

ACC

10000/142/1017

REPUBLISHING ITALIA
JAN. 1944

10000/142/1017

REPUBLISHING ITALIAN LEGISLATION, AMG TERRITORY
JAN. 1944

Subject:- Italian Legislation in Occupied Territory.

AMG HQ.,
15 Army Group,
C.M.F.

Ref. AMG/233/9
10 January 1944.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

The D.C.C.A.O. has approved the substance of a suggested procedure for the solution of the increasingly difficult problem of extending the force of approved current Italian law to occupied territory under the control of 15th Army Group.

2. It is proposed to publish a Proclamation or General Order which will provide in substance that any Decree, Royal or Ministerial, which is published in the Gazzetta Ufficiale, and which bears at its foot the endorsement of an authorized representative of the Military Governor, shall take effect on the date of its enactment by the Italian Government in territory then occupied by the Allied Forces and that such Decrees, so endorsed, shall upon occupation become a part of the law of the territories thereafter occupied by the Allied Forces, except to the extent that specific provisions may be inapplicable in terms to such territory.

3. No such Order or Proclamation would, of course, be posted without satisfactory arrangements first having been made between AMG HQ., 15th Army Group and the Italian Government. It seems clear that an arrangement of this sort would be in the interest of all concerned; it would be of value to AMG in that it would eliminate the elaborate and wasteful procedure of re-enacting approved Italian legislation; it would assist the Italian Government by making it entirely clear what laws of its enactment are in effect in an area when it is restored to Italian sovereignty. For everyone concerned it would have the merit of rendering the territorial scope of legislation as definite as is possible from the time of its enactment.

4. The success of the arrangement would be dependent to the very largest extent upon effective and intimate liaison between AMG, ACC, and the Italian Government. An officer, to be assigned to this HQ, would have to be given the responsibility of considering all proposed legislation, consulting with us when important questions of policy are involved and on our behalf endorsing those decrees which are deemed appropriate for extension to occupied territory. We should do everything in our power to see that our participation in the legislative process did not retard action by the Italian Government.

5. If you feel that there is merit in this proposal I should be more than glad to come to A.C.C. at the earliest possible moment to discuss its details, in the meanwhile I shall prepare rough drafts of the instrumentswhich.....

- 2 -

which it would seem ad-able to have executed if the scheme is to be put into effect.

Ward H. H.

Major, A.U.S.,
Chief Legal Officer.

ALLIED MILITARY GOVERNMENT

(Italy)

PROCLAMATION No. 15.

Extension of Italian Legislation to Occupied Territory.

WHEREAS the Italian Government presently enjoys certain rights, powers, and responsibilities of government in unoccupied territory and is exercising legislative and administrative powers in such territory, and,

WHEREAS it may prove expedient and advisable from time to time to bring the law of Occupied Territory into conformity with the law then in force in areas controlled by the Italian Government.

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, *Copy*
do
 and Military Governor, hereby proclaim as follows :

Article One

Method of Extension

Section One : Whenever the original of a Decree of the Italian Government is countersigned by the Chief Civil Affairs Officer or by an officer appointed by him to act as Legislation Officer, such decree shall become part of the law of all territory then occupied by the Allied Forces as of the date of its enactment by the Italian Government and shall become part of the law of all territory thereafter occupied as of the dates of occupation.

Section Two : All law which, in accordance with the procedure set forth in the preceding section, has become part of the law of Occupied Territory shall be binding upon and enforceable in Italian Courts sitting in such Territory.

Article Two.

Local Variations.

Section One : The Senior Civil Affairs Officer of an Army Area or the

WHEREAS it may prove expedient and advisable from time to time

to bring the law of Occupied Territory into conformity with the law then in force in areas controlled by the Italian Government.

NOW, therefore, I, Harold R. L. G. Alexander, G.C.S., G.S.I.,

D.S.O., M.C., General, General Officer Commanding the Allied Forces in Italy, AMG HQ
and Military Governor, hereby proclaim as follows:

Article One

Method of Extension

Section One: Whenever the original of a Decree of the Italian Government is countersigned by the Chief Civil Affairs Officer or by an officer appointed by him to act as Legislation Officer, such Decree shall become part of the law of all territory then occupied by the Allied Forces as of the date of its enactment by the Italian Government and shall become part of the law of all territory thereafter occupied as of the dates of occupation.

Section Two: All law which, in accordance with the procedure set forth in the preceding section, has become part of the law of Occupied Territory shall be binding upon and enforceable in Italian Courts sitting in such Territory.

Article Two.

Local Variations.

Section One: The Senior Civil Affairs Officer of an Army Area or the Regional Civil Affairs Officer of a Region or an Officer empowered by either of them, if he is satisfied that local amendments in regard to time or times when performance is due under Italian legislation which has been extended to Occupied Territory under Section One, Article One, would be suitable or equitable, may, by Order, alter the date or dates of performances thereunder.

Section Two: The Senior Civil Affairs Officer of an Army Area or the Regional Civil Affairs Officer of a Region, or an officer empowered by either of them, may temporarily suspend by Order the local enforcement of legislation

- 2 -

which has been extended under Section One to territory already occupied before the date when the territory under his control was occupied.

Section Three: Any Orders issued by Civil Affairs Officers under the present Article shall be binding upon and enforceable in Italian Courts.

Article Three.

Effective Date.

This Proclamation will become operative in each Province or part thereof within the Occupied Territory on the date of its first publication therein.

H. R. ALMADEN, General,
General Officer Commanding
the Allied Military Forces and
Military Governor.

Dated: January, 1944.

8

C O P Y

Subject:- Italy Legislation in Occupied Territory.

AMG HQ.,
15 Army Group,
C.M.F.

Ref. AMG/233/9
10 January 1944.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

The D.C.C.A.O. has approved the substance of a suggested procedure for the solution of the increasingly difficult problem of extending the force of approved current Italian law to occupied territory under the control of 15th Army Group.

2. It is proposed to publish a Proclamation or General Order which will provide in substance that any Decree, Royal or Ministerial, which is published in the Gazzetta Ufficiale, and which bears at its foot the endorsement of an authorized representative of the Military Governor, shall take effect on the date of its enactment by the Italian Government in territory then occupied by the Allied Forces and that such Decrees, so endorsed, shall upon occupation become a part of the law of the territories thereafter occupied by the Allied Forces, except to the extent that specific provisions may be inapplicable in terms to such territory.

3. No such Order or Proclamation would, of course, be posted without satisfactory arrangements first having been made between AMG HQ., 15th Army Group and the Italian Government. It seems clear that an arrangement of this sort would be in the interest of all concerned; it would be of value to AMG in that it would eliminate the elaborate and wasteful procedure of re-enacting approved Italian legislation; it would assist the Italian Government by making it entirely clear what laws of its enactment are in effect in an area when it is restored to Italian sovereignty. For everyone concerned it would have the merit of rendering the territorial scope of legislation as definite as is possible from the time of its enactment.

4. The success of the arrangement would be dependent to the very largest extent upon effective and intimate liaison between AMG, ACC, and the Italian Government. An officer, to be assigned to this HQ, would have to be given the responsibility of considering all proposed legislation, consulting with us when important questions of policy are involved and on our behalf endorsing those decrees which are deemed appropriate for extension to occupied territory. We should do everything in our power to see that our participation in the legislative process did not retard action by the Italian Government.

5. If you feel that there is merit in this proposal I should be more than glad to come to A.C.C. at the earliest possible moment to discuss

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
BRINDISI.

10 January 1944.

The D.C.C.A.O. has approved the substance of a suggested procedure for the solution of the increasingly difficult problem of extending the force of approved current Italian law to occupied territory under the control of 15th Army Group.

2. It is proposed to publish a Proclamation or General Order which will provide in substance that any Decree, Royal or Ministerial, which is published in the Gazzetta Ufficiale, and which bears at its foot the endorsement of an authorized representative of the Military Governor, shall take effect on the date of its enactment by the Italian Government in territory then occupied by the Allied Forces and that such Decrees, so endorsed, shall upon occupation become a part of the law of the territories thereafter occupied by the Allied Forces, except to the extent that specific provisions may be inapplicable in terms to such territory.

3. No such Order or Proclamation would, of course, be posted without satisfactory arrangements first having been made between AMG HQ., 15th Army Group and the Italian Government. It seems clear that an arrangement of this sort would be in the interest of all concerned; it would be of value to AMG in that it would eliminate the elaborate and wasteful procedure of re-enacting approved Italian legislation; it would assist the Italian Government by making it entirely clear what laws of its enactment are in effect in an area when it is restored to Italian sovereignty. For everyone concerned it would have the merit of rendering the territorial scope of legislation as definite as is possible from the time of its enactment.

4. The success of the arrangement would be dependent to the very largest extent upon effective and intimate liaison between AMG, ACC, and the Italian Government. An officer, to be assigned to this HQ, would have to be given the responsibility of considering all proposed legislation, consulting with us when important questions of policy are involved and on our behalf endorsing those decrees which are deemed appropriate for extension to occupied territory. We should do everything in our power to see that our participation in the legislative process did not retard action by the Italian Government.

5. If you feel that there is merit in this proposal I should be more than glad to come to A.C.C. at the earliest possible moment to discuss its details, in the meanwhile I shall prepare rough drafts of the instruments which it would seem advisable to have executed if the scheme is to be put into effect.

Signed: MARK HOWE
Major, A.US.
Chief Legal Officer.

Subject: Italy Legislation in Occupied Territory

C O P Y

200 H.R.,
15 Army Group,
C.M.P.

Des. 200/234/9
20 January 1944.

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
Rome.

The D.C.C.A.C. has approved the substance of a suggested procedure for the solution of the increasingly difficult problem of entrusting the control of occupied Italian law to occupied territory under the control of 15th Army Group.

2. It is proposed to publish a Proclamation or General Order which will provide in substance that any Decree, Royal or Ministerial, which is published in the Giornale Ufficiale, and which bears at its foot the endorsement of an authorized representative of the Military Government, shall take effect on the date of its enactment by the Italian Government, as entered, shall upon occupation become a part of the law of the territory thereof occupied by the Allied Forces, except to the extent that specific provisions may be inapplicable in terms to such territory.

3. No such Order or Proclamation would, of course, be posted without satisfactory arrangements first having been made between the 15th Army Group and the Italian Government. It seems clear that an arrangement of this sort would be in the interest of all concerned; it would be of value to the 15th in that it would eliminate the elaborate and wasteful procedure of re-enacting approved Italian legislation; it would assist the Italian Government by making it entirely clear that laws of its enactment are in effect in an area when it is restored to Italian sovereignty. For everyone concerned it would have the merit of reducing the territorial scope of legislation as defined as far as possible from the time of its enactment.

4. The success of the arrangement would be dependent to the very largest extent upon effective and intimate liaison between the 15th and the Italian Government. An officer, to be assigned to this task, would have to be given the responsibility of considering all proposed legislation, consulting with us when important questions of policy are involved and on our behalf endorsing those decrees which are deemed appropriate for extension to occupied territory. We should be everything in our power to see that our participation in the legislative process did not retard action by the Italian Government.

5. If you feel that there is merit in this proposal I should be

Chief Legal Officer,
Legal Sub-Commission,
Allied Control Commission,
Rome.

20 January 1944.

The D.C.C.A.C. has approved the substance of a suggested procedure for the solution of the increasingly difficult problem of entrusting the issue of approved current Italian law to occupied territory under the control of 19th Army Group.

2. It is proposed to publish a Proclamation or General Order which will provide in substance that any Decree, Royal or Ministerial, which is published in the *Gazzetta Ufficiale*, and which bears at its foot the endorsement of an authorized representative of the Italian Government, shall take effect on the date of its enactment by the Italian Government in territory then occupied by the Allied Forces and that such Decrees, so enacted, shall upon occupation become a part of the law of the territories thereafter occupied by the Allied Forces, except to the extent that specific provisions may be inapplicable in terms to such territory.

3. No such Order or Proclamation would, of course, be posted without satisfactory arrangements first having been made between the 19th Army Group and the Italian Government. It goes clear that an arrangement of this sort would be in the interest of all concerned; it would be of value to the 19th Army Group in that it would eliminate the elaborate and wasteful procedure of re-enacting approved Italian legislation; it would assist the Italian Government by making it entirely clear that laws of its enactment are in effect in an area when it is restored to Italian sovereignty. For everyone concerned it would have the merit of rendering the transitional scope of legislation as definite as is possible from the time of its enactment.

4. The success of the arrangement would be dependent to the very largest extent upon effective and intimate liaison between the 19th Army Group and the Italian Government. An officer, to be assigned to this task, would have to be given the responsibility of considering all proposed legislation, consulting with us when important questions of policy are involved and on our behalf endorsing those decrees which are deemed appropriate for extension to occupied territory. We should do everything in our power to see that our participation in the legislative process did not retard action by the Italian Government.

5. If you feel that there is merit in this proposal I should be more than glad to come to A.C.C. at the earliest possible moment to discuss its details. In the meantime I shall prepare rough drafts of the instruments which it would seem advisable to have executed if the scheme is to be put into effect.

Signed: MARK HOSE
Major, A.C.C.
Chief Legal Officer.

COPI

Copy to XV RB-478 Italy XV A R

ALLIED MILITARY GOVERNMENT

(Italy)

Proclamation No. 15.

306/1

Extension of Italian Legislation to Occupied Territory.

WHEREAS the Italian Government presently enjoys certain rights, powers, and responsibilities of government in unoccupied territory and is exercising legislative and administrative powers in such territory, and,

WHEREAS it may prove expedient and advisable from time to time to bring the law of Occupied Territory into conformity with the law then in force in areas controlled by the Italian Government.

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 Military Governor, hereby proclaim as follows:

Article One

Method of Extension

Section One: Whenever the Chief Civil Affairs Officer or an officer appointed by him to act as Legislation Officer in writing signifies his willingness that a Decree of the Italian Government shall be extended to Occupied Territory such decree shall become part of the law of all territory then occupied by the Allied Forces as of the date of its enactment by the Italian Government and shall become part of the law of all territory thereafter occupied as of the date of such occupation.

Section Two: All law which, in accordance with the procedure set forth in the preceding section, has become part of the law of Occupied Territory shall be binding upon and enforceable in Italian Courts sitting in such Territory.

Article Two.

Local Variations.

Section One: The Senior Civil Affairs Officer of an Army Area or the Regional Civil Affairs Officer of a Region or an Officer empowered by either of them, if he is satisfied that local amendments in regard to time or times when performance is due under Italian legislation which has been extended to Occupied Territory under Section One, Article One, would be suitable or equitable, may, by Order, alter the date or dates of performances thereunder.

Section Two: The Senior Civil Affairs Officer of an Army Area or the Regional Civil Affairs Officer of a Region, or an officer empowered by either of them, may temporarily suspend by Order the local enforcement of legislation which has been extended under Section One to territory already occupied before the date when the territory under his control was occupied.

WHEREAS it may prove expedient and advisable from time to time to bring the law of Occupied Territory into conformity with the law then in force in areas controlled by the Italian Government.

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 Military Governor, hereby proclaim as follows:

Article One

Method of Extension

Section One: Whenever the Chief Civil Affairs Officer or an officer appointed by him to act as Legislation Officer in writing signifies his willingness that a Decree of the Italian Government shall be extended to Occupied Territory such decree shall become part of the law of all territory then occupied by the Allied Forces as of the date of its enactment by the Italian Government and shall become part of the law of all territory thereafter occupied as of the date of such occupation.

Section Two: All law which, in accordance with the procedure set forth in the preceding section, has become part of the law of Occupied Territory shall be binding upon and enforceable in Italian Courts sitting in such Territory.

Article Two.

Local Variations.

Section One: The Senior Civil Affairs Officer of an Army Area or the Regional Civil Affairs Officer of a Region or an Officer empowered by either of them, if he is satisfied that local amendments in regard to time or times when performance is due under Italian legislation which has been extended to Occupied Territory under Section One, Article One, would be suitable or equitable, may, by Order, alter the date or dates of performances thereunder.

Section Two: The Senior Civil Affairs Officer of an Army Area or the Regional Civil Affairs Officer of a Region, or an officer empowered by either of them, may temporarily suspend by Order the local enforcement of legislation which has been extended under Section One to territory already occupied before the date when the territory under his control was occupied.

Section Three: Any Orders issued by Civil Affairs Officers under the present Article shall be binding upon and enforceable in Italian Courts.

Article Three.

Effective Date.

This Proclamation will become operative in each Province or part thereof within the Occupied Territory on the date of its first publication therein.

Date: January, 1944.

H. R. ALEXANDER, General,
General Officer Commanding
the Allied Military Forces and
Military Governor.

HEAD MATTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/inf

15 January 1944.

In reply
refer to: AC3/1/207.

SUBJECT: Land Transfers, etc.

TO : D.C.L.O., AMG HQ.

I enclose copies of two letters I am sending to 15th Army Group.

1. As to restrictions on transfers of land, etc. This speaks for itself and answers Major Croesman's query on the telephones today. Will you take it up in due course with Major Howe who is moving his HQ fairly near to you on Monday (17 Jan.).
2. As to making laws published in the Official Gazette the law of occupied territory. This is a little more difficult, but I think the enclosed correspondence makes the position fairly plain.

We regretted Major Howe's suggestion of seeing all draft decrees and autographing them and my suggestion is that we ask the Italian Government to leave a blank space on each Gazette and have printed in this a list of the decrees which are to become the law of occupied territory; alternatively we could have a printed clip pasted into each copy indicating which decrees are to be applied. The work of addressing the copies would so far as Region 1 & 2 are concerned be too heavy for us and we should have to ask the Government to undertake that. I hope the whole matter is academic so far as we are concerned but I am so disheartened by these constant delays that we may just as well be prepared to take advantage of this system.

3. Majors Hamnford and Palmieri have completed their work and return tomorrow afternoon.

4. I received your letter re telephoning you at lunch time today but the call is not repeat not yet through.

5. Gen. Macfarlane is momentarily expected.

6. Sometime ago we asked Major Howe, then CIO Region 2, to inquire into the character and suitability of Giacomo VITA a magistrate at Potenza who was put forward by the Minister to be his representative at SALERNO. We have heard nothing but Major Howe yesterday said he thought he had seen some letter when over at Region 2 damning this man. No letter has yet arrived here and I signalled you today in case it has been sent to you. If we are to repudiate this man it is most urgent that we do so at once.

In reply
refer to: ACC/1/207.

SUBJECT: Land Transfers, etc.

TO : D.C.I.O., AMG HQ.

I enclose copies of two letters I am sending to 15th Army Group.

1. As to restrictions on transfers of land, etc. This speaks for itself and answers Major Grossman's query on the telephone today. Will you take it up in due course with Major Howe who is moving his HQ fairly near to you on Monday (17 Jan.).

2. As to making laws published in the Official Gazette the law of occupied territory. This is a little more difficult, but I think the enclosed correspondence makes the position fairly plain.

We negated Major Howe's suggestion of seeing all draft decrees and autographing them and my suggestion is that we ask the Italian Government to leave a blank space on each Gazette and have printed in this a list of the decrees which are to become the law of occupied territory; alternatively we could have a printed clip pasted into each copy indicating which decrees are to be applied. The work of addressing the copies would so far as Region 1 & 2 are concerned be too heavy for us and we should have to ask the Government to undertake that. I hope the whole matter is academic so far as we are concerned but I am so disheartened by these constant delays that we may just as well be prepared to take advantage of this system.

3. Majors Hammarford and Palmieri have completed their work and return tomorrow afternoon.

4. I received your letter re telephoning you at lunch time today but the call is not repeat yet through.

5. Gen. Macfarlane is momentarily expected.

6. Sometime ago we asked Major Howe, then CIO Region 2, to inquire into the character and suitability of Giacomo VITA a magistrate at Potenza who was put forward by the Minister to be his representative at SALERNO. We have heard nothing but Major Howe yesterday said he thought he had seen some letter when over at Region 2 naming this man. No letter has yet arrived here and I signalled you today in case it has been sent to you. If we are to repudiate this man it is most urgent that we do so at once.

7. Please inform Major Grossman that Capt. Albright of the Labour Sub-commission has complete information as to the Labour Laws of Italy and he is believed to be in Naples at present.

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

To be added to letter from Col. Updegraff to H.C.L.O. III AFB AFB/1/207
of 15 Jan. 1964.

To be added to para No. 4 - "Three more copies to you".

To be added to para No. 5 - "has arrived".

2.4. Property Control

On drafting a letter to 15 Air Group for transmission to Gen. Almon-
order for his signature to an authority I find that the only signals sent to
me were encryptions of signals received by PERL (JMW) (JMW) and sent
to Sears for review. I feel Gen. Almon- order ought to see true copies of
the signals to and from Houston and so will you please take this up direct
with Ross in view of his work on Henry.

(a) (u)

300

HEADQUARTERS
ALLIED CONTROL COMMISSION

GRU/gmf

CABLE - OUTGOING

5 January 1944.

SECRET

PRIORITY

FROM FATIMA

TO FARGO

At request of financial subcommission please republish
Italian in Official Gazette 4B
 in Region 1 and 2 Decree 21/B dated 8 Dec relating to taxation on
 turnover. Substituting quote February unquote for quote January
 unquote in Article 3 FD TO FARGO FOR WILMER FROM FATIMA FROM
 UPJOHN FD

Also suggest republication in Region 1 and 2 Decree 16/B
in Official Gazette
 dated 6 Dec abolishing various forms of Voluntary Militia and
 reincorporation into appropriate services. This has been re-
 requested by Communications subsection as regards Title 2.FD

This should be done by a General Order publishing decrees
 with approval of Deputy Chief Civil Affairs Officer.

2

356

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

CCV/gmf

306/1

9 January 1944.

In reply
refer to: ACC/L/303.

SUBJECT: Decrees from Italian Government.

TO : Chief Legal Officer, 15th Army Group, HQ AMG.

For your information we are proposing to issue Italian
Decrees No. 21/B and 16/B published in Gazzetta Ufficiale No. 48
of 6 Dec. 1943 in Regions 1 & 2.

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

435

1340