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CORRESP
JAN. - J

CORRESPONDENCE CONCERNING REGION 3 ORDERS
JAN. - JULY 1944

FILE CLOSED 25 July 1944

430/1

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
A.P.O. 394, U.S. Army

L/2078/8

25 July 44

Subject: Region III Administrative Order No.14.

To : Acting Chief Legal Officer, Legal Sub-
Commission, A.C.C.

36A

1. Reference is made to your letter 18 July 44
ACC/4120/1/L, relative to the above subject.

2. You are advised that I have this day dis-
cussed this matter with Agriculture Division Reg.3,
and they advised me that notice will be given to the
appointee this day in accordance with the suggestion
contained in your letter.

By Order of Colonel CHAPMAN:

R.H. 10/3

BTE/pv

G.A. Bamlet by S.T.
G.A. BAMLET,
Major, G.I.,
Acting Reg. Legal Officer.

→

✓

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

36A

ACC/4120/1/L

18 Jul 44

SUBJECT: Region III Administrative Order No. 14

TO : RLO (thru RC) Region III

1. Reference above order of which copy has been received by this Sub-Commission.

2. If it has not already been done, it should be made plain to the appointee, that pending confirmation by the appropriate Italian authority, this appointment will not be legally effective after restoration of territory.

3. Executive Memorandum No. 62 (Ref:348/25/CA of 16 Jun 44) refers.

RICHARD H. WILMER.
Colonel, C.A.C.
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

RHW/ap

Tel.Ex. 679

18 July 44

4120/1
ACC/4027X3/L

SUBJECT : Italian Law and Regional Orders.
TO : Regional Legal Officer (thru RO) Region III

1. With reference to Regional Order No. 57 which purports to give to the Italian Courts of Region No. 3 authority to hear and decide cases of infringement of Regional Orders I attach herewith an analogy showing how such infringements might be dealt with by means of the ordinary Italian penal law.

2. It would certainly be preferable for Italian Courts to exercise their own Italian law whenever possible rather than the law of the occupying power by virtue of the Regional Orders.

R. H. WILMER,
COL. CAC,
Acting Chief Legal Officer,

Copy to : File 4120/1/L

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/gaf

ACC/4120/1/L

17 Jul 44

SUBJECT: Infringement of Regional Order No. 24 (Sanitary Regulations).

TO : RHO (thru RC) Region 3.

With reference to the point raised by the Resina Provincial Officer regarding the punishment of offences against sanitary regulations, I enclose a short Memorandum on the position of such regulations under Italian law.

The points considered in Para IV of the Memorandum are of course applicable to fines in general and not necessarily confined simply to cases of non-payment of "multa".

RICHARD H. WILLER
Colonel, GAC
Acting Chief Legal Officer,

58

MEMORANDUM

1. Regional Order No. 24 (Region 3) - Interpretation and letter from Provincial Officer to RLO Region 3 - and reply.
Italian Public Health Laws.

Under Italian law, public health regulations are particularly the concern of local authorities, the Provinces and more extensively the Communes.

The authority to issue such regulations is conferred on these local authorities by the Consolidated Text of the Law of Provinces and Communes 1915, as revised by RDL No. 111, 4 April 1934, and the Consolidated Text of the Sanitary Laws 1934 No. 1265.

RDL No. 111 has altered the fascist structure of local authorities and reauthorized in many cases the original structure of 1915. So the Sanitary Laws passed in 1934 must be interpreted ^{with} this fact in mind and, when a local authority board is referred to therein under its fascist title, the body that has superseded it by virtue of the R.D.L. must be substituted.

Bearing this in mind the following appears to be the present situation regarding the issue of public health regulations in any place where R.D.L. No. 111 has been implemented. (It was implemented in A.M.G. territory in G.U. 10/5/44).

- I. (a) Communal Health Regulations - (1) The Sindaco and the Giunta Municipale may issue regulations regarding local sanitary conditions, Health and Hygiene. These regulations will be approved by the Consiglio Provinciale di Sanita (vide Arts. 131 para. 6, 139 para. 7 Consolidated Text Law of Communes and Provinces 4 Feb 1915).
 Art. 3 R.D.L. No. 111 4 April 1934.
 Art. 345 Consolidated Text Sanitary Laws 1934 No. 1265.
 Sindaco may issue necessary health regulations alone (vide Art. 153 Consolidated Text Law of Communes and Provinces 1915, Art. 55 Consolidated Text Law of Communes and Provinces 1934).
 (11) In times of emergency the

- (b) Provincial Health Regulations - (1) The Deputazione Provinciale in conjunction with the Consiglio Provinciale di Sanita and the Giunta Provinciale Amministrativa may propose for the approval of the Profetto, police regulations for veterinary sanitation (vide: Art. 346 Consolidated Text - Sanitary Law No. 1265 Art. 6 R.D.L. No. 111 4 April 1934).

alone may issue any necessary health regulations.
 (Art. 19 Consolidated Text Law of Provinces and Communes 1915, Art. 55 Consolidated Text Law of Communes and Provinces 1934).

- II. (a) Penalties.
 For an infringement of any Provincial or Communal Health regulations when no specific penalty is prescribed: nine (annua) up to 1000 lire.
 (vide: Art. 344 Consolidated Text Sanitary Law 1934 No. 1265)

Art. 3 R.D.L. No. 114 4 April 1934.
Art. 345 Consolidated Text Sanitary Law 1934 No. 1265.)

(11) In times of emergency the Sindaco may issue necessary health regulations alone (vide Art. 153 Consolidated Text Law of Communes and Provinces 1915, Art. 55 Consolidated Text Law of Communes and Provinces 1934.)

- (b) Provincial Health Regulations - (1) The Deputazione Provinciale in conjunction with the Consiglio Provinciale di Sanità and the Giunta Provinciale Amministrativa may propose for the approval of the Prefetto, police regulations for veterinary sanitation (vide: Art. 346 Consolidated Text - Sanitary Law No. 1265 Art. 6 R.D.L. No. 114 4 April 1934.)

(11) In times of emergency the Prefetto alone may issue any necessary health regulations.

(Art. 19 Consolidated Text Law of Provinces and Communes 1915, Art. 55 Consolidated Text Law of Communes and Provinces 1934.)

II. (a)

Penalties.

For an infringement of any Provincial or Communal Health regulations when no specific penalty is prescribed: fine (amenda) up to 1000 lire. (vide: Art. 344 Consolidated Text Sanitary Law 1934 No. 1265)

(b)

For provincial police regulations for veterinary sanitation when no specific penalty is prescribed: fine (amenda) up to 500 lire. (vide: Art. 346 Consolidated Text Sanitary Law 1934 No. 1265).

III.

"Conciliazione"

is a form of oblation i.e. by payment of the fine at once proceedings in Court can be avoided. It is necessary that the payment be made on the spot to the official accusing. The amount to be paid to extinguish the offense depends upon the relative health regulation which has been infringed and which will establish such sum. The official must accept payment when offered. Payment extinguishes the offense. (vide: Arts. 107 et seq Consolidated Text Law of Communes and Provinces 1934)

Arts. 344 & 346 Consolidated Text Sanitary Law 1934 No. 1265)

IV.

Consequence of non payment of fine.

In his letter the Regional Legal Officer stated that non-payment of any fine ~~may~~ be punished by imprisonment up to 2 years by virtue of Art. 151 P.C.

This is not entirely true. Non-payment of a fine is not regarded as an offense per se. Hence, it is not punished as such, but rather as

- 2 -

the sentence of fine converted into one of a term of imprisonment. There does not seem to be an analogous offense to our own "contempt of court" in this respect.

Art. 136 P.O. provides for non-payment of a fine by a person unable to pay because he is insolvent (per insolvibile). In such a case after his insolvency has been established, the fine may be converted into a prison sentence (reclusione in caso di multa; arresto in caso di ammenda), for a period not exceeding 2 years in the case of "arresto".

By Art 139 P.O. the State has a legal lien (ipoteca) on the goods of the sentenced person to the value of the fine imposed.

Provisions for the exercise of this lien are contained in Arts. 586, 616 et seq of the CPP.

Therefore usually in case of failure to pay a "multa" for an offense against a sanitary regulation :-

a. The person accused failing to pay the fine on the spot (concordamento amministrativo) would be summoned before the Pretor's Court in the normal way.

b. On refusing to pay the Pretor,

- (1) if such a person were insolvent the fine could be converted into a prison sentence
- (2) if such a person were not insolvent the State could exercise its legal lien on the goods of the person fined.

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

L-2074

30 June 1944

Subject : Regional Order No. 24 - Interpretation.
To : Provincial Officer, NBSINA (Thru PC, Naples).

1. Reference is to your letter of 30 May 44 on this subject, which letter was received by this headquarters on 24 June 1944.

2. As originally issued Regional Order No. 24 did not confer any jurisdiction upon the Italian Courts to try any of the offenses created by the Order, and so the questions asked in your letter did not arise.

3. The position is now modified by Regional Order No. 57 which conferred on Italian Courts having criminal jurisdiction, power to try offenses created by certain Regional Orders including R.O. 24. The penalties which can be inflicted by the Italian Courts are "arresto" and "ammenda" unless a greater punishment can be inflicted for the offense under Italian law. "Arresto" and "ammenda" are punishments inflicted by the Pretore. "Arresto" is imprisonment for from 5 days to 3 years; "ammenda" is a fine of from 20 lire to 10,000 lire. The exact amount of punishment to be inflicted on an individual offender is, of course, a matter for the Pretore to decide.

4. The Sindaco is not an Italian Court having criminal jurisdiction and therefore he has no power to punish persons who violate Regional Order 24. The Sindaco has, however, power under Article 55 of the Testo unico della Legge Comunale e Provinciale to issue, as a

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matter of urgency, orders relating to (inter alia) hygiene, and such orders can be punished by a fine up to 500 lire under Article 106 of the said Testo Unico. This power is unimpaired, but it should be borne in mind that infringements of Regional Order No. 24 are infringements of the Order, not of an order issued by the Sindaco. The power of the Sindaco to enforce the "Regolamento Sanitario di Igiene Locale" is unimpaired; these Regulations will be enforced in accordance with Italian law.

5. Oblazione is governed by Article 162 of the Penal Code which authorises oblazione only when the maximum penalty prescribed by law is a fine not exceeding 10,000 lire. As the maximum penalties prescribed by Reg. Order No. 37 is "arresto" or "ammenda", or both, I am advised (and I agree with the advice) that Article 162 of the Penal Code does not apply to offences created by Regional Order No. 24. Oblazione continues to apply, to the extent that it already applies, to offences against an order made by a Sindaco under Article 55 of the before mentioned Testo Unico or against the Regolamento Sanitario d'Igiene Locale.

6. Punishment for non payment of fines is dealt with by Art. 136 of the Penal Code. This enables a person who fails to pay amenda to be imprisoned up to two years.

For the Regional Commissioner:

Tabanet

C. A. BARKER,
Major, C. L.

Acting Reg. Legal Officer.

G43/G40

Copies (with copies of letter of 30 May
CLO, Legal Sub-Commission A.C.C.
Officer i/c Italian Courts, Regi:
P.O. NAPLES Province.

147 to SUB COMMISSION
on 3. 54
RK5

I Chi emette i ^{comuni} regolamenti ^{di} sanità

Secondo gli art. 53 e 54 n. 2 e 55 p.p. del test. Unico delle leggi provinciali e comunali (R.D. 3 marz. 1934 n. 383) i regolamenti comunali d'igiene sono emanati dal Consiglio che delibera intorno a tali regolamenti (art. 53 n. 6); provvede agli atti che nell'interesse della pubblica igiene gli sono commessi dalla legge, dai regolamenti (art. 54 n. 2). E adotta i provvedimenti contingibili e urgenti in materia d'igiene (art. 55) -

Deve rientrare il potere della Giunta municipale (art. 79 n. 15), con R.D. 4. 4. april. 1944 n. 111 (norme transitorie per l'Amministrazione dei Comuni e delle Province, art. 3) in sostituzione di consiglio e giunta municipale, spetto alla Giunta municipale deliberare sulle materie per le quali nel test. Unico 4 febr. 1915 n. 148, modificato con R.D. 20 dicembre 1923 n. 2839, era riservata la competenza della giunta e del Consiglio municipale. Secondo quanto non sospinzi e secondo il rinvio fatto dal test. Unico del 1915, la Giunta municipale delibera intorno ai regolamenti d'igiene

(art. 131 n. 6 e 139 n. 7 T. U. 4 febr. 1915)
Per l'art. 345 delle leggi di igiene e sanità pubbliche (R.D. 27 luglio 1934 n. 1265) i regolamenti locali d'igiene e sanità sono deliberati dal Consiglio; approntati alla giunta e approvati, previo parere del Consiglio provinciale di sanità -

II Chi emette i regolamenti di sanità d'igiene provinciali

La approvazione delle leggi di igiene e sanità per le provincie è delegata al Prefetto e al Consiglio provinciale di sanità (art. 17 delle leggi di igiene e sanità pubbliche R.D. 27 luglio 1934 n. 1265). E in quanto importa la giunta di emanare regolamenti, al Consiglio della Provincia e al deputato (art. 133 n. 10, 134 p.p. e 135 n. 15 T.O. legge provinciale e provinciale, approvato con R.D. 3 marz. 1934 n. 383).
Per l'art. 346 del test. Unico delle leggi di igiene e sanità pubbliche si era al R.D. 27 luglio 1934 n. 1265) il potere regolamentare per le provincie è limitato al regolamento

di proprii ministeri anteriori, approntati al Prefetto, in proprio del Ministero
provinciale, intesi al c. 1.º. superiori di diritto. Il primo provinciale con
ministeriali. Per tutti il resto procedono i regolamenti comunali di igiene.

Per gli art. 16 del R. D. 4 aprile 1864 n. 111 contenente norme transitorie per
l'attuazione delle leggi di Comuni, della Provincia, della Delegazione
Provinciale e provinciali deliberano su tutti le materie, per la parte del R. D. 4
febbraio 1815 n. 148 modificato con R. D. 30 dicembre 1927 n. 2839, con stabilimento
la competenza della Delegazione e del Consiglio Provinciale. Per tali materie, gli
i regolamenti del Consiglio Provinciale, e ora della Delegazione e Provinciale, in
i i prefetti si deliberano intorno ai Regolamenti per l'attuazione, che appa-
ragione alla Provincia per 241 n. 14 e 250 n. 9 del testo unico 4 febbraio 1915
della legge Comunale e Provinciale.

III Quelli sono le penali per la infrazione del Regolamento d'igiene provinciale e comunale

Cio è detto, per quanto riguarda la infrazione ai regolamenti comunali
in genere, nell'art. 106 del testo unico R. D. 3 marzo 1934 n. 383 per cui
quando la legge non dispone altrimenti, tali infrazioni sono punite
con ammenda fino a 500

Per le infrazioni ai regolamenti locali di igiene e sanità, quando non
è applicata una pena stabilita nel testo unico della legge sanitaria di igiene, ~~per~~
e è stabilita l'ammenda fino a 100 (art. 344 comma 2; del T. U. legge
transitoria approntata con R. D. 27 luglio 1934 n. 1265). - 7 infrazioni ai regolamenti
di polizia municipale, quando non si applica una pena stabilita nel testo unico della legge sanitaria di igiene, ~~per~~
Per le altre infrazioni alla legge sanitaria si applica la pena che
è nel detto testo unico.

Occorre tener conto degli aumenti, in alcune cose, stabiliti, di
per le norme.

18. ^{2:} Le ~~regole~~ ^{regole} per ^{controllare} ^{il} regolamento d'igiene
 in applicabile le ^{regole} ^{controllare} ^{il} regolamento d'igiene, ^{controllare} ^{il} regolamento d'igiene,
 è applicabile l'obbligo ^{controllare} ^{il} regolamento d'igiene per cui la legge stabilisce
 la ^{regole} ^{controllare} ^{il} regolamento d'igiene non superiore alla ^{regole} ^{controllare} ^{il} regolamento d'igiene
 162 del codice penale comune)

Per le ^{regole} ^{controllare} ^{il} regolamento d'igiene ^{controllare} ^{il} regolamento d'igiene, con
 tutti le ^{regole} ^{controllare} ^{il} regolamento d'igiene, negli art. 106 a 110 del ^{regole} ^{controllare} ^{il} regolamento d'igiene
 legge comune e ^{regole} ^{controllare} ^{il} regolamento d'igiene 3 marzo 1934 n. 383.

Per le ^{regole} ^{controllare} ^{il} regolamento d'igiene ^{controllare} ^{il} regolamento d'igiene, ^{controllare} ^{il} regolamento d'igiene
 specificamente ^{regole} ^{controllare} ^{il} regolamento d'igiene 342 ^{regole} ^{controllare} ^{il} regolamento d'igiene della legge ^{regole} ^{controllare} ^{il} regolamento d'igiene (52
 27 luglio 1934 n. 1265)

L'obligation est perfecta au temps que le contractant peut
décliner ou non, mais est obligatoire par l'acceptation, et
de son plus répété, et affecte une mode d'hygiène.

4120/1

ALLIED CONTROL COMMISSION
 ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

Naples Province
 Sub-Region RESINA

30 May 1944

SUBJECT: Regional Order No. 24 - Interpretation of Italian Law etc.

TO : Regional Legal Officer, Reg. 3, ACC, thru HQ
 Naples Province, ACC.

As prosecuting violators of Regional Order No. 24 in many communes is now a matter coming increasingly before the Italian Courts, the Military Health Committees of various communes have asked me to obtain an opinion on several matters relevant thereto.

1. Current schedule of penalties which the Pretori can assess for such violations.

2. Current schedule of penalties which the Sindaci can assess for such violations.

3. According to certain local officials, a system known as "Oblazione", used to be in effect in the Italian Courts. This apparently amounted to guilty plea being made by the accused, and the acceptance and payment of an amount up to thirty (30) per cent of the fine which otherwise would have been levied as a penalty, if found guilty after trial.

Is this practice still in effect. If so has any official or agency of the Allied Military Government the authority to suspend its operation, so as to make it mandatory upon the Sindaci and Pretori to assess the full amount of the penalty as prescribed.

4. What is the law insofar as failure to pay such fines is concerned. Have the authorities the power to order a prison sentence in lieu of such failure to pay.

5. As these questions have been raised by different communes, the answer should be of general interest to all concerned.

5

/signed/
 ARTHUR CARTER
 Captain, SR, AUS
 Provincial Officer.

NA 1
13 June 44
4120/1
HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

10 July 1944

SUBJECT: Administrative Order No.10

TO : CLO, Legal Sub-Commission, ACC.

31A

1. Reference is to your letter ACC/4120/I/L of 7 July 44.

2. A demand was received from the military authorities that Highways No.6 and No.7 should be cleared of civilian traffic. Pursuant to that demand road blocks were established at the crossings over the GARIGLIANO river with instructions that all mechanically propelled vehicles not properly authorized were to be impounded on the spot. In order to give legal sanction to these instructions Administrative Order No.10 was issued.

3. It is not agreed that these instructions could have been legally carried out if the only law on the point were General Order No.24. That Order restricts travel in territory north of the Control Line and states the location of the Control Line will be notified from time to time. So far as is known the location of the Control Line has never been publicly notified (it has been notified in a secret document), consequently it is impossible to prove to a Court that a person who travels contrary to Section 1(a) of Article I of General Order No.24, has committed any offence. Further the essence of Administrative Order No.10 is the impounding provision which is not contained in General Order No.24.

4. With regard to paragraph 3 of your letter of 7 July there is no intention that the power of disposal given to the Regional Commissioner shall be operated in such a way as to effect a forfeiture of any vehicle. Its purpose is to ensure that suitable vehicles may be requisitioned (in the proper manner) to replace the worn out vehicles now in

use in this Region. If a vehicle is not requisitioned or is not forfeited by order of an Allied Military Court, it will be placed at the disposal of the owner.

5. Having regard to what is said in paragraph 3 above it is not considered advisable at the present time to repeal Administrative Order No.10. When General Order No.24 is revised and if the powers contained in it are sufficient to enable the control desired by the military authorities to be effectively maintained, Administrative Order No.10 will be repealed.

For the Regional Commissioner:

GAB/mo/.

G.A. Bamlet

G.A. BAMLET,
Major, G.L.,
Acting Reg. Legal Officer.

File

(31A)

HEAD HEADQUARTERS
 A LEO CORP. COMMISSION
 Legal Subcommission
 APO 394

HIV/GAF

ACC/1320/1/L

7 Jul 44

SUBJECT: Administrative Order No. 10.

TO : Acting JAG (then Acting R.C.) Region 3.

4120/3

1. Copy of the above order was today received.
2. Substantively, it appears merely to reaffirm the contents of General Order 24, except with respect to impounding and forfeiture of motor vehicles.
3. We know of no authority whereby a Regional Commissioner alternatively with an Allied Military Court can adjudicate the disposition of a vehicle as provided in Section 2 Article II thereof.
4. Since General Order 24 is now in process of revision, and a forfeiture clause will be contained therein, would it not be well to withdraw your Administrative Order No. 10?

HAROLD J. CROSSMAN, Lt. Col.
 for Acting Chief Legal Officer.

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HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

Legal
Rear. (SoA)
U. 3806

L-2074

1 July 1944

Subject: Uniform Interpretation of Regional Wage
Adjustment Orders of December, 1943, as
applied to public employees.

To : CLO, Legal Sub-Commission, ACC.

Not received at Legal

1. Reference is made to the letter, your headquarters,
of 22 June 44, reference LAB 091.4311, on this subject.

2. Herewith is sent a draft of the Regional Order
prepared in accordance with paragraph 6 of the letter of
22 June together with an Italian translation of the draft.

3. As the matter is a somewhat complex one it will be
appreciated if this headquarters can be advised that the draft
Regional Order correctly interprets what is required.

For the Regional Commissioner:

G.A. Bamlet

G.A. BAMLET,
Major, G.D.
Acting Reg. Legal Officer.

GAB/mo

Copy to

Labour Sub-Commission ACC (with copies of draft
and translation).



(30B)

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
APO 394, U.S. Army

Regional Order)

Number)

June 1944

Considering that by Regional Order No. 2, dated December 1943, (herein referred to as "the said Regional Order") certain provisions were made for the adjustment of wages of certain Government employees:

And considering that different interpretations have been placed upon the said Regional Order whereby serious inequities have been created:

And considering the desirability of ensuring that a uniform interpretation is placed upon the said Regional Order, of defining the method of calculation of certain payments to certain Government employees, and of increasing the rates of the Mission Indemnity and the Mileage Indemnity:

And considering the instructions given to me by higher authority:

I, JOHN W. CHAPMAN, Colonel, Acting Regional Commissioner, Region 3, by virtue of power vested in me, hereby

ORDER

Article I.

Interpretation of Regional Order No. 2

Section 1. The scale of percentage increases referred to in Article IV of the said Regional Order shall be applied only to the total sum of such of the following items as are applicable to the particular employee concerned, that is to say -

- (a) basic salary;
- (b) supplement for active service;

(c) temporary war allowance;
 (d) family allowance;
 (e) bombardment allowance, calculated in the manner provided in Article II of this Order, but only where such allowance is legally payable under the provisions of Italian law or under competent authorization given, on or before 31 December 1943, by the Allied Military Government; and

(f) miscellaneous compensation for special groups which term shall be deemed to include all special indemnities and allowances provided by law in fixed amounts as recurrent integral parts of the total compensation of public employees in particular branches of the government service or working under particular conditions.

Section 2. Without prejudice to the generality of paragraph (f) of Section 1 of this Article, examples of items included in the said paragraph (f) are the Toga Indemnity for magistrates, the Special Service Indemnity for public safety employees, the Running Indemnity for State Railway workers, and the Evening and Night Service Indemnity for post office and other employees.

Section 3. Where any of the indemnities included in paragraph (f) of Section 2 of this Article are normally paid at longer intervals than once a month, a monthly average will be established in regard to each person concerned, for the purpose of applying the scale of percentage increases referred to in Article IV of the said Regional Order.

Section 4. The several payments specified in Article III of this Order will not be regarded as coming within the group of items to be totalled for the purpose of applying the scale of percentage increases referred to in Article IV of the said Regional Order.

Article II.

Method of calculation of bombardment allowance

Where, under the provisions of Italian law or under competent authorization given, on or before 31 December 1943, by the Allied Military Government, bombardment allowance is payable, such allowance shall be calculated solely on the basis provided by the Royal Decree Law, 16 December 1942, No. 1498, and such calculation will not take into considera-

tion any increase authorised, whether by this Order or before or after the date thereof, in the amount of the Mission indemnity as established by the Royal Decree Law, 27 February 1942, No. 76.

Article III.

Method of calculation of certain payments.

Section 1. Periodical premiums for industriousness and productivity, which term shall be construed as including all premiums, however designated, which are normally and regularly paid periodically (whether quarterly, semi-annually, or annually) to selected employees on the basis of their relative merit, shall be calculated in manner following, that is to say, the total sum allocated for the purpose of the premium, the scale of individual payments, and the basis for selecting eligible employees shall be determined by the governmental authority legally empowered to make such determination, but in no instance shall a greater total sum be allocated or a higher scale of individual payments be made than was allocated or made (as the case may be) in the last periodical premium which was paid on or before 31 December 1943.

Section 2. Monthly premiums for industriousness and productivity shall be calculated in manner following that is to say -

(a) In all offices where this premium is based on hourly rates -

(i) the hourly rates will be those established by the law, or by the governing bodies of the offices in accordance with powers derived from the law, in force prior to the coming into effect of the said Regional Order; and

(ii) the maximum number of hours for which the premium may be paid with respect to any month shall not exceed -

(A) for State employees in respect of whom a maximum number of hours was prescribed by law prior to the coming into effect of the said Regional Order, the maximum number of hours so prescribed;

(B) for other State employees, 75 hours as prescribed by the Royal Decree Law, 17 February 1924, No. 102; and

(C) for other public employees, the maximum number of hours, not exceeding 75 hours in any case, fixed by regulations heretofore or hereafter adopted by the governing bodies of the offices.

(b) In public offices in which, prior to the coming into effect of the said Regional Order, this premium was paid on the basis of a fixed amount established by a central governing body, the premium shall continue to be calculated on the basis of such fixed amount, and may be paid whether or not work is done in excess of normal hours.

Section 3. 13th Month and similar bonuses based on extra month's salary may only be paid in offices where, and to the extent that, they are normally and customarily payable to all employees as an established part of their annual compensation, in accordance with regulations and provisions adopted by central governing bodies prior to the coming into effect of the said Regional Order. Where any such bonus may be paid in accordance with the foregoing provisions of this Section, it shall be calculated only on the sum of the Base Salary (plus Supplement for Active Service) and the Family Allowance augmented in accordance with the scale of percentage increases referred to in Article IV of the said Regional Order.

Section 4. Compensation for actual overtime exceeding normal hours of work shall be payable only by agencies in which overtime exceeding normal hours of work is authorized by law or by competent regulations of central governing bodies. Proper control will be exercised in accordance with such regulations, subject to the further provision that all overtime in respect of which compensation may be paid, must be designated as essential by the head of the office concerned, must be performed by his direction, and must be verified by adequate records. Compensation shall be based on such fixed hourly rates for overtime as were legally in force prior to the coming into effect of the said Regional Order.

Article IV.

Increase of certain Indemnities

Section 1. The daily rates of Mission Indemnity, as established by the Royal Decree Law, 27 February 1942, No. 7643 are hereby increased by 70 per centum.

Section 2. The rate per kilometre of the Mileage Indemnity, established by the Royal Decree Law, 14 September 1910, No. 1311, as subsequently amended, are hereby uniformly fixed at 3 lire.

Article V.

Penalties.

Any person violating any provisions of this Order shall upon conviction by an Allied Military Court be liable to punishment by imprisonment or fine or both.

Article VI.

Extent of Order and Effective Date.

Section 1. This Order shall apply only to the employees mentioned in Article I of the said Regional Order who are employed within the Provinces of Naples, Avellino and Benevento.

Section 2. This Order shall be deemed to have been effective on, from and after 1 June 1944. The provisions of this Order shall be applicable to monthly salary payments commencing with the month of June 1944, and to weekly salary payments commencing with the week beginning on 26 June 1944.

Section 3. Where the monthly salary payments or the weekly salary payments referred to in Section 2 of this Article have been calculated otherwise than in accordance with the provisions of this Order, an adjustment shall be made in the amount of such payments at the first available opportunity. No adjustments shall be made as regards any monthly salary payments made before the month of June 1944 or as regards any weekly salary payments made on or before 25 June 1944.

JOHN W. CHAPMAN,
Colonel, JAGD,
Acting Regional Commissioner

GAB/mo
L-2071/53

Distribution -
English E.
Italian C.
To be printed.

62

QUARTIERE GENERALE
GOVERNO MILITARE ALLEATO
REGIONE 3.

Ordine Regionale)
:
Numero)

giugno 1944

Considerando che con l'Ordine Regionale No.2, del dicembre 1943 (richiamato nel corpo del presente Ordine come " il summenzionato Ordine Regionale") furono emesse alcune disposizioni per la sistemazione degli stipendi e salari di alcuni impiegati governativi:

E Considerando che sono state date differenti interpretazioni al summenzionato Ordine Regionale, di modo che si sono originate gravi disparità:

E considerando l'opportunità di assicurare una uniforme interpretazione al summenzionato Ordine Regionale, di determinare il sistema di calcolo di alcuni pagamenti a taluni impiegati governativi, e di aumentare la misura dell'indennità di missione e dell'indennità chilometrica:

E considerando le istruzioni impartiteci dalle superiori autorità:

In virtù dei poteri conferitimi, io, JOHN W. CHAPMAN, Colonnello, Commissario Regionale Provvisorio, Regione 3:

ORDINE

Articolo I.

Interpretazione dell'Ordine Regionale No.2

Sezione 1. La scala degli assenti percentuali previsti nell'Articolo IV del summenzionato Ordine Regionale deve essere applicata solamente sulla somma totale delle seguenti voci quando rappresentano parte dell'esodo degli impiegati interessati, ossia -

51

(a) salario base;
(b) supplemento per servizio attivo;
(c) assegno temporaneo di guerra
(d) aggiunta di famiglia;
(e) indennità di bombardamento, calcolata nella misura prevista nell'Articolo II del presente Ordine, ma solo quando tale indennità è dovuta secondo la legge italiana o sulla base di una competente autorizzazione data dal Governo militare Alleato il o prima del 31 dicembre 1943; e

(f) compensi vari per gruppi speciali, termine che deve essere considerato come comprensivo di tutte le speciali indennità ed assegni previsti dalla legge in misura fissa come parte normale ed integrale del compenso totale dei pubblici impiegati appartenenti a speciali rami della pubblica amministrazione o che svolgono la loro attività in peculiari condizioni.

Sezione 2. Senza pregiudizio al principio generale fissato nel paragrafo (f) della Sezione I del presente Articolo, esempi delle voci da includere nel detto paragrafo (f) sono l'indennità di toga per i magistrati, l'indennità di servizio speciale per gli impiegati di pubblica sicurezza, il premio di percorrenza per gli impiegati delle P.P.S., e l'indennità di servizio serale e notturno per gli impiegati delle R.R.P.P. e per gli altri impiegati.

Sezione 3. Quando qualcuna delle indennità incluse nel paragrafo (f) della Sezione 2 di questo Articolo è normalmente pagata a scadenze superiori ad una volta al mese, sarà stabilita una media mensile per ogni persona interessata, ai fini dell'applicazione della scala di aumenti percentuali di cui all'Articolo IV del susseguente Ordine Regionale.

Sezione 4. I vari pagamenti specificati nell'Articolo III del presente Ordine non saranno considerati come compresi nel gruppo delle voci da essere sommate ai fini dell'applicazione della graduazione degli aumenti percentuali previsti nell'Articolo IV del susseguente Ordine Regionale

Articolo II.

Metodo di calcolo dell'indennità di bombardamento

Quando, secondo la legge italiana o sulla base di una competente autorizzazione accordata dal Governo Militare Alleato il o prima del 31 dicembre 1943, l'indennità di bombardamento è dovuta, tale indennità deve essere calcolata solamente sulla base prevista dal RDL 16 dicembre 1942 No. 1498, ed il suo calcolo non terrà in considerazione nessun aumento autorizzato o con il presente Ordine o prima la data dello stesso nell'ammontare dell'indennità di missione come stabilito dal RDL del 27 febbraio 1942, No. 76.

Articolo III.

Metodo di calcolo di alcuni pagamenti.

Sezione 1. I premi periodici di operosità e rendimento, denominazione questa che va intesa come comprensiva di qualsiasi premio comunque denominato pagato periodicamente (trimestralmente, semestralmente o annualmente) in modo normale e regolare agli impiegati che si sono distinti per merito, debbono essere calcolati nel modo seguente, ossia: la somma totale stanziata per premio, la scala delle quote individuali ed i sistemi di valutazione del merito degli impiegati saranno determinati dagli organi amministrativi investiti all'uopo dalla legge, ma in nessun caso deve essere stanziata una somma totale superiore, né deve essere stabilita una scala di quote individuali superiore a quella stanziata o stabilita (a seconda del caso) per l'ultimo premio periodico che fu pagato il, o prima del 31 dicembre 1943.

Sezione 2. I premi mensili di operosità e rendimento verranno calcolati come segue:

(a) in tutti gli uffici in cui questo premio viene corrisposto sulla base di tariffe orarie -

(1) le tariffe orarie saranno quelle stabilite dalla legge o dagli organi amministrativi degli uffici secondo i poteri attribuiti dalla legge, in forza prima dell'entrata in vigore del summenzionato Ordine Regionale; e

39

(ii) il numero massimo di ore per cui il premio può essere pagato, per qualsiasi mese, non deve eccedere

(A) per gli impiegati dello Stato per i quali fu fissato dalla legge un numero massimo di ore prima dell'entrata in vigore del summenzionato Ordine Regionale, il massimo numero di ore in quel caso fissato;

(B) per gli altri impiegati dello Stato, le 75 ore come prescritto dal RDL del 17 febbraio 1924, N°182; e

(C) per gli altri pubblici impiegati, il numero massimo di ore, non superiore in nessun caso alle 75 ore, stabilito dalle precedenti norme e da quelle in seguito adottate dagli organi amministrativi degli uffici.

(b) Nei pubblici uffici in cui, prima dell'entrata in vigore del summenzionato Ordine Regionale, questo premio era pagato sulla base di una somma fissa stabilita da un organo amministrativo centrale, il premio continuerà ad essere calcolato sulla base di tale somma fissa, e può essere pagato, sia fatto o no il lavoro in eccesso delle ore normali.

Sezione 3. Le tredicesime mensilità ed altre gratifiche similari corrisposte sulla base di una mensilità, possono essere pagate dagli uffici e nella misura in cui costituiscono normalmente e per consuetudine una parte del complessivo emolumento annuale pagato a tutti gli impiegati, secondo i regolamenti e le disposizioni adottate dagli organi amministrativi centrali prima dell'entrata in vigore del summenzionato Ordine Regionale. Quando tali gratifiche possono essere pagate secondo le precedenti disposizioni della presente Sezione, esse saranno costituite solo dalla somma dello stipendio base (maggiorato del supplemento di servizio attivo) e dell'aggiunta di famiglia aumentato secondo la scala degli aumenti percentuali previsti nell'Articolo IV del summenzionato Ordine Regionale.

Sezione 4. Compenso per lavoro straordinario-effettivo eccedente l'orario normale sarà dovuto solo dai pubblici uffici nei quali il lavoro straordinario eccedente l'orario normale è autorizzato dalla legge o da competenti regolamenti emanati da organi amministrativi centrali.

Adeguate controllo del lavoro straordinario sarà effettuato secondo tali regolamenti, soggetto alla disposizione che tutto il lavoro straordinario da compensare, deve essere dichiarato come indispensabile dal capo ufficio competente, deve essere eseguito su suo ordine ed annotato per iscritto in un registro delle ore eseguite. Le tariffe orarie di tale compenso saranno quelle in vigore per il lavoro straordinario anteriormente all'entrata in vigore del suanzionato Ordine Regionale.

Articolo IV.

Aumento di talune indennità

Sezione 1. Le tariffe giornaliere dell'indennità di missione stabilite dal R.D. 27 febbraio 1942, n° 76, sono con la presente aumentate del 70%.

Sezione 2. Il compenso per ogni chilometro dell'indennità chilometrica, stabilito con il R.D. del 14 settembre 1918 n° 1311, come successivamente modificato, resta fissato con la presente in misura uniforme a lire 3.

Articolo V.

Panzioni

Chiunque contravvenga a qualsiasi delle disposizioni del presente Ordine, se riconosciuto colpevole da una Corte Militare Alleata, sarà soggetto a pena di detenzione od a multa, o ad entrambe dette pene.

Articolo VI.

Estensione dell'Ordine e data di entrata in vigore

Sezione 1. Il presente Ordine si applicherà solamente agli impiegati di cui all'Articolo I del suanzionato Ordine Regionale, che sono impiegati entro le Province di Napoli, Avellino e Benevento.

Sezione 2. Il presente Ordine dovrà considerarsi in vigore il, ed a partire dal 1° giugno 1944. Le disposizioni del presente Ordine saranno applicabili ai pagamenti di stipendi mensili a cominciare dal mese di giugno 1944 ed ai pagamenti di salari settimanali a cominciare dalla settimana che inizia il 26 giugno 1944.

37

Sezione 3. Qualora i pagamenti di stipendi mensili e di salari settimanali di cui alla Sezione 2 del presente Arti-

colo siano stati calcolati in maniera differente dalle disposizioni del presente Ordine, una sistemazione sarà effettuata nell'ammontare di tali pagamenti alla prima occasione. Nessuna sistemazione sarà effettuata per pagamenti di stipendi mensili avvenuti prima del mese di giugno 1944 e per pagamenti di salari settimanali avvenuti il o prima del 25 giugno 1944.

GAB/no

L-2071/53

JOHN W. CHAPMAN,
Colonnello, JAGB,
Commissario Provinciale
Provvisorio.

HEADQUARTERS,
REGIONAL ALLIED CONTROL COMMISSION,
APO 394, U.S. Army.

29A

L-2071/15

21 June 44.

SUBJECT : Regional Order No.18.

TO : CLO, Legal Sub-Commission, AEC.

28A

1. Reference your ACC/4120/1/L of 20 June 44, paragraph 2.
2. The Regional Commissioner has today signed a Regional Order repealing Regional Order No.18.

For the Regional Commissioner,

G. A. BAMET

G. A. BAMET, Major G.L.
Deputy Regional Legal Officer.

GAB/

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☒
Chief Counsel	
CJO	
Italian Section	
CL RKS	

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APC 394

GRU/gmf

20 Jun 44

ACC/4420/1/1

SUBJECT: Region 3.

TO : HIO (thru RC) Region 3.

Confirming our conversation (Col. Upjohn - Col. Chapman) yesterday

1. Personnel matters are I hope for the time being settled and you will only lose Christians and Woodward.
2. Regional Order 18 will forthwith be rescinded if this has not already been done.
3. Admin. Order No. 3 (Defascistization) will be soft pedalled and ultimately superseded by the Italian decree. You confirmed that it was a judicial body and dismissals are not automatic merely because a person now holds a certain office and was formerly a fascist of a certain grade.
4. We are considering some amendments to Regional Order No. 57.
5. I shall arrange an exchange of duties for Major Holt in the near future.
6. You confirmed that Ciro Sarno was entirely at the disposal of the Italian Judicial authorities for prosecution subject only to this - that all the accused may be tried in an A.E. Court if the facts warrant it.
7. Inflation is a knotty problem!!

[Signature]
L. R. UPJOHN, Colonel
Chief Legal Officer.

34

Copy to: Files ACC/4025/2/1
ACC/4005/1/1

file
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

RHW/pa

27

4 June 1944

ACC.4120/1/L.

SUBJECT : Jurisdiction of Italian Courts.

TO : R.L.C. (thru RC) Region 3 .

1. Reference to your L-2071/48 dated 31 May 1944.
2. The draft order seems to be in satisfactory shape, but the feasibility of issuing will depend upon what attitude the Italian judicial authorities take, both as to taking jurisdiction under the proposed order and as to the form of the order itself.

RICHARD H. WILMER,
Colonel,
Deputy Chief Legal Officer 33

26

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

L-2071/48

31 May 1944.

Subject: Jurisdiction of Italian Courts.

To : C.L.O., Legal Sub-Commission, A.C.C.

1. In continuation of the policy of handing over to the Italian Courts as many charges as possible, a draft Regional Order has been prepared to give to the Italian Courts jurisdiction to try offences created by certain Regional Orders.

2. Opportunity has been taken to clarify the jurisdiction already conferred on the Italian Courts by Regional Orders Nos. 26 and 32.

3. The Officer i/c Italian Courts at this headquarters has been supplied with a copy of the draft and has been asked to obtain the views of the Italian judicial authorities on it.

4. Your observations on the draft Order will be appreciated.

For the Regional Commissioner:



JOHN W. CHAPMAN,
Colonel, JAGD,
Reg. Legal Officer.

32

GAB/mo

LEGAL SUB-COMMISSION	
CEO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CLERKS	

(25)

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
APO 394, U.S. Army

Regional Order)
:
Number)

May 1944.

Considering the need of conferring on Italian Criminal Courts jurisdiction to ~~the~~ certain offences created by Regional Orders:

I, CHARLES POIETTI, Colonel, Regional Commissioner, Region 3, by virtue of power vested in me, hereby

ORDER

Article I.

Definition

In this Order the expression "Italian Criminal Court" means any Italian Court having criminal jurisdiction.

Nothing contained in the description of a Regional Order as mentioned in the schedule hereto shall in any way restrict or curtail the operation of that Order, or of this Order.

Article II.

Jurisdiction of Italian Criminal Courts.

Any person charged with the violation of any of the provisions of any of the Regional Orders mentioned in the said schedule hereto may be tried by an Italian Criminal Court. Every Italian Criminal Court shall have competence and jurisdiction to hear and determine, in accordance with Italian criminal procedure, all cases in which a violation of any of the provisions of the said Orders is charged and which have been referred to be tried

by that Court but, subject to the provisions of Article III of this Order, that Court shall not have power to award any punishment greater than it can lawfully award under Italian law.

Article III.

Penalties.

Section 1. Any person who violates any of the provisions of any of the Regional Orders mentioned in the said schedule hereto shall, upon conviction by an Italian Criminal Court, be liable to "arresto" or "ammenda" as defined by Articles 25 and 26 of the Penal Code, approved by Royal Decree, 19 October 1930, No. 1398, or to both such "arresto" and "ammenda", with or without other lawful punishment, as the Court may determine.

Section 2. Where, under the provisions of any of the Regional Orders mentioned in the said schedule hereto, an Allied Military Court has power -

(a) to order the forfeiture to the Allied Military Government of any personal property; or

(b) to order the closing of any shop or any theatre (including any place defined as a shop or a theatre); or

(c) to prohibit any person from taking any further part in a scheme for the distribution of medical stores or milk set up by a Regional Order,

then, in addition to inflicting either or both of the punishments mentioned in Section 1 of this Article, or in lieu thereof, an Italian Criminal Court may (notwithstanding anything contained in Article II of this Order or in Italian law) exercise such and the same powers as are conferred on an Allied Military Court in respect of such forfeiture, closing and prohibition, or any of them.

Article IV

Restitution of stolen property

Where any person is convicted by an Italian Criminal Court of violating any of the provisions of any of the Regional Orders mentioned in the said schedule hereto and it is proved

to such Court that such person has stolen, or wrongfully received, or has in his possession property of the Allied Forces or any member thereof, such Court shall, as part of its judgment and without the necessity of any application or claim being made therefor or of any further proceedings being taken in respect thereof, order the restitution of such property to the Allied Forces or to the member thereof entitled thereto.

Article V.

Repeal.

So much of Regional Orders Nos 26 and 32, dated respectively 29 March¹⁹⁴⁴ and 8 May 1944, (which are more specifically mentioned in the said Schedule hereto) as confers upon an Italian Criminal Court jurisdiction to hear and determine cases in which a violation of any of the provisions of the said Regional Orders Nos 26 and 32 is charged, or provides for the penalties for such a violation, is hereby repealed but without prejudice to anything done thereunder.

Provided that nothing in this Article shall prejudice or affect any proceedings of whatever kind commenced before the date of this Order, and all such proceedings shall continue as if this Order had not been made.

Article VI.

Saving of powers of Allied Military Courts.

Nothing in this Order shall prejudice, lessen or take away any power of an Allied Military Court to hear and determine cases in which a violation of any of the provisions of the Regional Orders mentioned in the said Schedule hereto is charged or to inflict penalties for any such violation.

Article VII.

Extent of Order and Effective Date .

This Order shall extend to the provinces of Naples, Avellino and Benevento and shall be effective on, from and after June 1944.

The Schedule before referred to.

<u>Number</u> <u>of Order</u>	<u>Date of Order</u>	<u>Subject matter of Order.</u>
2.	7 January 1944	Declaration etc. of hemp.
5.	15 January 1944	Collection of hemp
21.	10 March 1944	Reopening of places of entertainment.
23.	20 April 1944	Distribution of Medical Stores
24.	24 March 1944	Sanitation
26.	29 March 1944	Fixing and Marking of Prices etc.
32.	8 May 1944	Restriction on sale etc. of sweetmeats
39.	21 April 1944	Restriction on use of Mechanically Propelled Vehicles, Issue of Fuel Ration cards, etc.

GAB/mo

L-2071/48

CHARLES POLETTI,
Colonel,
Regional Commissioner.

26

✓ 412011

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY

M.C. HOLT

Naples, Italy
6 May 1944SUBJECT : Terms of appearance in penal cases.
TO : Regional Legal Officer.

1. In order to obtain a more prompt disposition of penal cases before the Italian Courts, it has been suggested by the First President and Procuratore Generale of the Court of Appeal, that the legal delays provided by the Italian law for the appearance of an accused before Pretore, Tribunale, and Court of Appeal, should be reduced to a minimum by the competent magistrate concerned.

2. I have modified the draft order in accordance with the suggestion of the CLO, A.C.C. so as to substitute for the words "to the minimum possible" a more precise formula, to wit, "not less than three days".

Ministry of Justice
informed.
8/5744 any.

M. C. Holt
M.C. HOLT Major 21
Officer i/c. Italian Courts
A. C. C. REGION III.

✓ 4120/1

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY

MCI:EC

Gordon Hill

Naples, Italy
6 May 1944

24

SUBJECT : Terms of appearance in penal cases.
TO : Regional Legal Officer.

1. In order to obtain a more prompt disposition of penal cases before the Italian Courts, it has been suggested by the First President and Procuratore Generale of the Court of Appeal, that the legal delays provided by the Italian law for the appearance of an accused before Pretore, Tribunale, and Court of Appeal, should be reduced to a minimum by the competent magistrate concerned.

2. I have modified the draft order in accordance with the suggestion of the CLO, A.C.C. so as to substitute for the words "to the minimum possible" a more precise formula, to wit, "not less than three days".

Ministry of Justice
informed.
8/5/44. aly.

File
M.C. HOLT Major 21

Officer i/c. Italian Courts
A. C. C. REGION III.

23

WITH REFERENCE TO THE DISCUSSION OF THE INST; WE LET
YOU OBSERVE THAT UNDER ARTICLES 407, 409 AND 517 OF THE CODE OF
PENAL PROCEDURE, THE ACCUSED HAVE THE RIGHT TO A TERM WITHIN
WHICH TO APPEAR BEFORE THE PRETORE, TRIBUNAL AND COURT OF APPEAL
AND BY ESTABLISHING THE SERVICE OF PUBLIC HEARINGS WITHIN THE NEXT
FEW DAYS, SAID TERMS WOULD FALL SHORT.

TO AVOID SUCH AN INCONVENIENCE WE ARE OF THE OPINION THAT
THE PROCLAMATION TO BE POSTED BY YOUR COMMAND BE INSERTED A NOTE
TO THE EFFECT THAT SAID TERMS MAY BE REDUCED TO THE MINIMUM BY
THE COMPETENT MAGISTRATE NOT LESS THAN THREE DAYS.

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

GRH/pa

3 May 1944

ACC/4120/1/L

SUBJECT : Regional Orders Region III .
TO : Executive Commissioner .

1. Your attention is called to Regional Order No.43 of Region 3.
2. Regional Orders seem proper only in cases of general interest to the public and not in cases of mere appointments and dismissals. An Administrative Order would seem to be quite sufficient for the latter type of action, if indeed there need be anything more than a notification to the interested parties and to members of the Regional Staff affected .
3. It is obviously desirable to keep down the number of Regional Orders and confine them to matters affecting the populace generally.

G. R. UPJOHN,
Colonel,
Chief Legal Officer .

Copy to : R.L.O. Region 3 (thru R.C.) .

file

21

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4120/1/L.

/rlp.
25 April 1944.

SUBJECT : Proposed Region III Regional Order on Aliens.
TO : RC & MG Section.

20

1. Reference yours 384/15/CA of 22 April 1944.
2. Copy of administrative instructions was requested in ours of 5 April 1944 (ACC/4120/1/L), but was not received from you until 18 April 1944. It was thereupon immediately placed in the hands of the Public Safety Sub-Commission for its consideration.
3. Since, among other things, the proposed legislation has to do with matters concerning internment, the Public Safety Sub-Commission felt obliged to consult with Hq, AAI before making any recommendations on the subject.
4. As soon as the wishes and policy of Hq, AAI have been determined and communicated to us by Public Safety Sub-Commission, we shall be prepared to advise you in the premises.

G. R. UPJOHN,
Colonel,
Chief Legal Officer.

4120/11
343 ✓
20

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

Ref/384/15/CA

22 April 1944

SUBJECT: Proposed Region III Regional Order
on Aliens.

TO : To Admin. Sect. (for Legal Sub-Comm.)

1. Reference is made to our 384/8/CA of
1st April, yours ACC/4120/1/L of 4 April and
5 April and our 384/13/CA of 16 April.

2. Can this Section be advised of the la-
test situation in regard to the drafting of a ge-
neral order on aliens to apply to all regions ref.
your ACC/4120/1/L of 4 April para 3.

11
10
18
11

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

24

FILE

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

MJG/eb

ACC/4126/1/L.

13 April 1944.

SUBJECT: Proposed Regional order by Reg. III (Aliens.)

TO : Public Safety Subcommittee.

1. Pursuant to your request enclosed herewith proposed Regional order (Aliens) and Administrative Instructions intended to be issued in connection therewith.
2. It is an understanding that you will promptly advise us as to your wishes with respect thereto.

MARC. J. GROSSMAN,
Major,
for Chief Legal Officer.

418/11 18

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

Ref/384/13/CA

16 April 1944

SUBJECT: Proposed Regional Order By Reg. III.

TO : Admin. Sect. (for Legal Sub-Comm.) ✓

(12)

As requested in your ACC/4120/1/L of 5 April attached hereto is copy of administrative Instructions, in connection with proposed Regional Orders, which is also returned herewith.

for *Winfield White*
Major Gen.
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

File
FILE
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

12 April 1944

ACC/4120/1/1.

SUBJECT : Proposed Legislation Region III .

TO : Executive Commissioner .

Objection is still taken to this draft principally on the ground that it is entirely unnecessary. See para 1 (IV) of my earlier letter. The revised Proclamation makes it plain that meetings may be held with a permit and the Regional or Provincial Commissioner can grant a permit for any meeting making such conditions as he deems desirable. In any event reference to the jurisdiction of the Italian Courts in Arts. 3 and 4 should be deleted .

G. R. UNJOHN,
Colonel,
Chief Legal Officer.

File

ARMY HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

16

12 April 1944

AGC/4120/1/L

SUBJECT : Proposed Regional Order No. 32 of Region III .
TO : Deputy Executive Commissioner .

Reference your 282/102/3A dated 11 April 1944 .

This whole matter will be discussed at the special meeting of R3s on Saturday, 15 April 1944 .

G. R. UPJOHN,
Colonel,
Chief Legal Officer.

20

12 APR REC'D

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

Ref/282/102/CA.

11 April 1944.

SUBJECT: Proposed Regional Order No. 32 of Region III.

TO : V.P. Admin. Section - For Legal Sub-Com.

Will you please advise if any decision has been reached relative to the above proposed order, which was taken up with you recently (Col. Upjohn and Capt. Neufeldt conversation, Salerno).

CLO

QCLO

Chief Counsel

CJO

Region - Section

CLERKS

Sir,

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

Now in process of translation

+ typing for a/cce. ll

Reply

This whole matter will be discussed at special meeting of R.C. in Salt

13

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

Ref/278/89/CA.

11 April 1944

SUBJECT: Modification of Firearms Proclamation.

TO : R.C. Region III.

Minutes of Conference

Reference your letter of 26 March 1944 on above subject.

1. This matter was submitted to the C.L.O., Legal Sub-Commission. By letter dated 6 April the C.L.O. advises this matter was recently discussed at a conference attended by the C.L.O., D.C.L.O., A.L.Os., and S.L.Os. of Armies, as well as other legal officers, and that it was unanimously agreed that it would be unwise to issue the order suggested by you.
2. The C.L.O. also advises: "the offence created by Proclamation No. 2, Article I (5) is to have possession of fire arms etc.....'except in accordance with a permit of the Allied Military Government'. The desired object could, therefore, be achieved by a system of permits, and this is the course adopted in Region I, where farmers who had handed in firearms were permitted to withdraw one shotgun and to have up to 10 cartridges."
3. It is therefore considered the issue of the order requested is unnecessary, since the desired result is attainable as suggested by the C.L.O.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CLERKS

For Sign 1051

NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner

Copy to Legal Subcommission

412011

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 594

(13)

Ref/226/36/CA.

11 March 1944.

SUBJECT: Proposed Medical Supplies Order.

TO : V.P. Admin. Section - for Public Health Sub-Commission.

1. Enclosed herewith is copy of a proposed Regional Order concerning the distribution of medical stores, which Region III desires to issue, if there are no objections.
2. Region III states this order is urgent and requests a prompt reply. Will you please give the matter your early attention.
3. Please advise with Legal Sub-Commission as to whether they have a copy of this proposed order, and if not, you are requested to forward same direct to them, after it has served its purpose with you. The last office dealing should return the draft Regional Order to this H.Q.

No

G.W.I. Shipp Lt Col

G.W.I. SHIPP,
Lieut. Col.
For Deputy Executive
Commissioner.

✓ Copy to: Legal Sub-Commission - For information.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian - Section	
CLERKS	

17

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/ap

ACC/4120/1/L.

5 April 1944.

SUBJECT : Proposed Regional Order by Region III.

TO : Deputy Executive Commissioner.

1. Supplementary our ACC 4120/1/L dated 4 April 1944 in response to your ref. ~~383~~ 384/8/CA dated 1 April 1944.

2. It now appears that Region III intended to issue certain administrative instructions in connection with the proposed regional order. May we have a copy of such administrative instructions?

*Encl. Copy of Region 3
Order referred to. (Please
return with your reply).*

GERALD R. UPJOHN
Colonel,
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/gmf

11

ACC/4120/1/L

4 April 1944

SUBJECT: Proposed Regional Order by Region 3.

TO : Deputy Executive Commissioner.

1. Ref your 348/8/CA dated 1 April 1944.

2. Since it is proposed that legislation substantially of the character set forth in proposed Regional Order enclosed in the above be made operative in all of occupied territory, the form thereof should be by way of General rather than Regional Order.

3. In collaboration with Col. Young, we therefore are drafting a General Order to cover the subject matter of the Regional Order.

4. May we suggest that Region 3 be advised accordingly and that the aforesaid Regional Order be not published.

G. R. UPJOHN, Colonel
Chief Legal Officer.

See 12

4120/1

2 APR 1944

2635
10HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 594

Ref/38148/GA.

1st April 1944.

SUBJECT: Proposed Regional Order by Region III.

TO ✓: Admin. Section - For Legal Sub-Commission.

1. The attached copy of a revised draft sent forward by Region III, who proposed to issue it as a Regional Order, is forwarded.
2. I have discussed this order with Col. Young of Public Safety Sub-Commission who is in agreement with the draft but considers that it should apply to the whole of AMG territory. He also thinks provision should be made to exclude refugees who are temporarily residing in camps set up under A.C.C. control. If this is done the matter of registration of these refugees after they leave the camp can be taken up separately with the Italian Refugee Branch.
3. I am in agreement with Col. Young's suggestions. The situation appears to be the same as the recent proposed order by Region III on the subject of publications. Would you please let me have your comments on this proposed order.

Major Grossman

1. Prepare General Order

2. Write letter to Fiske

Suggest on proposed general order

and letter to build up Region III

W. Shipp 1461

NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

14

Copy to: R.C. Region III.

Administrative Order
Instruction

420/1
 (9)
 HEADQUARTERS
 ALLIED CONTROL COMMISSION
 R.C. & M.G. SECTION
 APO 394

Ref/282/75/CA.

30 March 1944

SUBJECT: Region III General Order No. 31

TO : VP, Admin Sec (for Public Security
Sub-Commission)

Herewith is enclosed copy of the
 above order for your information.

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

13

① Legit has seen this and approve from
 their point of view.

② It appears to be action the security
 aspect somewhat especially Sec II but
 this may be covered by ART. IV

J. J. [unclear]

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission

Radio for action/information

✓ C.P.S. *PSK*

✓ D.C.P.S. *PS*

Police

Prisons

Fire & C.D.

Regn. & Licensing

Adm. Officer *RM*

Remarks:

.....
.....
.....
.....

I fully cover.

~~*CH*~~
~~*PS*~~

To ~~*Adm Sec*~~ *PS*

~~*Secy for Regat*~~

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission

Folio for action/information

- ✓ C.P.S. *PSK*
- ✓ D.C.P.S. *PS*
- Police
- Prisons
- Fire & C.D.
- Regn. & Licensing
- Adm. Officer *AW*

Remarks:

.....
.....
.....
.....

I fully cover. ~~CH~~
~~PS~~

To ~~Adm Sec~~ *PS*
~~Secy for Regat~~

HEADQUARTERS
ALLIED CONTROL COMMISSION
ACTION SHEET

10 July 44
Date

Suspense _____

FROM	TO
Chief Commissioner	
Deputy Chief Commissioner	
Secretary General	
ADMINISTRATIVE SECTION	
Economic Section	
Reg. Control & M.G. Section	
Political Section	
Interior Sub-Commission	
Public Safety Sub-Commission	
Public Health Sub-Commission	
Property Control Sub-Comm.	
Legal Sub-Commission.	
Education Sub-Commission	
Monuments, Fine Arts & Archives	
NAVY Sub-Commission	
Land Forces Sub-Commission	
AIR	
Telecommunications & Posts	
War Material Disposal S.C.	
PRO	
Liaison Section	
Finance Sub-Commission	
G-1	
G-4	
Adjutant General	
Files	
Personnel	
Publications	
Message Centre	
Miscellaneous	
Pool of Interpreters	
Archives & Ref. Library	
Cables.	
HQ. Commandant.	
Sub-Commission: -	

X1

FOR:

Signature _____
 Remarks/Recommendation _____
 Information only _____
 Approval/Disapproval _____
 Appropriate Action _____
 Investigation & Report _____
 Dispatch _____
 Return to Admin. Section _____

REMARKS: Rec. only with 10 July 44
10/10/44

HEADQUARTERS

REF: 3, ALLIED MILITARY GOVERNMENT

APO 394, U.S. Army

REGIONAL ORDER)

24 March 1944

NUMBER

31)

Considering the number of persons who have been in jail awaiting trial by Italian courts for an undue length of time:

I, Charles Poletti, Lieutenant Colonel, Regional Commissioner, Region 3, by virtue of power vested in me, hereby

O R D E R

Article I.

Appointment of Commissioners to Investigate Jails

The following persons, that is to say Lt. Col. W.J. Purcell, R.A.S.C., Ruggiero Bosco, Consiglieri of the Court of Appeals, and Filippo D'Errico, Substitute Procuratore Generale, are hereby appointed as Commissioners to investigate the state of jails within the Provinces of Naples, Avellino and Benevento and shall have the functions conferred on them by this Order.

Article II

Functions of the Commissioners.

Section I. The Commissioners shall investigate the case of every person who, at the date of the investigation, has been held for trial by an Italian court in any jail (whether within the said Provinces or not) for a period exceeding 30 days without having been brought to trial or without having any formal charge made against him.

Section 2. Where a person is detained in jail for a period exceeding 30 days and has had a formal charge made against him and has not been brought to trial, the Commissioners may, if they are of the opinion that that person has been in jail for a period equal to or exceeding the sentence which he would, in the opinion of the Commissioners, have been given had he been tried for the offence of which he is charged and found guilty, make an order in writing that that person be discharged from jail and the charge against him be dismissed. An order made under this Section shall not have effect

investigate the state of jails within the Provinces of Naples, Avellino, and Benevento and shall have the functions conferred on them by this Order.

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Section 3. Where a person has been detained in a jail for a period exceeding 30 days without a formal charge having been made against him, the Commissioners may make an order in writing that such person be discharged from jail.

Section 4. An order made and approved under Section 2 and an order made under Section 3 of this present Article shall be sent or delivered to the officer for the time being in charge of the jail in which the person to whom the order relates is detained, and shall be executed by such officer within 24 hours, and a copy of such order shall be sent or delivered to the Questura of the Commune in which such jail is situated.

Article III.

Reports.

The Commissioners shall send to the Provincial Commissioner of each Province on the first day of each month a report showing:

- a. The state and condition of each jail in the province visited by them during the preceding month; and
- b. the action taken by them under this Order up to the 25th day of the previous month.

Article IV.

Restriction on powers of Commissioners.

Nothing in this Order shall authorise the Commissioners to investigate the case of any person, or to make an order under section 2 or Section 3 of Article II of this Order in relation to any person who has been interned or detained by the Allied Forces or Allied Military Government or the Allied Control Commission or who is awaiting trial on a charge of having infringed any Proclamation, regulation or order issued by or on behalf of the Allied Military Government or the Allied Control Commission.

Article V.

Extent of Order and Effective Date.

This Order shall extend to the Provinces of Naples, Avellino and Benevento, and shall be effective on, from and after 27th March 1944.

CHARLES POLETTI
Lieutenant Colonel
Regional Commissioner.

QUARTIERE GENERALE
GOVERNO MILITARE ALLEATO
REGION 3

ORDINE REGIONALE)

24 Marzo 1944

NUMERO 31)

Considerato il numero di persone che si trovano in carcere, in attesa di essere sottoposti a processo, da un periodo di tempo più lungo del dovuto:

IO, Charles Poletti, Tenente Colonnello, Commissario Regionale, Regione 3, in virtù dei poteri conferitimi,

ORDINE

Articolo I

Nomina di Commissari per l'investigazione nelle carceri

Le seguenti persone, ossia: il Ten. Col. W.J. Purcell R.A.S.C., Rugiero Bosco, Consigliere di Corte d'Appello, e Filippo D'Errico, Vice Procuratore Generale, vengono, mediante quest'ordine, nominati Commissari allo scopo d'investigare lo stato delle carceri nelle province di Napoli, Avellino e Benevento e adempiranno alle funzioni loro conferite dal presente Ordine.

Articolo II

Funzioni spettanti ai Commissari.

Parag. I I Commissari hanno il compito d'investigare i casi di tutti coloro che, alla data dell'investigazione, risultino detenuti in carcere in attesa di essere processati (nelle dette Province o meno) per un periodo superiore ai trenta giorni, senza essere stati ancora processati o senza che ancora nessuna accusa formale sia stata fatta contro di essi.

Parag. II Nel caso in cui una persona sia stata detenuta in carcere per un periodo superiore di trenta giorni e una formale accusa sia stata fatta contro di essa e non sia stata ancora processata, se i Commissari sono dell'opinione che detta persona sia stata in prigione per un periodo ugua-

Nomina di Commissari per l'investigazione

Le seguenti persone, ossia: il Ten. Col. W.J. Purcell R.A.S.C., Rug-
giero Bosco, Consigliere di Corte d'Appello, e Filippo D'Errico, Vice
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allo scopo d'investigare lo stato delle carceri nelle province di Napoli
Avellino e Benevento e adempiranno alle funzioni loro conferite dal pre-
sente Ordine.

3

Articolo II

Funzioni spettanti ai Commissari.

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in attesa di essere processati (nelle dette Province o meno) per un pe-
riodo superiore ai trenta giorni, senza essere stati ancora processati
o senza che ancora nessuna accusa formale sia stata fatta contro di essi.

Parag. II. Nel caso in cui una persona sia stata detenuta in carcere per
un periodo superiore di trenta giorni e una formale accusa sia stata fat-
ta contro di essa e non sia stata ancora processata, se i Commissari sono
dell'opinione che detta persona sia stata in prigione per un periodo ugua-
le o superiore alla condanna che, sempre a parere degli stessi Commissari,
essa avrebbe avuta se fosse stata processata o riconosciuta colpevole del
reato di cui è accusata, essi potranno emanare un ordine scritto affinché
la persona sia rilasciata dal carcere e l'accusa venga ritirata. L'ordi-
ne emanato da questo paragrafo non andrà in effetto prima della sua ap-
provazione da parte di un Ufficiale giudiziario, autorizzato dal Commis-
sario Regionale, a dare la sua approvazione.

Parag. III. Nel caso in cui una persona sia stata detenuta in carcere
per un periodo superiore ai trenta giorni, senza che nessuna formale ac-
cusa le sia stata fatta, i Commissari potranno rilasciare un ordine scritto
dichiarando che la detta persona viene rilasciata.

Parag. IV. Un ordine emanato ed approvato conformemente al parag. 2
ed un ordine emanato conformemente al par. 3 del presente Articolo verrà
mandato o consegnato all'Ufficiale alla data in servizio al carcere in
cui la persona, alla quale l'Ordine si riferisce, è detenuta e verrà ese-
guito nelle ventiquattro ore, dal detto Ufficiale, e una copia del pre-
sente ordine verrà inviata o consegnata alla Questura del Comune in cui

il detto carcere è situato.

Articolo III

Rapporti

I Commissari dovranno inviare ai Commissari Provinciali di ogni provincia nel giorno 1 di ogni mese un rapporto dichiarante:

- a. lo stato e la condizione di ogni carcere della provincia da essi visitata nel mese precedente; e
- b. i provvedimenti da essi presi, secondo i regolamenti del presente Ordine, fino al giorno 25 del mese precedente.

Articolo IV.

Restrizioni ai poteri dei Commissari

I regolamenti di questo Ordine non autorizzano i Commissari ad investigare e ad emanare ordini conformi al par. 2 e al par. 3 dell'Articolo 2 del presente Ordine nei casi di persone che siano state incarcerate o detenute dalle Forze Alleate o dal Governo Militare Alleato o dalla Commissione di Controllo Alleato, che siano in attesa di processo o sotto l'accusa di aver contravenuto a qualsiasi Proclama regolamento ed Ordine emanato da o per conto del Governo Militare Alleato o dalla Commissione di Controllo Alleato.

Articolo V.

Emanazione dell'Ordine e data di effetto

Quest'ordine ha vigore ed effetto nelle Province di Napoli, Avellino e Benevento e andrà in effetto il e dal 27 Marzo 1944 in poi.

CHARLES FOLETTI
Tenente Colonnello
Commissario Regionale.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION.

SUBJECT: Regional Order No 20 of Region 3.

2 April 44.

TO : Executive Commissioner,
HQ, ACC, APO 394.

- 1 Ref your 291/12/CA. The contents of C.L.O. letter : ACC 4120/1/L are attached.
- 2 I entirely agree with C.L.O.'s remarks, and of his two proposals in para 6. I recommend ~~that at~~ 6 (a) also.
- 3 I also consider that the action as at para 7 is essential. If you are in agreement will you please issue the necessary instructions and advise me.

INCLS.

Copy Ltr. ACC/4120/1/L dated 31 March 44.
Copy Ltr. ACC/4120/1/L dated 28 March 44.
Copy Ltr. 291/12/CA dated 26 March 44.

S
STANSGATE,
VP. ADMIN SECTION.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

COPY

5

ACC/4120/1/L

31st March 44.

SUBJECT: Regional Order No 20 of Region 3.

TO: VP. Admin Section ACC.

- 1 The a/m Regional Order dated 10 March 44 has just come to the attention of the Legal Subcommittee.
- 2 In the first place the Regional Commissioner attempts, without consultation with this Sub Comm, to interpret the effect of Proclamation No 13 and promulgates a Regional Order which affects matters of policy generally. This is contrary to the provisions of para 1 of General Order No 3 Hq AG, 23 Nov 1943.
- 3 This Regional Order in effect places ~~the~~ ACC in ^{such} the position of affirmatively approving of confino ammonizione and other enactments of fascist character as a principle. While these preventive measures have had the sanction of the Italian Administration for many years, there seems to be no reason why, even with the additional safeguards contained in the order, ACC should take such affirmative steps.
- 4 Furthermore, when Region 3 is restored to Italian Administration presumably the machinery set up on the order will come to an end and the ordinary Italian measures will then function. The introduction of such temporary changes in Italian procedure seems to be against the present ACC policy.
- 5 Obviously confino and other kindred measures should not be used for political purposes. However, inasmuch as for non-political purposes these measures were in use for many years in Italy before the advent of Fascism and were deemed by the Italians to be an essential part of their system, there would seem no reason to abrogate them even temporarily. Proclamation No 13 was never intended to do so.
- 6 To avoid political abuse by the use of these measures, two possible solutions would appear feasible:
 - (a) Have the Italian Government issue a Royal Decree annulling and making such Royal Decree part of the law of occupied territory. This is being taken up with the Minister of Justice.
 - (b) Issue a general order to the same effect for occupied territory.

The former would seem to be preferable from many standpoints.
- 7 In any event, Region Order No 20 should be repealed. In the meantime the Italian authorities in occupied territory should be directed that they shall not use the above mentioned measures for any political purposes whatsoever.

(SND)

G.R. UPJOHN, Colonel,
Chief Legal Officer.

④

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/guf

ACC/4120/1/L

30 March 1944.

SUBJECT: Proposed Legislation Region 3.

TO : Deputy Executive Commissioner, ACC.

③

1. Pursuant to your 26 March 44 ref/291/12/CA/ we have examined proposed Regional Order No. 34 (Region 3).

2. It is our opinion that the control of newspapers and other publications should be exercised through legislation having operation throughout occupied territory and not by way of Regional Orders. Conversations with APB support this view. This could be accomplished by the extension of existing or amended Italian decrees into occupied territory or by General Order.

3. To the end that this matter may be worked out on a basis satisfactory to AFD a meeting is being arranged between the Board and the Legal Subcommittee. Meanwhile it is recommended that Regional Order 34 be not approved.

G. R. UPJOHN, Colonel
Chief Legal Officer.

b

HEADQUARTERS
FEDERAL CONTROL COMMISSION
RC & ME SECTION
AIO 394.

COPY 3

Ref/291/12/CA.

26th March 44

SUBJECT: Proposed Legislation Region III.

TO : Admin Sect - for C.L.O., Legal Sub Comm.

- 1 Reference conversation Col Upjohn - Lt Colonel Shipp of 26 Mar, herewith files No 129/CA and 291/CA.
- 2 I will be grateful if you would scrutinize the ^{PROPOSED} ~~proposed~~ orders and let me have your opinion on them.
- 3 I would be grateful if the files could be returned with your comments as soon as possible.

Copy to File No 129/CA.

5
NORMAN E. FISKE, Colonel,
Deputy Executive Commissioner.

COPY.

(2)

REAR HEADQUARTERS.
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

ACC/1120/1/L

23 March 44.

SUBJECT: Defascistization.

TO : EC. Region 3.

The Chief Commissioner directs me to inform you that a draft of any proposed regional order or directive pertaining to the above subject is to be submitted direct to the Legal Subcommittee HQ ACC (Rear) for its advice to him and his approval thereof prior to publication.

G.R. UPJOHN, Colonel,
Chief Legal Officer.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL ATTACHMENT
A.P.O. 324

GSL/cap

Acc/4120/1/L

24th March 1944

Subject: Proposed Legislation Region III

To: Executive Commissioner

1. Ref your 24/12/43 dated 26 March 1944, by comments on proposed Regional III Order No. 33 are as follows:-

(i) The P.C.G. Directive permits attendance at meetings of Political committees and such other activities of a similar nature as you may deem to be advisable". These meetings are, however, all governed by the opening words of the Directive, namely, "within your discretion".

The proposed regional order runs directly contrary to this directive because the discretion as to the holding of the meetings is to be vested in the Governor (see Art. II, Sec. 4 and Art. III) and NOT in the Allied Military Government; the real effect of the order is to divert the Allied Military Government of discretion in the matter, not is it any answer to this to say that a copy of the draft is to be sent to the Provincial Commissioner (Art III, Sec 1), for the person under the order to exercise the discretion in the question and not the P.C.

(ii) It is important that the Italians should understand that meetings are held only at the discretion of the Allied Authorities (see Signal on P.37) and this order gives a contrary impression.

(iii) Further the proposed regional order runs counter to existing directives issued by the P.C.G.A.O., A.M.G. on 18 Jan (see para 2 - P.33) and P.C.G.A.O., A.M.G. 15 Army Group on 11 Jan (see para 2 - P.32) which preclude any alteration to the existing proclamation on the subject, i.e., Proclamation No. 11, Art. 5.

(iv) Furthermore I see no necessity for the proposed order; under Proclamation 11, Art. 5, permits for meetings may be granted and the P.C.G. directive merely indicates that a more liberal policy in granting permits may be adopted; there is no reason whatever to alter the existing machinery.

(v) Finally if it be desired to alter the law as laid down by Proclamation No. 11 this should be done by a **proclamation or general order** emanating from the Military Governor or at least the Chief Commissioner and not by the order of a Regional Commissioner.

2. I also have a number of criticisms of the proposed order in detail but in view of the above I do not propose to set them out here.

3. For the above reasons I advise that the publication of proposed Regional Order No. 33 be not permitted.

FRANK R. WILKIN. Colonel
Chief Legal Officer.

4120

REAR HEADQUARTERS
JOINT CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

100/4120/1

RHV/jpl

16 February 44

Subject : Fascists

To : RAO Region III.

1. As arranged between Col Upjohn and Lt. Col Chapman on Monday, will you please forward a copy of a Regional Order of Region III dated 1 January 1944, apparently dealing with removal of Fascists from office.

2. Will you also let us have particulars of the case Lt. Col. Chapman mentioned on Monday where personnel of P.B.C. have retained certain property of an accused although no order to that effect was made by the Court.

RICHARD H. WILNER

Lt. Col. C.A.C.
Deputy Chief Legal Officer.

v2

29 JAN 1944

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
APO 394, U.S. Army

4120/L

3

GAB/mo

28 January 1944

Subject: Regional Orders relating to Hemp.

To : HQ AMG ACMF CMF .

1. Herewith are sent copies of Regional Orders dated 7 and 15 January 1944 relating to the collection of hemp and the prices to be paid for it.

2. The Order of 7 January 1944 was discussed with Brigadier Lush on his visit to this Headquarters and received his verbal approval and his authority to publish it without previous reference to your headquarters.

3. The Order of 15 January only effects a change in the prices to be paid for hemp. This change has already been approved. It was considered better to repeal entirely the Order of 1 December 1943 which applied only to the Province of Naples, and to replace it by an order applying to the whole of Region III. The effect is the same for no hemp is grown in the Provinces of Avellino and Benevento .

4. It is understood that a small quantity of hemp is grown in the Province of Salerno in Region II and amassed in Naples. Copies of the two Orders are being sent to the RCAO of Region II for his information .

For the Regional Civil Affairs Officer:

Douglas N. Batson
DOUGLAS N. BATSON,
1st Lt., C.M.P.,
Actg. Asst. Adj. Gen.

0 8 4 3