenso di codesto A.M.G. sul trasferi-  
 mento dei seguenti funzionari:

1. RAZZINI Rag. AROLDI  
 2. MUSMECI " MARIO

525

Si resta in attesa di cortese riscontro.

IL MINISTRO

Synopsis of Lecture

on

"Church and State in Italy"

by

Capt. W. Dollard (A), Region III

(Note - Synopsis prepared by Interior Sub-Commission)

The Catholic Church is unlike any other institution. It is both

(1) A Monarchy, in that its head, the Pope, enjoys monarchical honors and dictatorial powers;

(2) A Democracy, in that the monarch is elected, and that the mode of election is fixed and is very democratic;

(3) An Clergarchy, in that the Pope is bound, in practice to act through the Congregations and other organs of the Roman Curia, in that the archbishops and bishops enjoy complete independence in most matters within their respective dioceses.

Christianity - the Church - is bound to come into conflict with the State, as it looks to the salvation of souls whereas the State looks to the material well-being of its people.

It is important to remember the dual aspect of ecclesiastical affairs in this country:

1. The Papacy - a supra-national authority, having a generally recognized international status and a universal mission throughout the world.

2. The Church in Italy - the religion of almost every Italian for which they have a great devotion and which affects their daily lives in many ways.

The Roman Question

In the course of centuries, the Papacy acquired - by gift, legacy and even conquest - dominion over a considerable area of Central Italy. Of this area - called "The States of the Church" - the Pope was sovereign and absolute monarch in the same sense as any temporal prince.

The conquest of Italy by the French Revolutionaries (c. 1795-7) resulted in the abolition of the Temporal power of the Pope. Napoleon incorporated the States of the Church in his ephemeral Kingdom of Italy. They were restored by the Treaty of Vienna, 1815.

It was inevitable that the growth of the movement for Italian unity should be withstood by the Papacy. Pius IX (elected 1846) at first looked upon the Risorgimento with a benevolent eye; but after 1848 - the Year of Revolutions - he reversed his policy and steadfastly opposed the House of Savoy and the Italian Liberals. The war in Lombardy of 1859, the revolutions in Central Italy which followed it, and Garibaldi's conquest of Sicily and South Italy in 1860-1, which resulted in the unification of Italy (save for Venetia and the district around Rome) effected a reduction in the area of the States of the Church; but the complete abolition of the Temporal power was prevented by France and Austria. From 1861 to 1870 the security of the Temporal power rested on French bayonets, the Emperor Napoleon III being unwilling to see the movement of the French Clerical

(NOTE - Synopsis prepared by Interior Sub-Commission)

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For a short time, in 1861, however, Rome was actually occupied by the troops of King Victor Emmanuel II. The Sardinian general announced that the purpose of the occupation was merely to preserve order; but he nevertheless held a plebiscite upon the incorporation of the Papal States in United Italy and the designation of

Rome as the capital of the new state, the result being decisively in favor of these two proposals. The Pope however was able to nullify these proceedings by means of foreign intervention.

The defeat of France by Germany in 1870-1 at last enabled the Italian Government to enter Rome in force (20 September 1870) to make it their capital city and to abolish the Temporal Power.

### The Law of Guarantees

This enactment was passed by the Italian Government on 31 May 1871 to regulate the relations between Church and State. The main provisions were:

1. The Pope was granted the free use (i.e., ownership remained in the State) of the Vatican and Lateran Palaces.
2. The State declared it would not interfere with
  - a. The exercise by the Pope of his spiritual functions
  - b. Ecumenical councils
  - c. Papal elections
  - d. The appointment of bishops; etc.
3. The Law guaranteed,
  - a. Freedom of communication between the Pope and the bishops
  - b. The right of assembly of Catholic clergy
  - c. Diplomatic immunity for envoys to the Holy See.
4. It granted compensation to the Pope for the loss of his territories at the rate of L. 3,255,000 a year.

The Law of Guarantees was a unilateral act. It was not negotiated with the Pope but was an attempt by the Italian Crown and Parliament to impose a settlement, by an exercise of sovereign power. For that and other reasons, Pius IX refused to recognize it. He refused to accept the compensation annuity or to set foot in any place where Italian law was in force, i.e., he made himself "the prisoner of the Vatican".

### The Lateran Accords, 1929

Fascism has claimed all the credit for the settlement in 1929 of the Roman Question. This claim takes no account of the important contributions made by previous Italian and Papal governments. A number of "demarches" were made between 1871 and 1922, in particular the Orlando Government opened negotiations in 1919 which were on the point of success when that Government fell, and the negotiations with it.

Soon after his personal dictatorship emerged in 1926, Mussolini opened negotiations with Pope Pius XI through the Papal Secretary of State, Cardinal Gasparri. The exchanges were prolonged, yet kept strictly secret; they almost collapsed. The main reasons for this were:

1. Mussolini pressed for an admission by the Church that the Fascist Party was identical with the Italian State. The Church was willing to recognize the Kingdom of Italy but steadfastly refused to grant any political recognition to Fascism.
2. Mussolini claimed permanent control over all forms of education in order to indoctrinate the young with Fascist ideas. ~~As~~ this the Church was adamant.
3. A serious difference also arose over marriage which the Fascists regarded merely as a means of procreation whereas the Church considered it to be an inviolable sacrament.

The support of devout Italians was so necessary to Mussolini that he gave way on all these points. The agreement reached was embodied in three documents:

1. The Treaty (Treaty) dealing with the Temporal Power.

the relations between Church and State. The main provisions were:

1. The Pope was granted the free use (i.e., ownership remained in the State) of the Vatican and Lateran Palaces.
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  - b. Ecumenical councils
  - c. Papal elections
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1. The Treaty (~~which~~) dealing with the Temporal Power;
  2. The Concordat (Concordat) dealing with the functioning of the Catholic Church in Italy;
  3. A Financial Convention;
- all of which the Italians call "the Lateran Accords".

Note that the accords constituted a bi-lateral agreement, as distinguished from:

1. The Law of Guarantees, which was unilaterally imposed; and
2. an international guarantee of the Papal status, any idea of which was ex-

13/28  
pressly excluded. It follows from this that the Lateran Accords are not legally binding on other States, such as the United Nations but see further as to this, under "Present Position" below

### The Treaty

Its most important provisions are:

1. The State of the Vatican City is created - St. Peter's, the Vatican Palace, and its gardens, and a few adjoining buildings, only 160 acres in all. In this way State the Pope is owner of its soil and buildings (the use only of the Vatican granted by the Law of Guarantees) and fully sovereign over its territories.
2. Certain properties outside the Vatican City were granted extra-territorial immunity, e.g.,

Palazzo della Cancellaria, Rome  
Castel Gandolfo, near Albano  
Monastery of St. Francis at Assisi  
Shrine of St. Anthony of Padua, at Padua.

3. The Pope is the absolute legislative executive and judicial authority within the Vatican City. But persons charged with

- a. Crimes committed within the Vatican City; or
- b. committed elsewhere, but the person charged is found within the Vatican City.

are handed over to the Italian courts for trial. The Pope did not desire to exercise any criminal jurisdiction.

4. "The Holy See declares that it wishes to remain and will remain extraneous to all temporal disputes between nations and to international congresses convoked for the settlements of such disputes, unless the contending parties make a joint appeal to its mission of peace. . . ."

5. The Vatican City is neutral and inviolable territory.

6. Citizens of the Vatican City State are all persons resident within the Vatican City unless they make a declaration retaining their original status; and the Cardinals and certain Papal officials resident in Rome.

7. Italy guarantees to provide the Vatican City at its own expense with  
Water supply  
Railway communications (a special railway station)

Telephone, telegraph, cable and radio facilities

This guarantee is not limited to times of peace but is in force even now.

8. The Vatican City issues its own passports.

9. Merchandise for the Vatican City is free from customs.

10. Italy and the Holy See exchange ambassadors.

11. The Holy See declares the Roman Question definitely and irrevocably settled and recognizes the Kingdom of Italy, The House of Savoy, and Rome as the capital city.

### The Concordat

Though this is a separate document, the Pope insisted that it and the Treaty should be one and indissoluble. Thus the recognition of United Italy by the Catholic Church is made dependent on the observance by the Italian Government of the arrangements for the functioning of the Church in Italy which are contained in the Concordat. Its main provisions are;

1. The Catholic Church is declared the established Church in Italy. Public abuse of the Catholic Church is punishable, under the Italian Penal Code, with penalties more severe than those provided for abuse of other religions. On the other hand, the free exercise of other cults is permitted.
2. Privileges of the clergy;

- a. Exemption from military service granted

in peace - to all ordained priests and members of religious orders

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b. committed elsewhere, but the person charged is found within the Vatican City,

are handed over to the Italian courts for trial. The Pope did not desire to exercise any criminal jurisdiction.

4. The Holy See declares that it wishes to remain and will remain extraneous to all temporal disputes between nations and to international congresses convoked for the settlements of such disputes, unless the contending parties make a joint appeal to its mission of peace. . . . ."

5. The Vatican City is neutral and inviolable territory.

6. Citizens of the Vatican City State are all persons resident within the Vatican City unless they make a declaration retaining their original status; and the Cardinals and certain Papal officials resident in Rome.

7. Italy guarantees to provide the Vatican City at its own expense with  
Water supply  
Railway communications (a special railway station)

Telephone, telegraph, cable and radio facilities

This guarantee is not limited to times of peace but is in force even now.

8. The Vatican City issues its own passports.

9. Merchandise for the Vatican City is free from customs.

10. Italy and the Holy See exchange ambassadors.

11. The Holy See declares the Roman Question definitely and irrevocably settled and recognizes the Kingdom of Italy, The House of Savoy, and Rome as the capital city.

### The Concordat

Though this is a separate document, the Pope insisted that it and the Treaty should be one and indissoluble. Thus the recognition of United Italy by the Catholic Church is made dependent on the observance by the Italian Government of the arrangements for the functioning of the Church in Italy which are contained in the Concordat. Its main provisions are;

1. The Catholic Church is declared the established Church in Italy. Public <sup>523</sup> abuse of the Catholic Church is punishable, under the Italian Penal Code, with penalties more severe than those provided for abuse of other religions. On the other hand, the free exercise of other cults is permitted.

2. Privileges of the clergy:

a. Exemption from military service granted  
in peace - to all ordained priests and members of religious orders  
on mobilization - to all clergy with cure of souls

Theological students and novices may put off military training until their 26th year.

b. The clergy are likewise exempt from judicial office and jury duty

c. ~~Members~~ of clergy exempt from

1. Certain taxes, e.g. bachelor's tax, etc.

- ii. Attachment by order of court
- iii. Cannot be mortgaged.
- d. If an ecclesiastic is charged with crime, the bishop must be kept informed, and the cleric must serve his sentence in quarters apart from laymen, unless the bishop unfrocks him, as he would usually do.
- e. Freedom of the press, of speech and of communication with each other is guaranteed to the Pope, the Bishops, and all clergy; but publications must be in Italian, or Latin at least.
- 3. Marriage - the Catholic ceremony is granted equal legal effect with the civil ceremony; and Protestant ceremonies are to have legal effect as well.
- 4. Education - Catholic religious instructions admitted (but not compulsory) in secondary as well as elementary schools; in the latter the Fascists had permitted it before the Concordat. Only those religious teachers and schoolbooks will be allowed that are approved by ecclesiastical authority. These provisions as to education were limited to a period of 8 years.
- 5. Sentences and decisions of the ecclesiastical courts in spiritual matter, if they are officially communicated to the civil authorities, are to be recognized and given effect to by Italian law, i.e.: as far as they have civil, as distinct from ecclesiastical, consequences.
- 6. Income of the Clergy - The State undertakes to make up to the following amounts the incomes of the clergy, in so far as the revenues of the respective benefices are insufficient:

|             |                      |                         |
|-------------|----------------------|-------------------------|
| Archbishops | 24,000 lire a year ( | and 525 lire a year for |
| Bishops     | 18,000 lire a year ( | expenses                |
| Rectors     | 3,500 lire a year    |                         |
| Curates     | 300 lire a year      |                         |

7. Church Property - Ecclesiastical authorities are free to acquire (by purchase, gift or legacy) sell and manage property without interference from the State. BUT all such acts are to be performed according to Italian civil law and are therefore subject to the Italian rules of law as to the property of "enti morali". (The expression "ente morale" seems to be a parallel to the English conception of a "corporation" and the Italian law in question to correspond to the English law of "mortmain"). Therefore the acquisition of property by an ecclesiastical person or body is subject to the approval of the Ministry of the Interior.

Moreover, in consideration of its subsidising clerical income, the State retains the right to control the acts of ecclesiastical authorities with respect to their property which exceed the scope of ordinary administration. The expression "ordinary administration" is given a very limited meaning.

These controls of Church property are exercised by the Ministry of Interior through the Prefects and their Directors of Religious Affairs.

(Historical Note: - In 1866-7 the Italian Government confiscated a great deal of church property and established out of it the "Fondo per il culto". Taxes were also levied on the benefices which were not confiscated and these were paid into the Fondo. Interest was paid to the expropriated on about 60% of the proceeds of confiscation. The Fondo was sufficient until the last war when the Government increased clerical incomes and made a direct contribution. The Fascists increased clerical salaries still further. Only a small part of the State subsidy now comes from the Fondo.

The Concordat ~~repealed~~ the special tax on benefices and granted a general pardon for all confiscations.)

8. Appointments of Archbishops and Bishops - These are nominated in secret and their names communicated secretly to the Ministry of the Interior. If the Government object, negotiations take place and the matter is agreed before the appointment is actually made and assumed.

Minor Benefices - the Ordinary first makes the appointment and then informs the Prefect, who has 30 days in which to object. If he does so, he informs the Ordinary and the Ministry of Interior. If the Ministry decide to support their

in secondary as well as elementary schools; in the latter the Fascists had permitted it before the Concordat. Only those religious teachers and schoolbooks will be allowed that are approved by ecclesiastical authority. These provisions as to education were limited to a period of 8 years.

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6. Income of the Clergy - The State undertakes to make up to the following amounts the incomes of the clergy, in so far as the revenues of the respective benefices are insufficient:

|             |                      |                         |
|-------------|----------------------|-------------------------|
| Archbishops | 20,000 lire a year ( | and 525 lire a year for |
| Bishops     | 18,000 lire a year ( | expenses                |
| Rectors     | 3,500 lire a year    |                         |
| Curates     | 300 lire a year      |                         |

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Minor Benefices - the Ordinary first makes the appointment and then informs the Prefect, who has 30 days in which to object. If he does so, he informs the Ordinary and the Ministry of Interior. If the Ministry decide to support their Prefect, the bishop informs the Pope who opens negotiations with the Government.

9. All holders of Italian benefices must speak Italian and no Italian diocese or parish may include any foreign territory.

10. The more important feasts of the Church are recognized as national holidays.

11. Churches and chapels ecclesiastical buildings are exempt from police or military search without the consent of the bishop.

13/27

12. The "seal of confession" is to be respected by Italian courts, i.e., no priest is obliged to disclose in any legal process anything he has learnt in the confessional.

13. Clergy forbidden to enroll in any political party, or (without consent of Ordinary) to accept any official or governmental post.

14. Bishops take an oath of loyalty to the State.

#### Financial Convention

Italy undertook to pay, on ratification of accords

In cash . . . . . 750 million lire  
In 5% State bonds . . . . . 1,000 million lire

The Pope accepted this as final settlement of financial claims since 1870.

Note that this compensation is considerably less than the Papacy would have received if it had accepted the annuity under the Law of Guarantees from 1870-1929.

#### Present Position

The Fascists did not carry out the Lateran accords honestly, particularly on the point of education. The clergy are not receiving their state subsidies any longer and are hardly able to live.

Though the accords are not legally binding on the Allies, they have everything to gain and nothing to lose by ~~maintaining~~ <sup>observing</sup> their provisions.

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
INTERIOR SUB COMMISSION  
APO 394

13  
ACC/Int

22 March 1944

SUBJECT: Local Government Course

TO : Captain W. Dollard, HQ Region III

1. Herewith, with my compliments and thanks, is a transcript of the lecture you gave to the students of the Interior Sub-Commission Local Government Course.

2. You will, I know, forgive any inaccuracies of transcription.

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

121

378













11/27  
15/19

from a diplomatic point of view we have everything to gain by continuing these two Articles which really make our position stronger. The whole point of these Treaties is to put the Church, the Papacy and the Church of Italy where they belong as spiritual entities and not as political entities. At the same time we have much to gain by the friendship which they have very freely offered us. It has been our experience here in dealing with the Churchmen they have been very free and co-operative.

REPORTED BY

*T. Cunningham Shanks*T. CUNNINGHAM SHANKS, Lt.  
Interior Sub Commission.

13/18

To: (Lt. Col. Spicer.

Subject: - Functions of the Ministry of Interior  
in relation to Ecclesiastical affairs.

1. Reference to request for information upon the above subject. Attach:
  - (i) Extract from Annuario Generale
  - (ii) Notes prepared by Dr. Benheim
  - (iii) Other relevant laws etc.
2. The notes in 1(ii) purport to contain a summary, or synopsis of the position. Dr. Benheim has prepared it from references to books and (as I understand him) from contact with local Officials. The other decrees etc in 1(iii) contain the contents of the provisions to which Benheim refers in his summary.

ll  
2/3/44

File

Church Affairs

1 March  
-E.

5.0

① Cable concerning Rosa Passucci etc to go.  
to Region I

② Advance telephone to Region II

from A. Priolo - Reggio Calabria

At Mancini - Cosenza

X

Reference:

After - working - hapted -

✓

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