

2058

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

785016

ACC

10000/142/736

DRAFT
ITALI
JULY 19

10/142/736

DRAFT DECREE ON MOBILIZATION OF ITALIANS FOR
ITALIAN ARMY
JULY 1944 - JAN. 1945

2060

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

785016

FILE CLOSED 26 January 1945.

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2A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

MEMORANDUM

/rlp.
26 January 1945.

SUBJECT : Call-up for military service.

TO : VP, G A Sec.

1. Power to call up classes for military service in Italy is based upon three consolidated laws. These laws are:

- T.U. of 28 July 1932 No. 1365 (Navy)
- T.U. of 27 April 1936 No. 119 (Air Force)
- T.U. of 24 February 1938 No. 329 (Army)

Under these laws the Ministers of Marine, Air and War are respectively authorized to call up the yearly classes in time of peace or war. When necessary in time of war or for emergency service, extraordinary classes can be called up by a Royal Decree.

2. In either case the normal method of call-up is by publication of ordinary "bandi." These "bandi" are posted in each comune by the mayor of that comune upon receipt of instructions from the Distretto Militare concerned.

3. In AMG Territory it is clear in my opinion that the mayor can derive no authority from the appropriate Distretto Militare without the approval of the AMG. It is not necessary that the granting of this approval should be expressly stated on the posters, but unless the approval is in fact given, the mayor would have no right to issue the posters. 2

4. It should be observed that these Royal Decrees are not published in the Gazzetta Ufficiale and therefore no question can arise of their having been implemented in AMG Territory.

W. E. BEHNERS,
Colonel,
Deputy Chief Legal Advisor.

4104/20

- 1 -

(1A) 8043
/hft

NOT GIVEN

IMPORTANT

ACC ADV FROM HANNAFORD

ACC REAR FOR VP AIRMAN FOR UPJOSH



ADV 24

JUL 051000B

JUL 051200B

via teletype

Mobilization of classes 1914 to 1924 of Italian Army (20 to 30 years old). Unless suspended or rescinded by effect of Armistice terms these classes were called up before 8 September 43, with the possible exception of the last one. Texts should be available at Comando Supremo. Suggest issue of new decrees by Italian Government embodying all previous provisions, which should be extended through usual method to Allied control territory.

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LEGAL SUB-COMMISSION	
CLO	
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Chief Counsel	
CLY	
Italian Section	
CL RKS	

Col. McFolke + Swarth to
Hofel until we
get to Rome.
over

Col. McFolke + Swarth to
Hofel until we
get to Rome.
over

2063