

Microfilmed S.O. 12356 Section 3.3/HHD No. 785016

ACC

10000/142/1017

REUBLISHING 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.*Discussed*

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.....

- 2 -

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

*Ward A. Her*

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

ALLIED MILITARY GOVERNMENT

(Italy)

EXECUTION 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. Alexander, G.C.B., C.S.I., do

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

*Copy  
do  
and  
lately*

Article One

Method of Extension

Section One: Whenever the original or 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 date 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

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NOW, therefore, I, Harold R. L. C. Alexander, G.C.B., O.S.I., do  
D.S.C., M.C., General Officer Commanding the Allied Forces in Italy, *A.H.S.H.*  
and Military Governor, hereby proclaim as follows :  
*Copy*  
*and*  
*late by*

#### Article One

##### Method of Extension

Section One : Whenever the original or 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 be come 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 or 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 circumstances in regard to time or place 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 or 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.

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

Dated: January, 1947.

C O P Y  
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 the matter further.

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, foot the endorsement of an autorisato Ufficiale, and which bears at its Governor, shall take effect on the date of its enactment by the Military 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 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 AIG 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 AIG, 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.G.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.U.S.  
Chief Legal Officer.

COV

Subject: #31 Interim in Control Treaty.

20 P.M.,  
15 May 1945,  
U.N.R.

Ref. 740/2549  
20 January 1944.

Other legal opinion,  
Legal Advisor,  
United Nations Commission  
on POWs.

The U.N.C.O.W. has approved the substance of a suggested  
provision for the solution of the temporary displaced problem of  
extending the terms of captured current Italian law to controlled territory  
under the control of U.S. and USSR.

2. It is proposed to proclaim a Proclamation or "Circular"  
which will provide in substance that any Proclamation, Circular or Order made,  
which is published in the Government Gazette, and which bears on its  
face the signature of an authorized representative of the Military  
Government, shall take effect on the date of its enactment by the Military  
Government in territory thus occupied by the Allied Powers and that such  
Proclamation, so entered, shall upon conversion become a part of the Law of  
the country concerned thereby; provided by the U.S. and USSR, except to the  
extent that specified provisions may be incompatible in terms of such  
territory.

3. No such Order or proclamation would, of course, be issued  
without satisfactory representation of the Italian Government. It is some claim that an  
arrangement of this sort would be in the interest of all concerned; it  
would be of value to the U.S. in that it would eliminate the obstacles and  
well known procedure of negotiating separately with Italy, France and  
against the Italian Government by virtue of entirely different laws of  
the countries are in effect in an area when it is returned to Italian  
soverignty. For everyone to accept it would have the result of rendering  
the geographical scope of application as broad as is possible from the  
time of its issuance.

The substance of the present comment would be convenient to the very  
large extent upon instructing and urging the Italian Government, M.G.C. and  
the Italian Government, in office, to be instructed to this fact, would  
have to be given the appropriate authority, as controlling all proposed legislation.  
consulting with us when important questions of policy are involved and  
on our behalf considering those decisions which are deemed appropriate for  
extension to controlled territory. We should do everything in our power  
to tell them our negotiations had not resulted  
in any final agreement in the legal sense and would be

Classified Document  
Level 2 Classification  
Controlled Communications  
BYREFID.

10 January 1943.

On 10 January 1943

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

The D.C.D.C. has approved the substance of a suggested procedure for the solution of the immediately difficult problem of ensuring the forces of a given client State to conduct surveys under the control of local M.G. Forces.

2. It is proposed to establish a Proclamation or Central Council which is established in the François Sardou, and which bears at the front the endorsement of an International representative of the military force, shall take effect in the case of the creation by the Allies Government in territory then controlled by the Allied Forces and the local Delegates, so informed, shall upon creation become a part of the law of the territories thereinafter referred to the "Allied Forces", except to the extent that specific provisions may be inapplicable in virtue of such territory.

3. To such Order or Proclamation would, of course, be added provision in Mesopotamia concerning areas having been under British rule, 1918-1920, and the Italian Government. It is suggested that an arrangement of this sort would be in the interests of all concerned; it would be of value to us in that it would oblige the elaborate and unusual procedure of negotiating a separate Italian legislation; it would assist the Italian Government by making it extremely clear that laws of its own will be in effect in an area which it has ceded to Italian sovereignty. The expenses so caused to us would have the merit of considerably the territorial costs of legislation as far as possible given the time of its enactment.

4. The success of the arrangement would be dependent to the very largest extent upon effective and legitimate liaison between AIF, M.G., and the Italian Government. It appears to be essential to this that it should have to be given the responsibility of controlling all proposed legislation, commencing with its own aspects of consequences of policy as advised on our behalfs respecting these forces which are deemed appropriate for consideration to concerned territories. 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. I feel that there is merit in this proposal I would be more than glad to care to A.G. at the earliest possible moment to discuss the details, in the meantime I shall require rough drafts of the instruments which it would seem advisable to have adopted if the scheme is to be put into effect.

Mined: 10 Jan 1943  
A.G., U.S.  
Chair Joint Com.

COPI

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 P. L. G. Alexander, G.O.B., C.S.I., D.S.O., M.C., 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 control was occupied.

THEREAS 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.

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

Date: January, 1944.

306/1

HEAD MATTERS  
UNITED CONTROL COMMISSION  
Legal Subcommission

GRU/mf

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

In reply  
refer to: AC3/L/207.

SUBJECT: Land Transfers, etc.

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

15 January 1944.

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 mining 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 negotiated 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 go 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 those constant delays that we may just as well be prepared to take advantage of this system.

3. Majors Hannaford and Palmer have completed their work and return tomorrow afternoon.

4. I received your letter re telephoning you at lunch time today but the 5-22 is not repeat, not yet through.

5. Gen. Macfarlane is momentarily expected.

6. Something ago we asked Major Howe, then CIO Region 2, to inquire into the character and suitability of Giacomo Vitti 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 damping 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.L.O., MC HQ.

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

1. As to restrictions on transfers of land, etc. This specimen 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 finally near to you on Monday (17 Jan.).

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3. Majors Hamerford and Palmerd 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. MacCormack is immediately expected.

6. Sometime ago we asked Major Howe, then OIC Region 2, to inquire into the character and suitability of Giacomo VIZZA a magistrate at Potenza who was put forward by the Minister to be his representative at SASSANO. We have heard nothing but Major Howe yesterday said he thought he had seen some letter when over at Region 2 damping 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 reappoint 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. H. JOHN, Colonel  
Chief Legal Officer, ADC.

5 37  
5 To be added to letter from Col. Updike to U.S.A.O. in AD 303/1/2U7  
as 25 Jun. 1944.

To be added to para No. 4 - "true copies to you".  
To be added to para No. 5 - "was awarded".

20. Property Control.

On drafting a letter to 35-117 Corp for consideration to Com. Lam-  
under for his signature to an authority I find that the only signature words to  
be used in signatures of supplies received by PWD (WACO) (WACO) and units  
to be used for receipts. I feel Com. Lam would ought to see true copies of  
the documents to add these factors but no will you please take this up direct  
with him in view of his move on Monday.

(a) G.W.

~~SECRET~~ 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 Main 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 Main Gazette~~  
dated 6 Dec abolishing various forms of Voluntary Militia and  
reincorporation into appropriate services. This has been re-  
quested by Communications subsection as regards Title 2.HD

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

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HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommission

CCV/gmf

306/1

9 January 1944.

In reply  
refer to: AGC/L/303.

SUBJECT: Decrees from Italian Government.

TO : Chief Legal Officer, 15th Army Group, Hd 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.

C. R. UPJOHN, Colonel  
Chief Legal Officer, AGC.

A35

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