Declassified E.O. 12356 Section 3.3/NND No. 785016

ACC

10000/142/709

RESTORATION OF
NOV. 1943 - MAR.

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10000/142/709

RESTORATION OF TERRITORY TO ITALIAN GOV'T
NOV. 1943 - MAR. 1944

0843

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CS/301

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512
Communications Section

20 November 1943

In Reply
Refer To:

CS/301

SUBJECT: Protective Legislation. 237

TO : Legal Sub-Commission.

1. Reference request and instructions, Staff meeting 19 Nov. 43. above subject.

2. With respect to Shipping, Internal Transportation, Telecommunications and Postal Services Sub-Commissions the following is suggested:

" The status of all telecommunications, transportation and Shipping facilities and/or services now under control and/or use of the Allied Military Forces to remain unaltered. All telecommunications, transportation and shipping facilities and/or services reverting to or coming under control of the Italian Government will be utilized subject to existing restrictions and censorship regulations. Regulations with respect to operation of international mail (postal) services will not be changed"

This is done by direct instruction to Gov. Dept concerned as it is not a matter of degree

L.D.
L.D. Densmore
Lt. Col. Sig.C. Acting
Chief of Section

Declassified E.O. 12356 Section 3.3/NND No. 785016

Interior

Dissolution of the Fascist party

The organization known as the Fascist party (PNF) throughout ~~the~~ ~~Kingdom~~ Italy is hereby dissolved and declared to be illegal. The property

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I.

Information - No decree but
directive under armistice
Information must be warned to
submit Italian Gov in advance ||

*Agriculture ~~adm~~ Regime 205 entire
regime Art ~~II~~ Gen'l order 8
Regime ~~Stat~~ General order 5 article 5 / 8
to be entirely.

*~~Interior~~

Education. No fascist indoctrination or
doctrines a fascist nature.
~~Approved text planned enclosed~~
Factual Interior ~~article~~ Prod 7
~~Factual~~
Abolished Syndicates
Communications (Labor office in Obeyance)
(nothing)
Industry - Commerce indoctrinations
Cultural offices all general orders 5

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Final nothing.

Public Safety - any act — hostile — and such penalties inflicted. & subsequent Sentence not be recognized as valid.

Proc. in any Proc.

Courts

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General Order No. 4

PRICE CONTROL ORDER

WHEREAS by Article II of Proclamation 8 of 1943, issued by the General Officer Commanding the Allied Forces in Sicily and Adjacent Islands and Military Governor of the Occupied Territory the maximum prices for foodstuffs and goods officially in force in any locality on the 9th day of July, 1943 were maintained.

Now, therefore, I, FRANCIS BARON RENNELL OF RODD, Major General, Chief Civil Affairs Officer, hereby order as follows:

ARTICLE I

SCHEDULE OF CHARGES FOR COMMERCIAL SERVICES

The proprietor or manager of: —

(*a*) Every place where food or drink is offered for sale to be consumed upon the premises;
(*b*) Every hotel, inn or boarding or lodging-house;
(*c*) Every theatre or place of entertainment;
(*d*) Every taxicab or public vehicle;
(*e*) Every barber's shop, laundry or cleaning establishment, and
(*f*) Every other business rendering services for reward

shall display at each such place of business or in each such vehicle, in a position where it will be clearly visible to all prospective customers, a schedule of charges for the goods, accommodation or services provided and within ten days from the date of this Order shall file a copy of every such Schedule with ~~the Civil Affairs Officer~~ having jurisdiction over the area in which such place of business is situated or such vehicles are operated.

P Rank

ARTICLE II

MARKING AND POSTING OF PRICES OF FOODSTUFFS AND GOODS

Section 1. All persons, firms or organizations, with the exception of farmers, engaged in the sale either at wholesale or retail, of foodstuffs or liquors to be carried away, agricultural products, machinery, tools, fuel, petrol or petrol products, cement, metals and all articles

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ARTICOLO VIII

DATA DI ENTRATA IN VIGORE

Il presente ordine entrerà in vigore in ogni Provincia o frazione entro il Territorio Occupato alla data della prima pubblicazione.

RENNELL OF RODD
Maggior Generale
Capo degli Affari Civili

In data di agosto 1943

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manufactured by machine or hand, shall post in each of their premises, places or vehicles from which they carry on business a schedule or list of the prices charged for the respective items in a position where it will be clearly visible to all prospective customers.

Section 2. All persons, firms or organizations, with the exception of farmers, pharmacies and dealers in hardware, engaged in the sale either at wholesale or retail, of any of the articles or goods enumerated in Section 1 of this Article by the individual article or in packages or containers shall plainly mark each package or container with the price thereof in addition to posting a schedule or list of prices as required by Section 1 of this Article.

Section 3. Within ten days from the date of this ~~Order~~ present, a copy of each of the said respective price lists or schedules shall be filed with the ~~Civil Affairs Officer~~ in charge of the area within which such individuals or organizations carry on their business.

ARTICLE III

MAXIMUM CHARGES AND PRICES

Section 1. Until further notice the charges and prices to be listed under Articles I and II of this Order shall not exceed the charges and prices therefor prevailing and in force in the respective places of business on ~~the 9th day of July, 1943, except as otherwise provided in General Order No. 3 of 1943~~ the date hereof.

Section 2. Any change or alteration of or in such charges or prices may be made by notice signed by the ~~Senior Civil Affairs Officer~~ for the area over which he has jurisdiction.

ARTICLE IV

PAYMENTS IN EXCESS OF MAXIMUM PRICES PROHIBITED

No person, firm or organisation shall demand or receive and no purchaser offer or pay any price for any article or service specified in this Order in excess of that marked thereon or set out in the list of prices posted as herein provided.

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Ordine Generale Numero 4

ORDINE SUL REGOLAMENTO DEI PREZZI

(*Traduzione*)

Visto che nell'Articolo II del Proclama N. 8 di 1943 pubblicato dall'Ufficiale Generale Comandante le Forze Alleate in Sicilia ed Isole Dipendenti e Governatore Militare del Territorio Occupato, furono mantenuti i prezzi massimi di generi alimentari e di merci che vigevano in qualsiasi località il 9 luglio 1943,

Ora, quindi, io FRANCIS BARON RENNELL OF RODD, Maggior Generale, Capo degli Affari Civili, col presente ordino quanto segue:

Articolo I

TABELLA DELLE TARIFFE PER I SERVIZII COMMERCIALI

Il proprietario o gerente di:

(*a*) ogni locale dove sia offerto in vendita cibo o bevanda da consumarsi nel locale stesso;
(*b*) ogni albergo, osteria, casa di alloggio o pensione;
(*c*) ogni teatro o locale di divertimento;
(*d*) ogni tassì o vettura pubblica;
(*e*) ogni salone da barbiere, lavanderia o smacchiatoria e
(*f*) ogni altra azienda che rende servizii contro compenso

affiggerà in ogni tale locale o in ognuna delle vetture sopramenzionate in posto chiaramente visibile a tutti gli eventuali clienti, una Tabella dei Prezzi per le merci, prestazioni o servizii forniti o resi ed entro dieci giorni dalla data di questo ordine dovrà depositare una copia di ogni tale tabella presso l'Ufficiale Addetto agli Affari Civili avente giurisdizione nella zona dove il rispettivo locale è situato o dove la rispettiva vettura presta servizio.

Articolo II

INDICAZIONE ED AFFISSIONE DEI PREZZI DI GENERI ALIMENTARI E DI MERCE

Sezione 1. Ogni persona, ditta od ente, eccettuati gli agricoltori, che si occupa della vendita sia all'ingrosso che al dettaglio di generi alimentari o liquori, da non consumare nel locale, di prodotti agricoli, di macchine, di utensili, di combustibili, di petrolio o derivati, di cemento, di metalli e di tutti gli oggetti confezionati sia a macchina che

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ARTICLE V

PENALTIES

Any person violating the provisions of this Order shall upon conviction by an Allied Military Court be liable to imprisonment or fine, or both, as the Court may determine, or according to Laws

ARTICLE VI

EFFECTIVE DATE

This Order will become effective and operative in each Province or part thereof within the Occupied Territory on the date hereof.

RENNELL OF RODD
Major-General
Chief Civil Affairs Officer

Dated: 14th October, 1943.

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LEGAL SUB COMMTEE || CS/301

Refce AMG/4102/L of 20 NOV. 43 re RESTORATION OF TERRITORY, wld you please say whether or not letter CS/301 of 20. NOV. 43 covers the points raised.

If so, it would not appear necessary to file any further Questionnaires for the Comms. Sub. Commissions.

Wld you please say.

For the Chief of Section.

[signature]
Capt RA.

1500 hrs.
22 NOV. 43.

C.S. Comd 3. Sect"

24 NOV 1943. Advised Capt. Grantham unnecessary [signature] Major

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4102/L

CS/301

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
AFO 512
Communications Section

20 November 1943

In Reply
Refer To:

CS/301

SUBJECT: Protective Legislation.

TO : Legal Sub-Commission.

1. Reference request and instructions, Staff meeting 19 Nov. 43.above subject.

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" The status of all telecommunications, transportation and Shipping facilities and/or services now under control and/or use of the Allied Military Forces to remain unaltered. All telecommunications, transportation and shipping facilities and/or services reverting to or coming under control of the Italian Government will be utilized subject to existing restrictions and censorship regulations.Regulations with respect to operation of international mail (postal) services will not be changed"

This is done by direct instruction to Govt dept concerned. PW is ultra matter of course.

L.D. Densmore

L.D.Densmore
Lt. Col. Sig.C.Acting
Chief of Section

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(Interior)

ARTICLE I

DISSOLUTION OF THE FASCIST PARTY

The organizations known as the Fascist Party (P.N.F.) is hereby dissolved and declared to be illegal. The property and assets of the said organization not heretofore taken over shall be taken by or delivered to hereby appointed for that purpose.

ARTICLE II

REPEAL OF LAWS

Articles of the Codes and existing Statues enumerated hereunder are hereby declared to be inoperative:

(1) Racial Laws.

(a) R.D.L. of 5 Sept. 1938 (No.1390) converted in Law on 5 Jan 1939 (No. 99) for the defence of the race in schools.

(b) R.D.L. of 7 Sept. 1938 (No.1381) in connection with foreign jews.

(c) R.D.L. of 15 Nov. 1938 (No.1779) converted into law on 5 Jan. 1939 (No.99) extending the provisions of previous legislation in regard to schools.

(d) R.D.L. of 17 Nov. 1938 (No. 1728) converted into law on 5 Jan.1939 (No.274) coordinating various legislation in connection with the civil status of the jews marriage and excluding them from certain businesses.

(e) R.D.L. of 9 Feb. 1939 (No. 126) extending the provisions of previous decrees to the industrial and commercial activities of jews, their ownership of property etc.

(f) law of 29 June 1939 (No.1054) regulating the professions which can be exercised by Jews (completed by Ministerial Decree of 30 July 1940 in connection with special contributions payable by Jews in various trades.

(g) Law of 13 July 1939 (No.1055) modified by the law of 28 Sept.1940 (No.1699) limiting the free disposition by will of jewish estates and compelling them to assume their old jewish names.

(h) Law of 13 May 1940 (No.822) in relation to the status of persons of mixed race.

(i) Law of 19 Apr.1942 (No.517) excluding jews from the field of theatrical enterprises.

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hereby appointed for that purpose.

ARTICLE II

REPEAL OF LAWS

Articles of the Codes and existing Statutes enumerated hereunder are hereby declared to be inoperative:

(1) Racial Laws.

(a) R.D.L. of 5 Sept. 1938 (No.1390) converted in Law on 5 Jan 1939 (No. 99) for the defense of the race in schools.

(b) R.D.L. of 7 Sept. 1938 (No.1381) in connection with foreign Jews.

(c) R.D.L. of 15 Nov. 1938 (No.1779) converted into law on 5 Jan. 1939 (No.98) extending the provisions of previous legislation in regard to schools.

(d) R.D.L. of 17 Nov. 1938 (No. 1728) converted into law on 5 Jan.1939 (No.274) coordinating various legislation in connection with the civil status of the Jews marriage and enjoining them from certain businesses.

(e) R.D.L. of 9 Feb. 1939 (No. 126) extending the provisions of previous decrees to the industrial and commercial activities of Jews, their ownership of property etc.

(f) Law of 29 June 1939 (No.1054) regulating the professions which can be exercised by Jews (completed by Ministerial Decree of 30 July 1940 in connection with special contributions payable by Jews in various trades.

(g) Law of 13 July 1939 (No.1055) modified by the law of 28 Sept.1942 (No.1422) limiting the free disposition by will of Jewish estates and compelling them to assume their old jewish names.

(h) Law of 13 May 1940 (No.532) in relation to the status of persons of mixed race.

(i) Law of 19 Apr.1942 (No.517) excluding Jews from the field of theatrical enterprise.

(2) Fascists Privileges.

(a) Law of 23 May 1940 (No.509) granting advantages to fascists wounded for the sake of the Fascist cause.

(b) R.D. of 9 July 1940 (No.1156) extending similar advantages to "squadristi" and old fascists.

(3) Civil Code of 1942.

Articles 1, 91, 155, 292, 316, 434, embodying various enactments regulating the status of Jews.

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(4) Penal Code of 1931.

Articles 282- Para. 3 of Article 289 - Article 290 in regard to offences against the honour of the Head of the government and the Grand Council of Fascism.

(5) Contributions to N.F.P.

Ministerial Decree of 22nd. Aug. 1941 (1941-XX) establishing the amount of contributions to be paid by industrialists, traders, agriculturists, artisans and other professions to the N.F.P.

ARTICLE III

PROHIBITIONS

No person shall -

(1) promote assist or attend at any public or private meeting of the Fascist Party or any organization designed to replace it;

(2) use or permit to be used any building or other premises for the purposes of conducting any meeting, business or other affairs of the Fascist Party;

(3) print, publish or circulate or have in his possession with intent to publish or circulate any printed or written matter issued by or on behalf of the Fascist Party;

(4) wear or have in his possession any badge or insignia of the Fascist Party or attire himself in such a manner as to suggest membership of the Fascist Party;

(5) make, collect or receive any subscription to the funds of the Fascist Party;

(6) take or receive any oath or give or receive any undertaking or promise to the Fascist Party;

(7) do any other act whatsoever intended or likely to promote or sustain the Fascist Party.

For the purposes of this decree the Fascist Party shall include any organization designed to replace it.

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ARTICLE IV

PENALTIES

Any person violating the provisions of this Proclamation shall, on conviction by an Italian or Allied Military Court be liable to imprisonment or fine, or both, or according to law.

ARTICLE V

EFFECTIVE DATE

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Ministerial Decree of 22nd. Aug. 1944 (1943-44) establishing the amount of contributions to be paid by industrialists, traders, agriculturists, artisans and other professions to the P.N.F.

ARTICLE III

PENALTIES

No person shall -

(1) promote assist or attend at any public or private meeting of the Fascist Party or any organisation designed to replace it;

(2) use or permit to be used any building or other premises for the purposes of conducting any meeting, business or other affairs of the Fascist Party;

(3) print, publish or circulate or have in his possession with intent to publish or circulate any printed or written matter issued by or on behalf of the Fascist Party;

(4) wear or have in his possession any badge or insignia of the Fascist Party or attire himself in such a manner as to suggest membership of the Fascist Party;

(5) make, collect or receive any subscription to the funds of the Fascist Party;

(6) take or receive any oath or give or receive any undertaking or promise to the Fascist Party;

(7) do any other act whatsoever intended or likely to promote or sustain the Fascist Party.

For the purpose of this decree the Fascist Party shall include any organisation designed to replace it.

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ARTICLE IV

PENALTIES

Any person violating the provisions of this Proclamation shall, on conviction by an Italian or Allied Military Court be liable to imprisonment or fine, or both, or according to law.

ARTICLE V

EFFECTIVE DATE

This decree becomes effective as of the date hereof.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE I.

ABOLITION OF CERTAIN FASCIST INSTITUTIONS

The Fascist Corporative Syndicate System and the following unions and councils, that is to say: -

(a) Unione Provinciale Fascista Lavoratori dell'Industria;
(b) Unione Provinciale Fascista Lavoratori dell'Agricoltura;
(c) Unione Provinciale Fascista Lavoratori del Commercio;
(d) Unione Provinciale Fascista Lavoratori del Credito Assicurazioni;
(e) Unione Fascista degli Industriali;
(f) Unione Fascista degli Agricoltori;
(g) Unione Fascista dei Commercianti;
(h) Unione Fascista del Credito Provinciale di Palermo;
(i) Unione Provinciale Fascista Professionisti ed Artisti;
(j) Consiglie Provinciale delle Corporazioni;

and all hierarchies, constituent syndicates, unite and other dependencies thereof respectively are hereby dissolved.

ARTICLE II.

This decree becomes effective as of the date hereof.

Declassified E.O. 12356 Section 3.3/NND No. 785046

ARTICLE I

DISSOLUTION OF THE FASCIST PARTY

The organizations known as the Fascist Party (P.N.F.) is hereby dissolved and declared to be illegal. The property and assets of the said organization not heretofore taken over shall be taken by or delivered to hereby appointed for that purpose.

ARTICLE II

REPEAL OF LAWS

Articles of the Codes and existing Statues enumerated hereunder are hereby declared to be inoperative:

(1) Racial Laws.

(a) R.D.L. of 5 Sept. 1938 (No.1390) converted in Law on 5 Jan 1939 (No. 99) for the defence of the race in schools.

(b) R.D.L. of 7 Sept. 1938 (No.1381) in connection with foreign Jews.

(c) R.D.L. of 15 Nov. 1938 (No.1779) converted into law on 5 Jan. 1939 (No.99) extending the provisions of previous legislation in regard to schools.

(d) R.D.L. of 17 Nov. 1938 (No. 1728) converted into law on 5 Jan.1939 (No.374) coordinating various legislation in connection with the civil status of the Jews marriage and excluding them from certain businesses.

(e) R.D.L. of 9 Feb. 1939 (No. 126) extending the provisions of previous decrees to the industrial and commercial activities of Jews, their ownership of property etc.

(f) Law of 29 June 1939 (No.1054) regulating the professions which can be exercised by Jews (completed by Ministerial Decree of 30 July 1940 in connection with special contributions payable by Jews in various trades.

(g) Law of 13 July 1939 (No.1055) modified by the Law of 28 Sept.1940 (No.1459) limiting the free disposition by will of Jewish estates and compelling them to assume their old Jewish names.

(h) Law of 13 May 1940 (No.822) in relation to the status of persons of mixed race.

(i) Law of 19 Apr.1942 (No.517) excluding Jews from the field of theatrical enterprise.

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hereby appointed for that purpose.

ARTICLE II

REPEAL OF LAWS

Articles of the Codes and existing Statues enumerated hereunder are hereby declared to be inoperative:

(1) Racial Laws.

(a) R.D.L. of 5 Sept. 1938 (No.1390) converted in law on 5 Jan 1939 (No. 99) for the defence of the race in schools.

(b) R.D.L. of 7 Sept. 1938 (No.1381) in connection with foreign Jews.

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(d) R.D.L. of 17 Nov. 1938 (No. 1728) converted into law on 5 Jan.1939 (No.274) coordinating various legislation in connection with the civil status of the Jews marriage and excluding them from certain businesses.

(e) R.D.L. of 9 Feb. 1939 (No. 126) extending the provisions of previous decrees to the industrial and commercial activities of Jews, their ownership of property etc.

(f) Law of 29 June 1939 (No.1054) regulating the professions which can be exercised by Jews (completed by Ministerial Decree of 30 July 1940 in connection with special contributions payable by Jews in various trades.

(g) Law of 13 July 1939 (No.1055) modified by the Law of 28 Sept.1940 (No.1459) limiting the free disposition by will of Jewish estates and compelling them to assume their old jewish names.

(h) Law of 13 May 1940 (No.822) in relation to the status of persons of mixed race.

(i) Law of 19 Apr.1942 (No.517) excluding Jews from the field of theatrical enterprise.

(2) Fascists privileges.

(a) Law of 25 May 1940 (No.699) granting advantages to fascists wounded for the sake of the Fascist cause.

(b) R.D. of 9 July 1940 (No.1156) extending similar advantages to squadristi and old fascists.

(3) Civil Code of 1942.

Articles 1, 91, 155, 292, 348, 404, embodying various enactments regulating the status of Jews.

225

Declassified E.O. 12356 Section 3.3/NND No. 785046

(4) Penal Code of 1931.

Articles 282- Para. 3 of Article 285 - Article 290 in regard to offences against the honour of the Head of the government and the Grand Council of Fascism.

(5) Contributions to N.N.F.

Ministerial Decree of 22nd. Aug. 1941 (1942-XX) establishing the amount of contributions to be paid by industrialists, traders, agriculturists, artisans and other professions to the N.N.F.

ARTICLE III

OBLIGATIONS

No person shall -

(1) promote assist or attend at any public or private meeting of the Fascist Party or any organisation designed to replace it;

(2) use or permit to be used any building or other premises for the purposes of conducting any meeting, business or other affairs of the Fascist Party;

(3) print, publish or circulate or have in his possession with intent to publish or circulate any printed or written matter issued by or on behalf of the Fascist Party;

(4) wear or have in his possession any badge or insignia of the Fascist Party or attire himself in such a manner as to suggest membership of the Fascist Party;

(5) make, collect or receive any subscription to the funds of the Fascist Party;

(6) take or receive any oath or give or receive any undertaking or promise to the Fascist Party;

(7) do any other act whatsoever intended or likely to promote or sustain the Fascist Party.

For the purpose of this decree the Fascist Party shall include any organisation designed to replace it. 224

ARTICLE IV

PENALTIES

Any person violating the provisions of this Proclamation shall, on conviction by an Italian or Allied Military Court be liable to imprisonment or fine, or both, or according to law.

ARTICLE V

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amount or contributions to be paid by industrialists, traders, agriculturists, artisans and other professions to the P.N.F.

ARTICLE XII

SANCTIONS

No person shall -

(1) promote assist or attend at any public or private meeting of the Fascist Party or any organization designed to replace it;

(2) use or permit to be used any building or other premises for the purposes of conducting any meeting, business or other affairs of the Fascist Party;

(3) print, publish or circulate or have in his possession with intent to publish or circulate any printed or written matter issued by or on behalf of the Fascist Party;

(4) wear or have in his possession any badge or insignia of the Fascist Party or attire himself in such a manner as to suggest membership of the Fascist Party;

(5) make, collect or receive any subscription to the funds of the Fascist Party;

(6) take or receive any oath or give or receive any undertaking or promise to the Fascist Party;

(7) do any other act whatsoever intended or likely to promote or sustain the Fascist Party.

For the purpose of this decree the Fascist Party shall include any organization designed to replace it. 22

ARTICLE XV

VIOLATIONS

Any person violating the provisions of this Proclamation shall, on conviction by an Italian or Allied Military Court be liable to imprisonment or fine, or both, or according to law.

ARTICLE XV

EFFECTIVE DATE

This decree becomes effective as of the date hereof.

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE I

ABOLITION OF CERTAIN FASCIST INSTITUTIONS

The Fascist Corporative Syndicate System and the following unions and councils, that is to say: -

(a) Unione Provinciale Fascista Lavoratori dell'Industria;
(b) Unione Provinciale Fascista Lavoratori dell'Agricoltura;
(c) Unione Provinciale Fascista Lavoratori del Commercio;
(d) Unione Provinciale Fascista Lavoratori del Credito Assicurazioni;
(e) Unione Fascista degli Industriali;
(f) Unione Fascista degli Agricoltori;
(g) Unione Fascista dei Commercianti;
(h) Unione Fascista del Credito Provincia di Palermo;
(i) Unione Provinciale Fascista Professionisti ed Artisti;
(j) Consiglio Provinciale delle Corporazioni;

and all branches, constituent syndicates, units and other dependencies thereof respectively are hereby dissolved.

ARTICLE II

This decree becomes effective as of the date hereof.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

U. S. SECRET Equals British SECRET

QUESTIONNAIRE

To: C.L.C. Legal Sub-Commission,
Room 32, Via Nari, 8.

From: Information Sub-Commission. 22 November 1943.

1. It may be that your sub-commission will be interested in immediate legislation on the following points

Policy on censorship, Proclamation No 11, Art IV ?

Please indicate below which of these should be continued by decree of the Italian Government.

PROCLAMATION No. 11, Art. IV is already a dead letter insofar as this Sub-Commission is concerned. Control of propaganda agencies as such is vested by AFHQ in INC and PWB. This Sub-Commission is the channel of liaison with those organizations. (See AMGOT/4006/L #29)

2. Any additional points to be covered by immediate legislation. Please insert below.

The Policy that the Press of Occupied Territories should be a free press, limited only by considerations of military security, makes it undesirable in the view of this Sub-Commission that any Foreign rights over the Italian Press should be retained by Legislation suggested by ACC or AMG

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Declassified E.O. 12356 Section 3.3/NND No. 785016

1. It may be that your sub-commission will be interested in immediate legislation on the following points

Policy on censorship; Proclamation No 11, Art IV ?

Please indicate below which of them should be continued by decree of the Italian Government.

PROCLAMATION No. 11, Art. IV is already a dead letter insofar as this Sub-Commission is concerned. Control of propaganda agencies as such is vested by AFHQ in INC and PWB. This Sub-Commission is the channel of liaison with those organizations. (See AMGOT/4006/L #29)

2. Any additional points to be covered by immediate legislation. Please insert below.

The Policy that the Press of Occupied Territories should be a free press, limited only by considerations of military security, makes it undesirable in the view of this Sub-Commission that any Foreign rights over the 222 Italian Press should be retained by Legislation suggested by ACC or AMG

for ROBERT W. DESMOND - Major
Spec Res AUS
Acting Director Inf S-C

Theodore Sullard Major

U.S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

U. S. SECRET Equals British SECRET

QUESTIONNAIRE

To: C.L.O. Legal Sub-Commission,
Room 32, Via Buri, 8.

From: Interior Sub-Commission ..23.. November 1943.

1. It may be that your sub-commission will be interested in immediate legislation on the following points

(a) General order no 5 or parts of it?
(b) Proclamation No 8 " " ?
(c) Proposed Gen Order No 13 " " ?

Please indicate below which of them should be continued by decree of the Italian Government.

This Sub-Commission recommends continuance of Gen. Order No. 13, except to extent that Art II, ¶ 1 may later be modified.

2. Any additional points to be covered by immediate legislation. Please insert below.

In additional recommendations, see our memorandum of November 10 to Admin Director, Budget: Proclamation

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Declassified E.O. 12356 Section 3.3/NND No. 785016

1. It may be that your sub-commission will be interested in legislation on the following points

(a) General order no 5 or parts of it?
(b) Proclamation No 8 " " ?
(c) Proposed Gen Order No 13 " " ?

Please indicate below which of these should be continued by decree of the Italian Government.

This Sub-Commission recommends continuance of Gen Order No. 13, except to extent that Art II, 91 may later be modified.

2. Any additional points to be covered by immediate legislation.

Please insert below.

In additional comments thereto, see our memorandum of November 10 to Admin Director, Subject: Proclamation

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S. D. Elliott,
Capt
Acting Deputy Director
Italian
Sub-Commission

U. S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

0868

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

BUCK SLIP

20 Nov 43
Date

Subj: _____
Date

FROM		TO
	C.G. AMG	
	C. of S.	
	Exec Off	
	Economic Director	
	Industry & Commerce	
	Fuel	
	Agriculture	
	P. W. & Utilities	
	Labor	
	Interior	
	Information	
	Public Health	
	Legal (Lt Col WIENER)	✓
	Public Safety	
	Property Control	
	Education	
	Fine Arts	
	Shipping	
	Internal Transportation	
	Telecommunications	
	Hq Commandant	
	C of Secretariat	
	Message Center	
	G-1	
	G-4	
	Displaced Persons	
	Adjutant	
	Personnel Office	
✓	Admin Asst	

FOR:
_____ Signature and return
_____ Recommendation & Remark
_____ Information & Guidance
_____ Approval or Disapproval
_____ Necessary Action
_____ Investigation & Report
_____ To note and return
_____ File
_____ Dispatch

REMARKS: You request at recent Adm Directive Obtaining Chaplain

F.R. Cuppy
Lt Col.

20.11.43.

Declassified E.O. 12356 Section 3.3/NND No. 785016

SECRET

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Interior Sub-Commission

November 20, 1943.

SUBJECT: Proclamations

TO : Administrative Director

In accordance with verbal instructions, I append hereto a draft of proclamations and orders promulgated by AMG pertaining directly or indirectly to local government.

By Command of Brigadier General McSHERRY:

W. G. LEGG,
Lt. Colonel,
Deputy Actg Head
Interior.

Incl-1

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SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

SECRET

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Interior Sub-Commission

1. The following proclamations and orders promulgated by AMG and pertaining directly or indirectly to local government organization and administration shall remain in full force and effect, with only such changes therein as are hereinafter indicated, when the Italian National Government assumes control for the Allied Military Government:

(1) Proclamation No. 7: Dissolution of Fascist Organizations and Repeal of Laws (amendments will substitute the appropriate officer, agency or tribunal for the terms "Chief Civil Affairs Officer", "Allied Military Government" and "Allied Military Court" now appearing in the proclamation)

(2) Proclamation No. 13: Legal Rights of the Italian People 17 August 1943.

(3) General Order No. 8: Labor Relations (abolishing Fascist labour organizations and establishing Regional and Provincial Labor Offices)

2. Local government officials appointed suspended or removed by, or under the direction or with the approval of, AMG, shall not be removed, or restored to office, as the case may be, without the approval and consent of the Allied Control Commission in each case.

3. The "Rettorato Provinciale" and the "Consulta Comunale", abolished under AMG, shall not be revived or restored. The "Deputazione Provinciale" and the "Giunte Comunale", with such functions, powers, and duties as are now vested in them, or as so may hereafter be vested in them with the approval of the Allied Control Commission, shall be retained as agencies of provincial and communal government respectively. Additional offices, agencies or bodies of local government may be created with the approval of the Allied Control Commission.

4. That the organization set up by Allied Military Government for administration of food rationing and price control be retained until such time as an approved national organization is brought into being by the Italian Government.

W. G. LEGG,
Lt. Colonel,
Deputy Actg Head Interior.

SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

Col. Upjohn

HEADQUARTERS ALLIED CONTROL COMMISSION
and
HEADQUARTERS ALLIED MILITARY GOVERNMENT
INTERIOR SUB-COMMISSION
APO 512

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4060

13 November 1943

SUBJECT: Draft proposals

TO : Chief legal officer

1. Ref. meeting Administrative Directorate 12 Nov. 1943.

2. The following text is the substance of the provisions considered to be necessary to safeguard the functions of Interior Sub-Commission:

a. That all instruments of local government; appointments, and orders appertaining thereto remain effective unless rescinded with the prior approval of ACC.

b. That the plans and organizations set up for importation, production; distribution, and control of foodstuffs and kindred commodities and the administration of the rationing system and price control shall remain operative but with such modifications as may from time to time be considered desirable by ACC.

W.J. Legg

W.J.LEGG
LT. COL.
DEPUTY FOR ACTING HEAD
INTERIOR SUB-COMMISSION

Sent by Col. Wilson 14 Nov 43

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Declassified E.O. 12356 Section 3.3/NND No. 785016

Agriculture

Proclamation 8 — To be continued
(Corrupjohn says no)

Continuation G.O.8 art I see Intria.

General order No 5 (reversed)
Continue Article V
Article VIII
art VII ?

Amery
Up John says
No 40 — art II declaration

Fuel + Light
73 Settimo

0873

Declassified E.O. 12356 Section 3.3/NND No. 785016

Agriculture 17 Nov - 43

Your inquiries studies of Italian Min. of Agriculture and related agencies concerned with roads harvest etc indicates that major reorganization of all a certain number of existing agencies is essential

(4) changes in the agricultural set up in Regional (numbered memo No 20 dated 15/11/43 are in an opinion commendable to meet emergency needs under Am. Britain.

5 Present inform indicates things that even now fundamental changes must be made in the interests of obtaining max. prod harvest and dist of vital crops. On example to establish and enforce crop and live stock prod. and harvest goals all necessary repair and auxiliary to deal directly with farmers should be placed on one agency and are agency and. that are agencies should operate as Communal Regional levels thru the Min. of Agriculture as Nat. Central. are of major responsibility of Communal unit would be to create farm operata advisory committees

a second major agency would be charged with responsibility and enforcement authority for handling crops and livestock from local collection centers

ARTICLE I

It shall be unlawful for any person to advocate, teach, disseminate or otherwise give instruction in Fascist Philosophy or Doctrine in any University School or Educational establishment.

ARTICLE II

Any person violating the provisions of this Decree shall on conviction by an Italian or Allied Military Court, be liable for imprisonment or fine, or both as the Court may determine, or according to law.

ARTICLE III

This Decree becomes effectiveness of the date hereof in all territory restored to the jurisdiction of the Italian Government and shall become immediately effective in any other territory which shall be restored to the jurisdiction of the Italian Government.

Declassified E.O. 12356 Section 3.3/NND No. 785016

U. S. SECRET Equals British SECRET

QUESTIONNAIRE

To: C.I.C. Legal Sub-Commission,
Room 32, Via Poli, 8.

From: Agriculture etc. Sub-Commission 23 November 1943.

1. It may be that your sub-commission will be interested in immediate legislation on the following points

Contravance of all laws, decrees, orders & regulations relating to Agriculture Forestry & Fisheries concerning contents of proposed G.O. No 11 - Offences - If so Penalty clause.

Please indicate below which of these should be continued by decree of the Italian Government.

Agriculture does not appear to have a direct interest in G.O. No. 11

214

2. Any additional points to be covered by immediate legislation.

Please insert below.

The Enactments by Proclamation and General Orders which affect Agric; Forestry, and Fisheries and which might require to be continued immediately on taking over of Territory by the Italian Government are as follows:

(a) Proclamation No. 8

It would appear to be unnecessary to continue this proclamation as it was issued at the time of our occupation for the maintenance temporarily of status quo in regard to certain matters. If Legal Sub-Commission decides that for legal purposes the provisions should in some way be continued, ArticlesII and IV are those which concern agriculture; Article II insofar as it relates to rates of wages of farm labor and insofar as maximum producer prices are involved.

Declassified E.O. 12356 Section 3.3/NND No. 785016

legislation on the following points

Continuance of all laws, decrees, orders & regulations relating to Agriculture Forestry & Fisheries concerning contents of proposed G.O. No 11 - Offences &c so-called clause.

Please indicate below which of them should be continued by decree of the Italian Government.

Agriculture does not appear to have a direct interest in G.O. No. 11

214

2. Any additional points to be covered by immediate legislation. Please insert below.

The Enactments by Proclamation and General Orders which affect Agric; Forestry, and Fisheries and which might require to be continued immediately on taking over of Territory by the Italian Government are as follows:

(a) Proclamation No. 8

It would appear to be unnecessary to continue this proclamation as it was issued at the time of our occupation for the maintenance temporarily of status quo in regard to certain matters. If Legal Sub-Commission decides that for legal purposes the provisions should in some way be continued, Articles II and IV are those which concern agriculture; Article II insofar as it relates to rates of wages of farm labor and insofar as maximum producer prices are involved.

(b) General Order No. 5 (revised)

Provisions of Articles II to VIII and the schedule, insofar as they apply to agricultural and forestry products, livestock, fertilizers and agricultural tractors and machinery.

Declarations would require to be made to, and permits received from, Italian civil agencies; and Italian courts would deal with offences (Article VI).

(c) General Order No. 8 -- Insofar as it applies to Fascist institutions connected with agricultural. (This order interests a number of Sub-Commissions and will probably be dealt with by the Sub-Commission as a whole.

M.A.M. DICKIE
Major
Acting Deputy Director
Agriculture Sub-Comm.

U. S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

QUESTIONNAIRE

To: C.L.S. Legal Sub-Commission,
Room 32, Via Cari, 8

From: Agriculture, Forestry and Fisheries Sub-Commission 23 Nov 1943

1. It may be that your sub-commission will be interested in immediate legislation of the following points:

Continuance of all laws, decrees, orders and regulations relating to agriculture, forestry and fisheries considering contents of proposed G.O. No. 11 - Offences - If so, specify which.

Please indicate below which of them should be continued by decree of the Italian Government.

Agriculture does not appear to have a direct interest in G.O. No. 11

2. Any additional points to be covered by immediate legislation. Please insert below.

The Enactments by Proclamation and General Orders which affect Agric; Forestry, and Fisheries and which might require to be continued immediately on taking over of Territory by the Italian Government are as follows:

(a) Proclamation No. 3

It would appear to be unnecessary to continue this proclamation as it was issued at the time of our occupation for the maintenance temporarily of status quo in regard to certain matters. If Legal Sub-Commission decides that for legal purposes the provisions should in some way be continued, Articles II and IV are those which concern agriculture; Article II insofar as it relates to rates of wages of farm labour and insofar as maximus producer prices are involved.

Declassified E.O. 12356 Section 3.3/NND No. 785016

immediate legislation of the following points:

Continuance of all laws, decrees, orders and regulations relating to agriculture, forestry and fisheries considering contents of proposed G.O. No. 11 - Offences - If so, specify which.

Please indicate below which of them should be continued by decree of the Italian Government.

Agriculture does not appear to have a direct interest in G.O. No. 11

2. Any additional points to be covered by immediate legislation. Please insert below.

The Enactments by Proclamation and General Orders which affect Agric; Forestry, and Fisheries and which might require to be continued immediately on taking over of Territory by the Italian Government are as follows:

(a) Proclamation No. 2

It would appear to be unnecessary to continue this proclamation as it was issued at the time of our occupation for the maintenance temporarily of status quo in regard to certain matters. If Legal Sub-Commission decides that for legal purposes the provisions should in some way be continued, Articles II and IV are those which concern agriculture; Article II insofar as it relates to rates of wages of farm labor and insofar as maximum producer prices are involved.

(b) General Order No. 5 (revised)

Provisions of Articles II to VIII and the schedule, insofar as they apply to agricultural and forestry products, livestock, fertilizers and agricultural tractors and machinery.

Declarations would require to be made to, and permits received from, Italian civil agencies; and Italian courts would deal with offences (Article VI)

(c) General Order No. 8 -- Insofar as it applies to Fascist institutions connected with agricultural. (This order interests a number of Sub-Commissions and will probably be dealt with as a whole.

H.A.M. DICKIE
Major
Acting Deputy Director
Agriculture Sub-Comm.

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0879

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

BUCK SLIP

17 NOV 1943
Date

Sub: _____
Date

FROM		TO
	C.C. AMG	
	C. of S.	
	Exec Off	
	Economic Director	
	Industry & Commerce	
	Fuel	
2	Agriculture	
	F. W. & Utilities	
	Labor	
	Interior	
	Information	
	Public Health	
	Legal	
	Public Safety	
	Property Control	
	Education	
	Fine Arts	
	Shipping	
	Internal Transportation	
	Telecommunications	
	Hq, Commandant	
	C of Secretariat	
	Message Center	
	G-1	
	G-4	
	Displaced Persons	
	Adjutent	
	Ship Staff Officer	
	Capt. ADAMS	~

FOR:

_____ Recommendation & Remark
_____ Information & Guidance
_____ Approval or Disapproval
~ Necessary Action
_____ Investigation & Report
_____ To note and return
_____ File
_____ Dispatch

REMARKS:

0885

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
Agriculture Sub-Commission
AFO 512

17 November 1943.

SUBJECT: Laws to be put into effect by Italian government.

TO : Chief Staff Officer, Ic. Dir. (Col. D.S. Adams).

1. This is in reply to memo 13 Nov 1943.

2. Our incomplete study of the Italian Ministry of Agriculture and related agencies concerned with the production, harvest, collection and distribution of agricultural crops and livestock, timber and fish resources indicates that major reorganization and elimination of all or certain functions of a number ofexisting agencies is essential.

3. About two months ago, at Tizi Ouzou, the Legal Sub-Commission was requested to provide us with a digest of Italian laws and executive orders concerning the functions of this Sub-Commission. We shall appreciate having that request renewed. Until such digests are available basic information to make recommendations will be incomplete.

4. Changes made in the agricultural set up in Region I (Numbered Memorandum, No. 20 dated 1/11/43) are in our opinion commendable to meet emergency needs under AMG conditions.

5. Present information indicates strongly that even more fundamental changes must be made in the interests of obtaining maximum production, harvest and distribution of vital crops. For example, to establish and to enforce crop and livestock production and harvest goals all necessary responsibility and authority to deal directly with farmers should be placed on one agency and one agency only. That one agency should operate on Communal, Provincial & Regional levels under the Ministry of Agriculture on National level. One of the major responsibilities of the Communal unit of the organization would be to create farm operator advisory committees.

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6. The functions of that one agency are, even under the present complicated organization outlined in numbered Memorandum No. 20, divided between Ispettorato Agrario Provinciale, Ufficio Provinciale per gli accertamenti Agricoli and Ufficio Provinciale Zootecnico.

7. A second major organization would be charged with responsibilities and enforcement authority for handling crops and livestock from local collection centers. It would have little or no direct contact with farmers. As with the first organization it would have Communal, Provincial & Regional offices responsible to the Ministry of Agriculture.

W.A. HARTMAN,
Major, Actg. Dir.
Agriculture, Sub-Commission.

U. S. SECRET Equals British SECRET

QUESTIONNAIRE

To: C.L.C. Legal Sub-Commission,
Room 32, Via Bari, 8.

From: Labor Sub-Commission .....November 1943.

1. It may be that your sub-comission will be interested in immediate legislation on the following points

(a) Gen order No 8 or parts?
(b) Proclamation No 8 or parts?
(c) Proposed Gen Order No 14 or parts?

Please indicate below which of them should be continued by decree of the Italian Government.

(a) General Order No 8 - in toto
(b) Proclamation No 8 " "
(c) General Order No 14 - " "

2. Any additional points to be covered by immediate legislation. Please insert below.

211.

(a) Clarification of rights of collective bargaining
(b) Permission to hold meetings and assemblies for purpose of collective bargaining

Declassified E.O. 12356 Section 3.3/NND No. 785016

1. It may be that your sub-comission will be interested in immediate legislation on the following points

(a) Gen order No 8 or parts?
(b) Proclamation No 8 or parts?
(c) Proposed Gen Order No 14 or parts?

Please indicate below which of them should be continued by decree of the Italian Government.

(a) General Order no 8 - in toto
(b) Proclamation no 8 " "
(c) General Order no 14 - " "

2. Any additional points to be covered by immediate legislation. Please insert below.

211.

(a) Clarification of rights of collective bargaining
(b) Permission to hold meetings and assemblies for purpose of collective bargaining

J. R. Smith
Lt. Col.
Deputy Director Labor
Sub-Commission.

U. S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

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HEADQUARTERS ALLIED CONTROL COMMISSION
and
HEADQUARTERS ALLIED MILITARY GOVERNMENT
LABOR SUB-COMMISSION
APO 512

38

16 November 1943

SUBJECT: Laws to be put into Effect by Italian Government

TO : Chief Staff Officer, Economic Directorate

1. Reference your letter of 13th inst., this Sub-Commission has no proposals regarding laws to be put into effect immediately Italian Sovereignty starts in AMGOT territory.

2. Future legislative proposals will be determined by Italian Government desires and an agreed new policy.

JTRB/tbw

J. T. R. BAIN,
Colonel,
Director, Labor Sub-Commission.

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U.S. SECRET Equals British SECRET

QUESTIONNAIRE

To: C.I.C. Legal Sub-Commission,
Room 52, Via Buri, 8.

From: Labor Sub-Commission ..... November 1943.

1. It may be that your sub-commission will be interested in immediate legislation on the following points:

(a) Gen. Order No 8 or parts ?

(b) Proclamation No 8 " " ?

(c) Prefect Gen. Order No 14 or parts ?

Please indicate below which of these should be continued by decree of the Italian Government.

(a) General Order no 8 - in toto

(b) Proclamation no 8 - " "

(c General Order no 14 - in toto

2. Any additional points to be covered by immediate legislation. Please insert below.

209

(a) Clarification of rights of collective bargaining

(b) Permission to hold meetings and assemblies for purpose of collective bargaining

Declassified E.O. 12356 Section 3.3/NND No. 785016

1. It may be that your sub-commission will be interested in immediate legislation on the following points:

(a) Gen. Order No 8 or parts?

(b) Proclamation No 8 " " ?

(c) Prohibit Gen. Order No 14 or parts?

Please indicate below which of them should be continued by decree of the Italian Government.

(a) General Order No 8 - in toto

(b) Proclamation No 8 - " "

(c) General Order No 14 - in toto

2. Any additional points to be covered by immediate legislation. Please insert below.

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(a) Clarification of rights of collective bargaining

(b) Permission to hold meetings and assemblies for purpose of collective bargaining

J. H. Smith
Lt Col
D/Director Labor
Sub-Commission.

U. S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

URGENT.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Public Works and Utilities Sub-Commission

GER/cob

20 November 1943.

Recd 25 NOV

AC/142/PWU

Subject: Review of Proclamation and General Orders.

To: Economic Director.

With further reference to our letters ref. AC/130/PWU dated 18 and 19 November and also to the discussion in the office of Brigadier Hanlyn on Friday evening 19 November, at which Colonel Upjohn made the position more clear, the Proclamations and General Orders have been reviewed, and it is considered that the following should be kept in force:-

1. Proclamation No.2. Article I, para 15, dealing with interference with public utility services.

2. Proclamation No.6. Article VI, section 1(a), control of property of any company, institution, corporation, body etc.

3. Proclamation No. 10. Article II, section 1(a) dealing with the regulation of business and financial transactions of any company, institution, corporations, etc.

4. General Order No.4. Article II, section 1, Schedule of prices for materials, to be marked and posted.

5. It is also considered that an addition should be made to the following General Order:-

General Order No.5 (revised) Article V, section 2.
Include all metals; building, engineering and structural materials; cables and electrical equipment and machinery; contractors' plant and tools; including tractors (other than those used solely for agriculture).

26/11/43 Passed to Lt Col Rhodes and pointed out that item 5 must be removed on Schedule. It could be erased Call 27/11/43 from Lt Col Kenny

27/11/43 Recd Wilmer recond calls that 705 above be eliminated.

K. E. Rhodes.
24 Lt. Col. R.E.

L.A. JENNY,
Lt-Col.C.E.R.
Acting Director.

0867

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED CONTROL COMMISSION LAJ/ccb
and
HEADQUARTERS ALLIED MILITARY GOVERNMENT
Public Works and Utilities Sub-Commission

18 November 1945.

AC/1180/PWU

Subject: Laws to be put into effect by the Italian Government.

To: Economic Director.

This Sub-Commission wishes to offer the following.

We have asked that the Palermo Water Company be authorised to send representatives into inhabited buildings for the purpose of checking water leaks. They advise us that they have no authority to do so. We do not know what the laws are, either local or national, on such subjects but, under present conditions, it must be obvious to anyone that the A.C.C. should be able to direct, and Italian laws should permit, entering any premises, anywhere in an effort to carry out the functions of restoration and conservation etc. wherever they may be and what end may be sought.

L. A. JENNY,
Lt-Col. C.E.R.
Acting Director.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED CONTROL COMMISSION LAJ/ccb
and
HEADQUARTERS ALLIED MILITARY GOVERNMENT
Public Works and Utilities Sub-Commission

18 November 1943.

AC/180/PWU

Subject: Laws to be put into effect by the Italian Government.

To: Economic Director.

This Sub-Commission wishes to offer the following.

We have asked that the Palermo Water Company be authorised to send representatives into inhabited buildings for the purpose of checking water leaks. They advise us that they have no authority to do so. We do not know what the laws are, either local or national, on such subjects but, under present conditions, it must be obvious to anyone that the A.C.C. should be able to direct, and Italian laws should permit, entering any premises, anywhere in an effort to carry out the functions of restoration and conservation etc. wherever they may be and what end may be sought.

L.A. JENTY,
Lt-Col. C.M.R.
Acting Director.

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0889

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Public Safety Division
APO 512

23 November 1943.

AMG/14049/PS

SUBJECT: Proclamations of AMG under ACC conditions.

TO : Colonel Urjohn, Chief Legal officer, AMG.

1. In the light of our telephone conversation yesterday, in which you stated that a comparative study of the provisions of the Italian criminal code and the offenses set forth in AMG proclamations could not prudently be made, I wish to modify my earlier recommendations on this subject.

I. Proclamation No. 2.

1. I now recommend that as to Proclamation No. 2, all of the offenses in Article I be carried over by the Italian Government. In clauses 3 & 5 thereof the term "Allied Military Government" should be replaced by "the Questura" or some other appropriate agency of the Italian Government. Clause 21 should be reconsidered and revised by the Finance Sub-Commission. Of course, the tribunal to try these offenses would have to be an Italian Court unless extra-territorial courts were established for such offenses which would seem to be unlikely.

2. Article II should be continued in effect, with appropriate modifications of clauses 31, 32, 38, and 43. The comment made above as to the triounal to try the offenses is applicable here.

3. Article III should continue to be operative, and the phrase "or order issued under the authority of the Allied Military Government" should be stricken out.

4. Articles IV & V, and section 1 of Article VII should be eliminated as being incompatible with the resumption of sovereignty by the Italian Government. The first paragraph of Section 2 of Article VII should be retained after striking out the phrase "or the Allied Military Government". Paragraph 2 of Section II of Article VII should be amended by substituting the words "of the Allied Control Commission" in lieu of "of the Allied Military Government". Section 3 should be retained in its present form.

5. The defenses provided in Article VI should be applicable to trials before Italian Courts.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

II. Proclamation No. 11.

1. Proclamation number 11 has certain provisions which should be retained in the absence of positive knowledge that similar provisions are contained in the Italian Penal Code.

2. The Italian government should continue to require declaration of the means of communication set forth in Article I.

3. Article II. The taking of photographs in restricted military areas, or of military equipment installations or armament should be forbidden.

4. Article III. The continuance of the Identity Card system as it prevailed under Italian Law prior to the occupation would, in my judgment be sufficient.

5. Article IV. Restriction to be continued by the Italian Government.

6. Article V. This I consider of real importance. The power to grant permits for or to disperse assemblies should be exercised by the Italian Police authorities.

7. Article VI. Strike out "of any flag or colors of Italy or" and "other" in the first line. Otherwise retain.

Paul G. Kirk

PAUL G. KIRK,
Colonel, Infantry,
Chief, Public Safety
Division

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Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Public Safety Division
APO 512

23 November 1943.

AMG/14049/PS

SUBJECT: Proclamations of AMG under ACC conditions.

TO : Colonel Ujlaki, Chief Legal officer, AMG.

1. In the light of our telephone conversation yesterday, in which you stated that a comparative study of the provisions of the Italian criminal code and the offenses set forth in AMG proclamations could not presently be made, I wish to modify my earlier recommendations on this subject.

I. Proclamation No. 2.

1. I now recommend that as to Proclamation No. 2, all of the offenses in Article I be carried over by the Italian Government. In clauses 3 & 5 thereof the term "Allied Military Government" should be replaced by "the Questura" or some other appropriate agency of the Italian Government. Clause 21 should be reconsidered and revised by the Finance Sub-Commission. Of course, the tribunal to try these offenses would have to be an Italian Court unless extra-territorial courts were established for such offenses which would seem to be unlikely.

2. Article II should be continued in effect, with appropriate modifications of clauses 31, 32, 38, and 43. The comment made above as to the tribunal to try the offenses is applicable here.

3. Article III should continue to be operative, and the phrase "an order issued under the authority of the Allied Military Government" should be stricken out.

4. Articles IV & V, and section 1 of Article VII should be eliminated as being incompatible with the resumption of sovereignty by the Italian Government. The first paragraph of Section 2 of Article VII should be retained after striking out the phrase "or the Allied Military Government". Paragraph 2 of Section II of Article VII should be amended by substituting the words "of the Allied Control Commission" in lieu of "of the Allied Military Government". Section 3 should be retained in its present form.

5. The defenses provided in Article VI should be applicable to trials before Italian Courts.

0892

Declassified E.O. 12356 Section 3.3/NND No. 785016

II. Proclamation No. 11.

1. Proclamation number 11 has certain provisions which should be retained in the absence of positive knowledge that similar provisions are contained in the Italian Penal Code.

2. The Italian government should continue to require declaration of the means of communication set forth in Article I.

3. Article II. The taking of photographs in restricted military areas, or of military equipment installations or armament should be forbidden.

4. Article III. The continuance of the Identity Card system as it prevailed under Italian law prior to the occupation would, in my judgment be sufficient.

5. Article IV. Restriction to be continued by the Italian Government.

6. Article V. This I consider of real importance. The power to grant permits for or to disperse assemblies should be exercised by the Italian Police authorities.

7. Article VI. Strike out "of any flag or colors of Italy or" and "other" in the first line. Otherwise retain.

Paul C. Kirk

PAUL C. KIRK,
Colonel, Infantry,
Chief, Public Safety
Division

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0893

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
[illegible] MILITARY GOVERNMENT
Public Safety Sub-Commission
APO 512

20 November, 1943.

SUBJECT: Proclamation & General Orders

TO : Col. Upjohn, Chief Legal Officer, AMGOT.

1. It is the opinion of this sub-commission that the retention by decree of the Italian sovereign of the proclamations and general orders which have been published by AMGOT, will insofar as they relate to Public Safety, upon the resumption of Italian sovereignty not be necessary. This conclusion is of course predicated in part upon the assumption that the relinquishment of Allied Military Government will be made only for such regions or areas as have given evidence of their capacity to be governed through native officials without impairing Allied military operations.

2. Attention is invited, perhaps needlessly, to Proclamations 2 & 11. As to these, it is recommended that AFHQ be consulted to determine which provisions, if not all, should be retained from the point of view of the security of military personnel and installation.

PG Kirk

PAUL G. KIRK,
Colonel, Infantry,
Chief, Public Safety
Sub-Commission.

0894

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Public Safety Sub-Commission
APO 512

20 November, 1943.

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P. G. Kirk

PAUL G. KIRK,
Colonel, Infantry,
Chief, Public Safety
Sub-Commission.

200

0895

Declassified E.O. 12356 Section 3.3/NND No. 785016

Restricted

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Education
APO 512

HEADQUARTERS
20 NOV 1943
410
AMG.

SUBJECT: Continuance of A.M.G. Provisions. FILE No: AMGOT 6600/G/ED

TO : Legal Sub-Commission.
(For Attention of Colonel G.R.UPJOHN) 20 November 1943

Attached is draft Memorandum concerning the various points upon which we must make reservations on the handing over of territories to the Italian Government, as asked for at the Executive Council Meeting.

Another document, concerned with longer range thinking, prepared as a draft decree for issue by the Italian authorities, was sent to Lt. Colonel WILMER, at his request, some days ago. This covers the points that would require legalization as regards the action and appointments carried out under A.M.G.

For the Educational Adviser:

W. H. SHERWOOD
Major, RE

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Enclosure

0896

Declassified E.O. 12356 Section 3.3/NND No. 785016

Attached to
8600/Ps./ED. (12)
20 NOV 43.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Education
APO 512

Abolish fascist leading books by decree.
The rest are administrative.

AMGOT 0600/G/ED
20 November 1943

DRAFT MEMORANDUM

Essential matters to be reserved on handing over of territory to Italian Government:

1. No Fascist literature to be used in schools or colleges.
2. The improvised texts produced by A.M.G. to continue in use until replaced by suitable texts to be approved by A.C.C.
3. Directives for teaching methods to remain in force until replaced by new directives, from the Italian Government, which must receive the approval of A.C.C.
4. All new schools opened under A.M.G. to remain open.
5. All schools closed by A.M.G. to remain closed.
6. All university chairs, departments and institutions abolished or closed by A.M.G. to remain closed.
7. All new university chairs, departments and institutions formed under A.M.G. to remain.
8. All removals and dismissals from university appointments to remain valid.
9. All appointments in the universities to remain.
10. All appointments and removals or dismissals in the schools and the provveditorati to remain as under A.M.G.
11. All commissions and committees existing under A.M.G. for revision and promotion of texts and for the examination of candidates for university chairs to continue in existence, but under the appropriate Italian Authority, until their work is completed.
12. The authority given to the universities permitting them until March 1944 to certify medical and veterinary graduates as fit to practice, without the government qualification, to continue until that date.

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End.

0897

Declassified E.O. 12356 Section 3.3/NND No. 785016

Spred.

(14)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Education
APO 512

SUBJECT: Continuance of A.M.G. Provisions. FILE NO: AMGOT 8600/0/EE

TO : Legal Sub-Commission.
(For Attention of Colonel G.R.TREVELYAN) 20 November 1943

Attached is draft Memorandum concerning the various points upon which we must make reservations on the handing over of territories to the Italian Government, as asked for at the Executive Council Meeting.

Another document, concerned with longer range thinking, prepared as a draft decree for issue by the Italian authorities, was sent to Lt. Colonel WILLIS, at his request, some days ago. This covers the points that would require legislation as regards the action and appointments carried out under A.M.G.

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For the Territorial Adviser:

W. H. SUMMERSKILL
Major, R.E.

Enclosure

See notes in note Book

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(13)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Education
APO 512

AMGOT 8600/8/ED
20 November 1943

DRAFT MEMORANDUM

Essential matters to be reserved on handing over of territory to Italian Government:

X 1. No Fascist literature to be used in schools or colleges.

X 2. The improvised texts proposed by A.M.G. to continue in use until replaced by suitable texts to be approved by A.C.C.

X 3. Directives for teaching methods to remain in force until replaced by new directives, from the Italian Government, which must receive the approval of A.C.C.

freeze ✓ 4. All new schools opened under A.M.G. to remain open.

X 5. All schools closed by A.M.G. to remain closed.

✓ 6. All university chairs, departments and institutions abolished or closed by A.M.G. to remain closed.

✓ 7. All new university chairs, departments and institutions formed under A.M.G. to remain.

Second thought 8. All removals and dismissals from university appointments to remain valid.

✓ 9. All appointments in the universities to remain.

X 10. All appointments and removals or dismissals in the schools and the provveditoreti to remain as under A.M.G.

X 11. All commissions and committees existing under A.M.G. for revision and production of texts and for the examination of candidates for university chairs to continue in existence, but under the appropriate Italian Authority, until their work is completed.

X 12. The authority given to the universities permitting them until March 1944 to certify medical and veterinary graduates as fit to practice, without the government ratification, to continue until that date.

End.

0899

Declassified E.O. 12356 Section 3.3/NND No. 785016

not wanted

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
Education
APO 512

SUBJECT: Abolishment of Exemptions. FILE NO: AMGOT 8600/9/ED

TO : Legal Sub-Commission. 23 November 1943

1. It is desired to abolish exemptions, total and partial, made under fascist law, from the payment of school taxes (fees) in favor of large families and other categories of people.

2. There exist already other methods of aid to the education of students of ability and small means in the "Casse Universitarie" and the "Casse Scolastiche", and these it is desired to continue.

3. The "Opere Universitarie", a financial aid which was designed by fascism to keep "good party members" should be abolished, and their funds absorbed by the "Casse Universitarie".

4. May an order please be made on lines as under:

(a) All total and partial exemptions from payment of school taxes under fascist laws: 195

i Legge 14 Ottobre 1928 N° 1312
ii Legge 2 Luglio 1925 N° 1182
iii Testo unico della Legge sull'Istruzione Superiore approvato con R.D. 31 Agosto 1933 N° 1592
iv Art 33 del Regolamento sugli studenti approvato con R.D. 4 Giugno 1938 N° 1269
v Dispensati a norma dell'Art 7 della Legge 31 Agosto 1940 N° 1252
vi Regio Decreto Legge 14 Settembre 1941 N° 1471

are abolished, with the exception of Art. 192 of Testo Unico della Legge sull'Istruzione Superiore approvato con R.D. 31 Agosto 1933 N° 1592.

(b) The "Casse Universitarie" and the "Casse Scolastiche" shall continue to operate.

(c) The "Opere Universitarie" established in each university shall be abolished and its capital shall be absorbed in the "Casse Universitarie".

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5. The exception referred to in paragraph 4 is in favor of foreign students who are members of families resident outside Italy. (partial exemption)

6. As far as investigation has revealed, the laws and decrees cited above are comprehensive, but in view of the multiplicity of Italian laws, decrees and orders, the possibility of the existence of others should be covered.

For the Educational Advisor:

W. H. SHERWOOD
Major, FA

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MOST SECRET MOST SECRET MOST SECRET MOST SECRET

DOCUMENTS "A" "B" AND "C" (DRAFT OF 22 DECEMBER)

Confidential

MAJOR M.J. GROSSMAN

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Declassified E.O. 12356 Section 3.3/NND No. 785016

0902

Declassified E.O. 12356 Section 3.3/NND No. 785016

COPY

SECRET EQUALS BRITISH MOST SECRET

AFHQ MESSAGE CENTER

INCOMING MESSAGE.

Confidential

WAR

Filed: 212050Z

AFSC N 126/22
220050A
elh

ROUTINE

FROM: AGWAR FROM HILLDRING SIGNED MARSHALL

TO : EISENHOWER PERSONAL FOR SMITH

REF NO THIS MESSAGE 5378, 21 December 1943.

Terms of Restoration of Italian Territory

After discussion with MCCLOY we are now recommending to LONDON that FAN 307 be cancelled and that your original proposal in NAF 534 as amended and approved by MCCLOY in your W-7532 of 13 December 1943, be approved except for the following amendments :

Document C, paragraph 2, line 2, substitute "Terminated" for "Suspended"; in line 4, between the words "Government" and the words "and are declared" insert "as having been validly issued".

This has been approved by all interested US agencies here and request for immediate approval has been sent to LONDON.

NOTE: W 7532 is MC OUT 3818 13/12/43 MGS
NAF 534 is Ref No. W 6488/7495 MC OUT 9018 30/11/43 MGS
FAN 307 is Ref No. 4536 - MC IN 8584 14/12/43 MGS

ACTION : MGS

INFOR: SGS MR MURPHY
INC MR MACMILLAN
AG RECORDS

MC IN 13277 22 Dec 43 0748A Ref No. 5378 ppm/R

COPY No. 17

Declassified E.O. 12356 Section 3.3/NND No. 785046

WAR

Filed: 212050Z

AFSC N 126/22
220050A
elh

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INFOR: SGS MR MURPHY
INC MR MACMILLAN
AG RECORDS

MC IN 13277 22 Dec 43 0748A Ref No. 5378 pfm/R

COPY No. 17

Declassified E.O. 12356 Section 3.3/NND No. 785046

U.S. SECRET equals British MOST SECRET

ALLIED FORCE HEADQUARTERS

Military Government Section.

Confidential

MGS: 387.4-2

25 December 1943

Subject:- Preparation for Restoration of Occupied Territory to Italian Jurisdiction.

TO:- General Officer Commanding in Chief 15 Army Group.
Acting Deputy President, Allied Control Commission.

1. Reference is made to the letter of this Headquarters of 18 December 1943, addressed to the Acting Deputy President, ACC, with copy to G O C-in-C 15 Army Group and HQ AMG, subject as above. Since that letter was sent Message 5378 MC IN 13277 of 22 December, has been received from the War Department. A copy is inclosed for your information. From this message it now appears that the contemplated restoration of certain areas of occupied territory will be on the basis of Documents A, B and C, with certain small amendments settled by the Combined Civil Affairs Committee. Those documents, as provisionally settled, are herewith communicated for your information and in order that you may be prepared to proceed on that basis in the event that you receive instructions to that effect.

(sgd) J. C. HOLMES

Brigadier-General, G.S.C.
Chief, Military Government Section.

4 inclosures.

1. Message 5378
2. Doc A of 22 Dec.
3. Doc B " " "
4. Doc C " " "

Cop to:

HQ AMG.

Declassified E.O. 12356 Section 3.3/NND No. 785016

U. S SECRET Equals British SEC. Draft of 22 Dec.

SECRET

DOCUMENT A

Confidential

Draft Terms for Restoration of Territory to Italian Government

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian Government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces

NOW, THEREFORE, I, HAROLD R.L.G.ALEXANDER, G.C.B., G.S.I., D.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject to the terms and conditions hereinafter set forth.

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regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces

NOW, THEREFORE, I, HAROLD R.L.G.ALEXANDER, G.C.B., C.S.I.,D.S.O.,M.C., General, Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject to the terms and conditions hereinafter set forth.

Territory Restored: That portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantellaria or Lampedusa and Linosa).

Terms of Restoration: Without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the

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Declassified E.O. 12356 Section 3.3/NND No. 785016

United Nations and to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the rights, powers and immunities described below, in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian government, hereinafter referred to as "the Unoccupied Territory":

1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

2. To maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. To hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. To declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief. 189

5. To convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities and of any person otherwise doing any act hostile to the Allied Forces or any member thereof, and to inflict such punishment upon such person as such Tribunals may direct.

6. To conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committeed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

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3. To hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

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6. To conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committeed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. To requisition private and public property and services.

8. To reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war.

9. To import and export and to control and supervise the distribution to the civilian population of such civilian spplies as the Allied Forces may determine without the payment of any impost, tax, charge, or duty of any

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kind whatsoever either to the Italian government or to any of its political subdivisions or agencies.

10. To engage in such operations and import and export such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations and Decrees in the form annexed hereto and made a part of these terms and conditions will be issued by the Italian Government at the time of transfer of the territory.

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General,
Military Governor.

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of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

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General,
Military Governor.

U. S. SECRET Equals British SECRET

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U. S. SECRET Equals British SECRET

Draft of 22 Dec.

SECRET

DOCUMENT B

Confidential

Draft Proclamation for Military Governor.

WHEREAS I assumed all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established military government to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declaredwar on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, THEREFORE, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

Allied Military Government established by me andall Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries ofthe provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa) are hereby terminated as of 0001 hourse on _____ day of _____. The Italian Government will thereafter administer the above territory, subject to all powers,

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my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declaredwar on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, THEREFORE, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

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General,
Military Governor.

U. S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785046

U. S. SECRET Equals British SECRET

Draft of 22 Dec.

SECRET

DOCUMENT C

Confidential

Draft Proclamation by the Italian Government to be signed by Marshal Badoglio

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territories heretofore occupied by the AlliedForces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim and decree as follows :

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government ofItaly.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removedat any time by the Italian government with the consent of the Allied Commander in Chief.

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be relinquished and restored to the Italian government upon [illegible] conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim and decree as follows :

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government ofItaly.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removedat any time by the Italian government with the consent of the Allied Commander in Chief.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognizedby all Italian courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

5. The Allied Forces are fighting our common enemy against whom Italy

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has declared war, for the purpose of driving the German Invaders from Italian territory and restoring Italy as a free nation, liberated from Nazi domination and from the abuses of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. In prosecuting the war it will be necessary for troops to be maintained and quartered, for military zones to be established, and for members of the Allied Forces and officials and other representatives and agents of the United Nations to circulate freely within the restored territory, It is the duty of every Italian to cooperate fully with all members of the Allied Forces and all such officials and representatives and agents, and to obey all orders and regulations which may from time to time be issued by the Allied Forces in the military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be subject to punishment by an appropriate Allied Military Tribunal or Italian Court.

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6. In prosecuting the war it will be necessary for troops to be maintained and quartered, for military zones to be established, and for members of the Allied Forces and officials and other representatives and agents of the United Nations to circulate freely within the restored territory. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and all such officials and representatives and agents, and to obey all orders and regulations which may from time to time be issued by the Allied Forces in the military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be subject to punishment by an appropriate Allied Military Tribunal or Italian Court.

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U. S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 783016

U.S. SECRET equals British SECRET

Allied Force Headquarters.

Military Government Section.

Confidential

JCH/CF/eg

MGS 387.4-2

26 December 1943.

Subject:- Draft Documents on Transfer of Jurisdiction to Italian Government.

To :- Acting Deputy President, Allied Control Commission.

Attention is invited to your cablegram of 21 December, Message 1556, MC IN 12812 at theis Headquarters. The recital in Draft Documents A and B that the transfer of jurisdiction over certain areas to the Italian Government has been requested by that Government is in fact justified on the basis of the message of the King of Italy to the King of England and the President of the United States, respectively, which was transmitted on 23 September at the request of the Italian Government.

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(sgd) J. C. Holmes

Brigadier-General, G.S.C.
Chief, Military Government Section.

Declassified E.O. 12356 Section 3.3/NND No. 785016

U. S. SECRET equals BRITISH SECRET

Confidential

ALLIED FORCE HEADQUARTERS

Military Government Section

JCH/CR/eg

26 December 1943

Subject:- Threatened reprisals for Treatment of Fascists

To: General Officer Commanding in Chief, 15 Army Group
Acting Deputy President, Allied Control Commission
Chief,
Headquarters Allied Military Government.

Attached is a letter of 23 December, from the Civil Affairs Office AFHQ, transmitting a paraphrase of a message from the United States and British diplomatic representatives at the Vatican on the subject of threatened reprisals for the treatment of Fascists in areas under Allied control. The view therein presented is brought to your attention in order that it may be given such weight as seems proper in situations to which it applies.

(sgd) J. G. Helmes

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Brigadier General, G.S.C.
Chief, Military Government Section.

Copy to:
Acting Chief Civil Administrator, AFHQ.

Declassified E.O. 12356 Section 3.3/NND No. 785016

COPY

U.S. SECRET equals BRITISH SECRET

ALLIED FORCE HEADQUARTERS

Civil Affairs Office

Confidential

December 23 1943

SECRET

MEMORANDUM TO :- Military Government Section,
Allied Force Headquarters.

SUBJECT:- Threatened Reprisals for Treatment of Fascists

1. For your information and such action as you may consider necessary a paraphrase of the State Department's telegram No. 147, dated December 16, transmitting a message received from Tittmann at the Vatican City is cited below :- 182

> "My British colleague and I have been requested by the Cardinal Secretary of State to recommend to our respective Governments that in dealing with Fascists in liberated areas of Italy circumspection be used, since the Fascist Government can take reprisals against anti-Fascists held as hostages in Northern Italy. The threat of such reprisals has been presented rather forcefully to the Cardinal Secretary of State."

2. The Civil Affairs Section would appreciate receiving an indication of your reaction on this subject.

H. J. L'Heureux
Acting Chief Civil Administrator.

Declassified E.O. 12356 Section 3.3/NND No. 785016

MOST SECRET

Downgraded to Confidential

Declassified E.O. 12356 Section 3.3/NND No. 759046

0922

Declassified E.O. 12356 Section 3.3/NND No. 785016

Restoration of Italian Territory

RECEIVED from Col. C. D'John, Legal Sub-Commission, H.Q.Rear, A.C.C.
the original Italian translations of Document "A" and "B" and D.

DATED 22nd February 1944.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

RECEIPT

Received from Col. G. Upjohn, Head of Legal Sub-Commission, one file containing Document A, Document D (Transfer of Territory to Italian Government, and Short and Long Terms (Secret) of Armistice).

19 February 1944

M. S. Clark
Brigadier
Executive Commissioner

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SECRET

NOTE:

The reference to the King in the Third Paragraph of Document 2 still remains to be discussed with Marshal Badoglio in the light of what is said in last signal from AFHQ.

0925

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SECRET

DOCUMENT B

Proclamation of Marshal Badoglio to the Italian People

ITALIANS,

The United Nations, following the request of the Royal Government, have ordered that the major part of our territory, until now occupied by the Allied Forces, be returned to us.

Naturally, in effect will remain those clauses and conditions necessary for the conduct of the war.

In the name of His Majesty, the King, and all the Italian People, I thank the Allies for this generous gesture, which in addition to being a gesture, is at the same time a proof of faith.

No one can escape the importance and meaning of this event. This is the first stage toward the renewed unity of the Fatherland, and which should be our supreme purpose and aspiration. The first stage after the blind course toward the abyss, into which the Italian People have been forced for twenty years by a Regime, from which we wish to redeem ourselves completely, in the name of liberty, that is dear to us, but not in the name of license, into which no people can fall without extreme danger.

ITALIANS,

The Allied Forces are fighting victoriously with us against the common German enemy, this same enemy against whom we have fought together on the Carso, Isonzo and the Piave. On the result of this fight depends the future of Italy and the world. All Italians, in every sector of national life, from the most humble to the highest, must contribute thereto by all their means and with all their strength, without reservations, without hesitation, without argument.

Our brothers await us in eternal Rome, in all the cities and villages still held down by the Nazi Bayonette.

The war can be won only by the most loyal, frankest and most intimate collaboration with the free and great Allied Peoples. Whosoever does to acts which in any way hinder our, and the Allied Armed Forces, and impedes the war effort and in any way assist the enemy, will without delay be judged and exemplarily punished.

And this, after so many dark and tormented days, is our first happy day. Because, if we realise and desire it, holds the roots of our salvation, which can only come from the resolute, united and unanimous endeavour of all.

Italians, rise to the height of this event, in the name of this Fatherland of ours, which bleeding and grieving is returning from the abyss to a new life.

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SECRET

RATIONING AND PRICES FOR ARTICLES AND SERVICES

ARTICLE I

RATIONING

The present system of rationing will remain in force.

ARTICLE II

RESTRICTIONS ON WAGES AND MAXIMUM PRICES

All rates or wages for labor prevailing and all maximum prices for foodstuffs and goods officially in force in any locality on the date hereof shall remain unaltered and no person shall demand, receive or pay any sum for labor or purchases in excess of such rates or maximum prices.

ARTICLE III

MARKING OF PRICES

All persons engaged in the business of selling foodstuffs by retail to the public shall plainly mark the same with the price thereof.

ARTICLE IV

SCHEDULE OF CHARGES FOR COMMERCIAL SERVICES

The proprietor or manager of:

(a) Every place where food or drink is offered for sale to be consumed upon the premises,
(b) Every hotel, inn or boarding or lodging-house,
(c) Every theater or place of entertainment,
(d) Every taxicab or public vehicle,
(e) Every barber's shop, laundry or cleaning establishment and
(f) Every other business rendering services for reward

shall display at each such place of business or in each such vehicle, in a position where it will be clearly visible to all prospective customers, a schedule of charges for the goods, accommodation or services provided and within ten days from the date of this Order shall file a copy of every such Schedule with _____ having jurisdiction over the area in which such place of business is situated or such vehicles are operated.

ARTICLE V

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LIMITATIONS OF WAGES AND MAXIMUM PRICES

All rates or wages for labor prevailing and all maximum prices for foodstuffs and goods officially in force in any locality on the date hereof shall remain unaltered and no person shall demand, receive or pay any sum for labor or purchases in excess of such rates or maximum prices.

ARTICLE III

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(c) Every theater or place of entertainment,
(d) Every taxicab or public vehicle,
(e) Every barber's shop, laundry or cleaning establishment and
(f) Every other business rendering services for reward

shall display at each such place of business or in each such vehicle, in a position where it will be clearly visible to all prospective customers, a schedule of charges for the goods, accommodation or services provided and within ten days from the date of this Order shall file a copy of every such Schedule with _____ having jurisdiction over the area in which such place of business is situated or such vehicles are operated.

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ARTICLE V

MARKING AND POSTING OF PRICES OF FOODSTUFFS AND GOODS

Section 1. All persons, firms, or organizations, with the exception of farmers, engaged in the sale either at wholesale or retail, of foodstuffs or liquors to be carried away, agricultural products, machinery, tools, fuel, petrol or petrol products, cement, metals and all articles manufactured by machine or hand, shall post in each of their premises, places or vehicles from which they carry on business, a schedule or list of the prices charged for the respective items in a position where it will be clearly visible to all prospective customers.

(6)

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Section 2. All persons, firms or organizations, with the exception of farmers, pharmacies and dealers in hardware, engaged in the sale either at wholesale or retail, of any of the articles or goods enumerated in Section 1 of this Article by the individual article or in packages or containers shall plainly mark each package or container with the price thereof in addition to posting a schedule or list of prices as required by Section 1 of this Article.

Section 3. Within ten days from the date of this Decree a copy of each of the said respective price lists or schedules shall be filed with _____ in charge of the area within which such individuals or organizations carry on their business.

ARTICLE VI

MAXIMUM CHARGES AND PRICES

Section 1. Until further notice the charges and prices to be listed under Articles IV and V of this Decree shall not exceed the charges and prices therefor prevailing and in force in the respective places of business on the date hereof.

Section 2. Any change or alteration of or in such charges or prices may be made by notice signed by the _____ for the area over which he has jurisdiction.

ARTICLE VII

PAYMENTS IN EXCESS OF MAXIMUM PRICES PROHIBITED

No person, firm or organization shall demand or receive and no purchaser offer or pay any price for any article or service specified in this Decree in excess of that marked thereon or set out in the list of prices posted as herein provided.

ARTICLE VIII

PROHIBITION AGAINST REMOVAL AND TRANSFER OF CERTAIN COMMODITIES

Section 1. From and after the date of this Decree, no person, company or association owning any of the commodities listed in Section 2 of this Article in excess of the quantities specified in the Schedule hereto shall remove, sell, exchange or transfer any such articles without the permission in writing of _____ or his duly authorized agent.

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Section 2. This Article applies to the following commodities:

WHEAT	KEROSENE
CEMENT	DIESEL OIL (ALL GRADES)
CAUSTIC SODA	LUBRICATING OILS & GREASES
RICE IN BAG TYPES	CRUDE OIL

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_____ in charge of the area within which such individuals or organizations carry on their business.

ARTICLE VI

MAXIMUM CHARGES AND PRICES

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ARTICLE VIII

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Section 1. From and after the date of this Decree, no person, company or association owning any of the commodities listed in Section 2 of this Article in excess of the quantities specified in the Schedule hereto shall remove, sell, exchange or transfer any such articles without the permission in writing of _____ or his duly authorized agent.

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Section 2. This Article applies to the following commodities:

METAL	KEROSENE
CEMENT	DIESEL OIL (ALL GRADES)
CAUSTIC SODA	LUBRICATING OILS & GREASES
AUTO OR BUS TIRES	CRUDE OIL
COAL (SOFT AND ANTHRACITE)	ASPHALT, BITUMEN, ETC.
COKE	TRUCKS.
PETROL OF ALL GRADES	

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Section 3. This Article does not affect existing regulations pertaining to any commodities not listed in Section 2.

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ARTICLE IX

DECREE NOT TO AFFECT ITALIAN LAW

The provisions of this Decree are in addition to the existing provisions of law relative to the "seasoning", holding or sale of any such commodities and do not supersede or otherwise affect the same.

ARTICLE X

VARIATION OF SCHEDULE

The commodities and the quantities thereof specified in the Schedule hereto may be added to, raised or cancelled from time to time by notice issued under the hand of the _____ or his duly authorized agent.

ARTICLE XI

PENALTIES

Any person violating the provisions of this Decree shall upon conviction by an Allied Military or Italian Court be liable to imprisonment or fine, or both, as the Court may determine or according to law, and any property in respect of which such an offence has been committed may be ordered to be forfeited to the Italian Government.

ARTICLE XII

EFFECTIVE DATE

This Decree becomes effective as of the date hereof.

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VARIATION OF SCHEDULE

The commodities and the quantities thereof specified in the Schedule hereto may be added to, raised or cancelled from time to time by notice issued under the hand of the _____ or his duly authorized agent.

ARTICLE XI

PENALTIES

Any person violating the provisions of this Decree shall upon conviction by an Allied Military or Italian Court be liable to imprisonment or fine, or both, as the Court may determine or according to law, and any property in respect of which such an offence has been committed may be ordered to be forfeited to the Italian Government.

ARTICLE XII

EFFECTIVE DATE

This Decree becomes effective as of the date hereof.

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THE SCHEDULE
AGRICULTURAL PRODUCTS AND FOODSTUFFS

COMMODITY	QUANTITY
Wheat (producer)	Seed and family allowance
Wheat (non-producer)	160 Kg.
Flour	100 "
Pasta	100 "
Coffee	50 "
Sugar	50 "
Olive Oil	100 "
Oats	500 "
Livestock (Classified)	Nil

BEVERAGES, TOBACCO, ETC.

Wine	500 Litres.
Tobacco, cigarettes, etc	100 Kg.
Matches	1 Gross Boxes

WEARING APPAREL, TEXTILES, ETC.

Boots or Shoes	25 Pair
Tanned Leather	100 Kg.
Blankets	25 Units
Woolen Yard Goods	1000 Metres

MINERALS, BUILDING MATERIALS, ETC.

Timber	1000 Kg.
Cement	500 "
Roofing Tiles	1000 "
Roofing Materials	500 "
Window Glass	100 "
Nitric Fertilizers	200 "
Phosphatic Fertilizers	200 "
Potassic Fertilizers	200 "

DRUGS, SOAPS, CHEMICALS, ETC.

Soap	50 Kg.
Caustic Soda	10 "
Citric Acid	100 "
Quinine	1 "

WOOD, RUBBER, LEATHER, ETC.

Hides	100 Hides
Axles or Tire Irons (by size)	Nil

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Flour	100 "
Pasta	50 "
Coffee	50 "
Sugar	100 "
Olive Oil	500 "
Oats	Nil
Livestock (Classified)	Nil

BEVERAGES, TOBACCO, ETC.

Wine	500 Litres.
Tobacco, cigarettes, etc	100 Kg.
Matches	1 Gross Boxes

WEARING APPAREL, TEXTILES, ETC.

Boots or Shoes	25 Pair
Tanned Leather	100 Kg.
Blankets	25 Units
Woolen Yard Goods	1000 Metres

MINERALS, BUILDING MATERIALS, ETC.

Timber	1000 Kg.
Cement	500 "
Roofing Tiles	1000 "
Roofing Materials	500 "
Window Glass	100 "
Nitric Fertilizers	200 "
Phosphatic Fertilizers	200 "
Potassic Fertilizers	200 "

DRUGS, SOAPS, CHEMICALS, ETC.

Soap	50 Kg.
Caustic Soda	10 "
Citric Acid	100 "
Quinine	1 "

HIDES, RUBBER, LEATHER, ETC.

Hides	100 Hides
Auto or Bus Tyres (by sizes)	Nil
Bicycle Tyres	Nil
Other Rubber Tyres	Nil

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THE SCHEDULE (Cont'd)

COMMODITY	QUANTITY
PETROL, OIL, LUBRICANTS, FUELS, ETC.	
Coal (Soft)	1000 Kg
Coal (Anthracite)	1000 "
Coke	1000 "
Charcoal	500 "
Petrol of all Grades	NIL
Naphtha	"
Diesel Oil (All Grades)	"
Lubricating Oils & Greases	"
Crude Oil	"
Aspahlt, bitumen, etc.	"
VEHICLES	
Automobiles by make, model and year	NIL
Trucks by make, model and year	"
Motorcycles by make, model and year	"
Tractors by make, model and year	"
Trailers by make, model and year	"
Threshing machines by make, model and year	"

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Coal (S.A.)	1000 Kg
Coal (Anthracite)	1000 "
Coke	1000 "
Charcoal	500 "
Petrol of all Grades	Nil
Naphtha	"
Diesel Oil (All Grades)	"
Lubricating Oils & Greases	"
Crude Oil	"
Asphalt, bitumen, etc.	"

VEHICLES

Automobiles by make, model and year	Nil
Trucks by make, model and year	"
Motorcycles by make, model and year	"
Tractors by make, model and year	"
Trailers by make, model and year	"
Threshing machines by make, model and year	"

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EDUCATION

ARTICLE I

It shall be unlawful for any person to advocate, teach, disseminate or otherwise give instruction in Fascist Philosophy or Doctrine in any University School or Educational establishment.

ARTICLE II

Any person violating the provisions of this Decree shall on conviction by an Italian or Allied Military Court, be liable for imprisonment or fine, or both as the Court may determine, or according to law.

ARTICLE III

This Decree becomes effective as of the date hereof.

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SAFETY OF ALLIED FORCES AND OFFICIALS

ARTICLE I

Any person who shall perform or do any act hostile to the Allied Forces or any member thereof or to any official or representative of the United Nations or to any property of or under the control of the Allied Forces or who conspires to do any such act or who advises, assists in or procures the commission of any such act, may be brought to trial before an Allied Military Court and on conviction by such court may be punished as such court may direct. Any sentence or punishment so imposed by an Allied Military Court shall be of the same force and effect as if imposed by an Italian Court and shall be so recognized by all Italian Courts and Italian Officials unless set aside or modified by or with the consent of the Allied Control Commission.

ARTICLE II

Any member of the Allied Forces may arrest or search any person suspected of having committed or being about to commit offenses under this Decree and may enter and search any place and seize and take away any property for the purpose of investigating any such offense where there are grounds for believing that it is intended to be committed.

ARTICLE III

This decree becomes effective as of the date hereof.

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ARTICLE I

INTERPRETATION

In this Decree-

"Property" includes all forms of movable and immovable property and rights of property.

"Director of Property Control" is the Director of Property Control, Allied Control Commission.

ARTICLE II

POWER TO REQUIRE RETURNS AND ACCOUNTS

The Director of Property Control may by notice in writing require any person to furnish returns, accounts and other information and to produce documents relating to any property as the Director of Property Control considers necessary for the discharge of his functions.

ARTICLE III

UNITED NATIONS PROPERTY

Section 1. Cancellation of Italian Measures affecting United Nations Property.

All laws, decrees, orders or other measures taken by the ItalianGovernment to sequestrate, block, confiscate, or otherwise discriminate against property situated in Italy, including obligations of debtors within Italy, owned by the Governments of any of the United Nations, or by the Nationals of such Nations or in which any such Government or Nationals have any interest are hereby repealed.

Section 2. Declaration of Property.

All public officials of the Italian Government and all other persons in Italian Territory as and when restored to the Government of Italy, who have under their control or administration or in their possession or custody any property of the nature referred to in Section 1 shall :

(a) Forthwith declare such property by delivering to the Director of Property Control a schedule or list describing the same, if such declaration in full has not already been made to the Controller of Property, Allied Military Government;

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POWER TO REQUIRE RETURNS AND ACCOUNTS

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All public officials of the Italian Government and all other persons in Italian Territory as and when restored to the Government of Italy, who have under their control or administration or in their possession or custody any property of the nature referred to in Section 1 shall:

(a) Forthwith declare such property by delivering to the Director of Property Control a schedule or list describing the same, if such declaration in full has not already been made to the Controller of Property, Allied Military Government;

(b) Upon demand of the Director of Property Control, turn over such property or the control, possession, or custody thereof to the Director of Property Control or such person as may be designated by him;

(c) Upon demand of the Director of Property Control, turn over all books accounts, and records of the administration of such property during the period of Italian sequestration or other control to the Director of property Control or to such person as may be designated by him.

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Section 3. Maintence and Care of Property Pending Restitution.

Until such time as they are ordered to turn over any property which is the subject of this Decree, all persons who are charged with the administration, custody or control thereof shall be fully responsible for the maintenance thereof and for taking all necessary measures for safeguarding and preserving the same. All such persons shall, as demanded by the Director of Property Control, render regular reports as to the operations, custody and administration of the properties.

Section 4. Consent as to Certain Action.

No persons so charged with the administration, custody or control of such property shall take or suffer to be taken any action which shall materially effect the value or the income therefrom without the consent of the Director of Property Control. Without limiting the generality of the foregoing, andy such persons may obtain consent of the Director of Property Control to the sale or mortgage of the property or any portion thereof and shall also give notice to him of any attachments of lien, terminations of leases or othersimilar events.

Section 5. Rights and Powers over Property.

The Director of Property Control shall have the full right and power to do all things in relation to any private property, real personal or mixed which he shall have in his possession or underhis control, which he would have if he were the true lawful and real ownerthereof, or which he would have if he held a general unlimited power ofattorney in connection therewith. Without lisiting the ~~generality~~ foregoing of the foregoing, such rights and powers shall include the right and power to sell, rent, lease, mortgage, pledge, pay taxes, mortgage interest or other payments or charges accrued on or against the property, andy any sums necessary for its preservation, to carry on as business if the prpertyconsists of a busines, and to enter into any contract and to execute any legal deed or instrument necessary for the excercise of any of the forgoing rights and powers.

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necessary measures for safeguarding and preserving the same. All such persons shall, as demanded by the Director of Property Control, render regular reports as to the operations, custody and administration of the properties.

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ARTICLE IV

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PENALTIES

Anyone who knowingly and without lawful authority:

(a) interferes with or obstructs the Director of Property Control or any of his Assistants in the exercise of any of their functions hereunder;
(b) interferes with, removes, damages, conceals or makes away with any property which the Director of Property Control, has taken or is authorized to take into his control;
(c) intereferes with, removes, damages, conceals or makes away with any property [illegible] with intent to defeat.

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evade or avoid any responsibility, fine or punishment;

(d) withholds any information or any document which the Director of Property Control is entitled to receive, or makes any false statement, or uses or refers to any false document in order to mislead the Director of Property Control as to any of the matters which he requires to know for the purpose of this Decree; or

(e) violates any other provision of this Decree;

shall on conviction by and Italian or Allied Military Court be liable to imprisonment or fine, or both, as the Court may determine, or according to law.

ARTICLE V

POWER TO VOID TRANSACTIONS

The Director of Property Control may by order direct that any transaction made at any time with regard to any property, moveable or immovable, shall be set aside and held null and void if, in his opinion the transaction was made to defeat, evade or avoid any provision of this Decree or any responsibility, fine or punishment imposed or to be imposed on any person or enemy government.

ARTICLE VI

POWER TO SUE IN ITALIAN COURTS

In the exercise of his duties and powers the Director of PropertyControl in his own name or on behalf of an owner of property, shall have full and complete right to institute suit in any Italian Court of appropriate jurisdiction. No person shall institute any suit, countersuit or counter claim against the Director of Property Control in any Itlian Court.

ARTICLE VII

PROTECTION OF DIRECTOR OF PROPERTY CONTROL

The Director of Property Control and his agents and representatives shall be under no responsibility to the owner of any property taken into control under this Decree, or to any person interested therein, to make goodany loss of or damage to such property, however caused, or to compensate

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(e) violates any other provision of this Decree;

shall on conviction by and Italian or Allied Military Court be liable to imprisonment or fine, or both, as the Court may determine, or according to law.

ARTICLE V

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ARTICLE VI

POWER TO SUE IN ITALIAN COURTS

In the exercise of his duties and powers the Director of PropertyControl in his own name or on behalf of an owner of property, shall have full and complete right to institute suit in any Italian Court of appropriate jurisdiction. No person shall institute any suit, countersuit or counter claim against the Director of Property Control in any Itlian Court.

ARTICLE VII

PROTECTION OF DIRECTOR OF PROPERTY CONTROL

The Director of Property Control and his agents and representatives shall be under no responsibility to the owner of any property taken into control under this Decree, or to any person interested therein, to make good any loss of or damage to such property, however caused, or to compensate any such owner or other person for any loss suffered directly or indirectly by reason of the taking of control of such property.

ARTICLE VIII

EFFECTIVE DATE

This decree becomes effective as of the date hereof in all territory restored to the jurisdicition of the Italian Government and shall become immediately effective in any other territory which shall be restored to the jurisdiction of the Italian Government.

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In order to avoid any hiatus occurring upon restoration of territory to your Government a decree should be prepared and issued to cover the following points:

1. Constituting as obligatory legal tender all United States coin, United States Yellow Seal Currency, coin of Great Britain, British Military Authority Notes and Allied Lira Notes.

2. Making the following rates of exchange obligatory for all purposes:

One Dollar equals 100 Lire.

One Pound Sterling (or 20 Shillings) equals 400 Lire.

One Pound Sterling (or 20 Shillings) equals Four Dollars.

3. Barring all transfers of lands or buildings or leases for a consideration in excess of 50,000 Lire, if made for more than one year, without the written consent of the Minister of Finance or some officer empowered by him or until such prohibition is suspended, modified or terminated by him.

4. Except as permitted or licensed by the Minister of Finance, barring all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorized by them.

5. Authorizing the Minister of Finance to prohibit the entering into or carrying out of any type of business except upon such terms or in such areas as he may prescribe and to require property to be delivered to any agency designated by him to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the

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2. Making the following rates of exchange obligatory for all purposes:

One Dollar equals 100 Lire.

One Pound Sterling (or 20 Shillings) equals 400 Lire.

One Pound Sterling (or 20 Shillings) equals Four Dollars.

1. Barring all transfers of lands or buildings or leases for a consideration in excess of 50,000 Lire, if made for more than one year, without the written consent of the Minister of Finance or some officer empowered by him or until such prohibition is suspended, modified or terminated by him.

4. Except as permitted or licensed by the Minister of Finance, barring all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorized by them.

5. Authorizing the Minister of Finance to prohibit the entering into or carrying out of any type of business except upon such terms or in such areas as he may prescribe and to require property to be delivered to any agency designated by him to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the Minister of Finance property now held in a blocked account shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-monthly reports to the Minister of Finance showing any dealings in these accounts.

6. Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

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5 7. Prohibiting payments of syndicate contributions.

6 8. Prohibiting the advocating, teaching, dissemination or the giving of instructions on Fascist Philosophy or Doctrine in any University, School or Educational Establishment.

7 9. Providing for certain powers to be vested in the Director of Property Control.

8 10. Providing for the punishment of offences against the foregoing decrees by Italian Courts or Allied Military Courts.

9 11. Providing that any person doing or assisting in doing or conspiring to do or advising, assisting or procuring the doing of any act hostile to the Allied Forces or property or personnel thereof may be tried and punished by an Allied Military Court (the sentence to be given full effect by the Italian Government) and providing in this connection that any member of the Allied Forces shall have full right of arrest, search and seizure.

10 12. Consideration should be given by you to making effective by decree the wage rates, maximum prices, charges for services, quantities of grain and other articles which may be held by any one, etc. as existing at the time of restoration and until altered by further decree or regulation.

11 13. The proposed draft of any decree or decrees designed to carry out the foregoing should be submitted to us at the earliest possible date.

13. Would Your Excellency also consider whether the terms of the "Bando" N: 61 AC dated 24 September 1943 in relation to the circulation & Rates of exchange of Allied military currency in Italian territory, should be re-enacted by Decree of the Italian Government.

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to do or advising, assisting or procuring the doing of any act hostile to the Allied Forces or property or personnel thereof may be tried and punished by an Allied Military Court (the sentence to be given full effect by the Italian Government) and providing in this connection that any member of the Allied Forces shall have full right of arrest, search and seizure.

10. Consideration should be given by you to making effective by decree the wage rates, maximum prices, charges for services, quantities of grain and other articles which may be held by any one, etc. as existing at the time of restoration and until altered by further decree or regulation.

11. The proposed draft of any decree or decrees designed to carry out the foregoing should be submitted to us at the earliest possible date.

13. Would Your Excellency also consider whether the terms of the Board's No. 61 AC dated 24 September 1943 in relation to the circulation & Rates of exchange of Allied military currency in Italian territory should be re-enacted by Decree of the Italian Government.

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SECRET

To His Excellency Marshal Pietro Badoglio - SECRET

DOCUMENT B

1. Your Excellency is requested to move the seat of the Italian Government to Salerno at a date not later than the date of restoration of territory.

2. Your Excellency is also requested to pass and to publish in the official Gazette before the date of restoration the following decrees:

(a) A decree stabilising pay rates, maximum prices, charges for services; maximum quantities of grain to be held by anyone; as existing at the date of restoration and pending the future policy being agreed upon between us.

(b) A decree to implement paragraph 5 of Document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing to be concerned in such an act, except in the case of an Italian officer or an Italian high official in which case the Italian Government or the local superior Authority concerned should be asked to cooperate in any action.

3. In addition, Your Excellency is requested to give me your assurance that you will proceed, with all possible expedition, to pass decrees dealing with the following matters:

(a) To implement as far as may be necessary the terms set out in Document A and the Terms of this Proclamation (Document C) to be signed by you.

(b) Financial Matters.

(1) Re-enacting by decree if necessary the terms of Italo No. 61 AC dated 24 Sept. 1943 in relation to notes of exchange of Allied Military Currency.

(2) Barring all transaction in lands and buildings so far as necessary to prevent inflation as may be agreed upon by A.C.C. and the Italian Government.

(3) If necessary and in so far as not already provided for in existing legislation; except as permitted or licensed by the Minister of Finance, all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorised by them.

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(4) Authorising the competent Ministers in their discretion as a war measure to prohibit the entering into or carrying on of any type of business except upon such terms or in such areas as they may prescribe; and authorising them to require any property in which there are reasonable grounds for believing that any enemy or fascist interests, direct or indirect exist, to be delivered to any agency designated by them to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the Minister of Finance property now held in a blocked account shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-annually report to the Minister of Finance showing any dealings in these accounts.

(5) Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

(c) United Nations and Enemy Property.

Conferring administrative powers upon the Allied Director of Property Control in relation to the property of any of the United Nations or of any national of the United Nations including property of France and French Nationals.

(sd) Noel Mason MacFarlane
Lieut. General

I agree to accept the above terms.

(sd) Pietro Badoglio.

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DOCUMENT F

Proclamation of Marshal Badoglio to the Italian People.

ITALIANS,

The United Nations, following the request of the Royal Government, have ordered that the major part of our territory, until now occupied by the Allied Forces, be returned to us.

Naturally, in effect will remain those clauses and conditions necessary for the conduct of the war.

In the name of His Majesty the King and of all the Italian People, I thank the Allies for this generous gesture, which in addition to being a gesture, is at the same time a proof of faith.

No one can escape the importance and meaning of this event. This is the first stage toward the renewed unity of the Fatherland, and which should be our supreme purpose and aspiration. The first stage after the blind course toward the abyss, into which the Italian People have been forced for twenty years by a Regime, from which we wish to redeem ourselves completely, in the name of liberty, that is dear to us, but not in the name of license, into which no people can fall without extreme danger.

ITALIANS,

The Allied Forces are fighting victoriously with us against the common German enemy, this same enemy against whom we have fought together on the Carso, Isonzo and the Piave. On the result of this fight depends the future of Italy and the world. All Italians, in every sector of national life, from the most humble to the highest, must contribute thereto by all their means and with all their strength, without reservations, without hesitation, without argument.

Our brothers await us in eternal Rome, in all the cities and villages still held down by the Nazi Bayonette.

The war can be won only by the most loyal, frankest and most intimate collaboration with the free and great Allied Peoples. Whosoever commits acts which in any way hinder our, and the Allied Armed Forces, and impedes the war effort and in any way assist the enemy, will without delay be judged and exemplarily punished.

And this, after so many dark and tormented days, is our first happy day. Because, if we realize and desire it, holds the roots of our salvation, which can only come from the resolute, united and unanimous endeavor of all.

Italians, rise to the sight of this event, in the name of this Fatherland of ours, which bleeding and grieving is returning from the abyss to a new life.

Pietro Badoglio

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DOCUMENT B

1. Your Excellency is requested to move the seat of the Italian Government to Salerno at a date not later than the date of restoration of territory.

2. Your Excellency is also requested to pass and to publish in the Official Gazette before the date of restoration the following decrees:

(a) A decree stabilising wage rates, maximum prices, charges for services; maximum quantities of grain to be held by anyone; as existing at the date of restoration and pending ~~the~~ future policy being agreed upon between us.

(b) A decree to implement para. 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and ~~for empowering~~ empowering any member of the Allied Forces to arrest any person suspected of being concerned in such an act.

3. In addition, Your Excellency is requested to give me your assurance that you will proceed, with all possible expedition, to pass decrees dealing with the following matters:

(a) To implement so far as may be necessary the terms set out in Document A and the Terms of the Proclamation to be signed by you.

(b) Financial Matters.

(1) Re-enacting by decree ~~if necessary~~ (If necessary) the terms of Bando No. 61 AC dated 24 Sept. 1943 in relation to ~~coins~~ notes or exchange or Allied Military Currency.

(2) Barring all transactions of any nature in lands or buildings for a consideration in excess of 50000 lire (or if by gift where the fair value is in excess of 50000 lire) ~~or~~ and all leases for more than one year without the written consent of the Minister of Finance or his nominee.

(3) Except as permitted or licensed by the Minister of Finance, all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring

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date or restoration and pending ~~the~~ future policy being agreed upon between us.

(c) A decree to implement para. 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and ~~for empowering~~ empowering any member of the Allied Forces to arrest any person suspected of being concerned in such an act.

3. In addition, Your Excellency is requested to give me your assurance that you will proceed, with all possible expedition, to pass decrees dealing with the following matters:

(a) To implement so far as may be necessary the terms set out in Document A and the Terms of the Proclamation to be signed by you.

(b) Financial Matters.

(1) Re-enacting by decree ~~if necessary~~ the terms of Pando No. 61 AC dated 24 Sept. 1943 in relation to ~~return~~ rates or exchange of Allied Military Currency.

If necessary

(2) Barring all transactions of any nature in lands or buildings for a consideration in excess of 50000 lire (or if by gift where the fair value is in excess of 50000 lire) ~~or~~ and all leases for more than one year without the written consent of the Minister of Finance or his nominee.

(3) Except as permitted or licensed by the Minister of Finance, all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorized by them.

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(4) Authorizing the Minister of Finance to prohibit the entering into or carrying ~~on~~ of any type of business except upon such terms or in such areas as he may prescribe and to require property to be delivered to any agency designated by him to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the Minister of Finance property now held in a blocked account shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-monthly report to the Minister of Finance showing any dealings in these accounts.

(5) Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

(c) Labour

Prohibiting payment of all syndicate contributions.

(d) United Nations and Enemy Property

Conferring executive powers upon the Allied Director of Property Control in relation to the property of any of the United Nations or of any national of the United Nations or of any nation or of the national of any nation ~~of~~ against which any of the United Nations is at war.

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financial institutions holding blocked accounts are to make semi-monthly report to the Minister of Finance showing any dealings in these accounts.

(5) Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

(c) Labour

Prohibiting payment of all syndicate contributions.

(d) United Nations and Enemy Property

Conferring executive powers upon the Allied Director of Property Control in relation to the property of any of the United Nations or of any national of the United Nations or of any nation or of the national of any nation against which any of the United Nations is at war.

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DOCUMENT D

1. Your Excellency is requested to move the seat of the Italian Government to Salerno at a date not later than the date of restoration of territory.

2. Your Excellency is also requested to pass and to publish in the Official Gazette before the date of restoration the following decrees:

(a) A decree stabilising wage rates, maximum prices, charges for services; maximum quantities of grain to be held by anyone; as existing at the date of restoration and pending the future policy being agreed upon between us.

(b) Rider A. A decree to implement para. 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and for empowering any member of the Allied Forces to arrest any person suspected of being concerned in such an act.

3. In addition, Your Excellency is requested to give me your assurance that you will proceed, with all possible expedition, to pass decrees dealing with the following matters:

(a) To implement so far as may be necessary the terms set out in Document A and the Terms of the Proclamation (Doc C) to be signed by you.

(b) Financial Matters.

(1) Re-enacting by decree if necessary the terms of Bando No. 61 AC dated 24 Sept. 1943 in relation to notes of exchange of Allied Military Currency.

(2) Rider B. Barring all transactions in land or buildings for a consideration in excess of 50000 lire (or if by gift where the fair value is in excess of 5000 lire) or all leases for more than one year without the written consent of the Minister of Finance or his nominee.

(3) If necessary and in so far as not Except as permitted or licensed by the Minister of Finance, all transactions in foreign exchange, import or export of coins.

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services; maximum quantities of grain to be held by anyone; as existing at the date of restoration and pending the future policy being agreed upon between us.

(b) A decree to implement para. 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and for empowering any member of the Allied Forces to arrest any person suspected of being concerned in such an act.

3. In addition, Your Excellency is requested to give me your assurance that you will proceed, with all possible expedition, to pass decrees dealing with the following matters:

(a) To implement so far as may be necessary the terms set out in Document A and the Terms of the Proclamation to be signed by you.

(b) Financial Matters.

(1) Re-enacting by decree if necessary the terms of Bando No. 61 AC dated 24 Sept. 1943 in relation to notes of exchange of Allied Military Currency.

(2) Barring all transactions in land or buildings for a consideration in excess of 50000 lire (or if by gift where the fair value is in excess of 5000 lire) or all leases for more than one year without the written consent of the Minister of Finance or his nominee.

(3) Except as permitted or licensed by the Minister of Finance, all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorised by them.

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(4) Provide C

(4) Authorizing the Minister of Finance to prohibit the entering into or carrying out of any type of business except upon such terms or in such areas as he may prescribe and to require property to be delivered to any agency designated by him to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the Minister of Finance property now held in a blocked account shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-monthly report to the Minister of Finance showing any dealings in these accounts.

(5) Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

~~(3) Labour~~

~~Prohibiting payment of all syndicate contributions.~~

(c) ~~(d)~~ United Nations and Enemy Property

Conferring administrative powers

~~Confirming executive powers~~ upon the Allied Director of Property Control

Sent

~~in relation to the~~ property of any of the United Nations or of any national including property of France & French nationals.

of the United Nations ~~or of any nation or of the national of any nation at which any of the United Nations is at war.~~

Transferring to the administration of

(c) Military

Providing for the maintenance and protection of the property of the United Nations in the occupied territory and for the [illegible]

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account shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-monthly report to the Minister of Finance showing any dealings in these accounts.

(5) Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

~~(c) Labour~~

~~Prohibiting payment of all syndicate contributions.~~

(c) ~~(d)~~ United Nations and Enemy Property

~~Conferring executive powers~~ Conferring administrative powers upon the Allied Director of Property Control ~~in relation~~ with to the property of any of the United Nations or of any national of the United Nations including property of France and French nationals ~~or of any nation or of the national of any nation at which any of the United Nations is at war.~~

Transferring to the administration of

(e) Military

Providing for the maintenance and protection of the property of the United Nations in the occupied territory and for their right to circulate freely therein

~~CONCERNING ADMINISTRATIVE POWERS~~

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AMENDMENTS TO

DOCUMENT B.

A. The following amendments were agreed to:

1. Para 2(b) should read as follows:

"A decree to implement paragraph 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing is concerned in such an act, except in the case of an Italian officer or an Italian high official in which case the Italian Government or the local superior Authority concerned should be asked to cooperate in any action".

2. Para 3(b) (2) should read as follows:

"Barring all transactions in lands and buildings so far as necessary to prevent inflation as may be agreed upon by A.C.C. and the Italian Government."

3. Para. 3(b) (3). Preface this subclause by the words -

"If necessary and in so far as not already provided for in existing legislation;"

4. Para. 3(b) (4)

"Authorising the competent Ministers in their discretion as a war measure to prohibitthe entering into or carrying on of any type of business except upon such terms or in such areas as they may prescribe; and authorising them to require any property in which there are reasonable grounds for believing that any enemy or Fascist interests, direct or indirect exist, to be delivered to any agency designated by them to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the Minister of Finance property now held in a blocked account

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shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-monthly report to the Minister of Finance showing any dealings in these accounts."

B. The Italian representatives objected to Para. 3(c).

Subsequent discussion disclosed the fact that the Italian Government contemplated returning forthwith to the syndicate system notwithstanding its abolition during occupation.

This raises a question of great importance and I consider that the matter should be carefully investigated as soon as possible by the Economic Section. I am informing the Italian Government that they should not return to the syndicate system until the question has been further considered.

In the meantime it has been agreed that the Article 3(c) in question should be deleted from the document.

C. Para 3 (d). The following amendments were agreed to: "instead of conferring executive powers upon" substitute "transferring to the administration of". Also that French property should be included in that of the United Nations. The Government objected to the inclusion of enemy property for fear of reprisals and it was agreed to leave this to Italian administration, but it is recommended that their attention be called to Article 28 (c) and (d) of the Armistice Terms.

B. The proposed decree 3 (c) was objected to and subsequent discussion disclosed the intention of the Italian Government to return forthwith to the syndicate system notwithstanding its abolition during occupation. We recommend that this para be withdrawn from Document D, as it raises a question of great importance but that the matter should be investigated forthwith by the Economic Section, and bearing in mind Article 30 of the Armistice Terms, and taken up with the Government before restoration.

C. Para 3 (d). The following amendments were agreed to: "instead of conferring executive powers upon" substitute "transferring to the administration of". Also that French property should be included in that of the United Nations. The Government objected to the inclusion of enemy property for fear of reprisals and it was agreed to leave this to Italian administration, but it is recommended that their attention be called to Article 28 (c) and (d) of the Armistice Terms.

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SECRET

DOCUMENT D

1. Your Excellency is requested to move the seat of the Italian Government to Salerno at a date not later than the date of restoration of territory.

2. Your Excellency is also requested to pass and to publish in the Officiel Gazette before the date of restoration the following decrees:

(a) A decree stabilizing wage rates, maximum prices, charges for services; maximum quantities of grain to be held by anyone; as existing at the date of restoration and pending future policy being agreed upon between us.

(b) A decree to implement paragraph 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person suspected of being concerned in such an act.

3. In addition, Your Excellency is requested to give me your assurance that you will proceed, with all possible expedition, to pass decrees dealing with the following matters:

(a) To implement so far as may be necessary the terms set out in Document A and the Terms of the Proclamation to be signed by you.

(b) Financial Matters.

(1) If necessary, re-enacting by decree the terms of Bando No. 61 AC dated 24 September 1943 in relation to rates of exchange of Allied Military Currency.

(2) Barring all transactions of any nature in lands or buildings for a consideration in excess of 50000 lire (or if by gift where the fair value is in excess of 50000 lire) and all leases for more than one year without the written consent of the Minister of Finance or his nominee.

(3) Except as permitted or licensed by the Minister of Finance, barring all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorized by them.

(4) Authorizing the Minister of Finance to prohibit the entering into or carrying on of any type of business except upon such terms or in such areas as he may prescribe and to require property to be delivered to any agency designated by him to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the Minister of Finance property now held in a blocked account

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shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-monthly report to the Minister of Finance showing any dealings in these accounts.

(5) Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

(c) Labour

Prohibiting payment of all syndicate contributions.

(d) United Nations and Enemy Property

Conferring executive powers upon the Allied Director of Property Control in relation to the property of any of the United Nations or of any national of the United Nations or of any nation or of the national of any nation against which any of the United Nations is at war.

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SECRET

DOCUMENT D

1. Your Excellency is requested to move the seat of the Italian Government to Salerno at a date not later then the date of restoration of territory.

2. Your Excellency is also requested to pass and to publish in the Official Gazette before the date of restoration the following decrees:

(a) A decree stabilising wage rates, maximum prices, charges for services; maximum quantities of grain to be held by anyone; as existing at the date of restoration and pending the future policy being agreed upon between us.

(b) A decree to implement paragraph 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing is concerned in such an act, except in the case of an Italian officer or an Italian high official in which case the Italian Government or the local superior Authority concerned should be asked to cooperate in any action.

3. In addition, Your Excellency is requested to give me your assurance that you will proceed, with all possible expedition, to pass decrees dealing with the following matters:

(a) To implement so far as may be necessary the terms set out in Document A and the Terms of the Proclamation (Document C) to be signed by you.

(b) Financial Matters.

(1) Re-enacting by decree if necessary the terms of Bando No. 61 AC dated 24 Sept. 1943 in relation to notes of exchange of Allied Military Currency.

(2) Barring all transactions in lands and buildings so far as necessary to prevent inflation as may be agreed upon by A.C.C. and the Italian Government.

(3) If necessary and in so far as not already provided for in existing legislation; except as permitted or licensed by the Minister of Finance, all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorized by them.

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(4) Authorising the competent Ministers in their discretion as a war measure to prohibit the entering into or carrying on of any type of business except upon such terms or in such areas as they may prescribe; and authorising them to require any property in which there are reasonable grounds for believing that any enemy or fascist interests, direct or indirect exist, to be delivered to any agency designated by them to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the Minister of Finance property now held in a blocked account shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-monthly report to the Minister of Finance showing any dealings in these accounts.

(5) Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

(c) United Nations and Enemy Property.

Conferring administrative powers upon the Allied Director of Property Control in relation to the property of any of the United Nations or of any national of the United Nations including property of France and French Nationals.

I feel I must have further instructions from my Government before I can agree to accept the above terms

Pietro Badoglio.

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DOCUMENT C

Draft Proclamation by the Italian Government to be signed by Marshal Badoglio

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territories heretofore occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim and decree as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian government with the consent of the Allied Commander in Chief.

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be relinquished and restored to the Italian government upon [illegible]

conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim and decree as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, [except that any person so appointed may be removed at any time by the Italian government with the consent of the Allied Commander in Chief.]

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

5. The Allied Forces are fighting our common enemy against whom Italy

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has declared war, for the purpose of driving the German Invaders from Italian territory and restoring Italy as a free nation, liberated from Nazi domination and from the abuses of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. In prosecuting the war it will be necessary for troops to be maintained and quartered, for military zones to be established, and for members of the Allied Forces and officials and other representatives and agents of the United Nations to circulate freely within the restored territory. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and all such officials and representatives and agents, and to obey all orders and regulations which may from time to time be issued by the Allied Forces in the military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be subject to punishment by an appropriate Allied Military Tribunal or Italian Court.

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DOCUMENT C

Proclamation by the Italian Government to be signed by Marshal Badoglio

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territory heretofore occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the Government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian Courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian Courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian Government with the consent of the Allied Commander in Chief. 18

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian Government as valid and legal and of the same effect as if imposed by an Italian Court and will be so recognized by all Italian Courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

5. The Allied Forces are fighting our common enemy against whom Italy has declared war, for the purpose of driving the German invaders from Italian territory and restoring Italy as a free nation, liberated from Nazi domination and from the abuses of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

SECRET

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6. In prosecuting the war it will be necessary for troops to be maintained and quartered, for military zones to be established, and for members of the Allied Forces and officials and other representatives and agents of the United Nations to circulate freely within the restored territory. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and all such officials and representatives and agents, and to obey all orders and regulations which may from time to time be issued by the Allied Forces in the military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be subject to punishment by an appropriate Allied Military Tribunal or Italian Court.

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SECRET

DOCUMENT C

Proclamation by the Italian Government to be signed by Marshal Badoglio

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territory heretofore occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war;

NOW, THEREFORE, I,

hereby proclaim as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the Government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian Courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian Courts and officials as legal, valid and binding.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian Government as valid and legal and of the same effect as if imposed by an Italian Court and will to be recognized by all Italian Courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

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SECRET

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SECRET

DOCUMENT C

Proclamation by the Italian Government to be signed by Marshal Badoglio

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territory heretofore occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the Government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian Courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian Courts and officials as legal, valid and binding.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian Government as valid and legal and of the same effect as if imposed by an Italian Court and will be so recognized by all Italian Courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

for the time during which the [illegible] exercises

T-35

SECRET

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Proclamation by the Italian Government to be signed by Marshal Badoglio.

To the Italian People:

Whereas, the United Nations have agreed to the request of the Italian Government that certain territory heretofore occupied by the Allied Forces be relinquished and restored to the Italian Government upon such terms and condition as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I, [illegible]

hereby proclaim as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the Government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian Courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian Courts and officials as legal, valid and binding.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian Government as valid and legal and of the same effect as if imposed by an Italian Court and will be so recognized by all Italian Courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

5. The above provisions will be terminated by

ANNEX I

Royal Decree was in course of preparation

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DOCUMENT C

~~PROCLAMATION~~
AGREEMENT

Whereas the Italian Government has requested that the exercise be henceforth vested in them of governmental and jurisdictional powers in certain territory occupied by the Allied Forces;

And whereas the Allied Commander in Chief is prepared to accede to this request on the terms set out in the proclamation issued under his authority, dated and provided the requirements of the United Nations in regard to certain Italian Provinces, namely are complied with:

It is hereby agreed between representing the Allied Commander in Chief and representing the Italian Government, duly authorized to that effect, as follows:

1. The Allied Commander in Chief and any such officer or other representative, including the Allied Control Commission, as the Allied Commander in Chief may designate, shall have the following rights and powers in the provinces above mentioned:

I. To operate and use such ports and airfields and all such means of transportation or communication within the said territory as he may desire;

II. To quarter troops in such parts of the said territory as he may see fit;

III. To declare any area within the said territory which may be needed for operation of ports, airfields, transport or communication facilities, for quartering of troops or for such other purpose as he may deem necessary for successful prosecution of the war as an Allied Military Zone;

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IV. To assume full administrative jurisdiction over such military zones and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones and he may see fit;

V. To convene Allied Military Courts for the trial of any person violating any such orders or regulations and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the said territory and to inflict such punishment upon such person as such court may direct;

VI. To retain the right through Allied Military Courts to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Government;

VII. To requisition private or public property;

VIII. To import and control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine, without payment of any impost, tax, charge or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies;

IX. To engage in such operations and import such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war, free from imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies;

X. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the said territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political sub-

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divisions or agencies;

XI. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

XII. All expense and costs arising from the maintenance of Allied troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

The foregoing provisions shall form an integral part of the terms on which governmental and jurisdictional powers in certain parts of Italian territory are vested in the Italian Government in virtue of the aforesaid proclamation, and shall be without prejudice to the exercise of any Allied rights or powers under the Armistice with Italy.

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P R O C L A M A

Ritenuto che le Nazioni Unite hanno aderito alla richiesta del Governo Italiano di restituzione, secondo le modalità e le condizioni necessarie per la efficace prosecuzione della guerra, di determinati territori finora occupati dalle Forze Alleate.

IL CAPO DEL GOVERNO, PRIMO MINISTRO, SEGRETARIO DI STATO

D E C R E T A

1. Dato che il Governatore Militare Alleato ha posto fine al governo militare nei territori restituiti all'amministrazione italiana, tutti i poteri statali e giurisdizionali nei territori restituiti, e sopra gli abitanti di essi, nonchè la suprema responsabilità amministrativa vengono riassunti dal Governo Italiano, salvo i diritti riservati alle Nazioni Unite.

2. Tutti i Bandi e le Ordinanze finora emanati dal Governatore Militare Alleato, o in nome dello stesso dai miei delegati nei territori suddetti e che il Governatore Militare ha abrogato in occasione di tale restituzione, sono riconosciuti dal Governo Italiano, per il tempo in cui hanno avuto esecuzione, come validamente emessi ed aventi gli stessi effetti giuridici come se emanati dal Governo Italiano e come tali saranno riconosciuti da tutti i Tribunali e funzionari italiani.

3. Tutti gli atti compiuti da qualsiasi membro delle forze Alleate in applicazione dei suddetti Bandi e Ordinanze, nonchè tutte le misure ufficiali di qualunque genere adottate dal Governo Militare Alleato in applicazione di tali Bandi ed Ordinanze, comprese tutte le nomine e le ramozioni da qualsiasi ufficio pubblico e privato, saranno riconosciuti legali, validi ed impegnativi da tutti i Tribunali e funzionari italiani.

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4. Tutte le sentenze emanate dai Tribunali Militari Alleati saranno riconosciute dal Governo Italiano valide, legali ed aventi gli stessi effetti come se emanate dai Tribunali Italiani e come tali saranno considerate da tutti i Tribunali e funzionari italiani, a meno che non vengano revocate o modificate dalla Commissione Alleata di controllo o con il consenso di questa.

3. Con reali decreti legge, in corso di pubblicazione, vengono sanzionate le antescritte disposizioni.

Palermo, 11 Febbraio 1944

IL MARESCIALLO D'ITALIA
Pietro Badoglio

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ORDINANZA

Ritenuto che le Nazioni Unite hanno aderito alla richiest
Italiano di restituzione, secondo le modalità e le condizi
per la efficace prosecuzione della guerra, di determinati
occupati dalle Forze Alleate.

Il Capo del Governo, Primo Ministro, Segretar

ORDINA

1. - Dato che il Governatore Militare Alleato ha posto fine al governo militare nei ter
strazione italiana, tutti i poteri statali e giurisdizionali nei territori restituiti, e sopra gli abitan
prema responsabilità amministrativa vengono riassunti dal Governo Italiano, salvo i diritti rise

2. - Tutti i bandi e le Ordinanze finora emanati dal Governatore Militare Alleato, o i
suoi delegati nei territori suddetti e che il Governatore Militare ha abrogato in occasione

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ORDINANZA

che le Nazioni Unite hanno aderito alla richiesta del Governo
estituzione, secondo le modalità e le condizioni necessarie
ce prosecuzione della guerra, di determinati territori finora
le Forze Alleate.

el Governo, Primo Ministro, Segretario di Stato

ORDINA

il Governatore Militare Alleato ha posto fine al governo militare nei territori restituiti all'Ammini-
tti i poteri statali e giurisdizionali nei territori restituiti, e sopra gli abitanti di essi, nonchè la su-
a amministrativa vengono riassunti dal Governo Italiano, salvo i diritti riservati alle Nazioni Unite.
andi e le Ordinanze finora emanati dal Governatore Militare Alleato, o in nome dello stesso dal
rritori suddetti e che il Governatore Militare ha abrogato in occasione di tale restituzione, sono

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1. - Dato che il Governatore Militare Alleato ha posto fine al governo militare nei ter
strazione italiana, tutti i poteri statali e giurisdizionali nei territori restituiti, e sopra gli abitar
prema responsabilità amministrativa vengono riassunti dal Governo Italiano, salvo i diritti rise

2. - Tutti i bandi e le Ordinanze finora emanati dal Governatore Militare Alleato, o i
suoi delegati nei territori suddetti e che il Governatore Militare ha abrogato in occasione c
riconosciuti dal Governo Italiano, per il tempo in cui hanno avuto esecuzione, come validam
gli stessi effetti giuridici come se emanati dal Governo Italiano e come tali saranno ricono
e funzionari italiani.

3. - Tutti gli atti compiuti da qualsiasi membro delle forze Alleate in applicazione de
nanze, nonchè tutte le misure ufficiali di qualunque genere adottate dal Governo Militare A
tali Bandi ed Ordinanze, comprese tutte le nomine e le rimozioni da qualsiasi ufficio pubblic
nosciuti legali, validi ed impegnativi da tutti i Tribunali e funzionari italiani.

4. - Tutte le sentenze emanate dai Tribunali Militari Alleati saranno riconosciute dal
legali ed aventi gli stessi effetti come se emanate dai Tribunali Italiani e come tali saranno c
bunali e funzionari italiani, a meno che non vengano revocate o modificate dalla Commiss
e con il consenso di questa.

5. - Con regi decreti legge, in corso di pubblicazione, vengono sanzionate le antescr

Salerno, 11 Febbraio 1944

IL MARESCI

Pietro

0982

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overnatore Militare Alleato ha posto fine al governo militare nei territori restituiti all'Ammini-
poteri statali e giurisdizionali nei territori restituiti, e sopra gli abitanti di essi, nonchè la su-
ministrativa vengono riassunti dal Governo Italiano, salvo i diritti riservati alle Nazioni Unite.

e le Ordinanze finora emanati dal Governatore Militare Alleato, o in nome dello stesso dal
ri suddetti e che il Governatore Militare ha abrogato in occasione di tale restituzione, sono
o Italiano, per il tempo in cui hanno avuto esecuzione, come validamente emanati ed aventi
i come se emanati dal Governo Italiano e come tali saranno riconosciuti da tutti i Tribunali

i compiuti da qualsiasi membro delle forze Alleate in applicazione dei suddetti Bandi e Ordi-
e misure ufficiali di qualunque genere adottate dal Governo Militare Alleato in applicazione di
nze, comprese tutte le nomine e le rimozioni da qualsiasi ufficio pubblico e privato, saranno rico-
ed impegnativi da tutti i Tribunali e funzionari italiani.

ntenze emanate dai Tribunali Militari Alleati saranno riconosciute dal Governo Italiano valide,
tessi effetti come se emanate dai Tribunali Italiani e come tali saranno considerate da tutti i Tri-
italiani, a meno che non vengano revocate o modificate dalla Commissione Alleata di controllo
questa.

decreti legge, in corso di pubblicazione, vengono sanzionate le antescritte disposizioni.

Febbraio 1944

IL MARESCIALLO D'ITALIA

Pietro Badoglio

DOCUMENT B

Proclamation No. 15

WHEREAS I assumed all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established military government to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, therefore, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

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Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa) are hereby terminated as of 0001 hours on 11 day of Feb 44. The Italian Government will thereafter administer the above territory, subject to all powers,

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tory of Italy, and being occupied by the [illegible]

established military government to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, therefore, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

136

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa) are hereby terminated as of 0001 hours on 11 day of February. The Italian Government will thereafter administer the above territory, subject to all powers, rights and immunities of the United Nations and of the Allied Commander in Chief and Allied Control Commission.

General,
Military Governor.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

COPY

SECRET

DOCUMENT B

PROCLAMATION NO. 14

WHEREAS, I assume all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established military government to exercise these powers in such territory under my direction, and

WHEREAS, in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territory, and

WHEREAS, an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS, the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS, the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, THEREFORE, I, SIR HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., A.D.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.E., K.C.B., D.S.O., Commander in Chief of the Allied Forces, hereby Proclaim as follows:-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in that portion of the territory of Italy south of the northern boundaries of the provinces of Salerno, Potenza, and Bari, and Sicily and adjacent Islands (but not Pantelleria or Lampedusa or Linosa) are hereby terminated as of 0001 hours on 11 day of February 1944. The Italian Government will thereafter administer the above territory, subject to all powers, rights and immunities of the United Nations and of the Allied Commander in Chief and Allied Control Commission.

135

(sd) H.R.L.G. ALEXANDER
General
Military Governor.

0986

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PROCLAMATION NO.16

WHEREAS, I assumed all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established military government to exercise these powers in such territory under my direction, and

WHEREAS, in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territory, and

WHEREAS, an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS, the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS, the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, THEREFORE, I, SIR HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.E., K.C.B., D.S.O., Commander in Chief of the Allied Forces, hereby proclaim as follows :-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantellaria or Lampedusa or Limosa) are hereby terminated as of 0001 hours on eleventh day of February 1944. The Italian Government will thereafter administer the above territory, subject to all powers, rights and immunities of the United Nations and of the Allied Commander in Chief and Allied Control Commission.

(sd) H. R. ALEXANDER
General,
Military Governor.

February 7th 1944.

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DOCUMENT B

PROCLAMATION

Whereas the United Nations have agreed to the request of the Italian Government that they should henceforth exercise all powers of government and jurisdiction in certain territories upon such terms and conditions as are necessary for the proper prosecution of the war,

Now, therefore, I, [Head of the Italian Government], by virtue of the authority vested in me hereby proclaim and decree as follows:

1. Military Government in the said territory having been terminated by the Allied Military Government, all powers of government and jurisdiction in the said territory and over its inhabitants, subject only to the rights therein reserved to the United Nations, are vested in the Government of Italy.

2. All proclamations and orders which have heretofore been issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor, as upon its restoration, are hereby recognized by the Italian Government and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the United Nations Forces in pursuance of such proclamation or orders, and all official actions of any nature taken by the Allied Military Government in pursuance thereof, including all appointments to and removals from any office public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian Government with the consent of the Allied Control

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Commission.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian Government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

5. The Allied Forces are fighting our common enemy against whom Italy has declared War for the purpose of driving the German invader from Italian territory and restoring Italy as a free nation, liberating thousands from Axis domination and from all trace of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. It will be necessary for the prosecution of the war for the Forces of the United Nations to continue to occupy the said territory. It is the duty of every Italian to cooperate fully with all these Forces and to obey all orders and regulations which may from time to time be posted by the Commander of the United Nations Forces in the said territory.

7. Only by the most wholehearted cooperation can our war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof, or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be severely punished either by Italian courts or by Allied Military Courts. 132

Head of the Italian Government.

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Proclama n° 16

VISTO che ho assunto tutti i poteri statali e giurisdizionali nel territorio dell'Italia e della Sicilia occupato dalle mie truppe e sugli abitanti del suddetto territorio, ed ho stabilito un governo Militare allo scopo di esercitare questi poteri in suddetto territorio, sotto la mia direzione e:

VISTO che nell'esercizio di tali poteri, ho proclamato alcune ordinanze, sono state emesse di tratto in tratto da me o per la mia autorità nel territorio suddetto e:

VISTO che un Armistizio col Governo Italiano è stato concluso ed una Commissione Alleata di Controllo, nominata, si

VISTO che il Governo Italiano ha dichiarato la guerra alla Germania ed è diventato cobelligerante delle Nazioni Unite, e:

VISTO che le Nazioni Unite, sulla richiesta del Governo Italiano hanno approvato la restituzione di tanto del territorio occupato alle autorità competenti del Governo Italiano, quanto sia compatibile con le esigenze militari.

Ora, quindi, io Sir HAROLD R.L.G. ALEXANDER G.C.B., C.M.G., D.S.O., M.C., Generale, Governatore Militare di tutto il territorio occupato, in virtù della autorità sulla quale sono investito dal Comando Capo Comandante Sir Henry Maitland Wilson G.B.E., K.C.B., C.M.G., proclamo quanto segue:

Il Governo Militare Alleato stabilito da me e tutte le ordinanze finora emanate da me o per la mia autorità in quella parte dell'Italia continentale al sud del confini nettamente segnati dalle provincie di Ancona, Pistoia e Bari, nelle Sicilia ed isole adiacenti (salvo Pantelleria, Lampedusa e Linosa), sono terminate dall'ingresso delle ore GMT dell'Amministrazione Alleata di Governo. Da ora, poi il Governo Italiano eserciterà il suddetto territorio fatta restrizione dei poteri, diritti ed immunità delle Nazioni Unite, del Capo Comandante delle Forze Alleate e della Commissione Alleata di Controllo.

K.A. ALEXANDER
Generale
Governatore Militare

11 Febbraio 1944

U. S. SECRET
~~Equals~~ British SECRET

DOCUMENT A

PROCLAMATION

Whereas I assumed all the powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established Military Governments to exercise these powers in such territory under my direction, and

Whereas in exercise of such powers proclamations and orders have been issued from time to time by me or under my authority throughout such territory, and

Whereas an Armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

Whereas the Italian Government has declared war on Germany and has become cobelligerent with United Nations, and

Whereas the United Nations have consented at the request of the Italian Government to restore the jurisdiction of the Italian Government in the occupied territory to such extent as may be compatible with military exigencies,

Now, therefore, I, HAROLD R. L. G. ALEXANDER, G.C.B.,C.S.I., D.S.O.,M.C., General Officer Commanding Allied Forces in Sicily and on the mainland of Italy and Military Governor of all Occupied Territory, by virtue of authority vested in me by the Commander in Chief of the Allied Forces, hereby proclaim as follows: -

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I

Without prejudice to the continued status of the territory concerned as occupied territory, to the position and powers

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tion, and

Whereas in exercise of such powers proclamations and orders have been issued from time to time by me or under my authority throughout such territory, and

Whereas an Armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

Whereas the Italian Government has declared war on Germany and has become cobelligerent with United Nations, and

Whereas the United Nations have consented at the request of the Italian Government to restore the jurisdiction of the Italian Government in the occupied territory to such extent as may be compatible with military exigencies,

Now, therefore, I, HAROLD R. L. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General Officer Commanding Allied Forces in Sicily and on the mainland of Italy and Military Governor of all Occupied Territory, by virtue of authority vested in me by the Commander in Chief of the Allied Forces, hereby proclaim as follows: -

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I

Without prejudice to the continued status of the territory concerned as occupied territory, to the position and powers therein of the Forces of the United Nations, or to the rights of the Allied Commander in Chief in regard thereto, all proclamations and orders heretofore issued by me or under my authority are hereby terminated as at 0001 hours on the day of 1944 throughout that portion of the mainland of Italy south of the northern boundaries of the Provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa

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U. S. SECRET
Equals British SECRET

or Limosa), and all powers of government and jurisdiction in such territory and over its inhabitants will henceforth be exercised by the Government of Italy subject to the guidance and instructions of the Allied Control Commission and on the understanding that the powers in question will be exercised by officials of proven good faith and Allied sympathies.

II

The said powers or any part of them (including the right to cancel or override any act of the Italian government) may at any time be resumed or exercised by the Allied Commander in Chief or anyone acting under his authority, if in his opinion this should be rendered necessary by military exigencies or in the interests of public order or good government.

III

Nothing herein shall affect

(A) The right of the Allied Commander in Chief to take all steps necessary to ensure the security, maintenance, welfare, accommodation, communications, movements and operations of the occupying forces or any other United Nations Forces, and to issue all such proclamations or orders as may be necessary for any of these purposes, with which all Italian authorities and the inhabitants of the territory concerned will be bound to comply;

(B) The right of the Allied Control Commission to take any action necessary for the execution of the armistice with Italy.

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H. R. L. ALEXANDER
General Officer, Commanding.

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The said powers or any part of them (including the right to cancel or override any act of the Italian government) may at any time be resumed or exercised by the Allied Commander in Chief or anyone acting under his authority, if in his opinion this should be rendered necessary by military exigencies or in the interests of public order or good government.

III

Nothing herein shall affect

(A) The right of the Allied Commander in Chief to take all steps necessary to ensure the security, maintenance, welfare, accommodation, communications, movements and operations of the occupying forces or any other United Nations Forces, and to issue all such proclamations or orders as may be necessary for any of these purposes, with which all Italian authorities and the inhabitants of the territory concerned will be bound to comply;

(B) The right of the Allied Control Commission to take any action necessary for the execution of the armistice with Italy.

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H. R. L. ALEXANDER
General Officer, Commanding.

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U. S. SECRET

DOCUMENT B

PROCLAMATION

Whereas the United Nations have agreed to the request of the Italian Government that they should henceforth exercise all powers of government and jurisdiction in certain territories upon such terms and conditions as are necessary for the proper prosecution of the war,

Now, therefore, I, , Head of the Italian Government, by virtue of the authority vested in me hereby proclaim as follows:

1. Military Government in the said territory having been terminated by the Allied Military Government, all powers of government and jurisdiction in the said territory and over its inhabitants, subject only to the rights therein reserved to the United Nations, are vested in the Government of Italy.

2. All proclamations and orders which have heretofore been issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor, as upon its reoccupation, are hereby recognised by the Italian Government and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognised by all Italian courts and officials.

3. All acts done by any member of the United Nations Forces in pursuance of such proclamation or orders, and all official actions of any nature taken by the Allied Military Government in pursuance thereof, including all appointments to and removals from any office public or private, will be recognised by all Italian

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Now, therefore, I, , Head of the Italian Government, by virtue of the authority vested in me hereby proclaim as follows:

1. Military Government in the said territory having been terminated by the Allied Military Government, all powers of government and jurisdiction in the said territory and over its inhabitants, subject only to the rights therein reserved to the United Nations, are vested in the Government of Italy.

2. All proclamations and orders which have heretofore been issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor, as upon its restoration, are hereby recognized by the Italian Government and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the United Nations Forces in pursuance of such proclamation or orders, and all official actions of any nature taken by the Allied Military Government in pursuance thereof, including all appointments to and removals from any office public or private, will be recognised by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian Government with the consent of the Allied Control Commission.

4. All sentences imposed by Allied Military Courts are hereby recognised by the Italian Government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognised by all Italian courts and Italian officials

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unless set aside or modified by or with the consent of the Allied Control Commission.

5. The Allied Forces are fighting our common enemy against whom Italy has declared war for the purpose of driving the German invader from Italian territory and restoring Italy as a free nation, liberating thousands from Axis domination and from all trace of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. It will be necessary for the prosecution of the war for the Forces of the United Nations to continue to occupy the said territory. It is the duty of every Italian to cooperate fully with all these Forces and to obey all orders and regulations which may from time to time be posted by the Commander of the United Nations Forces in the said territory.

7. Only by the most wholehearted cooperation can our war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof, or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be severely punished either by Italian courts or by Allied Military Courts.

Head of the Italian Government.

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to aid in this fight upon the successful outcome of which the future of Italy depends.

6. It will be necessary for the prosecution of the war for the Forces of the United Nations to continue to occupy the said territory. It is the duty of every Italian to cooperate fully with all these Forces and to obey all orders and regulations which may from time to time be posted by the Commander of the United Nations Forces in the said territory.

7. Only by the most wholehearted cooperation can our war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof, or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be severely punished either by Italian courts or by Allied Military Courts.

Head of the Italian Government.

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DOCUMENT C

AGREEMENT

Whereas the Italian Government has requested that the exercise be henceforth vested in them of governmental and jurisdictional powers in certain territory occupied by the Allied Forces;

And whereas the Allied Commander in Chief is prepared to accede to this request on the terms set out in the proclamation issued under his authority, dated , and provided the requirements of the United Nations in regard to certain Italian Provinces, namely Agrigento, Caltanissetta, Catania, Enna, Messina, Palermo, Ragusa, Siracusa, Trapani, Catanzaro, Cosenza, Matera, Potenza, Reggio, Salerno, Bari, Brindisi, Lecce, Taranto, Cagliari, Sassari, and Nuoro, are complied with:

It is hereby agreed between representing the Allied Commander in Chief and representing the Italian Government, duly authorised to that effect, as follows:

The Allied Commander in Chief and any such officer or other representative, including the Allied Control Commission, as the Allied Commander in Chief may designate, shall have the following rights and powers in the province above mentioned:

I. To operate and use such ports and airfields and all such means of transportation or communication within the said territory as he may desire;

II. To quarter troops in such parts of the said territory as

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accede to this request on the terms set out in the proclamation issued under His authority, dated

and provided the requirements of the United Nations in regard to certain Italian Provinces, namely Agrigento, Caltanissetta, Catania, Enna, Messina, Palermo, Ragusa, Siracusa, Trapani, Catanzaro, Cosenza, Matera, Potenza, Reggio, Salerno, Bari, Brindisi, Lecce, Taranto, Cagliari, Sassari, and Nuoro, are complied with:

It is hereby agreed between

representing the Allied Commander in Chief and

representing the Italian Government, duly authorised to that effect, as follows:

The Allied Commander in Chief and any such officer or other representative, including the Allied Control Commission, as the Allied Commander in Chief may designate, shall have the following rights and powers in the province above mentioned:

I. To operate and use such ports and airfields and all such means of transportation or communication within the said territory as he may desire;

II. To quarter troops in such parts of the said territory as he may see fit;

III. To declare any area within the said territory which may be needed for operation of ports, airfields, transport or communication facilities, for quartering of troops or for such other purpose as he may deem necessary for successful prosecution of the war as an Allied Military Zone;

IV. To assume full administrative jurisdiction over such military zones and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones

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as he may see fit;

V. To convene Allied Military Courts for the trial of any person violating any such orders or regulations and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the said territory and to inflict such punishment upon such person as such court may direct;

VI. To retain the right through Allied Military Courts to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Government;

VII. To requisition private or public property;

VIII. To import and control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine, without payment of any impost, tax, charge or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies;

IX. To engage in such operations and import such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war, free from imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies;

X. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the said territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies;

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VI. To retain the right through Allied military courts to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Government;

VII. To requisition private or public property;

VIII. To import and control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine, without payment of any impost, tax, charge or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies;

IX. To engage in such operations and import such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war, free from imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies;

X. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the said territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies;

XI. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian court for any cause whatsoever either civil or criminal without the consent of the Allied Powers;

XII. All expense and costs arising from the maintenance of Allied troops or other personnel within the said territory will

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512

January 1944.

DOCUMENT A

PROCLAMATION

Whereas I assumed all the powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established Military Governments to exercise these powers in such territory under my direction, and

Whereas in exercise of such powers proclamations and orders have been issued from time to time by me or under my authority throughout such territory, and

Whereas an Armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

Whereas the Italian Government has declared war on Germany and has become cobelligerent with United Nations, and

Whereas the United Nations have consented at the request of the Italian Government to restore the jurisdiction of the Italian Government in the occupied territory to such extent as may be compatible with military exigencies,

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Now, therefore, I, HAROLD R. L. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General Officer Commanding Allied Forces in Sicily and on the mainland of Italy and Military Governor of all Occupied Territory, by virtue of authority vested in me by the Commander in Chief of the Allied Forces, hereby proclaim as follows: -

I

Without prejudice to the continued status of the territory concerned as occupied territory, to the position and powers therein of the

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forces of the United Nations, or to the rights of the Allied Commander in Chief in regard thereto, all proclamations and orders heretofore issued by me or ~~if not by my Chief Civil Affairs Officer~~ under my authority in the occupied territory, are hereby terminated as at 0001 hours of this date and all powers of government and jurisdiction in such territory and over its inhabitants will henceforth be exercised by the Government of Italy subject to the guidance and instructions of the Allied Control Commission and on the understanding that the powers in question will be exercised by officials of proven good faith and Allied sympathies.

II

The said powers or any part of them (including the right to cancel or override any act of the Italian Government) may at any time be resumed or exercised by the Allied Commander in Chief or anyone acting under his authority, if in his opinion this should be rendered necessary by military exigencies or in the interests of public order or good government.

III

Nothing herein shall affect

¶ (A) The right of the Allied Commander in Chief to take all steps necessary to ensure the security, maintenance, welfare, accommodation, communications, movements and operations of the occupying forces or any other United Nations Forces, and to issue all such proclamations or orders as may be necessary for any of these purposes, with which all Italian authorities and the inhabitants of the territory concerned will be bound to comply;

¶ (B) The right of the Allied Control Commission to take any action necessary for the execution of the armistice with Italy.

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H. R. L. ALEXANDER
General Officer, Commanding.

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DOCUMENT A

TERMS OF RESTORATION OF
ITALIAN TERRITORY

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian Government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and may occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian Government, and

WHEREAS, it in the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war, and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces,

NOW, THEREFORE, I, SIR HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.E., K.C.B., D.S.O., Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject to the terms and conditions hereinafter set forth.

Territory Restored: That portion of the Mainland of Italy south of the northern boundaries of the Provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Liposa).

Terms of Restoration: Without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian Government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the United Nations and to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the rights, powers and immunities described below, in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian Government, hereinafter referred to as "the Unoccupied Territory":

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1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

2. The right to maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. The right to hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. The right to declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. The right to convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military Authorities and of any person otherwise doing any act hostile to the Allied forces or any member thereof in any part of the unoccupied territory, and to inflict such punishment upon such person as such Tribunals may direct.

6. The right to conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. Any official in the Unoccupied Territory previously appointed by the Allied Military Government may only be removed by the Italian Government with the consent of the Allied Commander in Chief.

8. The right to requisition private and public property and services.

9. The right to reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war.

10. The right to import and export and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without the payment of any impost, tax, charge, or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies except as may from time to time be agreed by the Allied Commander in Chief.

11. The right to engage in such operations and import and export such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

12. Any official or other representative or, in respect of any activities for official account, any agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

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13. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Commander in Chief of the Allied Forces.

14. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the Unoccupied Territory will be chargeable to the Italian Government as a part of the costs of occupation.

15. Proclamations or Decrees to carry out the purposes set forth in Document D, annexed hereto and made a part of these terms and conditions, will be issued by the Italian Government at the time of transfer of the territory.

H R Alexander

General,
Military Governor.

I have read the above terms and on behalf of the Italian Government agree to accept the territory to be restored on such terms. I further undertake to execute and publish a Proclamation by the Italian Government (hereto annexed as Document C) and to issue to the Italian people a message in the form of Document E.

I also agree that the said restoration shall take place on the 11 day of February 1944.

Pietro Badoglio

Witness: [illegible]

Witness: [illegible]

SECRET

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SECRET

DOCUMENT A

TERMS OF RESTORATION OF ITALIAN TERRITORY

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian Government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and may occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian Government has declared war on Germany and has become a co-belligerant with the United Nations, and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the Jurisdiction of the Italian Government, and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war, and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces,

NOW, THEREFORE, I, SIR HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I.,D.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.E,K.C.B.,D.S.O., Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject to the terms and conditions hereinafter set forth.

Territory Restored: That portion of the Mainland of Italy south of the northern boundaries of the Provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa).

Terms of Restoration: Without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian Government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the United Nations and to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the rights, powers and immunities described below, in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian Government, hereinafter referred to as "the Unoccupied Territory":

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Patent Pendent

7. ~~4~~. Any official in the Unoccupied Territiry previously appointed by the Allied Military Government may only be removed by the Italian Government with the consent of the Allied Commander-in-Chief.

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1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

2. The right to maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. The right to hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. The right to declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. The right to convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the unoccupied territory, and to inflict such punishment upon such person as such Tribunals may direct.

6. The right to conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. The right to requisition private and public property and services.

8. The right to occupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war.

9. The right to import and export and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine, without the payment of any impost, tax, charge, or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies, except as may from time to time be agreed by the Allied Commander in Chief.

10. The right to engage in such operations and import and export such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, in respect of any activities for Allied purposes, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative

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or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Commander in Chief of the Allied Forces.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the Unoccupied Territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations or Decrees to carry out the purposes set forth in Document D, annexed hereto and made a part of these terms and conditions, will be issued by the Italian Government at the time of transfer of the territory.

General,
Military Governor.

I have read the above terms and on behalf of the Italian Government agree to accept the territory to be restored on such terms. I further undertake to execute and publish the a Proclamation by the Italian Government ~~hereto annexed~~ at the time of the ~~said restoration~~. I also agree that the said restoration shall take place on the day of February 1944

Witness:

Witness:

Docum't C and to issue to the Italian people a message in the form of Docum't E.

I also agree that the said restoration shall take place on the day of February 1944

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SECRET

DOCUMENT A

TERMS OF RESTORATION OF ITALIAN TERRITORY

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian Government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and may occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian Government, and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war, and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces,

NOW, THEREFORE, I, SIR HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I.,D.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.E,K.C.B.,D.S.O., Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject to the terms and conditions hereinafter set forth.

Territory Restored: That portion of the Mainland of Italy south of the northern boundaries of the Provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa).

Terms of Restoration: Without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian Government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the United Nations and to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the rights, powers and immunities described below, in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian Government, hereinafter referred to as "the Unoccupied Territory":

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1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

2. The right to maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. The right to hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. The right to declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. The right to convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the unoccupied territory, and to inflict such punishment upon such person as such Tribunals may direct.

6. The right to conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. The right to requisition private and public property and services.

8. The right to reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war.

9. The right to import and export and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without the payment of any impost, tax, charge, or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies.

10. The right to engage in such operations and import and export such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative

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or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Commander in Chief of the Allied Forces.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the Unoccupied Territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations or Decrees to carry out the purposes set forth in Document D, annexed hereto and made a part of these terms and conditions, will be issued by the Italian Government at the time of transfer of the territory.

H.R. Alexander

General,
Military Governor.

I have read the above terms and on behalf of the Italian Government agree to accept the territory to be restored on such terms. I further undertake to execute and publish the Proclamation by the Italian Government (hereto annexed) at the time of the said restoration. I also agree that the said restoration shall take place on the day of February 1944.

Witness:

Witness:

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DOCUMENT A SECRET.

~~SECRET.~~

TERMS OF RESTORATION OF ITALIAN TERRITORY

~~DOCUMENT A~~

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian Government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and may occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian Government, and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.E., K.C.B., D.S.O., Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that

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territory, subject to the terms and conditions hereinafter set forth.

Territory Restored: That portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa ~~and~~ or Linosa).

Terms of Restoration: Without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian Government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the United Nations and to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the rights, powers and immunities described below, in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian Government, hereinafter referred to as "the Unoccupied Territory":

1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

2. The right to maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. The right to hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. The right to declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. The right to convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities

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and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the unoccupied territory and to inflict such punishment upon such person as such Tribunals may direct.

6. The right to conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. The right to requisition private and public property and services.

8. The right to reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war.

9. The right to import and export and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without the payment of any impost, tax, charge, or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies.

10. The right to engage in such operations and import and export such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

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12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the ~~Allied Powers~~ Commander-in-Chief of the Allied Forces.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the ~~said~~ unoccupied Territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations ~~and~~ or Decrees to carry out the purposes set forth in Document D, annexed hereto and made a part of these terms and conditions, will be issued by the Italian Government at the time of transfer of the territory.

General,
Military Governor.

I have read the above terms and on behalf of the Italian Government agree to accept the territory to be restored on ~~those~~ such terms. I further undertake to sign (and publish Document the Proclamation ~~to be~~ by the Italian Govt (Events annexed) ~~D~~ at the time of the said restoration.

Witness:

Witness:

105.446

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DOCUMENT A

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian Government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and may occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD R.L.G. ALEXANDER, G.C.B.,C.S.I., D.S.O.,M.C., General, Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.E.,K.C.B.,D.S.O., Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that

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territory, subject to the terms and conditions hereinafter set forth.

Territory Restored: That portion of the Mainland of Italy south of the norther boundaries of the provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa and Linosa).

Terms of Restoration: Without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the United Nations and to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the rights, powers and immunities described below, in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian government, hereinafter referred to as "the Unoccupied Territory":

1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

2. To maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. To hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. To declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. To convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities

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and of any person otherwise doing any act hostile to the Allied Forces or any member thereof, and to inflict such punishment upon such person as such Tribunals may direct.

6. To conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offence heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. To requisition private and public property and services.

8. To reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war.

9. To import and export and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without the payment of any impost, tax, charge, or duty of any kind whatsoever either to the Italian government or to any of its political subdivisions or agencies.

10. To engage in such operations and import and export such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

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12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations and Decrees to carry out the purposes set forth in Document D, annexed hereto and made a part of these terms and conditions, will be issued by the Italian Government at the time of transfer of the territory.

General,
Military Governor.

I have read the above terms and on behalf of the Italian Government agree to accept the territory to be restored on these terms. I further undertake to sign and publish Document C at the time of the said restoration.

Witness:

Witness:

~~Draft~~

U. S. SECRET
Equals British SECRET SECRET

DOCUMENT A

~~Draft Terms for Instrument of Surrender to Italian Government~~

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian Government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to ~~may~~ occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces,

NOW, THEREFORE, I, ~~HAROLD~~ R.L.G.ALEXANDER, C.C.B.,C.S.I.,D.S.O.,M.C., General, Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson G.B.E. K.C.B. D.S.O; ~~Eisenhower~~, Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject

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regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to may occupy such other portions of Italian territory as they may deem necessary; and

WHEREAS, the Italian government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson G.B.E. K.C.B. O.S.O; Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject to the terms and conditions hereinafter set forth.

Territory Restored: That portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa and Linosa).

Terms of Instrument: Without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian government, all of which remain in full force and effect throughout all Italian territory, there is hereby restored to the

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Equals British SECRET

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United Nations and to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the rights, powers and immunities described below, in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian government, hereinafter referred to as "the Unoccupied Territory":

1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

2. To maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. To hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. To declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. To convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities and of any person otherwise doing any act hostile to the Allied Forces or any member thereof, and to inflict such punishment upon such person as such Tribunals may direct.

6. To conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. To requisition private and public property and services.

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1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

2. To maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. To hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. To declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. To convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities and of any person otherwise doing any act hostile to the Allied Forces or any member thereof, and to inflict such punishment upon such person as such Tribunals may direct.

6. To conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. To requisition private and public property and services.

8. To reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war.

9. To import and export and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without the payment of any impost, fee, charge, or duty of any

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Declassified E.O. 12356 Section 3.3/NND No. 785016

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Equals Brit. SECRET

Kind whatsoever either to the Italian government or to any of its political subdivisions or agencies.

10. To engage in such operations and import and export such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any import, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations and Decrees {to carry out the purposes set forth in Doc(D)} in the form annexed hereto and made a part of these terms and conditions will be issued by the Italian Government at the time of transfer of the territory.

General,
Military Governor.

I [illegible] that the [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785016

of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations and Decrees ~~in the form~~ (to carry out the purposes set forth in Doc(D)) annexed hereto and made a part of these terms and conditions will be issued by the Italian Government at the time of transfer of the territory.

91

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General,
Military Governor.

I have read the above terms and on behalf of the Italian Govt agree to accept the territory ~~rest~~ restored upon those terms.

Witness:

Witness:

U. S. SECRET
Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 783046

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I have read the above terms and
agree to on behalf of the Italian Govt
agree to accept the restored territory to be
restored on those terms. I further undertake
to sign and publish Docum't C at the
time of the said restoration.

Witness

Witness

97
96

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FORM FOR USE IN REQUISITIONING PROPERTY

UNITED STATES ARMY
ARMATA DEGLI STATI UNITI D'AMERICA

DATE
DATA: _____

The following items of property have been taken by the United States Army from:

Le seguenti proprietà sono prese per L'Armata Degli Stati Uniti d'America:

Owner or possessor
Proprietario

Signature Firma

Address of Property

Address Indirizzo

Description of property (indicating condition)

Descrizione della proprietà presa (indicate la condizione)

I certify that the property described above is required for immediate use in military service. Payment has not been made for made for the use or possession thereof.

Io certifico che le suddette proprietà descritte sono necessarie per ragione militari e che nessun pagamento é stato fatto per servizio e possessione di ciò.

Name Rank-Grade Unit

Organization or Service

On presentation of this certificate to the Commanding General, Fifth Army Base Section; claim will be considered for adjustement.

Su presentazione di questo certificato al Generale Comandante della Base Principale della Quinta Armata degli Stati Uniti d'America il reclamo sarà considerato per aggiustamento.

NOTE: To be prepared in triplicate and one copy given to owner or possessor.

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~~U. S. SECRET~~
Equals British SECRET

~~Draft of 22 Oct.~~
~~SECRET~~

DOCUMENT B

~~Draft~~ Proclamation ~~for Military Governor.~~ No 15

WHEREAS I assumed all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established military government to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, therefore, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa) are hereby terminated as of 0001 hours on _____ day of _____. The Italian

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established military government to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, therefore, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa) are hereby terminated as of 0001 hours on _____day of_____. The Italian Government will thereafter administer the above territory, subject to all powers, rights and immunities of the United Nations and of the Allied Commander in Chief and Allied Control Commission.

General,
Military Governor.

U. S. SECRET
Equals British SECRET

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~~U. S. SECRET~~ Urg. of 22 Dec.
Equals Branch SECRET

DOCUMENT C
~~Proclam~~

Draft Proclamation by the Italian Government to be signed by Marshal Badoglio

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territories heretofore occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim [and decree] as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian government with the consent of the Allied Commander in Chief.

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be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim [and decree] as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian government with the consent of the Allied Commander in Chief.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

5. The Allied forces are fighting our common enemy against whom Italy

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Manual Entry SECRET

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has declared war, for the purpose of driving the German invaders from Italian territory and restoring Italy as a free nation, liberated from Nazi domination and from the abuses of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. In prosecuting the war it will be necessary for troops to be maintained and quartered, for military zones to be established, and for members of the Allied Forces and officials and other representatives and agents of the United Nations to circulate freely within the restored territory. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and all such officials and representatives and agents, and to obey all orders and regulations which may from time to time be issued by the Allied Forces in the military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be subject to punishment by an appropriate Allied Military Tribunal or Italian Court.

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and quartered, for military zones to be established, and for members of the Allied Forces and officials and other representatives and agents of the United Nations to circulate freely within the restored territory. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and all such officials and representatives and agents, and to obey all orders and regulations which may from time to time be issued by the Allied Forces in the military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be subject to punishment by an appropriate Allied Military Tribunal or Italian Court.

U. S. SECRET
Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 783216

U. S. SECRET Equals British SECRET

Draft of 22 Dec.

SECRET

DOCUMENT A

Draft Terms for Restoration of Territory to Italian Government.

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian Government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces

NOW, THEREFORE, I, HAROLD R.L.G.ALEXANDER, G.C.B., C.S.I.,D.S.O.,M.C., General, Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject

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regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces

NOW, THEREFORE, I, HAROLD R.L.G.ALEXANDER, G.C.B., C.S.I.,D.S.O.,M.C., General, Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject to the terms and conditions hereinafter set forth.

Territory Restored: That portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantellaria or Lampedusa and Linosa).

Terms of Restoration: Without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the

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Declassified E.O. 12356 Section 3.3/NND No. 785016

United Nations and to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the rights, powers and immunities described below, in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian government, hereinafter referred to as "the Unoccupied Territory":

1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

The following rights are retained:

2. To maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. To hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. To declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. To convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities and of any person otherwise doing any act hostile to the Allied Forces or any member thereof, and to inflict such punishment upon such persons as such Tribunals may direct.

6. To conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

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cupied Territory":

1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.

2. To maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. To hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. To declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. To convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities and of any person otherwise doing any act hostile to the Allied Forces or any member thereof, and to inflict such punishment upon such person as such Tribunals may direct.

6. To conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. To requisition private and public property and services.

8. To occupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war.

9. To import and export and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without the payment of any impost, tax, charge, or duty of any

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kind whatsoever either to the Italian government or to any of its political subdivisions or agencies.

10. To engage in such operations and import and export such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations and Decrees in the form annexed hereto and made a part of these terms and conditions will be issued by the Italian Government at the time of transfer of the territory.

General,
Military Governor.

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of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations and Decrees in the form annexed hereto and made a part of these terms and conditions will be issued by the Italian Government at the time of transfer of the territory.

General,
Military Governor.

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U. S. SECRET Equals British SECRET

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U. S. SECRET Equals British SECRET

Draft of 22 Dec.

SECRET

DOCUMENT B

Draft Proclamation for Military Governor.

WHEREAS I assumed all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established military government to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declaredwar on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, THEREFORE, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

The Allied Military Government established by me andall Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries ofthe provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa) are hereby terminated as of 0001 hours on _____ day of _____. The Italian Government will thereafter administer the above territory, subject to all powers,

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my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declaredwar on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, THEREFORE, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

The Allied Military Government established by me andall Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries ofthe provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa) are hereby terminated as of 0001 hourse on _____ day of _____. The Italian Government will thereafter administer the above territory, subject to all powers, rights and immunities of the United Nations and of the Allied Commander in Chief and Allied Control Commission.

'terminate' the functions of a government or the issue & effect of proclamations - from

General,
Military Governor.

U. S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

U. S. SECRET Equals British SECRET

Draft .. 22 Dec.

SECRET

DOCUMENT C

Draft Proclamation by the Italian Government to be signed by Marshal Badoglio

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territories heretofore occupied by the AlliedForces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim and decree as follows :

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government ofItaly.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its resteration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removedat any time by the Italian government with the consent of the Allied Commander in Chief.

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conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

hereby proclaim and decree as follows :

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restered and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government ofItaly.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognised by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removedat any time by the Italian government with the consent of the Allied Commander in Chief.

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4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognizedby all Italian courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.

5. The Allied Forces are fighting our common enemy against whom Italy

U. S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785046

has declared war, for the purpose of driving the German Invaders from Italian territory and restoring Italy as a free nation, liberated from Nazi domination and from the abuses of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. In prosecuting the war it will be necessary for troops to be maintained and quartered, for military zones to be established, and for members of the Allied Forces and officials and other representatives and agents of the United Nations to circulate freely within the restored territory. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and all such officials and representatives and agents, and to obey all orders and regulations which may from time to time be issued by the Allied Forces in the military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be subject to punishment by an appropriate Allied Military Tribunal or Italian Court.

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and quartered, for military zones to be established, and for members of the Allied Forces and officials and other representatives and agents of the United Nations to circulate freely within the restored territory. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and all such officials and representatives and agents, and to obey all orders and regulations which may from time to time be issued by the Allied Forces in the military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be subject to punishment by an appropriate Allied Military Tribunal or Italian Court.

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5 Dec 43

For Hq [illegible]

Does ABFC ordered held in
suspense until reply of Advisory Council
is received by AFHQ

DOCUMENT A

U. S. SECRET
Equals British MOST SECRET

SECRET

Draft Terms for Restoration of Territory to Italian Government.

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights and powers in all Italian territory which has been liberated from German domination and over the Italian people residing therein be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby relinquish and restore to the government of Italy all powers of government and jurisdiction heretofore assumed by me in the following territory and over

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WHEREAS, an Armistice has been concluded with the Italian government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights and powers in all Italian territory which has been liberated from German domination and over the Italian people residing therein be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby relinquish and restore to the government of Italy all powers of government and jurisdiction heretofore assumed by me in the following territory and over its inhabitants, subject to the terms and conditions hereinafter set forth:

Territory Restored: That portion of the Mainland of Italy South of the northern boundaries of the provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa and Linosa).

Terms of Restoration: Without prejudice to any rights of the United Nations under the Armistice terms heretofore granted to the Italian government, all of which remain in full force and effect

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Equals British MOST SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

U. S. SECRET
Equals Briti[illegible] MOST SECRET

throughout all Italian territory, there is hereby reserved to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the right in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian government, hereinafter referred to as "The Unoccupied Territory":

1. To operate and use such ports and airfields, and all such means of transportation or communication within the said territory as they may desire;
2. To quarter troops in such parts of the Unoccupied Territory as they may see fit;
3. To declare any areas within the Unoccupied Territory which may be needed for the operation of ports, air fields, transportation or communication facilities, for the quartering of troops, or for such other purposes as they may deem necessary for the successful prosecution of the war, to be Allied Military Zones;
4. To assume full administrative jurisdiction over such Military Zones, and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones as they may see fit;
5. To convene Allied Military Tribunals for the trial of any person violating any such order or regulation and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the Unoccupied Territory, and to inflict such punishment upon such persons as such Tribunals may direct;
6. To retain the right, through Allied Military Tribunals, to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military

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1. To operate and use such ports and airfields, and all such means of transportation or communication within the said territory as they may desire;
2. To quarter troops in such parts of the Unoccupied Territory as they may see fit;
3. To declare any areas within the Unoccupied Territory which may be needed for the operation of ports, air fields, transportation or communication facilities, for the quartering of troops, or for such other purposes as they may deem necessary for the successful prosecution of the war, to be Allied Military Zones;
4. To assume full administrative jurisdiction over such Military Zones, and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones as they may see fit;
5. To convene Allied Military Tribunals for the trial of any person violating any such order or regulation and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the Unoccupied Territory, and to inflict such punishment upon such persons as such Tribunals may direct;
6. To retain the right, through Allied Military Tribunals, to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor;
7. To exercise the ~~same rights~~ to requisition private or public property in the Unoccupied Territory, ~~as they possessed before the present contention;~~
8. To reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other rights in any

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Equals British MOST SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785046

part of such territory as they may from time to time deem necessary for the proper prosecution of the war;

9. To import and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without the payment of any impost, tax, charge, or duty of any kind whatsoever either to the Italian government or to any of its political subdivisions or agencies;

10. To engage in such operations and import such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies;

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies; nor shall any member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers;

12. All expenses and costs arising from the maintainance of Allied Troops or other personnal within the said territory will be chargeable to the Italian Government as a part of the costs of occupation;

13. Proclamations and Decrees in the form annexed hereto and made a part of these terms and conditions will be issued by the head of the Italian State at the time of transfer of the territory.

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10. To engage in such operations and import such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies;

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies; nor shall any member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers;

12. All expenses and costs arising from the maintainance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation;

13. Proclamations and Decrees in the form annexed hereto and made a part of these terms and conditions will be issued by the head of the Italian State at the time of transfer of the territory.

GF

General
Military Governor

U. S. SECRET
Equals British MOST SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

U. S. SECRET
Equals British M.O.I. SECRET

DOCUMENT 8

Draft Proclamation for Military Governor.

WHEREAS I assumed all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established military government to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, therefore, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.B.E., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

Allied Military Government established by me and all proclamations and Orders heretofore issued by me or under my authority in the territory of that portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza and Bari, and Sicily and adjacent Islands (but not Pantelleria or Lampedusa and Linosa) are hereby terminated as at 0001 hours on this date and all powers of government and jurisdiction in such territory and over its inhabitants

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my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, therefore, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., A.D.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in the territory of that portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa and Linosa) are hereby terminated as at 0001 hours on this date and all powers of government and jurisdiction in such territory and over its inhabitants and final administrative responsibility are hereby relinquished and restored to the Government of Italy, subject to all powers, rights and duties of the Allied Commander in Chief and Allied Control Commission.

General,
Military Governor.

U. S. SECRET
Equals British MOST SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

U. S. SECRET
Equals British MOST SECRET

DOCUMENT C

Draft Proclamation of Acceptance of a Transfer of Territory by Head of Italian State.

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territories heretofore occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

head of the Italian State by virtue of the authority vested in me by

hereby proclaim and decree as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian government and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in relation thereto including all appointments

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Government that certain territories forcibly occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

head of the Italian State by virtue of the authority vested in me by

hereby proclaim and decree as follows:

1. Military government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the government of Italy.

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian government and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian government with the consent of the Allied Control Commission.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials unless set aside or modified by or with the consent of the United Nations.

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U.S. SECRET
Equals British MOST SECRET

5. The Allied Forces are fighting our common enemy against whom Italy has declared war, for the purpose of driving the German Invader from Italian territory and restoring Italy as a free nation, liberated from Axis domination and from all traces of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. In prosecuting the war, it will be necessary for the members of the Allied Forces and of the United Nations to circulate freely within the restored territory and to maintain military zones therein for the purpose of quartering troops or for other military purposes. It is the duty of every Italian to co-operate fully with all members of the Allied Forces and of the United Nations within the said territory at all times, and to obey all orders and regulations which may from time to time be posted by Commanders of the Allied Forces in military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals which they may set up therein.

7. Only by the most whole-hearted co-operation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be severely punished either by Italian Courts or by Allied Military Tribunals.

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6. In prosecuting the war, it will be necessary for the forces of the Allied Forces and of the United Nations to circulate freely within the restored territory and to maintain military zones therein for the purpose of quartering troops or for other military purposes. It is the duty of every Italian to co-operate fully with all members of the Allied Forces and of the United Nations within the said territory at all times, and to obey all orders and regulations which may from time to time be posted by Commanders of the Allied Forces in military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals which they may set up therein.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be severely punished either by Italian Courts or by Allied Military Tribunals.

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DOCUMENT A. No. 1

DRAFT OF NOV. 12, 1943.

SECRET

Draft Terms for Restoration of Territory to Italian Government.

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has ~~been granted the status of~~ become a co-belligerent by the United Nations and

WHEREAS, the Italian government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights and powers in all Italian territory which has been liberated from German domination and over the Italian people residing therein be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD R. L. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Italy and Sicily and Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby relinquish and restore to the government of Italy all powers of government and jurisdiction heretofore

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to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has ~~been granted the status of~~ become a co-belligerent by the United Nations and

WHEREAS, the Italian government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights and powers in all Italian territory which has been liberated from German domination and over the Italian people residing therein be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD R. L. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Italy and Sicily and Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby relinquish and restore to the government of Italy all powers of government and jurisdiction heretofore assumed by me in the following territory and over its inhabitants, subject to the terms and conditions hereinafter set forth:

Territory Restored:

Terms of Restoration: Without prejudice to any rights of the United Nations under the instrument of surrender and Armistice terms heretofore granted to the Italian government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the

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Allied Control Commission as he may designate, the right in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian government, hereinafter referred to as "The Unoccupied Territory":

1. To operate and use such ports and airfields, and all such means of transportation or communication within the said territory as they may desire;
2. To quarter troops in such parts of the Unoccupied Territory as they may see fit;
3. To declare any areas within the Unoccupied Territory which may be needed for the operation of ports, air fields, transportation or communication facilities, for the quartering of troops, or for such other purposes as they may deem necessary for the successful prosecution of the war, to be Allied Military Zones;
4. To assume full administrative jurisdiction over such Military Zones, and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones as they may see fit;
5. To convene Allied Military Courts for the trial of any person violating any such order or regulation and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the Unoccupied Territory, and to inflict such punishment upon such persons as such Courts may direct;
6. To retain the right, through Allied Military Courts, to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor;
7. To exercise the same rights to requisition private or public property in

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transportation or communication within the said territory as they may desire;

2. To quarter troops in such parts of the Unoccupied Territory as they may see fit;

3. To declare any areas within the Unoccupied Territory which may be needed for the operation of ports, air fields, transportation or communication facilities, for the quartering of troops, or for such other purposes as they may deem necessary for the successful prosecution of the war, to be Allied Military Zones;

4. To assume full administrative jurisdiction over such Military Zones, and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones as they may see fit;

5. To convene Allied Military Courts for the trial of any person violating any such order or regulation and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the Unoccupied Territory, and to inflict such punishment upon such persons as such Courts may direct;

6. To retain the right, through Allied Military Courts, to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor;

7. To exercise the same rights to requisition private or public property in the Unoccupied Territory as they possessed before the present restoration;

8. To reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other rights in any part of such territory as they may from time to time deem necessary for the proper prosecution of the war;

9. To import and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine

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without the payment of any import, tax, charge, or duty of any kind whatsoever either to the Italian government or to any of its political subdivisions or agencies.

10. An official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies; nor shall any member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, be brought to trial in any Italian Court for any cause whatsoevereither civil or criminal without the consent of the Allied Powers;

11. Proclamation and Decrees in the form annexed hereto and made a part of these terms and conditions will be issuedby the head of the Italian State at the time oftransfer of the territory.

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whatsoever by the Italian government or any of its political subdivisions or agencies; nor shall any member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, be brought to trial in any Italian Court for any cause whatsoevereither civil or criminal without the consent of the Allied Powers;

11. Proclamation and Decrees in the form annexed hereto and made a part of these terms and conditions will be issuedby the head of the Italian State at the time oftransfer of the territory.

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SECRET

DOCUMENT B

DRAFT OF NOV. 12, 1943.

Draft Proclamation for Military Governor.

WHEREAS I ~~have~~ assumed all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established military government to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government, ~~having~~ has declared war ~~upon~~ and Germany, has ~~become been granted the status of~~ a co-belligerent by the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies ~~and upon such terms and conditions as the Allied Forces may deem necessary for the successful prosecution of the war~~,

NOW, therefore, I, HAROLD R.L.G.ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and on the mainland of Italy and Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander-in-Chief of the Allied Forces, hereby Proclaim as follows;-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in the territory of

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are hereby terminated as at 0001 hours on this date and all powers of government and jurisdiction in such territory and over its inhabitants and final

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my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government, ~~having~~ has declared war ~~upon~~ Germany, and has ~~been granted the status of~~ become a co-belligerent by the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies ~~and upon such terms and conditions as the Allied Forces may deem necessary for the successful prosecution of the war~~,

NOW, therefore, I, HAROLD R.L.G.ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and on the mainland of Italy and Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows;-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in the territory of

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are hereby terminated as at 0001 hours on this date and all powers of government and jurisdiction in such territory and over its inhabitants and final administrative responsibility are hereby relinquished and restored to the Government of Italy, subject to all powers, rights and duties of the Allied Commander in Chief and Allied Control Commission.

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C.

SECRET. No. 1

DRAFT of Nov. 12, 1943.

Draft Proclamation of Acceptance of a Transfer of Territory by Head of Italian State.

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian government that certain territories heretofore occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

head of the Italian State by virtue of the authority vested in me by

hereby proclaim and decree as follows:

1. Military government ~~by the Allied Forces~~ in the territory restored having ~~has~~ been terminated by the Allied military government,

2. all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights therein reserved to the United Nations, are vested in the government of Italy;

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authorityin the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian government and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and

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WHEREAS, the United Nations have agreed to the request of the Italian government that certain territories heretofore occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

head of the Italian State by virtue of the authority vested in me by

hereby proclaim and decree as follows:

1. Military government ~~by the Allied Forces~~ in the territory restored having been ~~has~~ terminated by the Allied Military Government,

2. All powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights therein reserved to the United Nations, are vested in the government of Italy;

2. All Proclamations and Orders heretofore issued by the Military Governor or under his authorityin the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian government and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3 4. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time the Italian

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government with the consent of the Allied Control Commission.

5. All sentences imposed by Allied Military Courts are hereby recognized by the Italian government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials unless set aside or modified by or with the consent of the United Nations.

6. The Allied Forces are fighting our common enemy against whom Italy has declared war, for the purpose of driving the German invader from Italian territory and restoring Italy as a free and independent nation, liberated from Axis domination and from all traces of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

7. In prosecuting the war, it will be necessary for the members of the Allied Forces and of the United Nations to circulate freely within the restored territory and to maintain military zones therein for the purpose of quartering troops or for other military purposes. It is the duty of every Italian to co-operate fully with all members of the Allied Forces and of the United Nations within the said territory at all times, and to obey all orders and regulations which may from time to time be postedby Commanders of the Allied Forces in military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Courts which they may set up therein.

8. Only by the most whole-hearted cooperation can our war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be severely punished either by Italian Courts or by Allied Military Courts.

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all Italian courts and Italian officials unless set aside or modified by or with the consent of the United Nations.

6. The Allied Forces are fighting our common enemy against whom Italy has declared war, for the purpose of driving the German invader from Italian territory and restoring Italy as a free and independent nation, liberated from Axis domination and from all traces of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

7. In prosecuting the war, it will be necessary for the members of the Allied Forces and of the United Nations to circulate freely within the restored territory and to maintain military zones therein for the purpose of quartering troops or for other military purposes. It is the duty of every Italian to co-operate fully with all members of the Allied Forces and of the United Nations within the said territory at all times, and to obey all orders and regulations which may from time to time be postedby Commanders of the Allied Forces in military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Courts which they may set up therein.

8. Only by the most whole-hearted cooperation can our war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act whihh in any way impedes the war effort or aids the enemies of Italy, will be severely punished either by Italian Courts or by Allied Military Courts.

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File

SECRET.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

1 April, 1944.

REFERENCE : ACC/4102/L.

SUBJECT : Documents transferring Territory to Italian Jurisdiction.

TO : Political Section, Rear H.Q., A.C.C.

1. Reference your 584/pol dated 31 March 1944.

2. As requested herewith copy of translation of Document F. This Sub-Commission has not the Italian Text of this document but same is in possession of either the Chief Commissioner or Secretary General.

GERALD R. UPJOHN.
Colonel,
Chief Legal officer.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Reference #584/pol

31 March 1944

SUBJECT: Documents Transferring Territory to Italian Jurisdiction

TO : Legal Sub-Commission, Rear Headquarters ACC, Salerno

The British Resident Minister at Allied Force Headquarters has requested a copy of the Italian text of Document E of the papers restoring territory to Italian Government jurisdiction together with a good English translation of same.

Would you kindly furnish us with these copies that we may forward them to A.F.H.Q. If you do not have extre copies, perhaps you would lend us the two texts so that we can make the necessary copies. It is understood that the texts requested are in the final form as signed by General MacFarlane and Marshal Badoglio.

J. M. PEARSON
Captain
Political Section

Declassified E.O. 12356 Section 3.3/NND No. 785016

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

GRU/gmf

ACC/4102/L

21 February 1944.

SUBJECT: Transfers of Territory.

TO : AFHQ MED.

In Secret envelope in safe.

Ref your 387.4-2 dated 14 Feb 44 it is regretted that you have been supplied with incorrect and incomplete copies of the relevant documents.

I enclose herewith completed copies of Documents (A) to (E) inclusive.

You will observe that Clause 7 of Document A contains the sentence omitted from para 3 of Document C, in accordance with AFHQ message 4643 of 3 Feb.

C. R. UPJOHN
Colonel
Chief Legal Officer.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
A.P.O. 394

SUBJECT: Restoration of Territory

TO : C. in C., A.F.H.Q.

17th February 1944

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When Marshal Badoglio signed the documents of restoration he made an oral declaration to me which he subsequently embodied in a letter addressed to me. A copy of his letter and a translation is attached.

I gave no undertaking to the Marshal or assented to his statement in any way but stated simply that I would forward his request.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

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TRANSLATION

Salerno, 11 February 1944

To General Mason MacFarlane
Chief of the Allied Control Commission

Dear General MacFarlane,

I have the honour to confirm that at the signing of the document transferring the Southern Provinces to the Italian Administration, I made the following verbal statement to you:

"The Italian Government take notice that the Southern Provinces are restored to the Italian Administration with the exception of the three islands of Pantelleria, Lampedusa and Linosa. The Italian Government have not raised any objection in this respect, being convinced that the administration of the said islands is not restored to it for reasons of a purely military character, upon the termination of which they will be reincluded in the general administration of the mother country."

I wish that my verbal statement be put on record in the protocol of signature of the present document of transfer.

(Sd) Badoglio

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(Seal)

IL CAPO DEL GOVERNO

SALERNO LÌ 11 FEBBRAIO 1944

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AL SIGNOR GENERALE MASON MAC FARLANE

Capo Della Commissione Alleata di Controllo

SUA SEDE

Caro Generale Mac Farlane,

Ho l'onore di confermare che all'atto della firma del documento di trasferimento delle Provincie Meridionali all'amministrazione del Governo Italiano, le ho fatto la seguente dichiarazione verbale:

"Il Governo Italiano prende atto che le Provincie Meridionali sono restituite all'amministrazione Italiana ad eccezione delle tre Isole di Pantelleria, Lampedusa e Linosa.

Il Governo Italiano non ha sollevato alcuna obiezione al riguardo, nella certezza che l'amministrazione delle predette Isole non gli è restituita per pure ragioni di carattere militare, cessate le quali esse saranno naturalmente rimesse nella normale Amministrazione della Madre Patria.

E di questa mia dichiarazione verbale prego sia preso atto nel PROTOCOLLO di firma del presente documento di TRASFERIMENTO."-

(SGD.) BADOGLIO

1079

Declassified E.O. 12356 Section 3.3/NND No. 785016

14 FEB 1944 786
Legal
Feb 73

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Ref/276/27/CA

12 February 1944

MEMORANDUM

TO : All Concerned

1. By Proclamation No. 16, that part of the Italian Peninsula which lies south of the northern boundaries of the provinces of Salerno, Potenza and Bari, together with the island of Sicily (but exclusive of the islands of Pantelleria, Lampedusa and Linosa) was restored to the jurisdiction of the Italian Government with effect from 0001 hrs. on 11 February 1944.

2. Without prejudice to the rights which the United Nations have under the Armistice and which are exercised in their behalf by the Commander-in-Chief of the Allied Forces and his representatives, including the Allied Control Commission, all powers of government in the above mentioned areas will henceforth belong to the Government of Italy.

3. According to the terms of the Armistice, the Allied Control Commission will continue to insure the effective use of Italian resources in the common war and to represent Allied interests to the Italian National and Local governments.

By command of Lieutenant General MASON MACFARLANE:

M. S. Lush

M. S. LUSH
Brigadier
Executive Commissioner

Distribution:

Dist. (A)
60 copies Region I
60 copies Region II
60 spares

69

Declassified E.O. 12356 Section 3.3/NND No. 785016

RECORDS
72

DECLASSIFIED
ALLIED CONTROL COMMISSION
Legal Branch
APO 394

12 February 1946.

SUBJECT: Secret Documents.

TO : U.S. Administrative Headquarters.

The Chief Commissioner stated last night that he had no objection to the Heads and Deputy Heads (if of opposite nationality) seeing (a) the Potsdam Long Terms and (b) Control A signed by the Head of Government on the restoration of Regions I & II.

He also saw the fact that both these documents were of the highest security and that there must be no leakage whatever as to their contents. Under no circumstances was there to be any discussion of these documents outside the Control Offices.

S/Gerald Upjohn
Gerald Upjohn
Colonel
Chief Legal Officer

I received the above documents.

S/R. R. Cripps
R. R. CRIPPS
Lt. Col.

Copy to: (CCS)302/3.

68

SECRET

1081

Declassified E.O. 12356 Section 3.3/NND No. 785016

CONFIDENTIAL.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Administrative Section

ACC/014.12/AS 12 Feb 44.

SUBJECT : Armistice Terms, and Terms of Restoration of Italian Territory.

To : Education Sub-Commission.
Monuments, Fine Arts and Archives Sub-Commission.
Legal Sub-Commission.
Public Safety Sub-Commission.
Public Health Sub-Commission.
Interior Sub-Commission.
Property Control Sub-Commission.

1. The Armistice Terms may be seen by Heads of Sub-Commissions in room 73. Officers requiring to see them will make arrangements through the CSC. The terms are secret and will not be communicated to other officers. This will not prevent the use by Heads of Sub-Commissions of knowledge gained by them from inspection of the terms so far as may be essential to enable them to carry out their duties; nor will it prevent them from communicating to subordinates such information as may be essential that such subordinates should have, to enable them to carry out their duties. Information so communicated to subordinates will not be of the actual Armistice Terms and will be kept to the minimum essential for efficiency both ~~both~~ as to actual information imparted and as to the number of personnel to whom it is communicated. Subordinates to whom such information is imparted will be informed that the information given to them is secret and will not be communicated to others. There will be no discussion of these documents outside the Commission offices.

R.R. CRIPPS,
Lt.Colonel,
for the Vice President, Administrative Section,
Allied Control Commission.

CONFIDENTIAL.

1082

Declassified E.O. 12356 Section 3.3/NND No. 785016

SECRET

SECRET

10 FEB 1944

FARGO 856

FARGO

SECRET

OPERATIONAL PRIORITY

10 FEBRUARY 44

10050 MACFARLANE

FREEDOM

JUST RECEIVED YOUR FOUR NINE FOUR ZERO EIGHT PP PENBAUE [PAREN FARGO FROM MACFARLANE PERSONAL PAREN TO AFHQ FOR MGS ID CITE FARGO EIGHT FIVE SIX FD] I AM ALTERING TEXT OF ANNOUNCEMENT TO AGREE WITH TEXT TRANSMITTED TO CHARLIE CHARLIE SUGAR BY YOU FD TERRITORY IS BEING TRANSFERRED TO ITALIAN GOVERNMENT AT ZERO ZERO ZERO ONE FEBRUARY ONE ONE FD QUITE IMPOSSIBLE TO KEEP THIS SECRET AFTER TIME OF TRANSFER FD PUBLICITY IN LOCAL PRESS IS ESSENTIAL FD TEXT OF ANNOUNCEMENT HAS BEEN IN MY POSSESSION FOR A LONG TIME FD I= INFORMED YOU MANY DAYS AGO THAT I HOPED TO ARRANGE FOR TRANSFER OF TERRITORY ON ONE ZERO FEBRUARY FD THERE HAS BEEN AMPLE TIME TO AGREE THE ANNOUNCEMENT FD UNDER THE CIRCUMSTANCES I PROPOSE TO MAKE THE ANNOUNCEMENT TO THE PRESS CONFERENCE SPECIALLY SUMMONED FOR THE PURPOSE THIS AFTERNOON AND TO FIX RELEASE TONIGHT ONE ZERO SLANT ONE ONE FEBRUARY AT MIDNIGHT

Internal Distribution:
Legal Sub Comm
Finance " "
Admin V P

Econ V P
Brig Imsh
Pol Sec

L.F.NICKEL,
Lt.Col.AGD
Adjutant General

SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

10 FEB 1944

FANGO 833

SECRET

9th. February, 1944.

FANGO (GEN MACFARLANE C CODE)

100 50 MACFARLANE

SECRET

URGENT

FREEDOM (FOR C IN C, MACMILLAN, CIVIL AFFAIRS AND M.G.S.) REPEATED HEADQUARTERS A.C.M.F. (FOR C IN C) FROM M/CFARLANE PERSONAL

Obtained Badoglio's signature to Transfer Documents this morning. Transfer of territory will take place at 0001 hours 11th. February.

See my immediately following telegram

Internal Distribution:
Legal Sub-Commission.
Finance Sub-Commission.
Pol. Section.
Admin. V.P..
Econ. V.P.
Brigadier Lush.

T 0 8 4

Declassified E.O. 12356 Section 3.3/NND No. 785016

071540A

N-1028 SECRET RADIO

SECRET PRIORITY TELEGRAM

RECEIVED AT
PBS SIGNAL MESSAGE CENTER

7 FEBRUARY 1944

SECRET

PRIORITY

CG PBS FOR FARGO FOR MACFARLANE

NONE

SIGNED C IN C

071301A

071540A

48486

PHHGS

FOR INFORMATION ONLY

DOCUMENT A ARTICLE 1. REPLYING TO MESSAGE PBS 7355 CITE FARGO 745. THE ASSURANCE REQUESTED BY THE ITALIAN GOVERNMENT CANNOT BE GIVEN. IF UNITED NATIONS WERE TO INSIST UPON THE RETENTION AND EXERCISE OF ALL THEIR RIGHTS UNDER ARTICLE 19 OF LONG TERMS, ITALIAN GOVERNMENT WOULD BE BOUND TO "MAKE AVAILABLE" MANY FACILITIES. THE UNITED NATIONS ARE NOW WILLING TO MAKE CERTAIN TERRITORY "NON-OCCUPIED", STIPULATING HOWEVER FOR CERTAIN RIGHTS WHICH THE LONG TERMS ATTACH TO "OCCUPATION". SINCE THE ITALIANS ARE REQUIRED BY DOCUMENT A ARTICLE 1 TO "MAKE AVAILABLE" SUCH FACILITIES ETC AS THE ALLIED C IN C MAY REQUIRE, IT SEEMS EVIDENT THAT THEY MAY BE CALLED UPON TO FURNISH MORE THAN MERELY FREE TRANSPORT. DOCUMENT A ARTICLE 1 MEANT NO MORE THAN IS ALREADY PROVIDED IN ARTICLE 24 (B). IT WOULD HAVE BEEN NEEDLESS.

HDS DISTR:

INFO AMG HQ
G-2
CG
SECY

FOR INFORMATION ONLY

SECRET

AGO DISTR:

(INFO) PA TO CG
BRIG LUSH
ECON SEC
ADMIN SEC
POLITICAL SEC
LEGAL S C
FINANCE S C

1085

Declassified E.O. 12356 Section 3.3/NND No. 785016

10 FEB 1944 585

SECRET

FARGO 834

#102

FARGO
SECRET
URGENT

9 FEBRUARY 44
10050 MACFARLANE

FREEDOM (ACTION) HQ ACSF (INFO)

PRIOR TO SIGNING TRANSFER DOCUMENTS BADOGLIO ASKED IF I COULD GIVE HIM TED ASSURANCE HE HAD REQUESTED IN CONNECTION WITH ARTICLE ONE DOCUMENT ABLE TO I REPLIED NO TO PINEAPPLE PAREN FARGO FROM MACFARLANE PERSONAL PAREN TO ARMY FOR HQS FOR MACMILLAN CIVIL AFFAIRS FOR CINC FOR ACTION RPTD HQ ACSF FOR CINC FOR INFO TO CITE FARGO EIGHT THREE FOUR TO BE ASKED ALSO IF I WOULD INSERT A CLAUSE STATING THAT PANTELLARIA GOZA LAMPEDUSA AND LINOSA WOULD BE RETURNED TO THE ITALIAN GOVERNMENT AFTER THE ALLIES HAD CEASED TO HAVE ANY MILITARY USE FOR THEM TO I REPLIED IN THE NEGATIVE BUT STATED THAT IF HE WOULD SUBMIT A WRITTEN STATEMENT TO THIS EFFECT I WOULD FORWARD IT TO THE ALLIED GOVERNMENTS TO I ASKED BADOGLIO TO CONFIRM THE FACT THAT HE WISHED DOCUMENT ABLE TO REMAIN A SECRET DOCUMENT IN THE SAME WAY AS THE LONG TERMS TO BE CONFIRMED THIS TO I DID MY BEST TO INDUCE BADOGLIO TO CUT IT PORTION OF THE KING IN THE THIRD PARAGRAPH OF HIS MESSAGE TO THE ITALIAN PEOPLE TO HE REMAINED UNDERSTANDABLY ADAMANT ON THIS POINT AND I EVENTUALLY AGREED TO HIS MESSAGE REMAINING IN ITS ORIGINAL FORM TO I AM FORWARDING EARLIEST BY AIR COPIES OF ALL FIVE TRANSFER DOCUMENTS AS SIGNED TO BADOGLIO AND I HAVE EACH RETAINED SIGNED COPIES

83

Internal Distribution:
Legal Sub Comm
Econ V.P.
Pol Sec
Admin V.P.
Brig. Lush
Finance Sub Comm.

L.F.NICKEL,
Lt.Col.AGD
Adjutant General

Declassified E.O. 12356 Section 3.3/NND No. 785016

U.S. SECRET Equals British SECRET

INCOMING

10 FEB 1944

/sk 549

13/09 66

49403

090548A Feb

100330A Feb

4102

SECRET

OPERATIONAL PRIORITY

FREEDOM SIGNED CINC CITE FHMGS

FATIMA FOR MACFARLANE REPTD FARCO FOR MACFARLANE

Approval of text of Transfer Announcement not yet received from CCS(?). reference your 12A of 3 February. No announcement can be made until it arrives. Meantime have urged earliest approval and proposed simultaneous Announcements from AFHQ and ACC. CCS may decide that simultaneous Announcements should also be made from London, Moscow and Washington which would cause slight delay.

No objection to your announcing details op(?) ACC when transfer of territory is announced.

Text transmitted to CCS for approval differs from your text in following points and changes in your text should be made accordingly. Paragraph 2. Read "have " for "enjoy" in line 5. Paragraph 2. Last sentence should read: "Where Allied Military Government has been operating within the territory thus restored, it will accordingly be brought to an end." Paragraph 3. Third sentence should read. "It was a human necessity that the men, women and children in the occupied territory should be relieved as far as possible from the distress which military operations had brought upon them." Paragraph 7. Second sentence should read: "The principal duty assigned to it was to take such measures of control according to the terms of the Armistice as to transform Italy into an effective instrument of war against Germany." Paragraph 8. End of last sentence: Substitute "present Administration" for "present Government of Technicians". Paragraph 10. Second sentence should read: "According to the terms of Armistice, it will be the channel

U.S. SECRET Equals British SECRET

Declassified E.O. 12356 Section 3.3/NND No. 785016

10 FEB 54

/ek

for communicating the desires of the United Nations to the Italian Government and will insure the effective use of Italian resources in the common war."

Paragraph 11. Delete last sentence beginning: "Nothing must stand in its way etc."

DISTRIBUTION:

2 - AG Files
1 - Admin. Dir. - Info
1 - Legal Sub-Com. - Info

1088

Declassified E.O. 12356 Section 3.3/NND No. 785016

10 FEB 1944

U.S. SECRET Equals British SECRET

Incoming Cable # 49408 from FREEDOM (Cont'd) /sk

for communicating the desires of the United Nations to the Italian Government and will insure the effective use of Italian resources in the common war."

Paragraph 11. Delete last sentence beginning: "Nothing must stand in its way etc."

DISTRIBUTION:

2 - AC Files
1 - Admin. Dir. - Info
1 - Legal Sub-Com. - Info
1 - Exp. Ship Committee - Info

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Declassified E.O. 12356 Section 3.3/NND No. 785016

Form 1-631 Ø4Ø23ØA

N-481

Signal Corps, United States Army

Telegram

GPO 3—10565

SECRET

Received at PENINSULAR BASE SECTION SIGNAL MESSAGE CENTER

4 FEBRUARY 1944

ACTION COPY

SECRET
PRIORITY

TO (ACTION) : CG PBS FOR FARGO, FATIMA REAR, FAIRBANKS
(INFORMATION): NONE
FROM : SIGNED CINC
DATE TIME SIGNED: Ø31841A
DATE TIME REC'D.: Ø4Ø23ØA
REFERENCE NR. : 46943
CITE : FIIMGS

HEADQUARTERS 4 FEB 1944 AMG

HEREWITH REPLY TO YOUR MESSAGE CITE FARGO 655 OF 1 FEBRUARY AND TO MEMORANDUM DP/G/33 OF SAME DATE WITH ITS INCLOSURES.

DOCUMENT A ARTICLE 1 MUST STAND AS WRITTEN. UNDER ARTICLE 19 OF LONG TERMS THE ITALIAN GOVERNMENT MUST MAKE CERTAIN THINGS AVAILABLE IN OCCUPIED TERRITORY. ALTHOUGH THE TERRITORY RESTORED BECOMES " NON-OCCUPIED", WE RESERVE NEVERTHELESS THE RIGHTS STIPULATED IN ARTICLE 1 OF DOCUMENT A.

DOCUMENT A ARTICLE 9. REDRAFT CANNOT BE ACCEPTED. HOWEVER, YOU ARE AUTHORIZED TO ADD AT END OF ARTICLE 9 THESE WORDS ",EXCEPT AS MAY FROM TIME TO TIME BE AGREED BY THE ALLIED POWERS."

DOCUMENT A ARTICLE 11. REDRAFT CANNOT BE ACCEPTED. BUT YOU MAY ALTER THE SENTENCE TO BEGIN " ANY OFFICIAL OR OTHER REPRESENTATIVE OR, IN RESPECT OF ANY ACTIVITIES FOR OFFICIAL ACCOUNT, ANY

ACTION COPY

CRYPTO

FORM #18-A

SECRET 12513

10901

Declassified E.O. 12356 Section 3.3/NND No. 785016

SECRET N-481 PRIORITY

AGENT OF THE UNITED NATIONS, CIVILIAN OR MILITARY " ETC.

DOCUMENT A ARTICLE 13. DESIRED AMENDMENT CANNOT BE ACCEPTED. DOCUMENT A SPEAKS OF THE RESTORED TERRITORY AS BEING "NON-OCCUPIED." ITALIAN AMENDMENT WOULD LIMIT COSTS RECOVERABLE TO THOSE ARISING FROM TROOPS CONNECTED WITH "OCCUPATION".

DOCUMENT C. SEPARATION INTO 3 PARTS AS DESCRIBED IS ACCEPTABLE.

DOCUMENT C ARTICLE 3. YOUR COMMENT IS APPROVED. YOU MAY OMIT "EXCEPT THAT ANY PERSON" ETC AT CLOSE OF THE ARTICLE, AND INSERT THE SAME UNDERTAKING AT SOME APPROPRIATE PLACE IN DOCUMENT A. ADVISE THIS HEADQUARTERS OF ANY TEXTUAL CHANGE YOU MAY MAKE.

PROCLAMATION BY MARSHAL BADOGLIO. 3RD PARAGRAPH THANKS ALLIES IN NAME OF KING AND PEOPLE. OUR GOVERNMENTS HAVE DIRECTED THAT IT IS IMPORTANT IN CONNECTION WITH ALL PROPOSED DOCUMENTS THAT ROYALTY, CROWN AND KING BE NOT EMPHASIZED. IT WOULD APPEAR THEREFORE DESIRABLE THAT THIS MENTION OF THE KING BE OMITTED FROM THE TEXT.

IT IS TO BE REMEMBERED THAT TRANSFER ON BASIS OF DOCUMENTS A, B AND C AS PRESENTED TO ITALIAN GOVERNMENT REPRESENTED MORE FAVORABLE VIEW THAN THAT PREVIOUSLY TAKEN BY THE 2 GOVERNMENTS, AND WAS ACCEPTED BY THEM ONLY AFTER STRONG RECOMMENDATIONS OF ALLIED CINC. ACCORDINGLY THIS HEADQUARTERS NOT PREPARED TO ASK CCS APPROVAL OF MODIFICATIONS DESIRED BY ITALIAN GOVERNMENT.

G. E N
ADM DIRECTO
SE
SE 1
SE 2
S 3
C ERK

SECRET

ACC DISTRIBUTION
(Action) Adm Sec (for target)
(Info) PA to DP
" RC & MC Sec
" Econ Sec (for

Declassified E.O. 12356 Section 3.3/NND No. 785016

SECRET

4102

PARGO 760

62

PARGO

SECRET

PRIORITY

7 FEB 44

10050 MASTARLANE

FROM (ACTION) AL ACSP (INFO)

File

TRANSFER OF TERRITORY TO FERRARA TAKEN PARGO FOR MASTARLANE PERSONAL PASSE TO AFHQ RPTD HQ ACSP TO CITE PARGO SEVEN EIGHT ZERO TO WITH REFERENCE YOUR FOUR SIX NINE FOUR TWOS PARA TWO I INFORMED COLONEL JUDD AND REPRESENTATIVES ITALIAN GOVERNMENT OF DECISIONS CONTAINED IN YOUR TELEGRAM UNDER REFERENCE LAST NIGHT TO BADOGLIO ACTING SALANDRA TOMORROW NIGHT FEBRUARY TO I WILL ENDEAVOUR TO SECURE HIS AGREEMENT AND SIGNATURE TOMORROW NIGHT

PAV

38

INTERNAL DISTRIBUTION:
Finance Sub-Comm
Secm. V.P.
Admin. V.P.
Legal Sub-Comm.
Brig. Lush

L.F. HICKEL,
Lt. Col., AGD.
Adjutant General.

1092

Declassified E.O. 12356 Section 3.3/NND No. 785016

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
(SALERNO DETACHMENT)
LEGAL SUB-COMMISSION
APO 394

61

ACC/4102/L

3 February 1944.

SUBJECT : Restoration of Territory.

TO : Vice President, Economic Section.

1. As you are no doubt aware, the proposed terms of restoration of territory to the Italian Government have been discussed with the Italian Government and certain proposed amendments have been referred to higher authority for approval.

2. In the meantime in order that no time may be lost I have agreed with the Italian Government representative (Colonel Jung) to proceed with the drafting of certain purely transitional legislation designed solely to prevent a breakdown in administration consequent on the cessation of Allied Military Government and therefore of laws created by Proclamations and General Orders. The matter is very urgent as it is desired to enact certain Italian decrees before the actual date of restoration. One of the decrees deals with economic matters and the terms to which the Italian Government raised no objection are as follows:

(a) A decree stabilizing wage rates, maximum prices, charges for services; maximum quantities of grain to be held by anyone; as existing at the date of restoration and pending future policy being agreed upon between us.

3. A representative of the Italian Government is expected on the 4th or 5th February at Salerno and I should be glad if you will make available a representative to attend this office at short notice to work out the detailed legislation required.

4. For your information I enclose the extracts from the relevant Proclamations and Orders which it appears to this Sub-Commission require to be enacted but as these were prepared some time ago, it is feared that the details may not be in accord with today's requirements.

5. A proposal was made to the Italian Government to continue the abrogation of syndicate payments but on this raised the whole question of labor policy, the matter was dropped from the transitional legislative program pending urgent consideration of the whole subject; no doubt the Chief Commissioner already has spoken to you on this subject.

GERALD R. URQUHART,
Colonel,
Chief Legal Officer.

SECRET

60

GHB/gmf

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
Salerno Detachment

4 February 1944.

ACC/4102/L

SUBJECT: Laws to be put into effect by Italian Government.

TO : Labor Subcommission, ACC.

1. Your letter of 14 Jan 1944 bearing approval of Economic Section dated 29 Jan 44 reached this Subcommission 2 Feb 44.

2. Discussion of this subject was initiated with the Labor Subcommission in early Nov 1943 by Major Mark J. Grossman of this Subcommission, and on 16 Nov 1943, following several conferences and written inquiries, the Labor Subcommission advised that it had "no proposals regarding laws to be put into effect immediately Italian Sovereignty starts in Axpot territory". The matter was, notwithstanding, further pursued by the Legal Subcommission with you and certain suggestions were subsequently made by you which dealt with General Orders 8 & 14. These suggestions, in so far as they were not purely administrative in character were communicated to the Italian Government and the terms of legislation agreed in principle with the Italian Government have been communicated to the Vice President of the Economic Section from whom you will no doubt hear.

G. R. UPJOHN, Colonel
Chief Legal Officer, ACC.

56

Declassified E.O. 12356 Section 3.3/NND No. 785016

1094

Declassified E.O. 12356 Section 3.3/NND No. 785016

4174

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LABOR SUB-COMMISSION
APO 394

4102 ✓ 59

4 January 1944.

SUBJECT: Laws to be put into Effect by Italian Government

TO : Chief Staff Officer, Economic Directorate

1. Reference your letter of 13 November 1943, and our reply of 16 November 1943:

2. It is the desire of this Sub-Commission that the following orders, and regulations be covered by any laws which will take effect when Italian Sovereignty is established in Allied Military Government territory:

✓ a. General Order No. 8 (Region I), and Rules and Regulations issued pursuant thereto,

✓ b. General Order No. 14 (Region I),

c. Regional Orders 5 and 6 (Region II).

3. Orders and regulations similar to those mentioned above have been issued in Regions III and IV.

4. It is desired that the foregoing Orders and Regulations, and such amendments as may be made thereto be retained in any turnover to the Italian Government in all areas transferred to the Italian Government.

DAM/hlw

JAMES R. SMITH,
Lt. Col., Q.M.C.,
D/Director, Labor Sub-Commission.
JBT/fpd

1st Ind.
Econ. Section, HQ. ACC, 29 Jan. 1944

TO: Admin. Section (Legal)

1. The above request is approved by this Section.

55

2. It is requested that appropriate action be taken to continue in effect the rules and regulations covered by the various orders mentioned above.

D. S. ADAMS
Colonel, C. E.
Chief Staff Officer

538

1095

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION
APO 394.

58

25 January 1944.

AGS/4102/1/

TO : Major Thackrah
HQ AAI, Brindisi

1. This letter comes over with General MacFarlane.

2. I enclose copies of four documents to be presented to the Marshal by the General. The General has the originals and a copy.

I want you to see the Minister of Justice as soon as possible and agree with him

a) As to the printing & publishing of Proclamation 3 I suggest that it should be the size of our Proclamation 70 cm x 50 cm. I should think 5000 copies should be enough. When you have agreed these matters let me know and we will undertake the printing here of our proclamations. The Italians will, of course, be responsible for their own, but I should like to coordinate distribution.

b) As to preparing drafts as per para 2(a) &(b) of Document D as soon as possible. We should like to see a draft in a week from now and if necessary I will come over.

3. Legal Subcommission moves to SALERNO tomorrow and Thursday. Telephone Salerno from Thursday morning onwards.

4. The Government is being ordered to move to SALERNO whether de Santis likes it or not and he and his chiefs have got to cross over so it will not be necessary for you to remain at BARI. I hope you, Sgt. Stein, and Pvts. Fried and Schiff will be leaving BRINDISI in 10 day or so.

5. I have told G. Parlin and R. Palmieri to return forthwith as with this AGS expedition we are very short of personnel. - Why does not Parlin return in the General's aeroplane?

6. I enclose a list of Proclamations and General Orders published under AMG.

7. Guy has no spare list of Ontario Judges apparently.

8. I want to know as soon as possible the date of the Jew decree and the signatures. I understand it will be published on the 9 Feb.

9. Pending information as to date of transfer (now said to be 10 Feb) I am holding up the taxation order in agreement with Finance here (Info Col. Crosse).

10. Col. Harris knows nothing of Major King's researches into Property Control law.

Declassified E.O. 12356 Section 3.3/NND No. 785016

11. My baggage is all in room 49. If Major Parlin can bring it over so much the better. It consists of
1 suitcase
1 valise
1 camp bed
1 bag pack and respirator
1 pillow

GERALD C. THOMAS,
Colonel,
Chief Legal Officer

10971

Declassified E.O. 12356 Section 3.3/NND No. 785016

RAD 1558

N-3612

~~24/0551A~~

Signal Corps, United States Army

Telegram

(SECRET) PRIORITY

(ACTION) LEGAL 19 4102

Received at

PENINSULAR BASE SECTION
SIGNAL MESSAGE CENTER

~~24 JANUARY 1944~~

4102

• SECRET

• PRIORITY

TO (ACTION) : FATIMA FOR MACFARLANE, FILPOT FOR ALEXANDER, CG PBS TO FARGO FOR AMG, RELAYED TO FAIRBANKS

(INFORMATION) : NONE

FROM : SIGNED WILSON

DATE TIME SIGNED: 231700A

DATE TIME REC'D : 240351A

REFERENCE NR. : 41997

CITE : FHMGS

HEADQUARTERS
24 JAN 1944
AMG.

LOOK TO LETTER MGS 387.4-2 DECEMBER 25TH 1943, FROM AFHQ TO GO CINC 15TH ARMY GROUP AND ACTING DEPUTY PRESIDENT ACC, COPY TO HQ AMG, SUBJECT: PREPARATION FOR RESTORATION OF OCCUPIED TERRITORY TO ITALIAN JURISDICTION. THAT LETTER INCLOSED DOCUMENTS A, B, AND C OF 22ND DECEMBER "IN ORDER THAT YOU MAY BE PREPARED TO PROCEED ON THAT BASIS IN THE EVENT THAT YOU RECEIVED INSTRUCTIONS TO THAT EFFECT".

ACTING UPON AUTHORITY CONVEYED BY CCS DIRECTIVE RECEIVED TODAY, ALLIED CINC NOW DIRECTS THAT RESTORATION OF TERRITORY TO ITALIAN JURISDICTION BE EFFECTED UPON BASIS OF DOCUMENTS A,B, AND C OF 22ND DECEMBER, SUBSTITUTING GENERAL WILSONS NAME FOR THAT OF GENERAL EISENHOWER. GENERAL ALEXANDER AND GENERAL MACFARLANE WILL ARRANGE BETWEEN THEM FOR TAKING THE NECESSARY ACTION. THIS WILL INCLUDE: (A) •COMMUNICATION TO ITALIAN GOVERNMENT BY GENERAL MACFARLANE OF TERMS

CRYPTO

FORM #18-A

10871

1098

Declassified E.O. 12356 Section 3.3/NND No. 785016

SECRET PRIORITY (SS)

UPON WHICH IT IS PURPOSED TO RESTORE TERRITORY TO ITALIAN JURISDICTION. WITH THIS WILL GO STATEMENT OF ANY ACTION IT WILL BE NECESSARY FOR ITALIAN GOVERNMENT TO TAKE TO CARRY FORWARD ESSENTIAL MEASURES NOW ESTABLISHED BY PROCLAMATION. (B) PROCURE FROM ITALIAN GOVERNMENT ACKNOWLEDGMENT THAT IT HAS TAKEN NOTE OF THESE TERMS, AND ASSURANCE OF EXECUTION BY MARSHAL BADOGLIO AS HEAD OF THE ITALIAN GOVERNMENT OF DOCUMENT C. (C) THE ITALIAN GOVERNMENT WILL BE CALLED UPON TO FIX A FIRM DATE AS EARLY AS IS PRACTICABLE, ON WHICH IT WILL BE PREPARED TO ASSUME THE POWERS AND JURISDICTION THUS PURPOSED TO BE RESTORED. (D) EXECUTION BY GENERAL ALEXANDER OF DOCUMENTS A AND B. (NOTE THAT HE HAS ALREAY APPROVED THESE INSTRUMENTS , SAVE FOR A FEW MINOR CHANGES DICTATED BY HIGHER AUTHORITY IN THE COURSE OF APPROVING THE TRANSFER.) HE WILL NOT TERMINATE ALLIED MILITARY GOVERNMENT IN TERRITORY CONCERNED UNTIL HE IS SATISFIED THAT REQUISITE ACTION BY ITALIAN GOVERNMENT HAS BEEN TAKEN.

DOCUMENT A WILL BE REGARDED AS SECRET IN SAME WAY LONG TERMS OF ARMISTICE ARE SECRET.

IT IS DESIRED THAT THE TRANSFER BE EFFECTED AS SOON AS IS PRACTICABLE.

GENERAL MACFARLANE WILL INFORM AFHQ, AS PROMPTLY AS MAY BE , TO THE FIRM DATE ON WHICH IT WILL BE POSSIBLE TO EFFECT THE TRANSFER TO ITALIAN JURISDICTION. AFHQ HAS PREPARED A DRAFT PRESS ANNOUNCEMENT, TO BE COMMUNICATED TO THE CCS FOR APPROVAL, STATING THAT THE TRANSFER WILL TAKE PLACE AT A CERTAIN FUTURE DATE, AND GIVING THE BACKGROUND OF AND REASONS FOR THE TRANSFER. COPY OF THIS DRAFT BEING FORWARDED TO YOU FOR COMMENT. IT IS DESIRED THAT THIS ANNOUNCEMENT BE MADE AS EARLY AS POSSIBLE, IN ORDER THAT THE PSYCHOL-

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PRIORITY (54)

OGICAL ADVANTAGE MAY BE OBTAINED EVEN BEFORE THE TRANSFER IS EFFECTED. PUBLICITY WILL BE HANDLED BY AFHQ.

GENERAL MACFARLANE REQUESTED TO KEEP AFHQ INFORMED OF PROGRESS.

Dist - Gen Alexander
Brig Gen Lockhart
DECAD (2)
Ostrum Dist
Legal (ACTION)

Action - Amb Kirk
Info - G-2
Ops

5[illegible]

SECRET 10871

Declassified E.O. 12356 Section 3.3/NND No. 785016

4102

SECRET

PRIORITY

13 JANUARY 1944.

50

TO (ACTION) : CG PBS FOR PENCE, FARGO FOR JOYCE, FATIMA FOR JOYCE

INFORMATION : NONE

FROM : SIGNED CINC

DATE TIME SIGNED: 121600A

Date TIME RECD : 122258A

REFERENCE NR : 27581

CITE : FILES

Personal for Admiral Joyce
etc Admiral Holmes

YOUR PROPOSAL APPROVED. (REFERENCE PBS 4839 OF 11 JANUARY)

TRANSFER DOCUMENTS WILL BE PRESENTED BY MASON MACFARLANE.

S E C R E T

49

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COPY

4102

644

SECRET

PENINSULAR BASE SECTION
SIGNAL MESSAGE CENTER

8 JANUARY 1944

SECRET

PRIORITY

FATDMA FOR JOYCE, FILPOT FOR ALEXANDER AND FARGO FOR AMG

NONE

CINC

072128A

081446A

RECEIVED 9 JAN 1944

25 348

FHMGS

DIRECTIVE ON TRANSFER OFCERTAIN TERRITORIES JUST RECEIVED FROM CCS. THEY SEND TEXT OF 3 DOCUMENTS OF WHICH SUMMARY FOLLOWS:

NEW A. PROCLAMATION BY MILITARY GOVERNOR. 1. WITHOUT PREJUDICE TO CONTINUED STATUS OF TERRITORY AS " OCCUPIED ". TO POSITION AND POWERS THEREIN OF ALLIED FORCES, OR TO RIGHTS OF ALLIED C IN C IN REGARD THERETO, PROCLAMATIONS AND ORDERS WILL BE TERMINATED AT CERTAIN DATE. GOVERNMENT THENCEFORTH TO BE EXERCISED BY ITALIAN GOVERNMENT SUBJECT TO INSTRUCTIONS OF ACC. 2. ALLIED C IN C MAY CANCEL ANY ACT OF ITALIAN GOVERNMENT OR RESUME GOVERNMENT IF REQUIRED BY MILITARY EXIGENCIES OR INTERESTS OF PUBLIC ORDER OR GOOD GOVERNMENT. 3. NOTHING HEREIN SHALL EFFECT RIGHT OF ALLIED C IN C TO DO ALL NECESSARY FOR SECURITY, OPERATIONS, ETC., OF ALLIED FORCES AND TO ISSUE PROCLAMATIONS ON ITALIAN AUTHORITIES AND PEOPLE, OR OF THE ACC TO TAKE ACTION NECESSARY FOR EXECUTION OF ARMISTICE.

NEW B. PROCLAMATION BY ITALIAN GOVERNMENT. AS IN OLD DRAFT PROCLAMATION C.

NEW C. AGREEMENT TO BE ENTERED INTO BETWEEN REPRESENTATIVE OF ALLIED C IN C AND REPRESENTATIVE OF ITALIAN GOVERNMENT. EXPRESSLY STIPULATING IN 13 ARTICLES THE POINTS MADE IN ORIGINAL DRAFT DOCUMENT A. END OF SUMMARY.

FAIRMAN WILL BRING TEXT TO BARI AND BRINDISI SUNDAY OR MONDAY.

8439

T102

Declassified E.O. 12356 Section 3.3/NND No. 785016

4102

PAGINA III — Pg. III — PREZZO LIRE UNO — Giovedì 13 Gennaio 1944

RISORGIMENTO

Per le inserzioni Pubblicitarie U.P.I. - S. Brigida, 68 - Napoli

Edito da "IL MATTINO,, - "ROMA,, - "CORRIERE DI NAPOLI,,

Direzione e Redazione: A... porto Galleria N. 7 — N...

Prosegue l'avanzata sul fronte della 5ª Armata

Altre posizioni nemiche occupate

FRONTE ITALIANO, 12

A sud della strada di Cassino gli americani hanno completato l'occupazione di Monte Trocchio. A nord della strada hanno consolidato le posizioni di Monte Chiaia a sud est del villaggio di Cervaro. Monte Piperno, a un chilometro e mezzo a nord ovest di Cervaro, è stato occupato dagli Alleati. I tedeschi hanno opposto un'accanita resistenza.

A nord della valle del Liri, si segnala una nuova avanzata delle truppe britanniche della 5 Armata. Gli Alleati controllano ora quasi tutte le alture che sovrastano l'ansa del Garigliano.

Sul fronte dell'8. Armata scontri di pattuglie.

Lungo l'Adriatico le ferrovie sulla costa sono state nuovamente cannoneggiate da cacciatorpediniere britanniei.

Caccia-bombardieri Alleati hanno concentrato i loro sforzi appoggiando validamente le operazioni sul fronte della Quinta Armata nell'Italia Centrale, bersagliando il sistema nemico di comunicazioni, postazioni di cannoni, colonne di rifornimento motorizzate, ed altri obiettivi.

L'inviato dell'Ente Radiofonico britannico, Frank Gillard, ha dichiarato che dalle posizioni ora occupate, a nord-est di Cassino, gli Alleati sono già in vista della città. Gillard aggiunge che i tedeschi gettano nella mischia tutte le armi e tutti gli uomini a loro disposizione per arginare un'avanzata alleata che minaccia di forzarli a ritirarsi su un vasto fronte.

Il corrispondente speciale della Reuter presso la 5a Armata riferisce che i tedeschi hanno trasportato in fretta cannoni costieri dal Golfo di Gaeta per rafforzare la difesa di Cassino, che è gravemente minacciata.

Cassino è assediata, secondo relazione di sfollati che hanno raggiunto le linee alleate. I tedeschi stanno costruendo formidabili difese che dominano il fiume Rapido minando tutti i ponti nei pressi della città. La maggior parte degli abitanti ha già evacuato Cassino, ove le vaste distruzioni operate dai tedeschi stanno ad indicare il proposito nemico di farne un campo di battaglia. La prossima linea di difesa tedesca sarà al Rapido, dopo la conquista del M. Trocchio.

Secondo un comunicato tedesco, Cervaro, ultima posizione difensiva sulla strada di Cassino, è stata evacuata dalle truppe tedesche.

FRONTE RUSSO

Sul Bug

MOSCA, 12

Le Armate russe hanno raggiunto il fiume Bug nella regione di Vinnitza.

Posizioni a 60 Km. entro la frontiera prebellica polacca sono state occupate dai sovietici. Le forze russe hanno tagliato la ferrovia nord-sud che da Wilno porta a Sarny e si collega in questa città con la ferrovia Kiev-Varsavia. Anche la linea che da Novograd-Volinsk va verso Shepetowka, ove si collega con la rete ferroviaria rumena, è stata tagliata. I sovietici puntano su Shepetowka, muovendo anche da Berdichev.

Sarny è sotto il fuoco delle artiglierie sovietiche, mentre colonne celeri si stanno portando oltre la città per aggirarla.

Ieri sera Mosca ha fornito nuovi particolari sulla distruzione di cinque divisioni tedesche circondate nei primi giorni della settimana a nord di Kirovograd. I tedeschi hanno lasciato sul terreno 15000 morti, 293 carri armati tedeschi venivano distrutti e 150 catturati. 300 cannoni distrutti e 188 catturati. Il computo del bottino è tuttavia ancora incompleto.

Il corrispondente del «News Chronicle» da Mosca in un dispaccio all'Ente Radiofonico Britannico dichiara: «E' improbabile che i tedeschi abbiano avuto il tempo di stabilire una vera e propria linea difensiva lungo il fiume Bug data la celere avanzata sovietica.

In Crimea i tedeschi accennano nuovamente ad attacchi sovietici contro la testa di ponte di Kerch.

Problemi della ricostruzione

Ripresa dell'industria napoleta...

Mentre ancora ferve la guerra oltre il Sangro ed il Garigliano ed el nostro occhio addolorato e commosso il territorio strappato al giogo teutonico offre lo spettacolo desolante della distruzione e della disoccupazione, si ripresenta in tutto il suo palpitante interesse il problema della ricostruzione industriale di Napoli.

Oltre che per i vari aspetti umani e politici il problema della ricostruzione industriale di Napoli afferma la sua importanza se considerato alla stregua della sua portata economica giacchè risolverlo significa aprire la strada all'auspicata ricostruzione del potenziale produttivo e co... ciale della nazione, non sol... anche e sopratutto conferi... la popolazione operaia nap... na quel posto, quella dig... quelle condizioni economic... morali che si addicono all... native attitudini, al suo ... mento lavorativo.

Un'industria napoletana, ... rante a ritmo intenso e ... nuo con capitalisti, finanz... dirigenti e maestranze nap... ne, forte di una moderna ... nizzazione che a queste ... consentisse una forma sa... di partecipazione effettiva ... vita e allo sviluppo comp...

Distruzioni tedesche negli stabilimenti

Nei cieli della Germania

GIGANTESCO scontro aereo

LONDRA, 12.

Possenti formazioni di «Fortezze Volanti» e di «Liberatori» hanno attaccato la Germania nord-occidentale martedì scorso.

I bombardieri erano scortati da nuovi apparecchi da caccia.

I risultati della battaglia non sono stati ancora resi noti. Il corrispondente berlinese del giornale svedese «Aftonbladet» riferisce che una parte dell'attacco è stata diretta contro Magdeburg, importante centro ferroviario a circa 160 km ad ovest di Berlino, e Halberstadt, nella stessa regione di Magdeburg. Il corrispon... dell'azienda, sarebbe mez... lido e sicuro per arginare ... e poi eliminare del tutto ... nomeno della dispersione ... na delle energie locali; l'a... ficienza strutturale e fun... di un complesso industria... poletano paralizzerebbe og... ma d'ingerenza ispirata a ... di fini.

Nè, infine, la riattivazio... le nostre industrie è fat... può restare estraneo alle ... ni Unite in quanto solleci... la soluzione del conflitto ... vere degli Alleati per l'... cabile apporto che ne de... be al potenziale bellico. I... de il benevolo atteggiame... gli Anglo-Americani han... sunto nell'esaminare pro... progetti rivolti al progre... reimmissione della mano ... nelle aziende industriali d... stra regione, è in rappo...

Sicilia e Calabria all'Amministrazione italiana

Decisioni della Commissione Consultiva Alleata

f 103

Declassified E.O. 12356 Section 3.3/NND No. 785016

4102

... W. XII — FRIDAY LIBERTY — Giovedì 13 Gennaio 1944

RISORGIMENTO

...rzioni Pubblicitarie ... Frigida, 68 - Napoli | Edito da "IL MATTINO,, - "ROMA,, - "CORRIERE DI NAPOLI,, | Direzione e Redazione: Angi... porto Galleria N. 7 - Napoli

...segue l'avanzata ...ronte della 5ª Armata

... posizioni nemiche occupate

FRONTE ITALIANO, 12

...l della strada di Cassino gli americani hanno ...o l'occupazione di Monte Trocchio. A nord della ...nno consolidato le posizioni di Monte Chiala a ...l villaggio di Cervaro. Monte Piperno, a un chilo... mezzo a nord ovest di Cervaro, è stato occupato ...esati. I tedeschi hanno opposto un'accanita re...

...rd della valle del Liri, si segnala una nuova a... delle truppe britanniche della 5 Armata. Gli Al... rollano ora quasi tutte le alture che sovrastano ... Garigliano.

...ronte dell'8. Armata scontri di pattuglie.

... l'Adriatico le ferrovie sulla costa sono state ...te cannoneggiate da cacciatorpediniere britannici.

...-bombardieri Alleati hanno concentrato i loro ...oggiando validamente le operazioni sul fronte ...nta Armata nell'Italia Centrale, bersagliando il ...emico di comunicazioni, postazioni di cannoni, ...l rifornimento motorizzate, ed altri obiettivi.

...o dell'Ente Radiofonico britannico, Frank Gil... ...chiarato che dalle posizioni ora occupate, a ...Cassino, gli Alleati sono già in vista della città, ...piunge che i tedeschi gettano nella mischia ...ni e tutti gli uomini a loro disposizione per ar... ...mmazzare alleata che minaccia di forzarli a riti... ...n vasto fronte.

...ondente speciale della Reuter presso la 5.a Ar... ...ce che i tedeschi hanno trasportato in fretta ...ieri dal Golfo di Gaeta per rafforzare la di... ...ssino, che è gravemente minacciata.

...e assediata, secondo relazione di sfollati che ...giunto le linee alleate. I tedeschi stanno co... ...rmidabili difese che dominano il fiume Rapido ...utti i ponti nei pressi della città. La maggior ...i abitanti ha già evacuato Cassino, ove le vaste ...operate dai tedeschi stanno ad indicare il pro... ...ico di farne un campo di battaglia. La pros... ...a di difesa tedesca sarà al Rapido, dopo la con... ...M. Trocchio.

...mo comunicato tedesco. Cervaro, ultima posi... ...siva sulla strada di Cassino, è stata evacuata ...e tedesche.

FRONTE RUSSO

Sul Bug

MOSCA, 12

Le Armate russe hanno raggiunto il fiume Bug nella regione di Vinnitza.

Posizioni a 60 Km. entro la frontiera prebellica polacca sono state occupate dai sovietici. Le forze russe hanno tagliato la ferrovia nord-sud che da Wilno porta a Sarny e si collega in questa città con la ferrovia Kiev-Varsavia. Anche la linea che da Novograd-Volinsk va verso Shepetowka, ove si collega con la rete ferroviaria rumena, è stata tagliata. I sovietici puntano su Shepetowka, muovendo anche da Berdichev.

Sarny è sotto il fuoco delle artiglierie sovietiche, mentre colonne celeri si stanno portando oltre la città per aggirarla.

Ieri sera Mosca ha fornito nuovi particolari sulla distruzione di cinque divisioni tedesche circondate nei primi giorni della settimana a nord di Kirovograd. I tedeschi hanno lasciato sul terreno 15000 morti 293 carri armati tedeschi venivano distrutti e 150 catturati. 300 cannoni distrutti e 188 catturati. Il computo del bottino è tuttavia ancora incompleto.

Il corrispondente del «News Chronicle» da Mosca in un dispaccio all'Ente Radiofonico Britannico dichiara: «E' improbabile che i tedeschi abbiano avuto il tempo di stabilire una vera e propria linea difensiva lungo il fiume Bug data la celere avanzata sovietica.

In Crimea i tedeschi accennano nuovamente ad attacchi sol 12 lici contro la testa di ponte di Kerch.

Problemi della ricostruzione

Ripresa dell'industria napoletana

Mentre ancora ferve la guerra oltre il Sangro ed il Garigliano ed al nostro occhio addolorato e commosso il territorio strappato al giogo teutonico offre lo spettacolo desolante della distruzione e della disoccupazione, si ripresenta in tutto il suo palpitante interesse il problema della ricostruzione industriale di Napoli.

Oltre che per i vari aspetti umani e politici il problema della ricostruzione industriale di Napoli afferma la sua importanza se considerato alla stregua della sua portata economica giacchè risolverlo significa aprire la strada all'auspicata ricostruzione del potenziale produttivo e commerciale della nazione, non solo, ma anche e sopratutto conferire alla popolazione operaia napoletana quel posto, quella dignità e quelle condizioni economiche e morali che si addicono alle operative attitudini, al suo rendimento lavorativo.

Un'industria napoletana, lavorante a ritmo intenso e continuo con capitalisti, finanziatori, dirigenti e maestranze napoletane, forte di una moderna organizzazione che a questo ultimo consentisse una forma saliente di partecipazione effettiva alla vita e allo sviluppo complessivo

Distruzioni tedesche negli stabilimenti

dell'azienda, sarebbe mezzo valido e sicuro per arginare prima e poi eliminare del tutto il fenomeno della dispersione esterna delle energie locali; l'autosufficienza strutturale e funzionale di un complesso industriale napoletano paralizzerebbe ogni forma d'ingerenza ispirata a secondi fini.

Nè, infine, la riattivazione delle nostre industrie è fatto che può restare estraneo alle Nazioni Unite in quanto solleciterebbe la soluzione del conflitto in favore degli Alleati per l'immancabile apporto che ne deriverebbe al potenziale bellico. D'altronde il benevolo atteggiamento che gli Anglo-Americani hanno assunto nell'esaminare proposte e progetti rivolti al programma di reimmissione della mano d'opera nelle aziende industriali della nostra regione, è in rapporto alla

Nei cieli della Germania

GIGANTESCO scontro aereo

LONDRA, 12

Possenti formazioni di «Fortezze Volanti» e di «Liberators hanno attaccato la Germania nord-occidentale martedì scorso.

I bombardieri erano scortati da nuovi apparecchi da caccia.

I risultati della battaglia non sono stati ancora resi noti. Il corrispondente berlinese del giornale svedese «Aftonbladet» riferisce che una parte dell'attacco è stata diretta contro Magdeburg, importante centro ferroviario a circa 160 km ad ovest di Berlino, e Halberstadt, nella stessa regione di Magdeburg. Il corrispondente

...cilia e Calabria ...'Amministrazione italiana

...ecisioni della Commissione Consultiva Alleata

Declassified E.O. 12356 Section 3.3/NND No. 785016

della Quinta Armata nell'Italia Centrale, bersagliando il sistema nemico di comunicazioni, postazioni di cannoni, colonne di rifornimento motorizzate, ed altri obiettivi.

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Il corrispondente speciale della Reuter presso la 5.a Armata riferisce che i tedeschi hanno trasportato in fretta cannoni costieri dal Golfo di Gaeta per rafforzare la difesa di Cassino, che è gravemente minacciata.

Cassino è assediata, secondo relazione di sfollati che hanno raggiunto le linee alleate. I tedeschi stanno costruendo formidabili difese che dominano il fiume Rapido minando tutti i ponti nei pressi della città. La maggior parte degli abitanti ha già evacuato Cassino, ove le vaste distruzioni operate dai tedeschi stanno ad indicare il proposito nemico di farne un campo di battaglia. La prossima linea di difesa tedesca sarà al Rapido, dopo la conquista del M. Trocchio.

Secondo un comunicato tedesco, Cervaro, ultima posizione difensiva sulla strada di Cassino, è stata evacuata dalle truppe tedesche.

Ancora nuovi particolari sulla distruzione di cinque divisioni tedesche circondate nei primi giorni della settimana a nord di Kirovograd. I tedeschi hanno lasciato sul terreno 15000 morti, 293 carri armati tedeschi venivano distrutti e 150 catturati, 300 cannoni distrutti e 188 catturati. Il computo del bottino è tuttavia ancora incompleto.

Il corrispondente del «News Chronicle» da Mosca in un dispaccio all'Ente Radiofonico Britannico dichiara: «E' improbabile che i tedeschi abbiano avuto il tempo di stabilire una vera e propria linea difensiva lungo il fiume Bug data la rclere avanzata sovietica.

In Crimea i tedeschi accennano nuovamente ad attacchi sovietici contro la testa di ponte di Kerch.

Distruzioni tedesche negli stabilimenti dell'azienda, sarebbe mezzo v... lido e sicuro per organizzare prim... e poi eliminare del tutto il f... nomeno della dispersione este... na delle energie locali; l'autosu... ficienza strutturale e funzional... di un complesso industriale n... policiano paralizzerebbe ogni fo... ma d'ingerenza ispirata a scop... di fini.

Ne, infine, la riattivazione d... le nostre industrie è fatto c... può restare estraneo alle Nazio... ni Unite in quanto solleciterebb... la soluzione del conflitto in fa... vore degli Alleati per l'immed... cabile apporto che ne deriverebb... al potenziale bellico. D'altro c... de il benevolo atteggiamento d... gli Anglo-American; hanno a... sunto nell'esaminare proposte ... progetti rivolti al programma ... reinmissione della mano d'ope... nelle aziende industriali della n... stra regione, è in rapporto al... interesse che spinge qualsiasi p... tente esercito ad avere alle spa... le un popolo ordinato e dedi... alla produzione, nonchè una pr... zosa linea di riserva di offici... meccaniche, cantieri navali, ... installazioni industriali, su cui p... ter contare per ogni evenie...

Se, tuttavia, manifeste sono l... ragioni che fanno ritenere il pr... blema essenziale ed indifferib... sono altrettanto ovidenti le di... coltà che ne intralciano la pr... tica esecuzione.

Ciò nondimeno non bisogna d... scoraggiarsi poichè tutti gli ostac... li si possono superare facendo l... va sulla volontà. Il miglior pa... to per vincere il momentaneo abbattimento morale della cla... dirigente o la crisi economico-... spirituale delle nostre maestran... ze è quello di far convergere ogni sforzo e qualsiasi iniziativa, ... di fuori e al di sopra di ogni ... gnuda politica, verso l'unico scopo della ricostruzione.

Lungi da me l'intenzione ... dar fondo ad un problema il cui interesse è direttamente propo... zionale alle difficoltà della su... perazione e risoluzione, vo... rei in questo articolo ed in un successivo avanzare qualche pro... posta e prospettare delle idee ... suscitate frutto di personali esp... rienze, o che pure potrebbero ... essere di una certa utilità in u... studio sistematico del tema.

Al riguardo va senz'altro fo... mulato il voto che il Governo ... un centro coordinatore allo scop...

Nei cieli della Germania

GIGANTESCO scontro aereo

LONDRA, 12.

Possenti formazioni di «Fortezze Volanti» e di «Liberator» hanno attaccato la Germania nord-occidentale martedì scorso.

I bombardieri erano scortati da nuovi apparecchi da caccia.

I risultati della battaglia non sono stati ancora resi noti. Il corrispondente berlinese del giornale svedese «Aftonbladet» riferisce che una parte dell'attacco è stata diretta contro Magdeburg, importante centro ferroviario a circa 100 km ad ovest di Berlino, e Halberstadt nella stessa regione di Magdeburg. Il corrispondente aggiunge che le «Fortezze Volanti» hanno sorvolato i dintorni di Berlino, sganciando bombe anche su queste località.

Durante questa incursione i tedeschi hanno lanciato loro contro quasi tutti i tipi di aerei di cui disponevano. I bombardieri americani hanno dovuto combattere per tre ore di seguito contro attacchi quasi ininterrotti condotti da sciami di caccia. I piloti degli aerei che hanno fatto ritorno hanno riferito di avere incontrato una «durissima» resistenza, ma che altresì la zona da colpire era ridotta in tal modo da sembrare «una scatola di cartone in frantumi».

Le perdite dell'aviazione americana nella gigantesca battaglia aerea che è stata definita come la più grande che si sia mai avuta dall'inizio della guerra, sono calcolate intorno ai sessanta apparecchi. Benchè, questa cifra non rappresenta che la metà degli aerei che i tedeschi pretendono di aver abbattuto (123).

In base alle ultime statistiche compilate dall'Ottava Armata Aerea si ritiene che verrà dimostrato che la Luftwaffe ha perduto una parte considerevole delle squadriglie di caccia, da qualche tempo insolitamente rinforzate, tentate a contrastare il passo agli attaccanti.

L'esatta delle perdite germaniche potrà effettivamente stabilire un nuovo primato in fatto di apparecchi nemici abbattuti nel corso di incursioni diurne sul Reich.

Sicilia e Calabria

all'Amministrazione italiana

Decisioni della Commissione Consultiva Alleata

Dei membri della Commissione alleata consultiva per l'Italia hanno fatto visita a varie parti dell'Italia liberata, compresa la Sicilia e la Sardegna, nel corso degli ultimi giorni. Essi hanno potuto prendere contatto con gli italiani, sia in forma ufficiale che privata, su tutti i punti di vista ed altresì con funzionari delle organizzazioni alleate.

In data 10 Gennaio la Commissione si è riunita per la quinta volta a Napoli.

Erano presenti: M. Massigli, per il Comitato Francese di Liberazione Nazionale, che ha assunto la presidenza; Mr. Macmillan, per il Regno Unito di Gran Bretagna ed Irlanda; Vishinsky per l'Unione Sovietica, e Mr. Reinhardt per gli Stati Uniti, in assenza del titolare R. D. Murphy.

La Commissione ha preso in esame l'attuale situazione politico-economica ed ha avuto necessità di esaminare le direttive del Maresciallo Badoglio e dei membri del Governo Romano.

* * *

La Calabria e la Sicilia passeranno sotto l'Amministrazione italiana. Questa decisione è stata approvata dalla Commissione Alleata Consultiva, che ha pure esaminato i modi per la graduale fusione di questi territori con le autorità italiane.

Il Governo Italiano è stato invitato a decidere i termini, in base ai quali l'amministrazione delle zone più lontane dal fronte verrà trasferita al Governo italiano. Rappresentanti britannici, americani, russi e francesi hanno partecipato alle discussioni.

Il dilagare degli scioperi nell'Italia occupata dai tedeschi

BERNA, 12.

Il giornale svizzero «Libera Stampa» nell'edizione di venerdì scorso riferisce che le agitazioni e gli scioperi operati causano gravi preoccupazioni ai tedeschi in Alta Italia.

Verso la metà di dicembre '43 — prosegue il giornale — un vasto movimento di insurrezione generale è andato estendendosi nella Italia Settentrionale, movimento che ha solamente sorpreso ed immediatamente le autorità di occupazione. Gli scioperi, che cominciarono nelle fabbriche delle Fiat di Torino, si estesero validamente a tutte le fabbriche della città. Vada la seguita la polizia ed i carri armati di Genova che si misero a disposizione per reprimere il movimento. Le misure prese dalle autorità germaniche non hanno avuto effetto. Gli scioperi operati in una serie di località nelle zone di Genova, Milano le principali fabbriche di armi e di munizioni seguirono lo esempio delle altre per tre giorni di seguito. Il movimento si iniziò negli impianti della «Breda», per essere seguito dagli operai delle fabbriche «Pirelli» e «Caproni», donde si diffuse rapidamente a tutte le altre principali fabbriche e alle fabbriche di autoveicoli della città. I tedeschi cercarono di dirigere il risentimento degli scioperanti contro i fascisti, e fecero uso volta a volta delle minacce e delle lusinghe pur di aver ragione della resistenza degli operai.

I tedeschi ricorsero infine alle minacce di chiudere una fabbrica, gli operai della quale si erano messi in stato di sciopero, di fucilare i capi del movimento e di deportare la massa degli scioperanti.

I tedeschi incendiano un convento di suore

Da Stoccolma da Zurigo ad un Congresso dell'Associazione Cattolica Americana che ha sede a Washington, riferisce che le autorità tedesche hanno incendiato un convento a Dessovalch in Dalmazia ed hanno deportato le suore col pretesto che queste avevano favorito la diserzione degli Alleati.

L'episodio ne passa e stato

Declassified E.O. 12356 Section 3.3/NND No. 785046

ata Armata nell'Italia Centrale, bersagliando il emico di comunicazioni, postazioni di cannoni, rifornimento motorizzate, ed altri obiettivi.

dell'Ente Radiofonico britannico, Frank Gilchiarato che dalle posizioni ora occupate a di Cassino, gli Alleati sono già in vista della città, ggiunge che i tedeschi gettano nella mischia ni e tutti gli uomini a loro disposizione per arrapanzata attesta che minaccia di forzarli a ritn vasto fronte.

pondente speciale della Reuter presso la 5.a Arisce che i tedeschi hanno trasportato in fretta ostieri dal Golfo di Gaeta per rafforzare la dissino, che è gravemente minacciata.

è assediata, secondo relazione di sfollati che ggiunto le linee alleate. I tedeschi stanno cofortificabili difese che dominano il fiume Rapido tutti i ponti nei pressi della città. La maggior i abitanti ha già evacuato Cassino, ove le vaste i operate dai tedeschi stanno ad indicare il proico di farne un campo di battaglia. La prosa di difesa tedesca sarà al Rapido, dopo la con- M. Trocchio.

un comunicato tedesco Cervaro, ultima posizione sulla strada di Cassino, è stata evacuata pe tedesche.

Nello stesso settore di Kirovograd nitto nuovi particolari sulla distruzione di cinque divisioni tedesche circondate nei primi giorni della settimana a nord di Kirovograd. I tedeschi hanno lasciato sul terreno 15000 morti, 293 carri armati tedeschi venivano distrutti e 150 catturati, 300 cannoni distrutti e 188 catturati. Il computo del bottino è tuttavia ancora incompleto.

Il corrispondente del «News Chronicle» da Mosca in un dispaccio all'Ente Radiofonico Britannico dichiara: «E' improbabile che i tedeschi abbiano avuto il tempo di stabilire una vera e propria linea difensiva lungo il fiume Bug data la celere avanzata sovietica.

In Crimea i tedeschi accennano nuovamente ad attacchi su le ici contro la testa di ponte di Kerch.

Distruzioni tedesche negli stabilimenti

cilia e Calabria

l'Amministrazione italiana

Decisioni della Commissione Consultiva Alleata

bri della Commissata consultiva per no fatto visita a vadella Sicilia liberata a Sicilia e la Sarderso degli ultimi hanno potuto prento con gli italiani. ha ufficiale che pre- i punti di vista con funzionari delle ni alleate.

lo Gennaio la Comi è ripartita per la a Napoli.

resenti al Ministero Affari Esteri di Lo Nuzzo che ha as presidenza Sir Mac r il Regno Unito di Ghana ed Irlanda per l'Italia Sono Marjoribanks.

Affari Esteri ha preso in ione sull'andamento dei rapporti italo-alleati. Ha preso in esame la questione della decisione da prendere circa i termini in base ai quali l'amministrazione delle zone più lontane dal fronte verrà trasferita al Governo italiano. Rappresentanti britannici, americani, russi e francesi hanno partecipato alle discussioni.

Il dilagare degli scioperi nell'Italia occupata dai tedeschi

BERNA, 12.

Il giornale svizzero «Libera Stampa» nell'edizione di venerdì scorso riferisce che le agitazioni e gli scioperi operai causano grave preoccupazione ai tedeschi in Alta Italia.

Venga la metà di dicembre — prosegue il giornale — ha avuto inizio il movimento di agitazioni operaie e andato crescendo nella Italia Settentrionale, movimento che ha praticamente sorpreso ed impacciato le autorità di occupazione. Gli scioperi cominciarono nelle fabbriche della provincia di Torino, si estesero poi a Milano e Lombardia e quindi a Genova e nelle fabbriche della Liguria. Vanno segnalati gli scioperi di Cremona e Brescia, dove il Comitato di liberazione nazionale ha proclamato lo sciopero generale. Da Milano le principali fabbriche di armi e di munizioni seguirono l'esempio delle altre per tre giorni di seguito. Il movimento ebbe inizio negli impianti della «Breda», per essere seguito dagli operai delle fabbriche «Pirelli» e «Caproni», donde si diffuse rapidamente a tutte le altre principali fabbriche e alle fabbriche di autoveicoli della città. I tedeschi cercarono di frenare il risentimento degli scioperanti contro i fascisti, e fecero uso volta a volta delle minacce e delle lusinghe pur di aver ragione della resistenza degli operai.

I tedeschi ricorsero infine alle minacce di chiudere una fabbrica, gli operai della quale si erano messi in istato di sciopero, di fucilare i capi del movimento e di deportare la massa degli scioperanti.

I tedeschi incendiano un convento di suore

Un dispaccio da Zurigo al «Corriere della Sera» dice che il Congresso dell'Associazione Cattolica Americana che ha sede a Washington, riferendosi alle notizie secondo le quali i tedeschi hanno incendiato un convento a Dusseldorf in Germania ed hanno deportato le suore, ha protestato che questo «è un altro esempio della barbarie nazista in attività a fianco degli Alleati».

Il comunicato del paese è stato [illegible] Reich

Nei cieli della Germania

GIGANTESCO scontro aereo

LONDRA, 12.

Possenti formazioni di «Fortezze Volanti» e di «Liberator» hanno attaccato la Germania nord-occidentale martedì scorso.

I bombardieri erano scortati da nuovi apparecchi da caccia.

I risultati della battaglia non sono stati ancora resi noti. Il corrispondente berlinese del giornale svedese «Aftonbladet» riferisce che una parte dell'attacco è stata diretta contro Magdeburg, importante centro ferroviario a circa 160 km. ad ovest di Berlino, e Halberstadt, nella stessa regione di Magdeburg. Il corrispondente aggiunge che le «Fortezze Volanti» hanno sorvolato i dintorni di Berlino, sganciando bombe anche su quella località.

Durante questa incursione i tedeschi hanno lanciato loro contro quasi tutti i tipi di aerei di cui dispongono. I bombardieri americani hanno dovuto combattere per tre ore di seguito contro attacchi quasi ininterrotti condotti da sciami di caccia. I piloti degli aerei che hanno fatto ritorno hanno riferito di avere incontrato una «durissima resistenza», ma che l'area da colpire era ridotta in tal modo da sembrare una scatola di cartone in frantumi».

Le perdite dell'aviazione americana nella gigantesca battaglia aerea che è stata definita come «la più grande che si sia mai avuta dall'inizio della guerra», sono calcolate intorno ai sessanta apparecchi. Benissimo, questa cifra non rappresenta che la metà degli aerei che i tedeschi pretendono di aver abbattuto (120).

In base alle ultime statistiche compilate dall'Ottava Armata Aerea si ritiene che verrà dimostrato che la Luftwaffe ha perduto una parte considerevole delle sue riserve di caccia da qualche tempo inadeguatamente rifornite, e vede a contrastare il passo agli attaccanti.

Il totale delle perdite germaniche potrà effettivamente stabilire un nuovo primato in fatto di «abbattuti», poichè abbattuti e probabili di [illegible] di [illegible] durante un [illegible] Reich

dell'azienda, sarebbe mezzo valido e sicuro per arginare prima e poi eliminare del tutto il fenomeno della dispersione esterna delle energie locali; l'autosufficienza strutturale e funzionale di un complesso industriale napoletano paralizzerebbe ogni forma d'ingerenza ispirata a secondi fini.

Nè, infine, la riattivazione delle nostre industrie è fatto che può restare estraneo alle Nazioni Unite in quanto solleciterebbe la soluzione del conflitto in favore degli Alleati per l'immancabile apporto che ne deriverebbe al potenziale bellico. D'altronde il benevolo atteggiamento che gli Anglo-Americani hanno assunto nell'esaminare proposte e progetti rivolti al programma di reimmissione della mano d'opera nelle aziende industriali della nostra regione, è in rapporto all'interesse che spinge qualsiasi potente esercito ad avere alle spalle un popolo ordinato e dedito alla produzione, nonchè una provvida linea di riserva di officine meccaniche, cantieri navali, ed installazioni industriali su cui poter contare per ogni evenienza.

Se, tuttavia, manifeste sono le ragioni che fanno ritenere il problema essenziale ed indifferibile, meno altrettanto evidenti le difficoltà che ne intralciano la pratica esecuzione.

Ciò nondimeno non bisogna disanimarsi poichè tutti gli ostacoli si possono superare facendo leva sulla volontà. Il miglior guasto per vincere il momentaneo abbattimento morale della classe dirigente e la crisi economico-spirituale delle nostre maestranze è quello di far convergere ogni sforzo e qualsiasi iniziativa, al di fuori e al di sopra di ogni pregiudiziale politica, verso l'unico scopo della ricostruzione.

Lungi da me l'intenzione di dar fondo ad un problema il cui interesse è direttamente proporzionale alle difficoltà della sua impostazione e risoluzione, vorrei in questo articolo ed in uno successivo avvenire qualche proposta e prospettare delle idee, modesto frutto di personali esperienze, e che pure potrebbero essere di una certa utilità in uno studio sistematico del tema.

A riguardo va senz'altro formulato il voto che si istituisca un certo coordinatore allo scopo

Sec 4102

(47)

ALLIED MILITARY GOVERNMENT
SICILY REGION HEADQUARTERS
APO 394

File: RLE 013.15/MRJ

3 January 1944

SUBJECT: Preliminary Preparation for Transition.

TO : All S.L.O.s (through S.C.A.C.s).

1. It is anticipated that at some date in the future the activities of AMG in Sicily will devolve upon the Italian Government. No precise information is available in this Division as to the terms and conditions under which, or the time when such transfer of authority will become effective. Hence in an unofficial and informal way, this memorandum is issued with the view to co-ordinating the planning for the termination of Allied Military Government.

2. Doubtless, full and complete directions will issue from higher headquarters prescribing the actual requirements of such transfer of authority at the proper time.

3. In the meantime, many things can be done which will aid in the orderly transition from AMG to Italian control.

4. Fines:

a. Every effort will be made to collect any outstanding and unpaid fines.

b. A full record will be furnished the S.L.O., without delay, covering the number of fines, date of conviction, and court in which tried of every person now in prison who has an unpaid fine given as a part of the sentence together with the period of incarceration provided in said sentence to be served in lieu of payment of the said fine, if any.

5. Reports:

a. Each S.L.O., as soon after AMG ceases as is practicable, will submit to this Headquarters a full report covering the legal work of the province from the time of occupation by Allied forces to the turn-over to Italian authorities. These reports should give full statistical details on cases tried, offenses and resulting convictions and acquittals together with complete records of personnel engaged in legal work in his province.

Declassified E.O. 12356 Section 3.3/NND No. 788016

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b. Each S.L.O. will be prepared to submit to the S.C.A.O. of the province such reports on the legal activity of the province from the time of occupation by Allied Forces to the date of turn-over, as may be required by the S.C.A.O.

c. As these reports will become fundamental documents in the legal history of this occupation, they should be carefully and accurately prepared. Such preliminary work should be done in advance.

Declassified E.O. 12356 Section 3.3/NND No. 780046

(46)

d. Some statistical material and a complete list of all cases reported by Province is available at this Headquarters. S.L.O.s are invited to make such use of this material as desired in the compilation of their final reports.

6. Prisons:

a. Great care must be exercised that there are no prisoners held for AMG Courts in jail or prison awaiting trial on charges when the Italian Government assumes control. Each S.L.O. will therefore cause to be made a complete check of all prisons and jails in his province, to prevent any prisoner from being overlooked. Prompt disposition of any such cases will be made either by trial, the filing of proper charges or release as the facts justify.

7. Records:

a. The responsibility will rest upon the S.L.O. in each province to insure that all Summary Court dockets, records of fines, files and accompanying papers are properly labelled, sorted, indexed, boxed and transmitted to the office of the S.L.O., as promptly as practicable after the transition.

b. To this end, all Summary Court dockets not in use will be collected by and kept under the control of the S.L.O.

c. Each S.L.O. will inform each Summary Court Officer of the requirements of this memorandum and direct compliance therewith as to the records maintained by such Summary Court Officer.

By Order of Lt. Col. POLETTI, FCAO:

WILLIAM R. JORDAN,
Lt. Col., C.A.C.,
Regional Legal Officer.

45

Distribution:

5 Copies each Province.
2 Copies C.L.O., AFC W, APO 394.
1 Copy each Regional Staff Section.
4 Copies S.L.O. Region I.

Declassified E.O. 12356 Section 3.3/NND No. 785016

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7. Records:

a. The responsibility will rest upon the S.L.O. in each province to insure that all Summary Court dockets, records of fines, files and accompanying papers are properly labeled, sorted, indexed, boxed and transmitted to the office of the R.L.O., as promptly as practicable after the transition.

b. To this end, all Summary Court dockets not in use will be collected by and kept under the control of the S.L.O.

c. Each S.L.O. will inform each Summary Court Officer of the requirements of this memorandum and direct compliance therewith as to the records maintained by such Summary Court Officer.

By Order of Lt. Col. POLETTI, FCAO:

WILLIAM E. JORDAN,
Lt. Col., J.A.G.D.,
Regional Legal Officer.

45

Distribution:

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1 Copy each Regional Staff Section.
10 Copies R.L.O. Region I.

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gwb

HEADQUARTERS
5-DEC 1943
AMG.

Confirmation Legal 1380

CONFIDENTIAL
EQUALS BRITISH CONFIDENTIAL

43

CONFIDENTIAL

NR: 1276

ADDRESSED FOR ACTION TO: FREEDOM HQS RPTD FARGO

IBS# : 4870

INFORMATION TO :

TIME SENT : 041725A

FROM : FATIMA SIGNED JOYCE

TIME RCD : 050845A

IN REPLY REFER TO : 1276

PRECEDENCE: URGENT

Documents (A)(B)(C) for restoration of territory to Italian Government not received here yet. Please forward as soon as possible as otherwise much delay inevitable.

DISTRIBUTION:

ACC(ACTION)

CO

Original Seen by Major Gurney 6/12/43 & endorsed "No action required"

CONFIDENTIAL
EQUALS BRITISH CONFIDENTIAL

44

Declassified E.O. 12356 Section 3.3/NND No. 785016

32nd

ACTION COPY

ADMIN DIV

RECEIVED AT
ISLAND COMMAND SECTION

HEADQUARTERS
30 NOV 1943
0530
410th
AMG.

PRIORITY (44)

1170

MSG NR 7414
MSG CEN NR
TO FARGO

CLASSIFICATION "P"
TIME OF ORIGIN 292115
TIME OF RECEIPT 300125
TIME DECODED 300145

RECEIVED IN CODE

RESPONSIBILITY YOURS FOR PRINTING DISTRIBUTING AND POSTING (PAREN
TO FARGO FOR JOYCE REPEATED FATIMA SIGNED EISENHOWER CITE FHMGS
RPT FHMGS PAREN) PROCLAMATIONS ON TRANSFER

Execute Army Requisitions which Quartermaster had been authorized to procure locally for Occupation Troops Algiers

SECRET

RECEIVED IN CODE

43

322

PARIS. # 936.

(43)

BRAND NOT PARIS - 936

29th November, 1944.

CONFIDENTIAL

URGENT

PERSONAL FOR ESS

[redacted] PAPER WHICH SHOWS FOR PARIS [redacted] TO FOREIGN AND WAR OFFICE PARIS MISSION
EIGHT PAPER A REFERRED TO IN FIELD MESSAGE TO ROMAN FROM GENERAL MORGAN FOR
ADJT TWO ARMOR DIV DATED TWENTY THIRD NOVEMBER

Colonel T. Wylie
Deputy Chief Legal Officer.
Legal Advisers.

42

Declassified E.O. 12356 Section 3.3/NND No. 785046

Declassified E.O. 12356 Section 3.3/NND No. 785016

Adm Div, 1143

HEADQUARTERS
29NOV 1943
AMG

RECEIVED AT
ISLAND BASE SECTION

ORIGINAL
COPY

MSG NR 6974
MSG CEN NR
TO FARGO

CLASSIFICATION PRIORITY
TIME OF ORIGIN 282104A
TIME OF RECEIPT 290202A
TIME DECODED 290210A

REQUEST FORMAL CONFIRMATION THAT GOC RPT GOC IN CHARLIE FIFTEENTH ARMY GROUP APPROVES ALL HANDING OVER DOCUMENTS FOR TRANSFER OF TERRITORY SOUTH OF NORTHERN BOUNDARIES PROVINCES OF SALERNO POTENZA AND BARI TO ITALIAN GOVERNMENT ON DATE TO BE FIXED BY ALLIED CINC X (PAREN TO FILPOT FOR AMG FOR RENNELL REPEATED FATIMA FOR JOYCE REPEATED FARGO SIGNED EISENHOWER CITE FHMGS RPT FHMGS) REFERENCE YOUR MESSAGE SIX NINE ONE OF FIFTEEN NOVEMBER CITE FOX ABLE ONE NINE SEVEN AND YOUR THREE TWO FOUR OF TWO FIVE NOVEMBER CITE FOX ABLE TWO SEVEN ONE PAREN EXPECT YOUR NORMAL REPLY

FA 271

FA 197 — 15 hours
324 — 25 hours

41

0400

292.

Declassified E.O. 12356 Section 3.3/NND No. 785016

HECA 1021

RECEIVED AT
ISLAND BASE SECTION

ORIGINAL

HEADQUARTERS
0830
26 NOV 1943
AMG

MSG NR 324
MSG CEN NR
TO SEARS - FARGO FOR HOLMES

CLASSIFICATION P
TIME OF ORIGIN 23NET
TIME OF RECEIPT 252110
TIME DECODED 252117

FOR HOLMES FROM RENNELS PD REF RPT REF MY TELEGRAM OF TWO THREE NOV FROM NAPLES PD ALL THREE QUOTE HANDING OVER DOCUMENTS UNQUOTE AGREED ONE FIVE ARMY GROUP AS AMENDED AND DISCUSSED YOU NAPLES PD FORMAL TELEGRAM REGARDING SUBMISSION AWAITED WHEN NORMAL REPLY WILL BE SENT PD PAREN FROM FILPOT FROM AMG RPT AMG TO FREEDOM RPTD SEARS RPT SEARS FOR FARGO CMA ITEM BAKER SUGAR CITE FOX ABLE TWO SEVEN ONE PAREN PD

Recd'd dealt with by
Ltr 26-11-43.

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-40

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Postwar file 1402 Cat C Signatures Folder

40

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 512

22 November 1943.

MEMORANDUM TO: Brig. Gen. Julius C. Holmes,
MSS, AFHQ.

In accordance with cable no. 3309, dated Nov 20, 1943, I submit herewith draft documents to be executed at time of restoration of territory to Italian Government. The documents consist of:

a. Document A. Secret Terms of Restoration of Territory to be signed by General Alexander.

b. Document B. Proclamation by General Alexander terminating AMG and handing over territory.

c. Document C. Proclamation by Head of Italian State accepting transfer of territory.

These are substantially in the form Agreed to at conference at Brindisi after they were read by the undersigned to Major General Joyce, Brigadier General McSherry, Brigadier General Taylor, Brigadier General Holmes and Brigadier Gasterbook. A copy of minutes of that meeting together with the papers in the exact form read at the meeting is also attached. The few changes, mostly as to form, were made as a result of that conference, and after conference with Lt. Colonel Rowe, CAO, AMG, 15th Army Group representing General Alexander.

In addition to these documents Colonel Upjohn is preparing one or more decrees to be issued by the King of Italy continuing in existence such provisions of existing proclamations and general orders as must be continued after the transfer of territory. These are mostly of a technical nature and are being discussed with Sub-Division Chiefs in relation to their functions.

There is also submitted a proposed draft directive to be signed by General Eisenhower authorizing and directing General Alexander to execute documents A and B and to obtain the execution of document C and the decrees before completing the transfer.

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As Chief Legal Officer I have advised Major General Joyce that unless the rights reserved in document A and the decrees contained in document C

Declassified E.O. 12356 Section 3.3/NND No. 785016

(39)

are executed, the United Nations will be without power to enforce any of the powers therein contained under the terms of the Armistice. Specifically, General Joyce will be without power to comply with the provisions of para. 17 of the directive issued to him by General Eisenhower. I might add that the entire Legal Sub-Commission of No AMG-AOC here present, as well as the Chief Legal Officer, AAI 15th Army Group, concur in my opinion. The suggestion that has been advanced that the broad rights reserved in para. 10 of the so-called "Short Term Armistice" would survive a restoration of territory to Italian sovereignty, is untenable.

The act of restoration in itself, constitutes a relinquishment of all rights within such territory which are not specifically reserved either in the Armistice or by such documents as those herewith submitted.

WILLIAM C. CHANLER,
Lt. Col., JA,
Chief Legal Officer.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

(38)

A N N E X

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 512

22 November 1943

MEMORANDUM TO: Brig. Gen. Frank J. McSherry.
(Copies to: Brig. S. Gutterbock and Lt. Col. Claw H. Spofford).

I submit copy of draft documents to be executed at time of restoration of territory to Italian Government. The documents consist of:

a. Document A. Secret Terms of Restoration of Territory to be signed by General Alexander.

b. Document B. Proclamation by General Alexander terminating AMG and handing over territory.

c. Document C. Proclamation by Head of Italian State accepting transfer of territory.

These are substantially in the form agreed to at conference at Brindisi after they were read by the undersigned to Major General Joyce, Brigadier General McSherry, Brigadier General Taylor, Brigadier General Holmes and Brigadier Gutterbock. A copy of minutes of that meeting together with the papers in the exact form read at the meeting is also attached. The few changes, mostly as to form, were made as a result of that conference, and after conference with Lt. Colonel Rowe, G&D, AAC, 15th Army Group representing General Alexander.

In addition to these documents Colonel Upjohn is preparing one or more decrees to be issued by the King of Italy continuing in existence such provisions of existing proclamations and general orders as must be continued after the transfer of territory. These are mostly of a technical nature and are being discussed with Sub-Division Chiefs in relation to their functions. (37)

It is proposed to submit documents A, B and C to General Eisenhower together with a draft directive from him to General Alexander authorizing and delegating the latter to execute documents A and B and to obtain the execution of document C and the decrees before completing the transfer. The documents will require some further revision as to form so as to put them in proper form for transfer to and execution by the King. When drawn, it was uncertain to whom the transfer would be made.

Declassified E.O. 12356 Section 3.3/NND No. 785016

37

As I have already advised you by formal memorandum dated 1 May 1943, file no. AMX/4360/I, if the rights reserved in document A and the decrees contained in document C are not executed, the United Nations will be without power to enforce any of the matters therein contained under the terms of the Armistice. Specifically, General Joyce will be without power to comply with the provisions of para. 17 of the directive issued to him by General Eisenhower.

As this matter is primarily the concern of General Joyce as Deputy President of AFHQ, it would seem clear that any alterations in these documents suggested by MGA or elsewhere should be submitted to Col. Upjohn before final execution.

WILLIAM C. CHANLER,
Lt. Col., AGD,
Chief Legal Officer.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

4102

(36)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.F.O. 512
LEGAL SUB-COMMISSION

AMG/6013/CP 22 NOVEMBER 1943

SUBJECT: Allied Property

TO : Property Control Sub-Commission

1. Reference your 6013/CP dated 14 November 1943 the answers to your questions are as follows:

(A) It will be necessary for the Italian Government to enact by decree a law entitling you to carry on your executive functions and this law will be the authority empowering you to act and it will plainly also bind the Allied Owner as a legislative act of the Sovereign State within which the property whether real or personal is situated.

(B) 1. Yes. Plainly in face of the act or decree the Allied Owner could not successfully sue in Italy and no authority is known to this Sub-Commission which would entitle an Allied Owner in England or U.S.A. to sue anyone there on their return for carrying out in a foreign country certain powers conferred by the laws of that country.

2. No. An act by conferring certain powers on an individual does not make that individual either the agent of the state or the owner

2. In the above circumstances I have not thought it necessary to deal with your para 2 in detail but I would point out that your views expressed in 2 (c) are unsound to the point of heresy. There is no difference in occupied territory before or after the Armistice.

35

GERALD UPJOHN
Colonel
Deputy Chief Legal Officer

Declassified E.O. 12356 Section 3.3/NND No. 785016

1816

35

HEADQUARTERS ALLIED CONTROL COMMISSION
PROPERTY CONTROL SUB-COMMISSION
APO 512

14 November 1943

6013/CF.

Subject: Allied Property.

To : Chief of Legal Sub-Commission.

1. May I have your reply please to the following questions:-

A. What is or will be the legal authority, binding on the Allied owner, which will enable this Sub-Commission to take custody or control of and manage Allied Property when Allied Military Government of the area in which such property is situated is replaced by Italian administration exercised under the supervision of the A.C.C ?

B. If, at the request of the A.C.C., the Italian Government published a decree requiring all institutions or persons having the control of Allied Property to hand over such control to this Sub-Commission of the A.C.C., would such decree (i) estop the Allied owner from making any claim against the Director of Property Control, on the grounds that the latter had improperly interfered with the property by taking control of it, and (ii) make this Sub-Commission the agent of the Italian Government or of the owner of the property ?

If the replies to the above questions depend in any way on the presence here of a legal representative of the owner, may they please be answered to cover the two cases, i.e., legal representative present and not present.

2. It is suggested that the following considerations are material to the questions raised in para 1:

A. Prior to the establishment of AMGOT the Italian Government had, under International law, and in fact exercised, the right to sequestrate Allied property, but subject to the obligation to preserve it.

B. By Proclamation No.6 of AMGOT, all sequestration laws or decrees of the Italian Government were annulled, at any rate in the areas in which such Proclamation has been published. The C.P of AMGOT was given custody or control of all sequestrated properties, and the responsibility for such properties presumably passed from the Italian Government to AMGOT.

C. Following upon the Armistice with Italy, the areas formerly administered by AMGOT ceased to be "occupied territory" within the meaning of the laws and usages of war, etc, though remaining under AMG.

P.T.O.

Declassified E.O. 12356 Section 3.3/NND No. 785016

D. Whether or not the rules of International Law applicable to the properties with which C.P of AMGOT was concerned, in particular, Allied Property, are different under Military Government from what they are under Military Government of Occupied Territory, they are presumably very different when the areas in which such properties are situated revert to Italian administration under the supervision of the A.C.C.

E. The writ of A.G, (and therefore of C.P under Proclamation No.6) will cease to run in each area as and when it reverts to Italian administration supervised by A.C.C., but it is not clear whether under international law or otherwise responsibility for Allied properties placed under the control of the C.P of AMGOT by Proclamation No.6 will pass to this Sub-Commission, to the Italian Government, or to the owners themselves. State Properties taken over by C.P will clearly have to be returned to the Italian Government.

F. In the absence of a state of war between two countries, there would not appear to be any obligation on the part of either government to take charge of the property situate in its country belonging to a national of the other, such property being the owner's responsibility.

G. It may be assumed that for some time an absent Allied owner of property in Italy will be unable to get to Italy to take charge of it, though he might be able to give a power of attorney to someone in Italy to manage it for him.

H. The Italian Codice Civile contains express provisions for dealing with property, when neither the owner nor his representative is present, Viz: any person interested in the property can apply to the courts for the appointment of a "curatore", and the person so appointed becomes responsible for the custody and management of the property. Much use has been made of this procedure in the case of abandoned property as defined in Proclamation No. 6 of AMGOT. This procedure would result in the administration of Allied properties remaining in the hands of Italians.

I. In his announcement of the Allied Control Commission, General Eisenhower states that it has "assumed the duty of carrying out the armistice and of aligning Italian economy in complete support of the United Nations' fight against Germany ..... The Commission has control of the military and economic activities of Italy, as envisaged in the terms of the Armistice". The terms of the Armistice, other than the military ones, are not known to me, but the general terms of reference of the A.C.C as quoted above do not in themselves suggest that A.C.C assumes or has the right to assume any responsibility which would otherwise be the owner's, or the Italian Government's, in respect of property, the control of which is not necessary for the "alignment of Italian economy in complete support of the United Nations' fight against Germany".

C. S. Harris

C. S. HARRIS,
Lieut-Colonel,
Director of Property Control.

HEADQUARTERS ALLIED CONTROL COMMISSION
PROPERTY CONTROL SUB-COMMISSION
AIC 512

(34)

6013/Sr.

14 November 1943

Subject: Allied Property.

To : Chief of Legal Sub-Commission.

1. May I have your reply please to the following questions:-

A. That is or will be the legal authority, binding on the Allied owner, which will enable this Sub-Commission to take custody or control of and manage Allied Property when Allied Military Government of the Area in which such property is situated is replaced by Italian administration exercised under the supervision of the A.C.C ?

B. If, at the request of the A.C.C., the Italian Government published a decree requiring all institutions or persons having the control of Allied Property to hand over such control to this Sub-Commission of the A.C.C., would such decree (i) stop the Allied owner from making any claim against the Director of Property Control, on the grounds that the latter had improperly interfered with the property by taking control of it, and (ii) make this Sub-Commission the agent of the Italian Government or of the owner of the property ?

If the replies to the above questions depend in any way on the presence here of a legal representative of the owner, may they please be answered to cover the two cases, i.e., legal representative present and not present.

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C. Following upon the Armistice with Italy, the areas formerly administered by AMGOT ceased to be "occupied territory" within the meaning of the laws and usages of war, etc, though remaining under AMG.

33

Declassified E.O. 12356 Section 3.3/NND No. 783016

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   A. What is or will be the legal authority, binding on the Allied owner, which will enable this Sub-Commission to take custody or control of and manage Allied Property when Allied Military Government of the area in which such property is situated is replaced by Italian administration organised under the supervision of the A.C.C ?

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   C. Following upon the Armistice with Italy, the areas formerly administered by AMGOT ceased to be "occupied territory" within the meaning of the laws and usages of war, etc, though remaining under AMG.

F.F.O.

Declassified E.O. 12356 Section 3.3/NND No. 785016

E. Whether or not the rules of International Law applicable to the properties with which G.P of AMGOT was concerned, in particular Allied Property, are different under Military Government from what they are under Military Government of Occupied Territory, they are presumably very different when the areas in which such properties are situated revert to Italian administration under the supervision of the A.C.C.

F. The writ of A.C. (and therefore of G.P under Proclamation No.6) will cease to run in each area as and when it reverts to Italian administration supervised by A.C.C., but it is not clear whether under International Law or otherwise responsibility for Allied properties placed under the control of the G.P of AMGOT by Proclamation No.6 will pass to this Sub-Commission, to the Italian Government, or to the owners themselves. State Properties taken over by G.P will clearly have to be returned to the Italian Government.

G. In the absence of a state of war between two countries, there would not appear to be any obligation on the part of either government to take charge of the property situate in its country belonging to a national of the other, such property being the owner's responsibility.

H. It may be assumed that for some time an absent Allied owner of property in Italy will be unable to get to Italy to take charge of it, though he might be able to give a power of attorney to someone in Italy to manage it for him.

I. The Italian Codice Civile contains express provisions for dealing with property, when neither the owner nor his representative is present, viz: any person interested in the property can apply to the courts for the appointment of a "curatore", and the person so appointed becomes responsible for the custody and management of the property. Much use has been made of this procedure in the case of abandoned property as defined in Proclamation No. 6 of AMGOT. This procedure would result in the administration of Allied properties resulting in the hands of Italians.

J. In his announcement of the Allied Control Commission, General Eisenhower states that it has "assumed the duty of carrying out the armistice and of aligning Italian economy in complete support of the United Nations' fight against Germany ..... The Commission has control of the military and economic activities of Italy, as envisaged in the terms of the Armistice". The terms of the Armistice, other than the military ones, are not known to me, but the general terms of reference of the A.C.C as quoted above do not in themselves suggest that A.C.C assumes or has the right to assume any responsibility which would otherwise be the owner's, or the Italian Government's, in respect of property, the control of which is not necessary for the "alignment of Italian economy in complete support of the United Nations' fight against Germany".

C. R. S. HARRIS,
Lieut-Colonel,
Director of Property Control.

Declassified E.O. 12356 Section 3.3/NND No. 785016

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G. It may be assumed that for some time an absent Allied owner of property in Italy will be unable to get to Italy to take charge of it, though he might be able to give a power of attorney to someone in Italy to manage it for him.

H. The Italian Codice Civile contains express provisions for dealing with property, when neither the owner nor his representative is present, viz: any person interested in the property can apply to the courts for the appointment of a "curatore", and the person so appointed becomes responsible for the custody and management of the property. Much use has been made of this procedure in the case of enemy-owned property as defined in Proclamation No. 6 of AMGOT. This procedure would result in the administration of Allied properties remaining in the hands of Italians.

I. In his announcement of the Allied Control Commission, General Eisenhower states that it has "assumed the duty of carrying out the armistice and of aligning Italian economy in complete support of the United Nations' fight against Germany ..... The Commission has control of the military and economic activities of Italy, as envisaged in the terms of the Armistice". The terms of the Armistice, other than the military ones, are not known to me, but the general terms of reference of the A.C.C as quoted above do not in themselves suggest that A.C.C assumes or has the right to assume any responsibility which would otherwise be the owner's, or the Italian Government's, in respect of property, the control of which is not necessary for the "alignment of Italian economy in complete support of the United Nations' fight against Germany".

C. R. B. HARRIS,
Lieut-Colonel,
Director of Property Control.

Declassified E.O. 12356 Section 3.3/NND No. 783046

Declassified E.O. 12356 Section 3.3/NND No. 785016

(33)

ALLIED MILITARY GOVERNMENT
HEADQUARTERS
15 ARMY GROUP
C,M,F,

21 November 1943

Chief Legal Officer,
HQ. Allied Military Government
PALERMO

SUBJECT: Terms of Transfer of Territory to
Italian Government.

1. Ref your AMG /4060/c of 18 November, I have ~~had~~ read the Documents marked A.B.C. respectively and have been through them with C.C.A.O. Subject to approval by Gen ALEXANDER, neither CCAO nor myself have any objection to the ~~possesions~~ provisions of the documents, but the following points are submitted for your consideration:

(a) Document A. Gen, Rennell suggests, and I agree, that recital 3 might with advantage read;
"Whereas the Italian Government has
"declared war on Germany and has
"become a co-belligerent with etc". ✓

(b) Document B:
1. In first recital delete word "have" at commencement.
2. Alter forth recital as in Document A above.
3. Delete in fifth recital words "and upon such terms etc" to the end.

(c) Document C.
1. As the announcement of termination of occupation does not come from the Italian Government, amalgamate clauses 1 and 2 to read.

"1. Military Government in the territory restored having been
"terminated by the Allied Military Government, all powers of
"government and etc."

2. In second line of clause six, delete comma after "war", so that it is clear that the expressed purpose is connected with the Italian declaration of war.

2. The documents should be submitted to Gen. Alexander for approval and, to save time, it is suggested that you ask Gen. HOLMES to agree that you may do this on behalf of AFHQ.

Lt. Colonel,
Chief Legal Officer.

Declassified E.O. 12356 Section 3.3/NND No. 785016

1 5 pages

MSG NR 3309

Message Centre No. 843

Date: 20.11.43

30

To: Pilpot (15 Army Group)
rptd: A.M.G. and Fatima
rptd: Fargo.

From: A.F.H.Q. M.G.S. (signed Eisenhower)

BOUNDARIES SHOWN IN YOUR 691 of 15 November 1943 AND FA/210 OF 16 November 1943 (NOT REPEATED FARGO OR FATIMA) ARE PROVISIONALLY AGREED HERE. PARA 2 : DRAFTS OF DOCUMENTS (a) (b) and (c) WILL BE SENT HERE EARLIEST FOR APPROVAL. PARA 3: AUTHORITY FOR HAND OVER WILL BE SENT TO YOU INDICATING DATE. PARA 4: BEFORE HAND OVER ALLIED CONTROL COMMISSION WILL MAKE IT CLEAR TO THE ITALIAN GOVERNMENT THAT FULL FACILITIES AND USE OF ALL PORTS WILL CONTINUE TO BE REQUIRED BY ALLIED FORCES. THAT ITALIAN GOVERNMENT REQUIREMENTS NORTH OF THE BOUNDARY INCLUDING THE CITY OF NAPLES AND ALL ACTIVITIES THEREIN WILL ONLY BE PERMITTED IN ACCORDANCE WITH 15 ARMY GROUP DIRECTIVES OR SUBSEQUENTLY AFHQ DIRECTIVES.

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O.512
LEGAL SUB-COMMISSION

AMG/4080/L

18th November, 1943.

SUBJECT: Terms of Transfer of Territory to Italian Government.

TO : Lieut.Colonel H.E. Rowe,
AMG. HQ. 15 Army Group.

Dear

I enclose the copy of the terms of transfer and proclamations which contain your suggested amendments and a draft containing such of those amendments as Upjohn and I finally decided were necessary. I feel that the reservation "to the C. in C. and to such officers etc. excluding ACC as he may designate" is sufficient without the addition of a separate "defence definition clause". I am also strongly of the view that we should leave section 8 in. It was discussed at length by everybody at the Brindisi conference. I pointed out the sweeping nature of the provision but they all felt it should stay in. I also do not see any danger in exerting a right to "reoccupy". I really do not think it weakens the rest.

As I explained to you the other morning just before leaving, while I am very anxious to have your own views as "counsel" because of your past experience with this situation, I do not believe either the form or contents of these documents are properly the concern of anyone except AFHQ and ACC. I point this out because I want to limit the number of HQ whose official "approval" will have to be obtained - otherwise we will never get anything done at all. You know how difficult it is even with our ordinary proclamations. As Chief Legal Officer of ACC I think this is primarily my responsibility.

Accordingly I hope you will continue to give me your views "as counsel" but I hope you will not think it necessary to obtain any formal approvals. I would of course like the papers shown to the C.O.C. in C. with the statement that these are the documents which AFHQ will ask him to sign for the purpose of reading the rights needed by ACC.

Regarding your "minutes of meeting" on 12th November: Upenjohn and I were rather taken aback at finding our completely informal personal chat convened into a formal meeting with formal minutes. While it is undoubtedly a good thing to have informal notes of what we discussed, I do not think that anything should be embodied in the form of a "formal agreement" unless all parties present previously agreed that this should be done and we are not prepared to consider all of the matters presented by you as formally or finally agreed. Particularly I refer to paragraph 4. It was not "by an oversight" that Proclamtion 14 had been printed nor on the record were the terms of Proclamation 14 objects for consideration on November 14th. On the contrary, as I have already wired you, you had

Declassified E.O. 12356 Section 3.3/NND No. 783046

TO : Lieut.Colonel H.N. Rowe,
AMG. HQ. 15 Army Group.

Dear

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Declassified E.O. 12356 Section 3.3/NND No. 783016

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Please signal immediately that this matter is clear so that we can go ahead with the distribution of the proclamations and with the printing of the Gazette, and Allied Military Courts Manual.

As Chief Legal Officer, I would be unwilling to grant Proclamation 14 in the form of a General Order and I have advised the C.C.A.O. by signal, a copy of which is enclosed. I am quite confident that such an order would be ultra vires.

I might add that the form and substance of Proclamation 14 was cleared long ago with MFG and would have to go back for their approval if any changes were made, particularly as the amendment which it seems to me must be done by Proclamation, is pursuant to a directive received from AFHQ.

Yours

Copy to: File AMG/4027/L.
AMG/4029/L.

P.S.

With further regard to the question of sending general directives to Regions III, IV etc: I think we should amend our prior views on this. I quite agree that we should not send directives to 5th or 8th Armies. We will merely send copies of directives to you for information to be forwarded to 5th and 8th Armies by you for information or action as and if you see fit. But I think we should send all directives direct to Regional HQ of all Regional organisations which have been established "for information, and for action as soon as the Region is transferred from jurisdiction of 15 Army Group to the jurisdiction of HQ. AMG., otherwise it would be impossible for Regional organisations to keep abreast of what is going on. You must bear in mind that Regional HQ of course presumably will not function as such under 15 Army Group, they will merely be "bodies" attached to 5th and 8th Armies AMG as a HQ. I assume they do not come into action until after the transfer.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Declassified E.O. 12356 Section 3.3/NND No. 785016

COPY.

(27)

IRS FOR FAMO - 720.

17th November, 1943

SECRET

URGENT

TO: PILOT OFF DENGIL

PROCLAMATION NUMBER FOURTEEN x PAREN TO PILOT OFF DENGIL FROM IRS FOR FAMO FOR CLASSIFICATION AND SEVEN TWO NOUGHT PAREN x REFERENCE MY CABLE AND SEVEN NOUGHT TWO OF SIXTEEN NOVEMBER UPON FURTHER CONSIDERATION OF DELEGATION OF POWERS FROM MILITARY GOVERNOR TO YOU DATED TENTH SEPTEMBER I MUST ADVISE YOU AS CHIEF LEGAL OFFICER THAT YOU HAVE NO POWER AS OCAO TO GIVE EFFECT TO THE CHANGES IN PROCLAMATIONS AS PROVIDED IN PROPOSED PROCLAMATION NUMBER FOURTEEN BY GENERAL ORDER

Originator: Lt.Col.Wm.C.Chanler.
Chief Legal Officer.
Legal Sub-Commission.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

745

COPY

160210A NR 691 ENCRYPT PRIORITY IBS 3619

161030A

FROM: PILOT

TO : FREEDOM

1. For MAC. GOC in C 15th Army Group in his capacity as Military Governor agrees to hand over rear AMGOT territory to the King of Italy in the near future on the date to be fixed by you, subject concurrence C in C.

2. Boundary of territory will probably be northern boundaries of Italian provinces, Salerno, Potenza and Bari subject to concurrence of Gens el Polentian regarding Salerno which is being sought.

3. Brigadier General Holmes has discussed here and presumes you will communicate combined Chiefs of Staff.

4. Presume formal authority for hand over to Italian authority by C in C to GOC in C will be received here.

5. Necessary documents, namely:

(a) Secret terms for restoration of territory.
(b) Proclamation by GOC in C terminating AMGOT in handing over territory.
(c) Proclamation by Italian Head of State accepting transfer of territory.

are being prepared. Final form of documents (A and A) and (B) will be agreed here by GOC in C before signature. Formal authority referred to in paragraph 4 above to include specific direction to GOC in C by C in C to sign documents (A) and (B).

(To Freedom. Repeated Sears For Forgo, Fatima From Pilgut from AMGOT.
Cite HA 197)

AUTH: DEVELL

AOC

CC

CPS & SBO

27

Declassified E.O. 12356 Section 3.3/NND No. 785016

BEST COPY POSSIBLE

Subject: Turn Back of Italian Territory. MOST SECRET.

25

H.Q., A.M.G.,
15 Army Group,
C. M. F.

AMG/204/4.
14.November.43.

MINUTES OF MEETING WITH COLONEL BEJOMARD LIEUT.-COLONEL CHANLER HELD AT H.Q. AMG., 15 ARMY GROUP ON 13.NOV.1943.

Lieut.Colonel Chanler produced drafts of documents proposed in connection with the turn back of Regions I and II to the Italian Government and he stated that these documents had been drafted by him and Colonel Upjohn in Brindisi and that they had received the approval of General Joyce and other persons at Brindisi. He desired my views on the contents of the draft documents. I stated that I had no instructions with regard to the policy involved and pointed out that any comments on the drafts must not be taken as indicating approval or disapproval of the measures which were envisaged in the drafts. This was agreed.

2. The drafts consisted of three documents as below:-

"A" - Draft terms for restoration of territory to the Italian Government;

"B" - Draft Proclamation for the Military Governor;

"C" - Draft Proclamation of acceptance of transfer of territory by Head of Italian State.

After perusing the drafts I raised the points more generally set out below.

3. With regard to document "A", I pointed out that this, in its present form, provided that General Sir Harold Alexander as Military Governor relinquished and restored to the Government of Italy all his occupational powers over the restored territory, subject to certain reservations of powers to the Allied forces, and I stated that the natural wording of this appeared to me to mean that the rights which were reserved were rights which could only have been originally acquired by military occupation, that the reservation of them to the Allied forces left such powers vested in General Sir Harold Alexander as C.O.C.-in-C. and that such powers could only be claimed so far as they were necessary for the benefit of the Allied forces. I suggested that the powers should be taken by way of regrant rather than by reservation, that such powers should be vested by the document in the Commander in Chief of the Theatre of Operations, namely, General Alexander, and that it should be plain

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Declassified E.O. 12356 Section 3.3/NND No. 785016

MINUTES OF MEETING WITH COLONEL [illegible]
LIEUT.COLONEL CHANDLER HELD AT NO. A.G.,15
ARMY GROUP ON 13.NOV.1943.

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"C" - Draft Proclamation of acceptance of transfer of territory by Head of Italian State.

After perusing the drafts I raised the points more generally set out below.

3. With regard to Document "A", I pointed out that this, in its present form, provided that General Sir Harold Alexander as Military Governor relinquished and restored to the Government of Italy all his occupational powers over the restored territory, subject to certain reservations of powers to the Allied forces, and I stated that the natural wording of this appeared to me to mean that the rights which were reserved were rights which could only have been originally acquired by military occupation, that the reservation of them to the Allied forces left such powers vested in General Sir Harold Alexander as C.C.C.-in-C. and that such powers could only be claimed so far as they were necessary for the benefit of the Allied forces. I suggested that the powers should be taken by way of regrant rather than by reservation, that such powers should be vested by the document in the Commander in Chief of the Theatre of Operations, namely, General Eisenhower, and that it should be plain that the powers were vested in General Eisenhower on behalf of the United Nations, and not confined to the Allied forces. Lieut.Colonel Chandler and Colonel Upjohn agreed this with the exception that they were satisfied with the use of the word "reservation" and Lieut.Colonel Chandler stated that he would amend document "A" to provide that the C.C.C.-in-C. would relinquish the territory and reserve the powers by express direction of General Eisenhower and that the powers should be reserved to General Eisenhower. Colonel Upjohn suggested, and it was agreed, that it should be made clear in the document that General Eisenhower held the reserve powers on behalf of the United Nations.

To Chief Z...../

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4. It was agreed that in document "A" the word "new" should be inserted before the words "under the jurisdiction" in the second line on page 2 of the draft document.

5. The wording of the reservedpowers in document "A" was then considered and discussed. The policy of creating military zones following the British precedent in Madagascar was agreed, having regard to the doubt which might exist as to the extent of our powers in unoccupied territory under the Armistice terms. Clause 6 of the powers was considered and discussed and subject to further consideration by Lieut.Colonel Chanler and Colonel Upjohn it was decided to delete this clause as being unnecessary and unwise.

5. Document "B" was then discussed and it was agreed that this document should be brought into line with document "A" in that it should be expressed to be signed by the C.O.C.-in-C. upon the authority of General Eisenhower. It was also agreed to alter the wording of the last line of the document so that the document did not refer specifically to terms and conditions which were not being published.

7. Document "C" was then considered and it was generally agreed to, except that I pointed out with regard to Clause 6 of this document that it appeared farcical to state that we were fighting Germany for the purpose of "driving the invader from Italian territory". It was agreed to amend this.

8. The suggested amendments were incorporated in the only copies of the documents available which Colonel Chanler had to take away with him and it was agreed that he should return those copies of the documents to me together with fresh copies showing their final proposals for the documents wording.

M. E. [illegible],
Lieut. Colonel,
Chief Legal Officer.

MEH/JC.

25

Distribution: C.C.A.C.
Brig.Gen. Holmes.
Lt.Col.Chanler.
File.
Spare (2)

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Col Chandler
This summit
note may be of use
to you. I am sending
them to you should you
wish to see them.
Greg Pfc.

Restricted file
4102

Probable development of Sicily & other Regions were handed back to the present Italian government before the capture of Rome & even the complete liberation of Italy.

1)- If the King remains in power, all the Italians under Sforza & Carboni, such as Pertite Annette soldiers will refuse allegiance to any government appointed by him not endorsed by a Parliament.

2)- If the King abdicates, what government can claim to be representative of all of the great majority of Italians.
Would we not be restoring a Viceroy in reverse.
In fairly both separatists & federalists and any other parties not represented would not consider themselves bound to accept the rules of such government

3)- What means of enforcing the law, would any such government possess, besides the allied forces?
Without a King the loyalty of the regular army is doubtful.
Under any other form of government, the Ministers would be subjected to the blackmail of the Police whose only weapon in case of disorder and scandal under the present regime—

4)- How can a central government function without 24 files & records, without means of transport or communication without H.Q. personnel Etc?
Only by maintaining for the time being also

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to any government appointed by them not endorsed by a Parliament.

2)- If the King abdicates, what government can claim to be representative of all the great majority of Malaisie.
Would we not be creating a Viking invasion.
In brief both separatists & Fédéralists and any other parties not represented will not consider themselves bound to accept the rules of such government

3)- What means of enforcing the law, would any such Government parties, besides the armed forces?
Without a King the loyalty of the regular army is doubtful.
Under any other form of government, the Ministers would be subjected to the attack mail of the Public
Their only weapon in case of disorder and recruited under the present regime.

4)- How can a central government function without files & records, without means of transport & communication without the personnel etc?
Only by maintaining for the time being all functionaries in their present duties to carry on with the routine work.
How can therefore any political purge be effected?

5)- What would the attitude of the attitude, if after their departure the Separatists with the aid of the local authorities took power & proclaimed the independance of Faridj?

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6)- would it not be much more difficult to reoccupy them to remain in occupation?

7)- How can harmony be established between territories under AMG and others under Italian government.
What of difference of wages, treatment, procedure, etc?
Are we to follow the German example of occupied & non occupied zone?
Is it our intent to divide Italy against herself.

8)- Most of the Italian Civilians, I have met Lawyers, Judges, Professors etc are unanimous in expressing the hope that the Allied government will remain in power until the treaty of Peace is signed.
Their opinion is opposed by Royalists (such as Bonomi) Separatists (such as Pouzza) Federals (such as Orlando) Catholics (de Gasperi) & communists (Togliatti)

C. C. A.

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SECRET.

file copy (22)

DRAFT DIRECTIVE TO ... ON ITALIAN ARMISTICE.

1. It has been decided that Sicily and that part of the Italian mainland South of the Northern boundary of the provinces of Salerno, Potenza and Bari shall be returned to the jurisdiction of the Government of Italy and that the Allied occupation of this territory shall cease.

2. The exact date of resumption of jurisdiction by the Italian government is not yet determined but will be communicated to you as soon as possible.

3. The Allied Control Commission is designated as the body to supervise control and advise the Italian Government in the administration of the territory transferred to them and I have entrusted this body with the preparation of plans for the actual transfer.

4. The transfer involves the execution of a number of documents.

(a) A Secret document signed by you as Military Governor relinquishing your jurisdiction over the occupied territory in favour of the Italian Government subject to the reservations and terms therein mentioned. A copy of this document is annexed hereto marked A.

(b) A Proclamation signed by you as Military Governor relinquishing your jurisdiction over the occupied territory. This document is annexed hereto and marked B.

(c) A draft proclamation for signature by the King of Italy. This document is annexed hereto marked C.

5. The above-mentioned documents have been prepared by the Allied Control Commission and I authorise and direct you to sign these documents in the form attached or in such other form as may finally be presented to you by the Allied Control Commission.

6. In addition to the above the King of Italy or one or his Ministers as may be found to be most appropriate, will be ready to sign as a condition of the

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is not yet determined but will be communicated to you as soon as possible.

3. The Allied Control Commission is designated as the body to supervise control and advise the Italian Government in the administration of the territory transferred to Italy and I have entrusted this body with the preparation of plans for the actual transfer.

4. The Transfer involves the execution of a number of documents.

(a) A Secret document signed by you as Military Governor relinquishing your jurisdiction over the occupied territory in favour of the Italian Government subject to the reservations and terms therein mentioned. A copy of this document is annexed hereto marked A.

(b) A Proclamation signed by you as Military Governor relinquishing your jurisdiction over the occupied territory. This document is annexed hereto and marked B.

(c) A draft proclamation for signature by the King of Italy. This document is annexed hereto marked C.

5. The above-mentioned documents have been prepared by the Allied Control Commission and I authorise and direct you to sign these documents in the form attached or in such other form as may finally be presented to you by the Allied Control Commission.

6. In addition to the above the King of Italy or one of his Ministers as may be found to be most appropriate, will be required to sign as a condition of the cessation of Italian jurisdiction over the occupied territory certain decrees (now in course of preparation) to secure the continuance of certain provisions contained in your proclamations and Orders issued hereunder which are deemed to be essential for the proper administration of the country. Copies of these decrees will be sent to you as soon as possible.

7. It will be your duty to satisfy yourself that the King's Proclamation and the decrees referred to in the last paragraph have been properly executed before

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you relinquish your jurisdiction as Governor of the occupied territory.

6. From time to time further territories on the Italian mainland will be transferred to the jurisdiction of the Italian Government, such transfers being limited by your strategic and tactical requirements, and I shall from time to time require from you reports as to the territory which it may be possible to transfer to the jurisdiction of the Italian Government without in any way embarrassing your operations.

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DOCUMENT A. No. 1

DRAFT OF NOV. 12, 1943. (20)

SECRET

Draft Terms for Restoration of Territory to Italian Government.

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary; and

WHEREAS, the Italian government has declared war on Germany and has ~~been~~ become ~~granted the status~~ a co-belligerent with the United Nations and

WHEREAS, the Italian government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights and powers in all Italian territory which has been liberated from German domination and over the Italian people residing therein be retained by the Allied Forces,

NOW, THEREFORE, I, Harold R.L.G. ALEXANDER, K.C.B., O.M., G.C.V.O., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Italy and Deputy and 2nd Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby relinquish and restore to the government of Italy all powers of government and jurisdiction heretofore exercised by me in the following territory and over its inhabitants, subject to the

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to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has ~~been~~ become ~~provided for herein~~ a co-belligerent with the United Nations and

WHEREAS, the Italian government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights and powers in all Italian territory which has been liberated from German domination and over the Italian people assisting therein be retained by the Allied Forces,

NOW, THEREFORE, I, Harold R.L.G. ALEXANDER, G.C.B., O.B.E., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Italy and duly and 21 Military Governor, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby relinquish and restore to the government of Italy all powers of government and jurisdiction heretofore assumed by me in the following territory and over its inhabitants, subject to the terms and conditions hereinafter set forth:

Territory Restored.

Terms of Restoration. Without prejudice to any rights of the United Nations under the instrument of surrender and armistice terms heretofore granted to the Italian government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the

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Allied Control Commission as he may designate, the right in any part of the said territory and in all other Italian territory which has been liberated from German domination and is not under the jurisdiction of the Italian government, hereinafter referred to as "The Unoccupied Territory":

1. To operate and use such ports and airfields, and all such means of transportation or communication within the said territory as they may desire;
2. To quarter troops in such parts of the Unoccupied Territory as they may see fit;
3. To declare any areas within the Unoccupied Territory which may be needed for the operation of ports, air fields, transportation or communication facilities, for the quartering of troops, or for such other purposes as they may deem necessary for the successful prosecution of the war, to be Allied Military Zones;
4. To assume full administrative jurisdiction over such Military Zones, and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones as they may see fit;
5. To convene Allied Military Courts for the trial of any person violating any such order or regulation and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the Unoccupied Territory, and to inflict such punishment upon such persons as such Courts may direct;
6. To retain the right, through Allied Military Courts, to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor;
7. To exercise the same rights to requisition private or public property &

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transportation or communication within the said territory as they may desire;

2. To quarter troops in such parts of the Unoccupied Territory as they may see fit;

3. To declare any areas within the Unoccupied Territory which may be needed for the operation of ports, air fields, transportation or communications facilities, for the quartering of troops, or for such other purposes as they may deem necessary for the successful prosecution of the war, to be Allied Military Zones;

4. To assume full administrative jurisdiction over such Military Zones, and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones as they may see fit;

5. To convene Allied Military Courts for the trial of any person violating any such order or regulation and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the Unoccupied Territory, and to inflict such punishment upon such persons as such Courts may direct;

6. To retain the right, through Allied Military Courts, to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and punishable under any proclamation or order heretofore issued by or on behalf of the Allied Military Government;

7. To exercise the same rights to requisition private or public property in the Unoccupied Territory as they possessed before the present resumption;

8. To reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other rights in any part of such territory as they may from time to time deem necessary for the proper prosecution of the war;

9. To import and to control and supervise the distribution to the civil population of such civilian supplies as the Allied Forces may determ

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without the payment of any import, tax, charge, or duty of any kind whatsoever either to the Italian government or to any of its political subdivisions or agencies.

10. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any import, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies; nor shall any member of the Allied forces or any official or other representative or Agent of the United Nations, civilian or military, be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers;

11. Proclamation and Decrees in the form annexed hereto and made a part of these terms and conditions will be issued by the head of the Italian State at the time of transfer of the territory.

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whatsoever by the Italian government or any of its political subdivisions or agencies; nor shall any member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers;

11. Proclamation and Decrees in the form annexed hereto and made a part of these terms and conditions will be issued by the head of the Italian State at the time of transfer of the territory.

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SECRET.

DOCUMENT B

DRAFT OF NOV. 12, 1943.

17

Draft Proclamation for Military Governor.

WHEREAS I have assumed all powers of government and jurisdiction in the territory of Italy and fully occupied by my troops and over its inhabitants and established military government to exercise these powers in each territory under my direction, and

WHEREAS in the exercise of such power, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government, has declared war on Germany and become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies and upon such terms and conditions as the Allied Armies may deem necessary for the successful prosecution of the war,

NOW, therefore, I, HAROLD R.L.G.ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and on the mainland of Italy and Allied Governor of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby Proclaim as follows :-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in the territory of

are hereby terminated as at 0001 hours on this date and all powers of government

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WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an Armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government, ~~has declared war on Germany~~ and become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies ~~and have undertaken to the Allied Forces may from necessary for the successful prosecution of the war~~

NOW, therefore, I, HAROLD R.L.G.ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and on the mainland of Italy and Allied Commander of all the Occupied Territory, by virtue of authority vested in me by General Dwight D. Eisenhower, Commander in Chief of the Allied Forces, hereby proclaim as follows :-

1. Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in the territory of

are hereby terminated as at 0001 hours on this date and all powers of government and jurisdiction in such territory and over the inhabitants and final administrative responsibility are hereby relinquished and restored to the Government officially, subject to all powers, rights and duties of the Allied Commander in Chief and Allied Control Commission.

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C No. 1.

SECRET.

(16)

DRAFT of Nov. 12, 1943.

Draft Proclamation of Acceptance of a Transfer of Territory by Head of Italian State.

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territories heretofore occupied by the Allied Forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I,

head of the Italian State by virtue of the authority vested in me by

hereby proclaim and decree as follows:

1. Military government by the Allied forces in the territory restored having been terminated by the Allied Military Government,

2. All powers of government and jurisdiction in the territory restored and over the inhabitants, and final administrative responsibility, subject only to the rights therein reserved to the United Nations, are vested in the government of Italy;

2 3. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian government and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3 4. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken

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territory that or that territories heretofore occupied by the Allied forces be relinquished and restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war,

I, [illegible], I,

head of the Italian state by virtue of the authority vested in me by

-2-

hereby proclaim and decree as follows:

1. Military government ~~by the Allied forces~~ in the territory restored having been terminated by the allied military Government,

2. ~~I.~~ All powers of government and jurisdiction in the territory restored and over the inhabitants, and final administrative responsibility, ~~subject only to the rights therein reserved to the United Nations~~, are vested in the government of Italy;

2 ~~I.~~ All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated thereby by the Military Governor on upon its restoration, are hereby recognized by the Italian government and are declared to be of the same legal effect as if they had been issued by the Italian government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3 ~~II.~~ All acts done by any member of the Allied Forces in pursuance of such Proclamation or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed by the Italian

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government with the consent of the Allied Control Commission.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials unless set aside or modified by or with the consent of the United Nations.

5. The Allied Forces are fighting our common enemy against whom Italy has declared war for the purpose of driving the German Invader from Italian territory and restoring Italy as a free and independent nation, liberated from axis domination and from all traces of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. In prosecuting the war, it will be necessary for the members of the Allied Forces and of the United Nations to circulate freely within the restored territory and to maintain military areas therein or for the purpose of quartering troops or for other military purposes. It is the duty of every Italian to co-operate fully with all members of the Allied Forces and of the United Nations within the said territory at all times, and to obey all orders and regulations which may from time to time be posted by Commanders of the Allied Forces in military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Courts which they may set up therein.

7. Only by the most whole-hearted cooperation can our war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be severely punished either by Italian Courts or by Allied Military Courts.

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14

Memorandum on Changeover of Areas from Military Occupation to the Italian Government.

1. Now that it is desired to hand over the occupied territories of Sicily and S. Italy to the Italian Government in the near future it seems appropriate to make one or two observations so that the handover may be properly planned before hand.

2. The difference between military government and administration under the Italian Government is fundamental and obvious. Under the former the supreme authority is the Military Governor who exercises all the rights conferred by International Law on occupying forces and the sovereignty of the King in the occupied territory is suspended. The Military Governor makes special regulations and creates special offences to ensure the safety of his troops and law and order, he sets up special tribunals to try these and other offences; he imposes his own currency on the inhabitants and may declare a moratorium; he suspends officials in proper cases and closes the native courts or suspends and replaces judges. He may take custody of Allied and enemy property and supervises education. He fixes prices of commodities as he sees fit and has ample powers of requisition of supplies and services of all kinds both for the needs of his forces and for the better administration of the occupied territory. He may collect taxes provided he uses the money for the proper administration of the occupied territory; his troops have extra-territorial rights. Many other examples of the powers and duties of the Military Governor could be given.

On the handover to the Italian Government the position changes overnight. All the powers and duties of the Military Governor come to an end save in sofar as the same may be preserved by agreement. Thus in the absence of agreement, the regulations made and the special offences created by the Military Governor

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2. The difference between military government and administration under the Italian Government is fundamental and obvious. Under the former the supreme authority is the Military Governor who exercises all the rights conferred by International Law on occupying forces and the sovereignty of the King in the occupied territory is suspended. The Military Governor makes special regulations and creates special offences to ensure the safety of his troops and law and order, he sets up special tribunals to try these and other offences; he imposes his own currency on the inhabitants and may declare a moratorium; he suspends officials in proper cases and closes the native courts or suspends and replaces judges. He may take custody of Allied and enemy property and supervises education. He fixes prices of commodities as he sees fit and has ample powers of requisition of supplies and services of all kinds both for the needs of his forces and for the better administration of the occupied territory. He may collect taxes provided he uses the money for the proper administration of the occupied territory; his troops have extra-territorial rights. Many other examples of the powers and duties of the Military Governor could be given.

On the handover to the Italian Government the position changes overnight. All the powers and duties of the Military Governor come to an end save in sofar as the same may be preserved by agreement. Thus in the absence of agreement, the regulations made and the special offences created by the Military Governor cease to be of force or effect and his military courts have no further jurisdiction; his currency ceases to be legal tender and his moratorium and price control comes to an end. He no longer has any powers of requisition and possibly his troops do not enjoy extra-territorial rights although this last point is of some controversy. Again his supervision of education comes to an end and the schools may forthwith revert to their former teachings and practices

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and he withdraws from properties of which he has taken custody. Furthermore, although International Law validates the acts of the Military Governor in occupied territory during the time of occupation, it gives no continuing validity to the consequences of such acts after the cessation of occupation, e.g. contracts entered into during the occupation cannot necessarily be sued on afterwards, sentences imposed by Allied Courts do not have to be recognized by the Italian Government and therefore prisoners incarcerated for the full term of their sentences.

5. The above presents the position in the absence of agreement. Where there is agreement between the parties then the position is in my view accurately summed up by saying that the powers, rights and duties of the military forces in the territory formerly occupied by them are governed entirely by the agreement reached between the parties, that is in the present case the Armistice Terms.

These Terms confer on the Allied Commander in Chief very broad powers in unoccupied territory and provide the charter of our status in such territory. While the Terms ~~do not deal in detail with our powers, rights and duties in unoccupied territory,~~ appear on their face to establish a complete code a careful examination shews that in fact a number of details are omitted provisions which are essential necessary for the proper working of the Allied Control Commission are omitted and for the reasons appearing below must be an essential of any transfer of territory to the ~~Italian Government~~. The agreement of the Italian Govt to such provisions

Refer A.

4. Now it is obvious that if no agreement is reached between A.C.C. and the Italian Government before the handover in order to ensure reasonable continuity of administration, much confusion and even chaos is bound to arise. The administration which may be reimposed by the Italian Government in areas returned to them is bound, in the absence of agreement beforehand, to be subject the people to some rules and regulations which may be conflicting or at least inconsistent with the previous military government and which may seem to the Allies to be undesirable. Other matters (especially those necessary for the

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3. The above presents the position in the absence of agreement. Where there is agreement between the parties then the position is in my view accurately summed up by saying that the powers, rights and duties of the military forces in the territory formerly occupied by them are governed entirely by the agreement reached between the parties, that is in the present case the Armistice Terms.

These Terms confer on the Allied Commander in Chief very broad powers in unoccupied territory and provide the charter of our status in such territory. While the Terms ~~do not deal in detail with our powers, rights and duties in unoccupied territory, the powers conferred by the Terms are sufficiently wide~~ appear on their face to establish a complete code a careful examination shows that in fact a large number of details are omitted provisions which are essential necessary for the proper working of the Allied Control Commission are omitted and for the reasons appearing below must be an essential of any transfer of territory to the ~~Italian Government~~ the agreement of the Italian Govt to such provisions.

Rdr A.

4. Now it is obvious that if no agreement is reached between A.C.C. and the Italian Government before the handover in order to ensure reasonable continuity of administration, much confusion and even chaos is bound to arise. The administration which may be reimposed by the Italian Government in areas returned to them is bound, in the absence of agreement beforehand, to ~~be~~ subject the people to some rules and regulations which may be conflicting or at least inconsistent with the previous military government and which may seem to the Allies to be undesirable. Other matters (especially those necessary for the continued safety of Allied troops in nonoccupied territory) may be left altogether unprovided for. On the other hand some measures might be imposed which are politically undesirable.

To sum up therefore it is essential that before any handover takes place A.C.C. should have arranged with the Italian Government certain essential terms, which, pursuant to the Armistice Terms must be imposed as the King's

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law in the territories returned to the Government on the very day of the handover. Such essential terms may conveniently be called "Transitional Provisions" for they cover the transfer of territory to the Govt.

5. The proper persons to consider what "transitional provisions" are necessary to be imposed on the Italian Govt are, it is suggested, the Sub-commissions themselves for they are in the best position as experts in their respective fields to know what essential regulations and matters must be continued in force. I have prepared in Appendix "A" hereto a number of matters which appear to me to require consideration in various fields but it is really a matter for Sub-commissions themselves and the list does not claim to be exhaustive.

It is submitted that Sub-commissions should be asked to prepare as a matter of urgency a list of Transitional Provisons so far as each Sub-Commission is affected. These provisions need not be in the form of a legal draft but merely a statement of the Terms to be imposed. Furthermore, Sub-commissions should remember that they are not required to deal with matters of longer term policy which may require to be dealt with at a later stage but only essential provisions to be imposed by the Italian Govt in unoccupied territory on the day of transfer. Further as a matter of policy it seems desirable to reduce these terms to an absolute minimum.

6. As to the machinery for effecting the handover and imposition of the required ~~tional~~ Provisions.

It seems appropriate that the Military Governor should declare the end of occupation by a Proclamation and a suggested draft is annexed hereto as App 3 "B".

It would also seem appropriate that the King should announce his resumption of Sovereignty by some proclamation ~~but this document should in the first~~

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fields to know what essential regulations and matters must be continued in force. I have prepared in Appendix "A" hereto a number of matters which appear to me to require consideration in various fields but it is really a matter for Sub-commissions themselves and the list does not claim to be exhaustive.

It is submitted that Sub-commissions should be asked to prepare as a matter of urgency a list of Transitional Provisons so far as each Sub-Commission is affected. These provisions need not be in the form of a legal draft but merely a statement of the Terms to be imposed. Furthermore, Sub-commissions should remember that they are not required to deal with matters of longer term policy which may require to be dealt with at a later stage but only essential provisions to be imposed by the Italian Govt in unoccupied territory on the day of transfer. Further as a matter of policy it seems desirable to reduce these terms to an absolute minimum.

6. As to the machinery for affecting the handover and imposition of the required Transi~~tional~~ Provisions.

It seems appropriate that the Military Governor should declare the end of occupation by a Proclamation and a suggested draft is annexed hereto as App "B".

It would also seem appropriate that the King should announce his resumption of Sovereignty by some proclamation ~~but this document should in the first place be prepared by the King or His Govt.~~ It is also a matter for the Govt and their legal advisers to consider how best to give legislative force to the Transitional Provisons and it seems wholly out of place to consider any handover until the Govt has at hand a sufficient number of departmental advisers to assist them in this work.

It seems probable that the Govt may want to declare Martial Law (Stato di assedio) in such territories handed over and such law already obtains in the four liberated provinces today. If this is done then the position is

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5. These ~~Provisions~~ Provisions fall into two groups

(a) These provisions which should have been included in the Armistice Terms & unfortunately were not. These are provisions dealing with the following matters in non-occupied territory

~~(1) Granting~~

(1) Granting rights of requisitioning

(2) Granting rights of extraterritoriality for officials ~~remaining~~ of A.C.C. + other officers + soldiers in rear areas & immunity from taxation

(3) The right to continue to send allied military Courts, if it is desired to retain this right.

(b) Provisions which are necessary ~~to be~~ in order to ensure continuity of administration. These provisions are dealt with in paras 4 & 5 below.

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that the Italian Supreme Command take over the administration of the whole territory but like A.M.G. they work largely through the existing civilian agencies, Prefects, sindaco and so on..Presumably they would put into effect the ~~Transitional~~ Provisions by a further series of Proclamations or decrees or by instructions issued direct to the Provincial Officials. There are, however, some drawbacks to permitting Martial Law to be declared. For instance, it involves the closing of all Italian criminal courts and the substitution of Military Tribunals; in fact today no criminal courts are permitted to sit in the four liberated provinces. It would seem a most retrograde step to permit the Italian Govt to set up any form of administration which would involve the closing of the criminal courts after the whole policy of the A.M.G. has been to open them as soon as possible. Politically too, it may be very undesirable to allow the King to rule by Martial Law.

If Martial Law is not declared, presumably the King would govern by decree, but the method of carrying out the ~~Transitional~~ Provisions and the general administration of the country is entirely a matter of Italian law and practice and until the King's ministry or reasonably responsible representatives are present in some force it does not seem practicable to go more deeply into the matter.

It is submitted, finally, that in these circumstances, unless political pressure is overwhelming it would be the greatest possible mistake to transfer any territory to the Italian Govt until they have a sufficient number of governmental representatives present to ensure a reasonable prospect not only of the directions of A.C.C. being carried out but also of a sound working, if skeleton, governmental general administration.

C. R. UPJOHN, Col.
Deputy Chief Legal Officer.

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It is submitted, finally, that in these circumstances, unless political pressure is overwhelming it would be the greatest possible mistake to transfer any territory to the Italian Govt until they have a sufficient number of governmental representatives present to ensure a reasonable prospect not only of the directions of A.C.C. being carried out but also of a sound working if skeleton, governmental general administration.

C. R. UPJOHN, Col.
Deputy Chief Legal Officer.

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App. B

9

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY.

PROCLAMATION NO.....

TO THE PEOPLE OF ITALY.

WHEREAS the Allied Forces under my Command have heretofore occupied parts of the Kingdom of Italy and I have established Allied Military Government in Sicily and in certain parts of the Italian mainland; and

WHEREAS on the 3rd day of September 1943 the Italian Forces surrendered unconditionally to the Allied Forces and accordingly the military operations of our respective forces against each other have ceased under the terms of an Armistice; and

WHEREAS His Majesty, Victor Emmanuel III, King of Italy, has declared that a state of war exists between the Kingdom of Italy and the German people; and

WHEREAS an Allied Control Commission has been set up to assist the Italian Government in the prosecution of the war against the German people and to supervise and direct the execution of the said Armistice; and

WHEREAS it is deemed desirable to terminate the Allied Military Government in Sicily and those parts of the Italian mainland which have been completely liberated from Nazi domination and are no longer required for military operations and to re-establish the Italian Government therein;

NOW, therefore, I, HAROLD R. T. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General Officer Commanding the Allied Forces and Military Governor of the territory occupied, by virtue of the authority vested in me by GENERAL DWIGHT D. EISENHOWER, Commander-in-Chief of the Allied Forces in the North African Theatre of Operations do hereby proclaim as follows:

I.

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WHEREAS on the 3rd day of September 1943 the Italian Forces surrendered unconditionally to the Allied Forces and accordingly the military operations of our respective forces against each other have ceased under the terms of an Armistice; and

WHEREAS His Majesty, Victor Emmanuel III, King of Italy, has declared that a state of war exists between the Kingdom of Italy and the German people; and

WHEREAS an Allied Control Commission has been set up to assist the Italian Government in the prosecution of the war against the German people and to supervise and direct the execution of the said Armistice; and

WHEREAS it is deemed desirable to terminate the Allied Military Government in Sicily and those parts of the Italian mainland which have been completely liberated from Nazi domination and are no longer required for military operations and to re-establish the Italian Government therein;

NOW, therefore, I, HAROLD R. T. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General Officer Commanding the Allied Forces and Military Governor of the territory occupied, by virtue of the authority vested in me by GENERAL DWIGHT D. EISENHOWER, Commander-in-Chief of the Allied Forces in the North African Theatre of Operations do hereby proclaim as follows:

I.

The Allied Military Government established by me in SICILY and in all of the Italian mainland south of the northern boundary of the Provinces of Salerno, Potenza, and Bari is terminated and dissolved as of 2400 hours (Central European Time) on the.....day of.....1943.

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II.

All powers of government and jurisdiction in the said territory from the time hereinbefore mentioned are hereby restored to his Majesty, Victor Emmanuel III, King of Italy, subject to the terms of the Armistice, and to all powers, authorities and privileges conferred upon the said Allied Control Commission.

DATE 1943.

General Officer Commanding
The Allied Forces.

8

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powers, authorities and privileges conferred upon the said Allied Control Commission.

DATE 1943.

General Officer Commanding
The Allied Forces.

8

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MEMORANDUM ON TURNOVER TO A. C.

1. We were originally directed to draft on series of proclamations turning over Sicily and certain areas in S. Italy from A.M.G. to A.C. and two proclamations were envisaged; the first by General Alexander terminating A.M.G. in these areas, the second by the King of Italy assuming power in these areas. We were further instructed to draft a blanket clause on the lines of an expiring laws continuance act carrying on the provisions of Proclamations and validating all acts done thereunder.

2. As to the first proclamation we have felt no great difficulty and a draft is annexed hereto as App A. As a matter of policy we have left out all mention of the continuance of Allied Military Courts for pending matters and the continuance of other matters as these seem more appropriate to be dealt with by the Italian Government.

The only question of principle which we think should be considered as a matter of policy is the question as to whether the existence of A. C. should be put (as in the draft) in the forefront or whether it should be "soft-pedalled" to the assumption of the King's powers.

3. We have felt much difficulty over the second proclamation. In the first place we have said nothing as to the validity of acts under A.M.G. as this is established law Oppenheim 6th Edition Vol. II page 482 ff and there seems no good object to be attained by putting in an express clause.

Secondly we have found it impracticable to draft a satisfactory blanket c clause as at first contemplated. In our view a large number of detailed matters arise for consideration by subcommissions on the change-over and a blanket clause is wholly inappropriate to the facts of the case.

Thirdly it is in our opinion doubtful how far the King by Proclamation can make enactments having the force of law in Italy. It will no doubt be a matter for the Italian Government itself to decide but it appears likely that

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piring laws continuance act carrying on the provisions of Proclamations and validating all acts done thereunder.

2. As to the first proclamation we have felt no great difficulty and a draft is annexed hereto as App A. As a matter of policy we have left out all mention of the continuance of Allied Military Courts for pending matters and the continuance of other matters as these seem more appropriate to be dealt with by the Italian Government.

The only question of principle which we think should be considered as a matter of policy is the question as to whether the existance of A. C. should be put (as in the draft) in the forefront or whether it should be "soft-pedalled" to the assumption of the King's powers.

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Thirdly it is in our opinion doubtful how far the King by Proclamation can make enactments having the force of law in Italy. It will no doubt be a matter for the Italian Government itself to decide but it appears likely that on the change-over a series of decrees on other more formal series of documents or acts will be required to give continuing validity to such A.M.G. Proclamations and orders as require to be kept on foot. We have therefore proceeded on a different basis.

4. As we see the position no change over to A. C. can properly take place and none should be made until A. C. has had an opportunity of considering and discussing with the Italian delegation what proclamation laws and orders

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Ought to be continued and which can safely be allowed to lapse. A note on some of the problems that arise is annexed hereto as App B. When these matters have been thrashed out and suitable directives issued to the Italian government then it will be for the latter by suitable decrees or other enactments to ensure that on the day of the charge-over suitable laws are promulgated and put into force in the areas to be returned to the King of Italy.

It further appears to us that these matters are the concern of all the subcommissions and not merely of the legal division, e.g. the immediate re-opening of schools before educational books have been purged of fascist influence is a matter on which the advice of the Education & Fine Arts Subcommission must be taken; the continued prohibition from travelling more than 10 km. from home is the concern both of the Public Safety Subcommission and of the Political Subcommission and there are many other instances.

5. In these circumstances we have prepared a general proclamation to be issued by the King of Italy (which is annexed hereto as App C) which is to be taken rather as an outward form for consumption by the people of Italy and of the world and on the footing that the operative change-over continuing such special proclamations and orders as are considered necessary will be effected by decree or other appropriate enactment to come into force on the same day.

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APP. B

5

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY.

PROCLAMATION NO.....

TO THE PEOPLE OF ITALY.

WHEREAS the Allied Forces under my Command have heretofore occupied parts of the Kingdom of Italy and I have established Allied Military Government in Sicily and in certain parts of the Italian mainland; and

WHEREAS on the 3rd day of September 1943 the Italian Forces surrendered unconditionally to the Allied Forces and accordingly the military operations of our respective forces against each other have ceased ~~been suspended~~ under the terms of an Armistice; and

WHEREAS His Majesty, Victor Emmanuel III, King of Italy, has declared that a state of war exists between the Kingdom of Italy and the German people ~~Reich~~; and

WHEREAS an Allied Control Commission has been set up to assist the Italian Government in the prosecution of the war against the German people ~~Reich~~ and to supervise and direct the execution of the said Armistice; and

WHEREAS it is deemed desirable to terminate the Allied Military Government in Sicily and those parts of the Italian mainland which have been completely liberated from Nazi domination and are no longer required for military operations and to re-establish the Italian Government therein;

NOW, therefore, I, HAROLD R. T. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General Officer Commanding the Allied Forces and Military Governor of the territory occupied, by virtue of the authority vested in me by GENERAL DWIGHT D. EISENHOWER, Commander-in-Chief of the Allied Forces in the North African Theatre of Operations do hereby proclaim as follows:

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[illegible] the Allied Forces under my Command have heretofore occupied parts of the Kingdom of Italy and I have established Allied Military Government in Sicily and in certain parts of the Italian mainland; and

WHEREAS on the 3rd day of September 1943 the Italian Forces surrendered unconditionally to the Allied Forces and accordingly the military operations of our respective forces against each other have ~~been suspended~~ ceased under the terms of an Armistice; and

WHEREAS His Majesty, Victor Emmanuel III, King of Italy, has declared that a state of war exists between the Kingdom of Italy and the German ~~Reich~~ people and

WHEREAS an Allied Control Commission has been set up to assist the Italian Government in the prosecution of the war against the German ~~Reich~~ people and to supervise and direct the execution of the said Armistice; and

WHEREAS it is deemed desirable to terminate the Allied Military Government in Sicily and those parts of the Italian mainland which have been completely liberated from Nazi domination (and are no longer required for military operations) and to re-establish the Italian Government therein;

NOW, therefore, I, HAROLD R. T. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General Officer Commanding the Allied Forces and Military Governor of the territory occupied, by virtue of the authority vested in me by GENERAL DWIGHT D. EISENHOWER, Commander-in-Chief of the Allied Forces in the North African Theatre of Operations do hereby proclaim as follows:

I.

The Allied Military Government established by me in SICILY and in all of the Italian mainland south of the northern boundary of the Provinces of Salerno, Potenza, and Bari is terminated and dissolved as of 2400 hours (Central European Time) on the .....day of.....1943.

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II.

All powers of government and jurisdiction in the said territory from the time hereinbefore mentioned are hereby restored to His Majesty, Victor Emmanuel III, King of Italy, subject to the terms of the Armistice, and to all powers, authorities and privileges conferred upon the said Allied Control Commission.

DATED 1943.

General Officer Commanding
The Allied Forces.

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General Officer Commanding
The Allied Forces.

DATED 1943.

and Allied Commission.

App B

3

MATTERS TO BE COVERED BY ITALIAN DECREES AND QUESTIONS OF POLICY TO BE CONSIDERED BY A.C. SUBCOMMITTEES

1. Education sub-committee should consider whether schools should be reopened. This raises the problem of text books. Matter to be handled by Executive decree. (See Proc. No. 1, Art. IV)

2. Decree should prohibit reinstatement of officials removed by A.C.

3. Public Safety subcommission should consider: which of offenses mentioned in Articles I and II of Proclamation No 2 should be continued; who should give permits for possession of firearms (5), public assembly (32), travel (43); what curfew regulations should be applied; and who should issue identification cards. These matters to be covered by Executive Decree.

4. Conspirators to do a prohibited act should be subject to same punishment as a principal. (See Proc. No. 2, Art. III).

5. Public Safety sub-commission should consider whether collective fines should be provided for by Executive Decree (See Proc. No. 2, Art V); and whether a right of arrest and search should be given by decree to members of the Allied forces (Art. VII).

6. The Navy should consider the necessity of regulation by decree against leaving the shore.

7. The Finance Sub-commission should consider: whether the recent proclamation continuing the currency of yellow seal dollars and B. N. A. notes is adequate; whether the rate of exchange shall be continued; and in conjunction with Foreign Trade whether inports and exports should be prohibited. (See Proc. No. 3, Arts. I II, and III); (also Proc. No. 10, Art, I, and Proc. No. 12). These matters are to be covered by Executive decree.

8. An executive decree should provide the Allied military courts will continue to have jurisdiction to try pending cases. (See Proc. No. 4) and possibly new cases of legal special importance.

9. Finance Sub-Committee should consider necessity for further moratorium and method of lifting it. (See Proc. No. 5 and General Order No. 1).

10. Property Control Sub-commission should consider the status of property of nationals and Italian state property taken over previously - as well as property of national and enemy aliens subsequently taken (See Proc. No. 6). How is it to be handled.

11. As to disposition of property of Fascist party previously seized the CC will have to make an order. (Proc. No. 7, Art III). Executive decree should dispose of Fascist Party property subsequently acquired

12. Executive decree will have to confirm all sentences not fully executed. 3 Legal

13. The various sub-commissions concerned will have to consider what Rationing, price fixing and wage regulations are required. These will be covered by executive decree. (See Proc. No. 8, also Proc. No. 10, Art II).

14. Communications and Public Safety sub-commissions should consider what regulation is required on communications between occupied and unoccupied territories. See terminal items

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14. Communications and Public Safety sub-commissions should consider what regulation is required on communications between occupied and unoccupied territories. See Communications

15. Public Safety Sub-commission should consider which of the regulations in Proc. No. 11 should be continued by Executive decree; radio (Art I); photography (Art II-; identity cards (Art III); Newspapers (Art IV); Meetings and assemblies (Art) V); Flags and songs of enemy countries (Art VI); and Black-Outs (Art VII). Public Safety

16. Executive decree should provide extra-territorial rights for allied personnel; freedom from taxation; and complete immunity from civil or criminal suits in Italian courts. General matter

Consideration must be given to the disposition of Taxes and public moneys oted under General Order No. 2.

The property control and other sub-commissions should consider the desirability ricting by Executive Order transfers of land of buildings for more than one Proc. No. 5, Art. III)

Book

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The following matter also arises.

(a) The right to requisition property by Allied Forces in non occupied territory

(b) The ~~question of~~ position of the Station Commandant in non occupied territory as to right to hold its own Courts Martial.

(c)

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TO THE PEOPLE OF ITALY.

WHEREAS by the terms of an armistice all hostilities have ceased between the Allied Forces and those of my country and

WHEREAS Italy now has the status of co-belligerent with the United Nations and

WHEREAS an Allied Commission has been constituted to supervise and direct the execution of the terms of the armistice and to assist the Italian Government in the prosecution of the war against the German Reich and

WHEREAS General Sir Harold R. T. S. Alexander, G.C.B., G.S.I., D.S.O., M.C., General Officer Commanding the Allied Forces and Military Governor of the territory occupied by virtue of the authority vested in him by General Dwight D. Eisenhower Commander in Chief of the Allied Forces in the North African Theatre of Operations, has by proclamation, terminated the Allied Military Government in and over Sicily and in and over all of the Italian Mainland south of the northern boundaries of the Provinces of SALERNO, POTENZA and BORI as of 2400 hours the night of .....

NOW therefore I, Victor Emmanuel III, King of Italy, do hereby proclaim as follows :-

I.

I hereby assume full responsibility as of 2400 hours the night of ..... for all the powers of Government, jurisdiction and administration in and over the areas above described subject to all the terms, conditions and provisions of the said armistice.

II.

I exhort all my people with all the means at their disposal devotedly and sacrificially to join with the Allied Nations in the prosecution of the war [illegible] to the end that final and complete victory may soon be

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WHEREAS an Allied Commission has been constituted to supervise and direct the execution of the terms of the armistice and to assist the Italian Government in the prosecution of the war against the German Reich and

WHEREAS General Sir Harold R. T. S. Alexander, G.C.B., G.S.I., D.S.O., M.C., General Officer Commanding the Allied Forces and Military Governor of the territory occupied by virtue of the authority vested in him by General Dwight D. Eisenhower Commander in Chief of the Allied Forces in the North African Theatre of Operations, has by proclamation, terminated the Allied Military Government in and over Sicily and in and over all of the Italian Mainland south of the northern boundaries of the Provinces of SALERNO, POTENZA and BORI as of 2400 hours the night of .....

NOW therefore I, Victor Emmanuel III, King of Italy, do hereby proclaim as follows :-

I.

I hereby assume full responsibility as of 2400 hours the night of ..... for all the powers of Government, jurisdiction and administration in and over the areas above described subject to all the terms, conditions and provisions of the said armistice.

II.

I exhort all my people with all the means at their disposal devotedly and sacrificially to join with the Allied Nations in the prosecution of the war against the German Reich to the end that final and complete victory may soon be achieved over our common enemy and priceless freedom and lasting peace brought to our Beloved Country.

III.

I have issued and shall issue decrees for the accomplishment of these objectives, the faithful and strict performance of which I enjoin upon each and every person.

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IV.

I further direct my people to give all assistance to the Allied Commission and all its officers and representatives wherever they may be found to the end that the war against the German Reich may be brought to a speedy and successful conclusion.

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