

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

785017

ACC

10000/109/1582

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DELEGATION OF POWERS
FEB. - MAY 1944

Major Duffield White

It seems to me to be rather wide powers to give to Regional Commissioners. I have never heard of applications being made to this HQ for the closing down of firms but presume they do take place. How many are closed down I do not know. You will see that the Joint Directors of the Finance Sub Commission also wish the same powers. It would appear that this form of decentralisation would lead to confusion too many people having the power to close down firms &c.. Can you say anything on the matter.

25/5/44

pk

I spoke to Capt. More & Col Chapman. Col Chapman said that it was not a Proclamation as he was interested in it. Capt. More said that it was to end the German command in the 7 has been raised & refused. Both Col Chapman & Capt. More are prepared to drop the subject. The letter will be 7 no further action be taken.

24/5

I also spoke to Finance SC who showed me their letter to Legal SC. They have no objection to this particular point being dropped as this was not their main point.

24/5

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
AIO 394

JM/SM

ACC/4009/1/1

21 May 1944.

SUBJECT: Delegation of Powers under Proclamation 10.

TO : Executive Commissioner. —

1. It has been suggested by PLO Region 3 and agreed by Finance Subcommittee that the powers reserved to the Chief Civil Affairs Officer under Article II of Proclamation 10 should be delegated specifically to Regional Commissioners. Finance Subcommittee suggest that similar delegation should be made to Joint Directors, Finance Subcommittee.

2. If you agree may the necessary instruction please be issued?

3. Since the new consolidated proclamations do not reproduce the terms of Article II of existing Proclamation 10, this delegation of powers will only affect territory already occupied, and where Proclamation No. 10 has been posted.

G. R. Upton, Colonel
Chief Legal Officer.

Copy to: Finance Subcommittee.

HEADQUARTERS
23 MAY 1944
A C C

See N° 7
NFA. PK. 25/3

HEADQUARTERS
ALLIED CONTROL COMMISSION
L.G. & H.G. Section
APO 394

Ref/287/5/CA.

11 March 1944.

SUBJECT: Powers of SCAOs and ELGs 5th and 8th Armies.

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

The attached copy of Executive Memorandum No. 37 is forwarded for your information. Copies of this Memorandum have been sent out to SCAOs 5th and 8th Armies, and R.Os. Regions III, IV, and V, after signature by the Executive Commissioner.

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

3017

HEADQUARTERS
JULIED COMBOL COMMISSION
R.O. & M.O. Section
AFO 394

702/207/4/20.

2 March 1944.

EXECUTIVE MEMORANDUM)

NUMBER 37)

TO: S.O.L.O.'s 5th and 8th Armies.

POWERS OF SOLOs AND SOLOs 5th AND 8th ARMY.

1. By Proclamation No. 14 certain powers, originally granted to the S.L.O. by Proclamation No. 2 and 4, were extended to S.L.O.s of Regions. In order to have uniformity in exercise of review and other powers, it has seemed wise to extend to the S.L.O.s 5th and 8th Armies, the same powers conferred on S.L.O.s by Proclamation No. 14. You are therefore herewith instructed that the powers conferred by Proclamation No. 14 on S.L.O.s are hereby extended to and conferred on the S.L.O.s of the 5th Army and on the S.L.O. 8th Army.

2. As a result of the authority so granted, the procedure with respect to reviews, 5th and 8th Armies, shall hereafter be as follows :

All petitions for review originating in the 5th and 8th Army areas may be filed with the trial court or may be forwarded to the S.L.O. of the army concerned but shall be addressed to the Chief Commissioner. Every record originating in the army area shall be transmitted to the S.L.O. of that army, for examination and file. Where no petition for review has been filed under Proclamation No. 4 Art. VII, Section 1 and the sentence has not exceed two years' imprisonment or a fine of 50,000 lire, the army SOLO shall review the case and may appoint a judicial officer not below the rank of Major for that purpose. In all cases where there is a petition for review or where the sentence exceeds 2 years' imprisonment or a fine of 50,000 lire, the record and petition for review, if any, shall be forwarded to the S.L.O., H.Q. A.S.O. for examination and review.

3. Other powers, functions and duties conferred on S.L.O.s by Proclamation No. 14 now applicable to S.L.O.s 5th and 8th Army are the following :

- (a) The S.L.O. may now in his area perform the functions previously assigned to the S.L.O. with respect to detention of suspects (Proc. No. 2, Art. VII, Section 2).

FUNCTIONS OF S.L.O. AND S.L.O. 5th AND 8th ARMY.

1. By Proclamation No. 14 certain powers, originally granted to the C.L.O. by Proclamation No. 2 and 4, were reappplied to S.L.Os of Regions. In order to have uniformity in exercise of review and other powers, it has seemed wise to extend to the S.L.Os 5th and 8th Armies, the same powers conferred on S.L.Os by Proclamation No. 14. You are therefore herewith instructed that the powers conferred by Proclamation No. 14 on S.L.Os are hereby extended to and conferred on the S.L.Os of the 5th Army and on the S.L.O. 8th Army.

2. As a result of the authority so granted, the procedure with respect to reviews, 5th and 8th Armies, shall hereafter be as follows :

All petitions for review originating in the 5th and 8th Army areas may be filed with the trial court or may be forwarded to the S.L.O. of the Army concerned but shall be addressed to the Chief Commissioner. Every record originating in the Army area shall be transmitted to the S.L.O., that Army, for examination and file. Where no petition for review has been filed under Proclamation No. 4 Art. VII, Section I and the petitioner does not exceed two years' imprisonment or a fine of 50,000 lire, the Army S.L.O. shall review the case and may appoint a judicial officer not below the rank of Major for that purpose. In all cases where there is a petition for review or where the sentence exceeds 2 years' imprisonment or a fine of 50,000 lire, the record and petition for review, if any, shall be forwarded to the C.L.O., H.Q. A.C.C. for examination and review.

3. Other powers, functions and duties conferred on S.L.Os by Proclamation No. 14 now applicable to S.L.Os 5th and 8th Army are the following :

- (a) The S.L.O. may now in his area perform the functions previously assigned to the C.L.O. with respect to detention of suspects (Proc. No. 2, Art VII, Section 2).
- (b) The S.L.O. may now order an Allied Military Court in his area to sit in camera. (Proc. No. 4, Art VII, Section I).
- (c) The S.L.O. may now exercise the power of prohibiting any lawyer or other person from appearing in any court in his area. (Proc. No. 4, Art IV, Section 2(b)).

4. In order to preserve the mobility of HQ in any areas the S.L.O 5th and 8th Army is at liberty in cases where under para. 2 hereof he has reviewed a case and after all action thereon has been taken to send to the Regional Legal Office of the Region which will be ultimately responsible for the area in which the case was heard the record and petition (if any) for safe keeping.

5. This memorandum supercedes all previous directions issued by H.Q. A.C.C. or H.Q. A.M.C. 15 Army Group inconsistent herewith.

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

785017

By Command of Assistant General Nathan H. HARRIS.

MS/CL

H.S. LASH
Brigadier,
Executive Commission.

REMARKS:

D.C. Section III, IV, V (no note para. 4)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

ACC/4083/1/L

22nd February 1944

SUBJECT: Powers of SCAOs and SLOs. 5th & 8th Army.

TO : Executive Commissioner 1-2

1. Enclosed is a directive extending the powers conferred upon R.L.Os by Proclamation No. 14, to S.L.Os of the 5th and 8th Armies.

2. Will you please sign the directive if approved by you.

Richard H. Wilmer
RICHARD H. WILMER,
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

To Executive Commissioner.

File returned to you, with directive amended, for your signature.

g. Rhyppin
C.A.C.O.

C.A.C.O.

*Stewart made
copy for
1/11/44
V/2*

HEADQUARTERS
ALLIED CONTROL COMMISSION
A.P.O. 394

22nd February 1944

SUBJECT: Powers of SCACs and SLOs, 5th & 8th Army.

TO : S.C.A.O., A.M.G., 5th Army
S.C.A.O., A.M.G., 8th Army

1. By Proclamation No. 14 certain powers, originally granted to the C.L.O. by Proclamation No. 2 and 4, were extended to R.L.Os of regions. In order to have uniformity in exercise of review and other powers, it has seemed wise to extend to the S.L.Os, 5th and 8th Armies, the same powers conferred on R.L.Os by Proclamation No. 14. You are therefore herewith instructed that the powers conferred by Proclamation No. 14 on R.L.Os are hereby extended to and conferred on the S.L.O. of the 5th Army and on the S.L.O. 8th Army.

2. As a result of the authority so granted, the procedure with respect to reviews, 5th and 8th Armies, shall hereafter be as follows :-

All petitions for review originating in the 5th and 8th Army areas may be filed with the trial court or may be forwarded to the S.L.O. of the army concerned but shall be addressed to the Chief Commissioner. Every record originating in the army area shall be transmitted to the S.L.O., that army, for examination and file. Where no petition for review has been filed under Proclamation No. 4 Art. VII, Section I and the sentence does not exceed two years' imprisonment or a fine of 50,000 lire, the Army SCAC shall review the case and may appoint a judicial officer not below the rank of Major for that purpose. In all cases where there is a petition for review or where the sentence exceeds 2 years' imprisonment or a fine of 50,000 lire, the record and petition for review, if any, shall be forwarded to the C.L.O., H.Q., A.C.C. for examination and review.

3. Other powers, functions and duties conferred on R.L.Os by Proclamation No. 14 now applicable to S.L.Os 5th and 8th Army are the following :

- (a) The S.L.O. may now in his area perform the functions previously assigned to the C.L.O. with respect to detention of suspects (Proc. No. 2, Art VII, Section 2).
- (b) The S.L.O. may now order an Allied Military Court in his area to sit in camera. (Proc. No. 4, Art. VII, Section 1).
- (c) The S.L.O. may now exercise the power of prohibiting any lawyer

- 2 -

or other person from appearing in any court in his area. (Proc. No. 4, Art. IV, Section 2(b)).

Memorandum
5. This ~~directive~~ supercedes all previous directives issued by H.Q., A.M.G. or H.Q., A.M.G., 15 Army Group inconsistent herewith.

M. S. LISH
Brigadier,
Executive Commissioner,
for, Chief Commissioner.

4. In order to preserve the ~~mobility~~ mobility of Hq. in army areas the S.C.A.O. 5th + 8th is at liberty. Army may, if he desires in cases where under para 2 hereof he has reviewed a case and after all action thereon has been taken to send to the Regional Legal Officer of the Region which will be ultimately responsible for the area in which the case was heard the record & petition (if any) for safe keeping.

Copy to R.C. Region III, IV, V for to
note paragraph 4 300!!

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