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Declassified E.O. 12356 Section 3.3/NND No. 785015

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

785015

10000/110/9

PROMOTIONS-OFFICERS, TOSCANA
SEPT. 1944 - MARCH 1945 REGION

10.1/EST

0928

Declassified E.O. 12356 Section 3.3/NND No. 785015

INFORMAL ROUTING

HEADQUARTERS
ALLIED COMMISSION
APO 394

9 June
4/2/45
33

File:

Date

SUBJECT:

Promotion - Off-

Fill in each column, initial action, and draw a line across the sheet just below initials. Number each memo consecutively in first column. Use entire width of sheet for long memos.

No.	From	To	Date	
1	AVP	Capt Montant	4/2	For file in EST Sec Files HCP CWP

457

(Est/10, Promotions, 31 March 1945, Cont'd.)

3. As regards b., it appears from the record that in all probability Major Smith should not have been promoted. However, the information presented by Colonel Kirkwood was not known to the Board, nor was it known to him, or to anyone in this Headquarters until after Major Smith had been promoted.

4. Colonel Kirkwood has presented no other specific information to support the allegations contained in his letter, nor have I been able to discover in my investigations in this Headquarters any supporting evidence. I, therefore, conclude that the allegations are totally without foundation.

5. I do not feel that any useful purpose will come from continuing correspondence on this subject. I consider the matter closed. These papers should be filed for further reference in case the matter should again be raised.

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

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

785015

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

Est/10

NEF/ard
31 March 1945

SUBJECT: Promotions

TO : Acting Vice President, Establishment Section

1. From an examination of the letter from the Regional Commissioner, Toscana Region, of 4 March, on the subject of promotions and the antecedent correspondence, it appears that the adverse statements of Colonel Kirkwood are without any supporting evidence from him, except:

a. That Lt. Col. Curry Carter, who has been attached to Toscana Region, but was recommended for promotion not by the Regional Commissioner, Toscana Region, but by the Regional Commissioner of the Region to which he was assigned, should not have been promoted, or at any rate should not have been promoted until certain other officers of Toscana Region had been promoted.

b. That Major Ruthven K. Smith, who has never served in Toscana Region, but who served on the island of Elba when that island was under the direct control of this Headquarters, should not have been promoted.

2. With regard to a., the Promotion Board acted upon a recommendation of the Regional Commissioner of the region to which the officer was assigned. The officer's record and all other information available to the Board, supported the recommendation. Colonel Kirkwood spoke of one Provincial Commissioner and two heads of specialist divisions who, by seniority, were more entitled to promotion. I presume he refers to Major McBratney, since promoted to Lt. Colonel. Colonel Kirkwood's recommendation for promotion of Major McBratney was made on 9 January, whereas both Colonel Curry Carter and Major Smith were passed for promotion prior to that time. As to heads of specialist divisions, I presume he refers to Major Sowers and Captain Sirota. Major Sowers' recommendation for promotion is being held up for investigation of his administration of the Super Garage. Captain Sirota has been transferred to the 2600th Special Detachment, Ovhd. He was recommended on 18 January, at which time both Lt. Col. Curry Carter and Major Smith had been promoted and the recommendations had been forwarded to their new organization.

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(Est/10, Promotions, 31 March 1945, Cont'd.)

3. As regards b., it appears from the record that in all probability Major Smith should not have been promoted. However, the information presented by Colonel Kirkwood was not known to the Board, nor was it known to him, or to anyone in this Headquarters until after Major Smith had been promoted.

4. Colonel Kirkwood has presented no other specific information to support the allegations contained in his letter, nor have I been able to discover in my investigations in this Headquarters any supporting evidence. I, therefore, conclude that the allegations are totally without foundation.

5. I do not feel that any useful purpose will come from continuing correspondence on this subject. I consider the matter closed. These papers should be filed for further reference in case the matter should again be raised.

NORMAN E. FISKE
Colonel
Acting Executive Commissioner

4543

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/2/1A/26

Date: 4 Mar. 45

SUBJECT: Promotions.

TO: Deputy Executive Commissioner, AC.

1. Reference your letter Ref/11/Est dated 22 Feb. 45, my DO letter to Brigadier M. S. LUSH was written, at his request, to indicate explicitly why the methods used in influencing and obtaining the promotion of US officers in the Allied Commission were causing much dissatisfaction in Toscana Region; and were undermining the morale of my officers. There was no intention or desire to disparage the personal integrity of anyone. The system by which US officers in AC obtain promotion is definitely bad. Two recent examples will serve to illustrate.
2. Lt. Col. CURRY CARTER has been working under me, either assigned or attached to Toscana Region for over six months, with the exception of a few days. He has never, during that time, done work comparable in importance, or in results, to that of one Provincial Commissioner, and two heads of Divisions, all of whom were senior to him as Majors. Yet he was promoted over these officers who were senior to him, and who were in more important positions, and were doing better work than he, all this in complete disregard of my recommendations.
3. Another case: Major (then Captain) RUTHVEN K. SMITH, who has never been under my command, served as an AMG officer on the Island of ELBA from the time of occupation by the French until about 1 Jan. 45. During Dec '44 and Feb. '45 I received three letters, one from the Office of the Chief of Staff, AC, and two from Sub-Commissions of AC (copies attached as Exhibits A-1, A-2, B, and C) setting forth irregularities and deficiencies of said Capt. SMITH, and instructing or requesting me to take action. These exhibits show that Captain RUTHVEN K. SMITH changed the routing of a naval vessel without authority; his work as AMG Summary Court officer was entirely unsatisfactory; and he violated the explicit instructions of AC HQ relative to contact with Italian Ministries. This officer, whose work was so unsatisfactory as to be the cause of three complaints from AC HQ, went to ROME, without my knowledge, probably on orders direct from AC HQ, was promoted to Major shortly thereafter, and given leave to return to the U.S. That is to say, this officer whose work was eminently unsatisfactory was promoted while Captain SAMUEL V. NOE, and others in my Region, who have been doing outstanding work and have been highly recommended by me, are still not promoted.
4. If these two examples, given in pars 2 and 3 preceding, indicate that the present system by which US officers are promoted is based on merit, or are impartial and equitable, then, and then only, am I wrong in my assertion.
5. At least two officers in Toscana Region have told me that officers on duty with AC HQ tell them that the reason US officers in Toscana Region are not promoted is because I do not go to ROME and "talk over" my recommendations with the officers down there who pass on promotions.
6. Two other officers have told me that there is a feeling in the Region that it is a disadvantage to be in Toscana Region because my US officers are not

continued.....

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-2-

RVIII/2/4A/ . HQ Toscana Region, dated 4 Mar 45.

promoted, primarily because I don't go to ROME and "plug" for their promotions as other Regional Commissioners and Directors of Sub-Commissions do.

7. These conditions, set forth in para 2, 3, 5, and 6 preceding, are what I mean by promotions being manipulated by officers and groups of officers in a good position to advocate their own promotion; and also what I mean by lobbying for promotions at AC HQ.

8. The other items which you set forth as allegations in para 2 b, c, d, and e, can readily be proved or disproved by reference to records and the actual situation in AC HQ.

9. If further facts are desired to show that Toscana Region has suffered in US officer promotions, that my recommendations are given little or no consideration, and that the methods in effect do not promote deserving officers recommended by me, but do promote other officers either quite undeserving, such as RUTHVEN K. SMITH, or less deserving, such as CURRY CARTER, I suggest you put me on a board to investigate US officer promotions, and let me select at least one other member of the board. I feel sure that such a board's report would be interesting and enlightening to the Allied Commission and to AFHQ.

10. As already indicated neither this letter nor the previous one are concerned with individual members of the US promotion Board. Both letters are directed at faults in the system of promotion as shown by the cases cited herein. It is believed that these faults could be corrected, in large part at least, if the Board would give greater weight to the official written recommendations of experienced officers, based upon actual performance, than to informal recommendations and discussions which take little account of the current performance of the officer in question. I feel sure the Board will be as anxious as I am to have the defects in US officer promotions corrected.

RGK/ttg.

Encls.

Robert G. Kirkwood
ROBT. G. KIRKWOOD, 452
Colonel, FA. US Army
Regional Commissioner.

D 9 3 5

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COPY

HEADQUARTERS ALLIED COMMISSION

A P O 394

Office of the Chief of Staff

Ref. 520/98/COS

Tel. 478808

22 December 1944

SUBJECT : Re-routing of L.S.T. Shipping
at ELBA.

TO : Regional Commissioner, Toscana Region.

The Flag Officer, Northern Area Mediterranean has reported that on the 7th of Nov the U.S. L.S.T. 907 arrived at Porto Ferrajo having been onward routed from Porto Longone under orders from Captain R.K.Smith, AMG officer in Elba. Will you ask Capt. Smith to give you a full report on this matter and let me have your own summary.

(Sgd). Joseph C. Rively,
Major
for Brigadier
Chief of Staff.

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Exhibit A-1

10-9-3-6

Declassified E.O. 12356 Section 3.3/NND No. 785015

C O P Y.

S E C R E T

Tel: 478808

22 December 1944

Ref/520/97/008.

SUBJECT : L.S.T. Lifts from ELBA.

TO : Flag Officer, Northern Area
Mediterranean.

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1. I am directed by the Chief Commissioner to reply to your letter of the 13th of December 44 relative to the above subject.
2. Enquiry will be made as to the orders which are reported to have been given by Capt. Smith, AMC officer in ELBA re-routing U.S. L.S.T.907 enwards from Porto Longone to Porto Ferrais.
3. Following the recent departure of the French Garrison from Elba the administration of the Island has been passed to Toscana Region. I am advising the Regional Commissioner to inform his staff that under no circumstances will they undertake to alter or amend orders issued relating to movements of shipping.

(Sgd) Joseph C. Rively,
Major
for Brigadier,
Chief of Staff.

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Copy to : R.C. - Toscana Region.

Exhibit A-2

C O P Y

HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

AC/4157/L

IGHC/pa
1st Feb. 45

SUBJECT : Allied Military Courts - ELBA
TO : Regional Commissioner, TOSCANA Region
(Attn: Regional Legal Officer).

1. The enclosed records of trials in Allied Military Courts in ELBA have come into the possession of this Sub-Commission and are forwarded to you for retention. They disclose that, in the period they cover, a most serious situation existed in that island : for examples :-

- a) BANDI Giuseppe : A Summary Court on 21 Nov 44 found the accused guilty of an offence under Proc. No. 1 (30) and sentenced him to 6 months imprisonment. The papers in question contain nothing detrimental or disrespectful to the Allied Forces or any member thereof, to the Government of any of the United Nations or to the Allied Military Government.
He was also tried (but acquitted) on two other charges of which one was "Defamation of Character" tried under Proc. 1 Art. VII as a violation of the Italian Penal Code, Arts. 290 and 590.
The "procedure" adopted at the trial was remarkable. Apparently no small detail such as calling any prosecution evidence troubled the Court: the accused was asked by the prosecutor whether or not he admitted his guilt : on his reply in the negative, the prosecutor proceeded to interrogate the accused.
The case has not previously been reviewed. The conviction under the first charge has now been quashed : please arrange for the immediate release of BANDI.
- b) BANDI Pietro : tried by Summary Court on 23 Nov 44. This ranks high amongst judicial decisions. The charge was "wrongful possession". The Court states "He (the accused) was able to account for all of it (the subject matter of the charge) and the French Commandant returned the foodstuffs to him". Having made that statement, the Court proceeded to find the accused "guilty" and sentence him to a fine. This conviction has also been quashed.
- c) AMENDOLIA Santi : was charged under Penal Code Art. 336 ; he was acquitted after having been in prison for 54 days.
- d) PALMIZZI Giuseppe. After being in prison for almost 2 months he was tried by Summary Court on 9 Dec 44 for "furto aggravato". The typescript of the proceedings shows that he was sentenced to imprisonment for one year, suspended for one year. The record (on back of form 2) shows the sentence as three months with no mention of suspension. The judge's note refers to the accused being given a suspended sentence. Will you please ascertain what sentence (if any) he is serving ?

Exhibit B (3 sheets)

continued.....

- e) ALESSI Guerino : On 23 Nov this man was tried for infringing Prov 2 Art. 1 which requires sellers of food to mark the goods with the sale price. According to the judge's note, the accused had a very arguable line of defence namely that he was in the course of arranging his merchandise: the judge observes, however, that "as he pleaded guilty, he was let off with a minimum fine". This conviction has now been quashed.
- f) GECCHINI Giuseppe : was tried by Summary Court in Nov. 44 under Proc. 1 Art. IV (5) for having in his possession 3 rifles, 14 kilogrammes of gunpowder, 43 detonators and other things. He was convicted and sentenced to 1 month's imprisonment suspended. The trial appears to have followed no known procedure. The accused pleaded Not Guilty and the president then asked the accused how long he had had the arms. A defence witness was then called who, in reply to questions by the Court, gave evidence that the guns were found by the accused's children on or about 10th or 11th (month not specified) : the Court then asked "Is it true that the father noticed it and took away the guns to take them to report them?" : this question, not very surprisingly, got the answer "yes". At no time was the witness asked his means of knowledge. In the defence, the lawyer asked his client "Is it true that the children found the guns" : again the answer was "yes".
- g) GALLI Assunto : was tried and acquitted on 25 Nov 44 for "Attempted murder", it not being specified if such charge was under the Proclamation or under Italian Law. The trial was before a Summary Court composed of:
 "Capt. R. K. SMITH
 Maj. Van KINK (qualified Legal Officer)
 Avv. VALDI WADA (qualified Italian Judicial Officer)"
 Obviously such a Court was not properly constituted, an Italian avvocato not being authorized to sit on an Allied Military Court.
- h) ROSSI Pietro and PUCCINI Francesco : were tried and acquitted on 1 Dec 44 by the same "Summary Court". The first accused was charged under Proc. 1, Part II, Art. 4, with being "suspected of throwing a hand-grenade apparently intended for Marshal of RR.CC that was not pro-patriot if not actively pro-German". The second accused was charged with being "Suspected of knowing something about the hand grenade being thrown".
- i) CONCI Enzo : was tried on 5 Dec 44 by the same "Summary Court". **448**
 charge was : "Killing his wife who was pregnant and would have been confined in about 10 days". The accused was "Acquitted for lack of evidence".

2. This Sub-Commission is very disturbed to find out that such things were going on in Nov and early Dec 44. While it is appreciated that ELBA did not come under TOSCANA Region officially until 20 Dec 44, this Sub-Commission was under the impression that your HQ was in fact supervising the legal administration for some time previously : this impression was based partly on remarks made verbally to CJO when he visited TOSCANA Region in the month of October and partly on your monthly report for Sept forwarding part of the report of PLO Livorno who had been there and settled certain charges in cases to come before Allied Military Courts.

Exhibit B (continued)

continued.....

3. The officer responsible for holding these Courts was Major (then Capt.) SMITH. He was there both before and after 20 Dec. but it is thought that he has now left.

Have the records of cases tried by him since 20 Dec been reviewed by you? If so, were they as unsatisfactory as the ones now forwarded?

4. The position as regards Allied Military Courts in EIEA is so unsatisfactory that you are instructed to send out there immediately an officer of field grade with experience of Allied Military Courts. He should be instructed:

- (a) to investigate generally and report upon the Allied Military Courts held there both before and after 20 Dec. 44 and particularly to discover whether there are any other unreviewed cases; and
- (b) to ensure that whosoever will be holding Court there in future is aware of at least the most elementary points in regard to the composition of Courts and the procedure to be adopted at trial.

A copy of the report will, please, be sent to this HQ.

By command of Rear Admiral STONE :

(Sgd). I. CAMPBELL,
Lt. Col.
for W. E. BEHRENS
Colonel
Deputy Chief Legal Advisor.

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C O P Y.

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel: 478709

2 February 1945.

AC/14204/PS

SUBJECT : Visit of Allied Officer to
Minister of Grace & Justice.

TO : Regional Commissioner - Toscana Region.

1. This office is in receipt of a letter from the Minister of Grace and Justice in which he states that a Major Smith Ruthven of A.M.G. accompanied by a CC.RR Lt. Rosati visited his office to place before him certain information he had on prisons on the Islands of Pianosa and Portolongone and also left with the Minister a list of eight (8) requests which he considered should be accomplished.

2. The Major as far as can be ascertained did not visit Public Safety Headquarters of A.C. in Rome and did not receive permission from Legal Sub-Commission to make this visit to the Minister of Grace and Justice. This is contrary to orders issued by the Headquarters of A.C. in which it states that contact with the various Ministers of the Italian Government must be made through this Headquarters.

3. As Prisons and their personnel are under a section of Public Safety Sub-Commission we have direct contact with the Minister and in this case we do not know if your Regional Public Safety Officer agrees with the recommendation as made by the Major and some of the items in this request have been the subject of correspondence between this office and your Regional Public Safety Prisons Officer.

4. I attach a copy of the request left with the Minister and have issued instructions that he takes no action until I had presented them to you for your action and information.

5. I call your attention to the last sentence in para 2 of the requests and ask if the title of Governor of the Island is correct.

6. I assure you of our complete cooperation as far as it is in our power but officers must be made to realize that if they visit the Ministers direct and place requests before them in many cases it is just the opposite to the General Policy that this Headquarters is trying to put in operation.

(Sgd). E. W. HANBURY, Major
(Typd) JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director Public Safety
Sub-Commission.

ENH/G.

Exhibit C

Declassified E.O. 12356 Section 3.3/NND No. 785015

W. L. Fiske

HEADQUARTERS
ALLIED COMMISSION
APO 394

File:

Date _____

SUBJECT:

Fill in each column, initial action, and draw a line across the sheet just below initials. Number each memo consecutively in first column. Use entire width of sheet for long memos.

No.	From	To	Date	
1	Ex Off US	G I A	3/9/ 45	For remarks C M P
2.	Walter Parkin	Col. P Parkin	3/12/ 45	Complied with <u>2</u>
3	Ex Off US	Col. N. E. Fiske		See Memo to Col Parkin attached here with C M P

445

445

10942

Declassified E.O. 12356 Section 3.3/NND No. 785015

To Lt. Perkins

TOSCANA REGION
Recommendations & Promotions
since 1 October 44

as 15 Feb 1945

PROMOTED . . (7 Jan 45) 4

- Capt John G. ANDREWS (recommended 9 June)
- Capt Frank J. CHIARA (recommended 10 Nov)
- Capt Robert M. HILL (recommended 15 Sep)
- Capt H. J. ROSSON (recommended 10 Sep)

24

PAPERS APPROVED BY BD AT MEETING 14-15 Feb 4

- Major John W. CLARKE (recommended 30 Nov & 19 Jan)
- Major W. E. McBRATNEY (recommended 9 Jan)
- Capt, Samuel V. NOE (recommended 18 Oct)
- Capt A. F. Guidette (recommended 18 Dec)

CONSIDERED BUT HELD FOR NEXT MEETING 4

- Major R. M. WOODWARD (recommended 4 Feb)
- Major G. B. SOWERS (recommended 30 Nov)
- Capt N. H. SIROTA (recommended 18 Jan)
- Capt A. W. MacDOUGALL (recommended 30 Nov)

TO COME BEFORE NEXT BOARD 2

- 1st Lt G. F. CARLSON (recommended 27 Nov)
- 1st Lt J. J. GUARINI (recommended 26 Jan)

14 444

2

HEADQUARTERS
2675TH REGIMENT
ALLIED COMMISSION
(OVERHEAD)
APO 394

RTU/tam

10 March 1945

MEMORANDUM:

TO : Colonel Parkin.

Reference letter of 4 March, addressed to the Deputy Executive Commissioner by Colonel Kirkwood. The bulk of this letter seems to be divided in two parts: first, that the officers in Toscana are being discriminated against in respect to promotions, and secondly, the promotions of Lt. Col. Carter and Major Smith are criticized.

1. Upon taking the average strength from 1 October 1944 to 29 February 1945, we find the following percentages in respect to all regions, 5th Army, and this headquarters are pertinent on the subject of recommended promotions: In the headquarters 58% were recommended for promotion; in Sicily 50%; Southern Region 50%; Lazio-Umbria 66-2/3%; Abruzzi-Marche 64%; Sardinia 80%; 5th Army 40%; Toscana 25%; Emilia 26%; Liguria 15%; Lombardia 12%; Venezia 15%; Piemonte 40%.

2. Now anything can be done with figures, but a general over-all picture of the above percentages shows that of the four Northern regions, with the exception of Piemonte, the recommendations for promotion were more or less consistent and less than any other region.

3. In the regions of Emilia and Toscana, the recommendations were approximately the same. In all of the other so-called "active" regions and the headquarters, the percentage of recommendations runs somewhat on the same level. It is interesting to note, therefore, that perhaps it has been the failure of the Regional Commissioner of Toscana Region to recommend his officers for promotion rather than the fact that his region is being discriminated against.

4. On 9 June Colonel Kirkwood submitted the promotion papers of Major Andrews (then Captain), and in his 3rd Indorsement of 3 December to the Commanding Officer, he states the following: "This officer was first recommended for promotion in June of this year. But that recommendation was lost in AC Headquarters". We have the promotion papers of Major Andrews, and the backing for the promotion is the recommendation of 9 June for Major Andrews. Colonel Kirkwood may see this any time he wishes.

5. Now then, after Colonel Kirkwood put in the papers for Major Andrews on the 10th and 15th of September, he submitted the papers of Captain Hill and Captain Rosson - who were subsequently promoted. On the 18th of October he sub-

mitted the papers of a Captain Noe, whose papers have subsequently been favorably processed by the officer promotion board. On the 10th of November, he submitted the papers on Captain Chiara, who was subsequently promoted. On the 27th of November, the papers of 1st Lt. Carlson were sent in by Colonel Kirkwood, and these papers have not yet been acted upon by the board. On 30 November, the papers of Major Clark, Captain MacDougal, and Major Sowers were received, and the first was favorably considered by the board. On 18 December, Captain Guidetti's papers were processed and passed by the board. On 9 January, Major McBratney's papers were processed and passed by the board. The remaining papers of officers will be considered at the next meeting of the board - which include those of Captain Sirota, Major Woodward, Lt. Guarini, all of which were sent to this headquarters in the latter part of January or early February. So you see, it is not possible to state from all of the above that Toscana Region has been the object of discrimination.

6. Now in regard to Colonel Carter..... Colonel Carter was in Abruzzi Region from October 1943 to 20 March 1944. From the latter part of March until 3 January he was Legal Officer of Company "C". From 1 July until 23 September 1944, he was in Colonel Kirkwood's Region. From that date until the 1st of December, he was in Piemonte Region. On 1 December, he was attached to Toscana by Piemonte Region, until the 18th of January, when he was attached to the Agriculture Sub-Commission for Olive Oil Control. Now it is interesting to note that from the figures given in the first paragraph above, that Piemonte Region recommended 40% of its officers during that period, and that Toscana only recommended 25% of its officers. On 4 November, the Regional Commissioner of Piemonte Region recommended the then Major Carter for promotion. During the last half of September and all of November, when Colonel Carter was in Piemonte Region, there were six officers recommended for promotion by Colonel Kirkwood. Prior to that time, there were only three officers recommended by Colonel Kirkwood. In other words, it looks as if Colonel Kirkwood has been loath to recommend anyone for promotion while Colonel Marshall seems to take a more liberal attitude towards recommending officers for promotion.

7. In paragraph two of Colonel Kirkwood's letter of March 4th, he states: "Colonel Carter has been working under me, either assigned or attached to Toscana Region for over six months, with the exception of a few days." I want to emphasize again that our records show that Colonel Carter was with Piemonte Region from the latter part of September until the beginning of December - and this could hardly be called a few days. **442**

8. In connection with the promotion of Major Smith, the three inclosures which Colonel Kirkwood has now made us familiar with have never been seen by the G-1 office until they were handed to me today.

9. In paragraph eight of Colonel Kirkwood's letter, he states: "The other items which you set forth as allegations in para 2 b, c, d, and e, can readily be proved or disproved by reference to records and the actual situation in AC HQ." I am not certain as to whether you wish me to disprove the allegations or not. It would seem to me that Colonel Kirkwood has in his original letter of 25 January made these allegations, and that it is up to him to furnish the proof for them.

However, I will briefly answer them in part. Par 2 b: Only four out of eighteen officers in the immediate headquarters of the Regiment have been promoted during the time indicated. This hardly coincides with Colonel Kirkwood's statement that "practically every officer in the Regimental Headquarters has been promoted". Par 2c: "that practically every officer in the Legal Sub-Commission has been promoted" -- as a matter of fact, the Legal Sub-Commission has approximately 46 officers, of which fourteen have been promoted. Reference to Par 2d, please note my statistics in the first paragraph of this communication. Reference to Par 2e, Colonel Kirkwood has not given any specific example whereby promotions are willfully or through gross inefficiency being side-tracked or lost at this headquarters. Reference to Par 9, Colonel Kirkwood's letter, I do not feel it is necessary to put Colonel Kirkwood on a board to investigate US officer promotions since he seems to be, by all his misstatements in his basic communication, shooting in the dark with blank ammunition. Reference Par 10, I do not know what Colonel Kirkwood means when he says that the board gives weight to informal recommendations concerning officers. This office has the proper forms for the recommendation of the promotion of an officer and they are available for perusal by the proper authorities at all times.

10. Reference the promotion of Major (then Captain) Smith, a letter is on file signed by Major Charles P. Murchie, who recommended the promotion of Major Smith, and who in this letter of commendation and recommendation rated Major Smith as superior in the performance of his duties. Subsequently, Colonel Clough signed the headquarters recommendation for the promotion of the then Captain Smith, and after a long period of processing, Captain Smith was finally promoted on 7 January 1945. Despite the inclosures to Colonel Kirkwood's letter concerning the manner of performance of Major Smith, two things must be pointed out. First, that Major Smith's ratings from 3 April to 4 October 1944 were superior, and from 5 October to 31 December 1944 excellent. Since his promotion recommendation was initiated during this period; and that prior to the receipt of these letters dated 22 December, 1 February and 2 February, the records clearly show that this officer was doing either an excellent or superior; there is to my mind no negligent act of either omission or commission on the part of this headquarters in regard to this promotion. Incidentally, at the time Major Smith's promotion papers left this headquarters, on 7 December 1944, he ranked as the 13th captain out of 269 captains.

R. T. Uhler

R. T. UHLER
Lt Col, AGD
Executive Officer

10946

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref: RVIII/2/4A/

Date: 4 Mar. 45.

SUBJECT: Promotions.

TO: Deputy Executive Commissioner, AC.

1. Reference your letter Ref/11/Eat dated 22 Feb. 45, my DO letter to Brigadier M. S. LUSH was written, at his request, to indicate explicitly why the methods used in influencing and obtaining the promotion of US officers in the Allied Commission were causing much dissatisfaction in Toscana Region; and were undermining the morale of my officers. There was no intention or desire to disparage the personal integrity of anyone. The system by which US officers in AC obtain promotion is definitely bad. Two recent examples will serve to illustrate.

2. Lt. Col. CUNRY CARTER has been working under me, either assigned or attached to Toscana Region for over six months, with the exception of a few days. He has never, during that time, done work comparable in importance, or in results, to that of one Provincial Commissioner, and two heads of Divisions, all of whom were senior to him as Majors. Yet he was promoted over these officers who were senior to him, and who were in more important positions, and were doing better work than he, all this in complete disregard of my recommendations.

3. Another case: Major (then Captain) RUTHVEN K. SMITH, who has never been under my command, served as an AMG officer on the Island of IBA from the time of occupation by the French until about 1 Jan. 45. During Dec '44 and Feb. '45 I received three letters, one from the Office of the Chief of Staff, AC, and two from Sub-Commissions of AC (copies attached as Exhibits A-1, A-2, B, and C) setting forth irregularities and deficiencies of said Capt. SMITH, and instructing or requesting me to take action. These exhibits show that Captain RUTHVEN K. SMITH changed the routing of a naval vessel without authority; his work as AMG Summary Court officer was entirely unsatisfactory; and he violated the explicit instructions of AC HQ relative to contact with Italian Ministries. This officer, whose work was so unsatisfactory as to be the cause of three complaints from AC HQ, went to ROME, without my knowledge, probably on orders direct from AC HQ, was promoted to Major shortly thereafter, and given leave to return to the U.S. That is to say, this officer whose work was eminently unsatisfactory was promoted while Captain SAMUEL V. NOE, and others in my Region, who have been doing outstanding work and have been highly recommended by me, are still not promoted.

4. If these two examples, given in para 2 and 3 preceding, indicate that the present system by which US officers are promoted is based on merit, or are impartial and equitable, then, and then only, am I wrong in my assertion.

5. At least two officers in Toscana Region have told me that officers on duty with AC HQ tell them that the reason US officers in Toscana Region are not promoted is because I do not go to ROME and "talk over" my recommendations with the officers down there who pass on promotions.

6. Two other officers have told me that there is a feeling in the Region that it is a disadvantage to be in Toscana Region because my US officers are not

continued.....

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XVIII/2/4A/ . H. Toscana Region, dated 4 Mar 45.

promoted, primarily because I don't go to ROME and "plug" for their promotions as other Regional Commissioners and Directors of Sub-Commissions do.

7. These conditions, set forth in pars 2, 3, 5, and 6 preceding, are what I mean by promotions being manipulated by officers and groups of officers in a good position to advocate their own promotion; and also what I mean by lobbying for promotions at AC HQ.

8. The other items which you set forth as allegations in pars 2 b, c, d, and e, can readily be proved or disproved by reference to records and the actual situation in AC HQ.

9. If further facts are desired to show that Toscana Region has suffered in US officer promotions, that my recommendations are given little or no consideration, and that the methods in effect do not promote deserving officers recommended by me, but do promote other officers either quite undeserving, such as RUTHVEN K. SMITH, or less deserving, such as CURRY CARTER, I suggest you put me on a board to investigate US officer promotions, and let me select at least one other member of the board. I feel sure that such a board's report would be interesting and enlightening to the Allied Commission and to AFHQ.

10. As already indicated neither this letter nor the previous one are concerned with individual members of the US promotion Board. Both letters are directed at faults in the system of promotion as shown by the cases cited herein. It is believed that these faults could be corrected, in large part at least, if the Board would give greater weight to the official written recommendations of experienced officers, based upon actual performance, than to informal recommendations and discussions which take little account of the current performance of the officer in question. I feel sure the Board will be as anxious as I am to have the defects in US officer promotions corrected.

RGK/ttg.

Encls.

Robert G. Kirkwood
ROBT. G. KIRKWOOD,
Colonel, FA. US Army 439
Regional Commissioner.

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY

Exhibit A-1

HEADQUARTERS ALLIED COMMISSION

A P O 394

Office of the Chief of Staff

Tel. 478808

22 December 1944

Ref. 520/98/COS

SUBJECT : Re-routing of L.S.T. Shipping
at ELBA.

TO : Regional Commissioner, Toscana Region.

The Flag Officer, Northern Area Mediterranean has reported that on the 7th of Nov the U.S. L.S.T. 907 arrived at Porto Ferrajo having been onward routed from Porto Longone under orders from Captain R.K. Smith, AMO officer in Elba. Will you ask Capt. Smith to give you a full report on this matter and let me have your own summary.

(Sgd). Joseph C. Nively,
Major
for Brigadier
Chief of Staff.

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785015

COPI.

Exhibit A-2

SECRET

Tel: 478808

22 December 1944

Ref/520/97/008.

SUBJECT : L.S.T. Lifts from ELBA.

TO : Flag Officer, Northern Area
Mediterranean.

1. I am directed by the Chief Commissioner to reply to your letter of the 13th of December 44 relative to the above subject.
2. Enquiry will be made as to the orders which are reported to have been given by Capt. Smith, AMG officer in ELBA re-routing U.S. L.S.T.907 onwards from Porto Longone to Porto Ferrajo.
3. Following the recent departure of the French Garrison from Elba the administration of the Island has been passed to Toscana Region. I am advising the Regional Commissioner to inform his staff that under no circumstances will they undertake to alter or amend orders issued relating to movements of shipping.

(Sgd) Joseph C. Rively,
Major
for Brigadier,
Chief of Staff.

Copy to : R.C. - Toscana Region.

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COPY

Exhibit (B) (3 sheets)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4257/L

IGHC/pa
1st Feb. 45

SUBJECT : Allied Military Courts - ELBA
TO : Regional Commissioner, TOSCANA Region
(Attn: Regional Legal Officer).

19

1. The enclosed records of trials in Allied Military Courts in ELBA have come into the possession of this Sub-Commission and are forwarded to you for retention. They disclose that, in the period they cover, a most serious situation existed in that island : for examples :-

- a) BANDI Giuseppe : A Summary Court on 21 Nov 44 found the accused guilty of an offence under Proc. No. 1 (30) and sentenced him to 6 months imprisonment. The papers in question contain nothing detrimental or disrespectful to the Allied Forces or any member thereof, to the Government of any of the United Nations or to the Allied Military Government.
He was also tried (but acquitted) on two other charges of which one was "Defamation of Character" tried under Proc. 1 Art. VII as a violation of the Italian Penal Code, Arts. 290 and 590.
The "procedure" adopted at the trial was remarkable. Apparently no small detail such as calling any prosecution evidence troubled the Court: the accused was asked by the prosecutor whether or not he admitted his guilt : on his reply in the negative, the prosecutor proceeded to interrogate the accused.
The case has not previously been reviewed. The conviction under the first charge has now been quashed : please arrange for the immediate release of BANDI.
- b) BANDI Pietro : tried by Summary Court on 23 Nov 44. This ranks high amongst judicial decisions. The charge was "wrongful possession". The Court states "He (the accused) was able to account for all of it (the subject matter of the charge) and the French Commandant returned the foodstuffs to him". Having made that statement, the Court proceeded to find the accused "guilty" and sentence him to a fine. This conviction has also been quashed.
- c) AMENDOLIA Santi : was charged under Penal Code Art. 336 ; he was acquitted after having been in prison for 54 days.
- d) PALMIZZI Giuseppe. After being in prison for almost 2 months he was tried by Summary Court on 9 Dec 44 for "furto aggravato". The typescript of the proceedings shows that he was sentenced to imprisonment for one year, suspended for one year. The record (on back of form 2) shows the sentence as three months with no mention of suspension. The judge's note refers to the accused being given a suspended sentence. Will you please ascertain what sentence (if any) he is serving ?

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continued.....

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- e) ALESSI Guerino : On 23 Nov this man was tried for infringing Proc 2 Art. X which requires sellers of food to mark the goods with the sale price. According to the judge's note, the accused had a very arguable line of defence namely that he was in the course of arranging his merchandise: the judge observes, however, that "as he pleaded guilty, he was let off with a minimum fine". This conviction has now been quashed.
- f) CECCHINI Giuseppe : was tried by Summary Court in Nov. 44 under Proc. 1 Art. IV (5) for having in his possession 3 rifles, 14 kilogrammes of gunpowder, 43 detonators and other things. He was convicted and sentenced to 1 month's imprisonment suspended. The trial appears to have followed no known procedure. The accused pleaded Not Guilty and the president then asked the accused how long he had had the arms. A defence witness was then called who, in reply to questions by the Court, gave evidence that the guns were found by the accused's children on or about 10th or 11th (month not specified) : the Court then asked "Is it true that the father noticed it and took away the guns to take them to report them?" : this question, not very surprisingly, got the answer "yes". At no time was the witness asked his means of knowledge. In the defence, the lawyer asked his client "Is it true that the children found the guns" : again the answer was "yes".
- g) GALLI Assunto : was tried and acquitted on 25 Nov 44 for "Attempted murder", it not being specified if such charge was under the Proclamation or under Italian Law. The trial was before a Summary Court composed of:
 "Capt. R. K. SMITH
 Maj. Van KINK (qualified Legal Officer)
 Avv. VALDI UADA (qualified Italian Judicial Officer)"
 Obviously such a Court was not properly constituted, an Italian avvocato not being authorized to sit on an Allied Military Court.
- h) ROSSI Pietro and PUCCINI Francesco : were tried and acquitted on 1 Dec 44 by the same "Summary Court". The first accused was charged under Proc. 1, Part II, Art. 4, with being "suspected of throwing a hand-grenade apparently intended for Marshal of RR.CC that was not pro-patriot if not actively pro-German". The second accused was charged with being "Suspected of knowing something about the hand grenade being thrown".
- i) CONCI Enzo : was tried on 5 Dec 44 by the same "Summary Court". The charge was : "Killing his wife who was pregnant and would have been confined in about 10 days". The accused was "Acquitted for lack of evidence".

2. This Sub-Commission is very disturbed to find out that such things were going on in Nov and early Dec 44. While it is appreciated that ELBA did not come under TOSCANA Region officially until 20 Dec 44, this Sub-Commission was under the impression that your HQ was in fact supervising the legal administration for some time previously : this impression was based partly on remarks made verbally to CJO when he visited TOSCANA Region in the month of October and partly on your monthly report for Sept forwarding part of the report of FIO Livorno who had been there and settled certain charges in cases to come before Allied Military Courts.

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3. The officer responsible for holding these Courts was Major (then Capt.) SMITH. He was there both before and after 20 Dec. but it is thought that he has now left.

Have the records of cases tried by him since 20 Dec been reviewed by you? If so, were they as unsatisfactory as the ones now forwarded?

4. The position as regards Allied Military Courts in ELBA is so unsatisfactory that you are instructed to send out there immediately an officer of field grade with experience of Allied Military Courts. He should be instructed:

- (a) to investigate generally and report upon the Allied Military Courts held there both before and after 20 Dec. 44 and particularly to discover whether there are any other unreviewed cases; and
- (b) to ensure that whosoever will be holding Court there in future is aware of at least the most elementary points in regard to the composition of Courts and the procedure to be adopted at trial.

A copy of the report will, please, be sent to this HQ.

By command of Rear Admiral STONE :

(Sgd). I. CAMPBELL, Lt. Col.

for W. E. BENNETT
Colonel
Deputy Chief Legal Advisor.

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COPY

Exhibit "C"

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

Tel: 478709
2 February 1945.

AG/14204/PS

SUBJECT : Visit of Allied Officer to
Minister of Grace & Justice.

TO : Regional Commissioner - Toscana Region.

18

1. This office is in receipt of a letter from the Minister of Grace and Justice in which he states that a Major Smith Ruthven of A.M.G. accompanied by a CG.RR Lt. Rosati visited his office to place before him certain information he had on prisons on the Islands of Pianosa and Portolongone and also left with the Minister a list of eight (8) requests which he considered should be accomplished.
2. The Major as far as can be ascertained did not visit Public Safety Headquarters of A.C. in Rome and did not receive permission from Legal Sub-Commission to make this visit to the Minister of Grace and Justice. This is contrary to orders issued by the Headquarters of A.C. in which it states that contact with the various Ministers of the Italian Government must be made through this Headquarters.
3. As Prisons and their personnel are under a section of Public Safety Sub-Commission we have direct contact with the Minister and in this case we do not know if your Regional Public Safety Officer agrees with the recommendation as made by the Major and some of the items in this request have been the subject of correspondence between this office and your Regional Public Safety Prisons Officer.
4. I attach a copy of the request left with the Minister and have issued instructions that he takes no action until I had presented them to you for your action and information.
5. I call your attention to the last sentence in para 2 of the requests and ask if the title of Governor of the Island is correct.
6. I assure you of our complete cooperation as far as it is in our power but officers must be made to realize that if they visit the Ministers direct and place requests before them in many cases it is just the opposite to the General Policy that this Headquarters is trying to put in operation.

ENH/G.

(Sgd). E. W. HANBURY, Major
(Typd) JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director Public Safety
Sub-Commission.

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10.1

File

Colonel Fiske:

Enlisted Grades and Promotions - Co "H"

1. Promotions received:

- September 1944 - 11.8% of all promotions, and 2 companies got more.
- November 1944 - 9.5% of all promotions, and 2 companies got more.
- December 1944 - 5.0% of all promotions, and 2 companies got more.

(in October, 1944, Co "H" received no promotions, and in January, only the newly activated Co "T" got any.)

2. As of 17 February, Company "H" held 5.27% of the 1st three grades, and 8.69% of the lower four grades. 18 men out of the company (total 97) were privates - 47 were Pfc's.

3. Since 1 September 1944, the following grades and ratings have come into Company "H", either by promotion, or by the transfer of men holding such ratings:

1st grade	-	1
2d "	-	0
3d "	-	4
4th "	-	3
5th "	-	4
6th "	-	20
7th "	-	11

4. Actual strength as of 17 February:

1st grade	-	2
2d "	-	0
3d "	-	5
4th "	-	12
5th "	-	15
6th "	-	47
7th " c	-	18

432
431

Montant
L. T. Montant, Jr.

SECRET

BREAKDOWN OF ENLISTED MEN'S PROMOTIONS

SEPTEMBER 1944

	<u>%</u>	<u>1st Three Grades</u>	<u>%</u>	<u>Other NCO Grades</u>	<u>%</u>	<u>Total Promotions</u>
Hq Co	55%		33 1/3%		47%	
Co C	9		0		5.9	
Co D	18		16 2/3		17.6	
Co E	0		16 2/3		5.9	
Co H	9		16 2/3		11.8	
Co I	0		16 2/3		5.9	
Co M	9		0		5.9	

OCTOBER 1944

Hq Co	100%	79%	80.9%
Co D		5 1/4	4.8
Co F		10 2/4	9.5
Co R		5 1/4	4.8

NOVEMBER 1944

Hq Co	0	0%	4.8
Co A		5 1/2	4.8
Co C		5 1/2	9.5
Co D		11	9.5
Co E	33 1/3	5 1/2	4.8
Co G		5 1/2	9.5
Co H		11	14.3
Co I		17 1/2	14.3
Co M	33 1/3	11	9.5
Co N		11	9.5
Co R	33 1/3	5 1/2	9.5
Co S		11	9.5

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002

BREAKDOWN OF ENLISTED MEN'S PROMOTIONS (Continued)

<u>DECEMBER 1944</u>	<u>%</u> <u>1st Three Grades</u>	<u>%</u> <u>Other NCO Grades</u>	<u>%</u> <u>Total Promotions</u>
Hq Co	33 1/3%	52%	50%
Co C	33 1/3	0	5
Co D		6	5
Co E		6	5
Co G		6	5
Co H	33 1/3	0	5
Co I		6	10
Co M		12	5
Co R		6	5
Co S		6	5
<u>JANUARY 1945</u>			
Co T	100%		100%

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BREAKDOWN OF GRADES OF ENLISTED MEN 2675TH REGIMENT

423

SEPTEMBER 1, 1944

		M/SGT 1/SGT		T/SGT		S/SGT T/3		SGT T/4		CPL T/5	
Authorized Actual		12 11		18 18		80 72		132 131		206 212	
Hq Co	No			No		No		No		No	
Hq Co	6	54.5		8	44.5	38	52.8	61	46.56	100	47.
A	0	0.		1	5.55	3	4.17	3	2.29	9	4.
C	2	18.2		0	0.	8	11.10	17	12.97	19	8.
D	1	9.1		2	11.10	6	8.33	13	9.92	18	8.
E	0	0.		1	5.55	3	4.17	6	4.37	6	2.
F	0	0.		0	0.	1	1.39	2	1.52	4	1.
G	0	0.		2	11.10	4	5.56	8	6.10	18	8.
H	1	9.1		0	0.	1	1.39	9	6.86	11	5.
I	0	0.		3	16.65	3	4.17	5	3.82	10	4.
M	1	9.1		1	5.55	5	6.95	7	5.34	17	8.

FEBRUARY 17, 1945

Authorized Actual		12 17		26 27		83 89		147 150		244 227	
Hq Co	No			No		No		No		No	
Hq Co	9	52.94		9	33.33	34	38.20	57	38.00	85	37.
A	0	0.		1	3.70	0	0.	3	2.	5	2.
C	2	11.76		1	3.70	6	6.76	12	8.	17	7.
D	0	0.		1	3.70	7	7.84	10	6.67	12	5.
E	0	0.		1	3.70	3	3.36	5	3.34	5	2.
F	0	0.		0	0.	1	1.12	3	2.	4	1.
G	0	0.		2	7.42	5	5.65	10	6.67	20	8.
H	2	11.76		0	0.	5	5.65	12	8.15	15	6.
I	0	0.		4	14.85	4	4.50	9	6.10	12	5.
M	2	11.76		1	3.70	6	6.75	7	4.67	11	4.
N	0	0.		0	0.	3	3.37	4	2.34	3	1.
R	1	5.88		1	3.70	6	6.72	6	4.05	11	4.
S	0	0.		1	3.70	4	4.48	5	3.34	6	2.
T	1	5.88		5	18.50	5	5.60	7	4.67	21	9.

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BREAKDOWN OF GRADES OF ENLISTED MEN 2675TH REGIMENT

423

T/SGT		S/SGT		SGT		CPL		PFC		PVT	
18		80		132		206		520		77	
18		72		131		212		451		119	
No	%	No	%	No	%	No	%	No	%	No	%
8	44.5	38	52.8	61	46.56	100	47.16	208	46.11	72	60.5
1	5.55	3	4.17	3	2.29	9	4.24	14	3.10	2	1.68
0	0.	8	11.10	17	12.97	19	8.96	24	5.32	1	.84
2	11.10	6	8.33	13	9.92	18	8.48	51	11.27	13	10.92
1	5.55	3	4.17	6	4.37	6	2.83	23	5.08	0	0.
0	0.	1	1.39	2	1.52	4	1.88	11	2.43	1	.84
2	11.10	4	5.56	8	6.10	18	8.48	44	9.72	7	5.88
0	0.	1	1.39	9	6.86	11	5.18	27	5.96	7	5.88
3	16.65	3	4.17	5	3.82	10	4.72	26	5.74	13	10.92
1	5.55	5	6.95	7	5.34	17	8.01	23	5.08	3	2.52
26		83		147		244		550		107	
27		89		150		227		505		178	
9	33.33	34	38.20	57	38.00	85	37.45	153	30.3	51	28.65
1	3.70	0	0.	3	2.	5	2.20	3	.60	2	1.12
1	3.70	6	6.76	12	8.	17	7.49	35	7.	18	10.04
1	3.70	7	7.84	10	6.67	12	5.29	35	7.	8	4.43
1	3.70	3	3.36	5	3.34	5	2.20	27	5.30	1	.56
0	0.	1	1.12	3	2.	4	1.75	11	2.16	4	2.22
2	7.42	5	5.65	10	6.67	20	8.81	54	10.60	0	0.
0	0.	5	5.65	12	8.15	15	6.60	47	9.40	18	10.04
4	14.85	4	4.50	9	6.10	12	5.28	37	7.44	13	7.25
1	3.70	6	6.75	7	4.67	11	4.87	18	3.50	11	6.14
0	0.	3	3.37	4	2.34	3	1.32	13	2.42	10	5.61
1	3.70	6	6.72	6	4.05	11	4.87	30	6.	7	3.92
1	3.70	4	4.48	5	3.34	6	2.64	22	4.30	11	6.17
5	18.50	5	5.60	7	4.67	21	9.24	20	4.	24	13.46

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COMPARATIVE GRADES OF ENLISTED MEN 2675TH REGIMENT

SEPTEMBER 1, 1944

Hq Co	Auth. Actual	1st Three Grades		4th Grade - Below	
		No	<u>Σ</u>	No	<u>Σ</u>
		110		935	
		101		913	
Hq Co		52	51.48	441	48.3
A		4	3.96	28	3.0
C		10	9.90	61	6.7
D		9	8.91	95	10.4
E		4	3.96	35	3.8
F		1	1.	18	1.9
G		6	5.94	77	8.4
H		2	2.	54	5.9
I		6	5.94	54	5.9
M		7	6.93	50	5.5

FEBRUARY 17, 1945

Hq Co	Auth. Actual	1st Three Grades		4th Grade - Below	
		No	<u>Σ</u>	No	<u>Σ</u>
		121		1048	
		133		1060	
Hq Co		52	39.09	346	32.6
A		1	.75	13	1.2
C		9	6.77	82	7.7
D		8	6.	65	6.1
E		4	3.1	38	3.5
F		1	.75	22	2.0
G		7	5.27	84	7.9
H		7	5.27	92	8.6
I		8	6.	71	6.7
M		9	6.77	47	4.4
N		3	2.27	30	2.8
R		8	6.	54	5.1
S		5	3.75	44	4.1
T		11	8.25	72	6.8

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COMPARATIVE GRADES OF ENLISTED MEN 2675TH REGIMENT

1st Three Grades

110
101

No	<u>1</u>
52	51.48
4	3.96
10	9.90
9	8.91
4	3.96
1	1.
6	5.94
2	2.
6	5.94
7	6.93

121
133

52	39.09
1	.75
9	6.77
8	6.
4	3.1
1	.75
7	5.27
7	5.27
8	6.
9	6.77
3	2.27
8	6.
5	3.75
11	8.25

4th Grade - Below

935
913

No	<u>2</u>
441	48.3
28	3.08
61	6.70
95	10.44
35	3.85
18	1.98
77	8.46
54	5.93
54	5.93
50	5.50

1048
1060

346	32.64
13	1.23
82	7.75
65	6.14
38	3.59
22	2.08
84	7.94
92	8.69
71	6.71
47	4.44
30	2.84
54	5.10
44	4.16
72	6.80

COMPANY STRENGTH
SHOWN IN
PERCENTAGE OF TOTAL
REG'TL STRENGTH

48.54 %
3.16 %
7 %
10.25 %
3.85 %
1.87 %
8.19 %
5.52 %
5.92 %
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SECRET

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Chief of Staff:

1. Herewith, as requested, draft of reply to Col. Kirkwood's DO letter of 25 January. *1*
2. Attention is also invited to detailed comment thereon by Lt. Col. Uhler (G-1 (A)). *2*

Est. Sec.
1 Feb. 45

W. Threlkeld
L.T. MONTANT, JR.,
Capt., AGD
FOR COLONEL G S C,
DEPUTY CHIEF OF STAFF
ESTABLISHMENT SECTION

6

CEO *W.S.*

Please see min 5 and draft at 4. *1 Feb.*

1. To issue from CR Fitch if he agrees with contents.
2. Ask to CR K. Johnson to say CR Fitch will reply. *8*

MS 1212

427

HEADQUARTERS ALLIED COMMISSION
APO 394
Establishment Section

Phone 478183

Ref/11/Est

NEF/ard
22 February 1946

SUBJECT: Promotions

TO : Regional Commissioner, Toscana Region

1. Reference is made to your letter of 28 January addressed to Brigadier M. S. Lush, C.B., C.B.E., M.C., Chief of Staff, Allied Commission, concerning the promotions of U.S. officers. The allegations which you make are of a very serious nature, reflecting on the integrity and/or administrative efficiency of senior American officers of the Commission who deal with promotions. I shall see to it that an exhaustive investigation is conducted and every conceivable effort made to ascertain the facts.

2. It appears that these allegations are six in number:

a. That promotions are manipulated in favor of officers or groups of officers who are in a good position to advocate their own promotions.

b. That practically every officer in the immediate headquarters of the 2675th Regiment has been promoted without regard for the comparative importance of his position.

c. That practically every officer in the Legal Subcommittee has been promoted.

d. That certain regions whose personnel have not been engaged in running a region have been promoted out of proportion to promotions in regions actually functioning as such.

e. That willfully, or through gross inefficiency, promotions are sidetracked because the promotion recommendations are lost at the Headquarters of the Commission.

f. That a promotion lobby exists at Headquarters Allied Commission which is operated to the disadvantage of Toscana Region, which does not have such a lobby.

Declassified E.O. 12356 Section 3.3/NND No. 785015

(Promotions - Ref/11/Est, 22 Feb. 45, Cont'd.)

3. It is my earnest desire that all of the facts bearing on the above allegations may be adduced. I should, therefore, be grateful to you if you would provide me with factual evidence on which the allegations are based and with all pertinent supplemental information in your possession which will aid in the investigation.

4. As you are no doubt aware, recommendations for promotions of U.S. officers are passed upon by a board of officers at Headquarters of the Commission, consisting of myself and the following: Colonel Parkin, Executive Officer, U.S. and Commanding Officer, 2675th Regiment; Colonel Chapman, Director, Public Safety Subcommittee and Senior U.S. Officer at Headquarters of the Civil Affairs Section; Colonel Denamore, Chief Staff Officer, Economic Section and sometimes Acting Vice President, Economic Section. In order to set some limit to the scope of the investigation, I propose that it be confined to the period of the last five months, which is to say, from 19 September 1944, on which date I was appointed Director, Establishment Branch, in addition to other duties, to the present.

5. The officers concerned are most desirous that the investigation be full and complete and that the facts, with respect to the six allegations, be established beyond any reasonable doubt. I trust, therefore, that you will be specific and detailed in the evidence you supply and the information you furnish.

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NORMAN E. FISKE
Colonel
Deputy Executive Commissioner

Copy to:

Col. Parkin
Col. Denamore
Col. Chapman
Ex. Comm.

G-1 (A)

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Declassified E.O. 12356 Section 3.3/NND No. 785015C
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HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT
Office of the Regional Commissioner.
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DO.

25 Jan. 1945.

Brigadier M. S. Lush, C.B., C.B.E., M.C.,
Chief of Staff,
HQ. Allied Commission.

Dear Brigadier,

1. The manner in which the promotions of American officers has been handled in HQ. AC has caused much dissatisfaction among American officers in the field. There appears to be ample reason to believe that promotions are manipulated in favor of certain officers or groups of officers who are in a good position to advocate their own promotion. First, practically every officer in the immediate headquarters of the 2675th Regiment has been promoted, regardless of the comparative importance of his position. Then, too, practically every officer in the Legal Sub-Commission has been promoted. Also certain Regions whose personnel have not been engaged in running a Region, have been promoted out of proportion to the promotions in Regions actually functioning as such.

2. As an example of an unaccountable promotion, Major (now Lt. Col.) Curry CARTER has, with the exception of a very short time, been doing duty in my Region either as an assigned or attached officer for more than six months. I have not recommended him for promotion. His work while quite satisfactory does not compare either in importance or in quality with that of at least three Heads of Divisions, and one Provincial Commissioner, in TOSCANA Region who have been recommended but not promoted. Moreover, he has not had as long a time in grade as either of the three Majors (two Heads of Divisions and one Provincial Commissioner) recommended by me for promotion.

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3. One of the usual causes of sidetracking promotions is losing the recommendation in HQ. AC. This has happened several times. One must conclude that this is done either wilfully or through gross inefficiency.

4. The officers of this Region are fully occupied with their duties in the provinces and at Region Headquarters. This Region has not and cannot maintain a promotion lobby at HQ. AC. It must depend upon HQ. AC to look after its interests. This appears not to have been done.

continued.....

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5. Among other promotions recommended but not acted upon are the following most deserving cases: 1

Capt. SAMUEL V. MOE, Regional Education Officer;
Major JOHN W. CLARKE, Regional Finance Officer;
Major GEORGE B. BOWERS, Regional Transportation Officer;
Major WILLIAM E. McBRATNEY, Provincial Commissioner,
PISTOIA Province.

6. It is respectfully requested that all recommendations for promotion of American officers submitted from TOSCANA Region be given the consideration merited by the importance of the position occupied, manner of performance, and length of service in grade. Moreover, it is especially requested that the recommendations made for the promotion of Heads of Divisions and Provincial Commissioners be given prompt and favorable consideration.

s/ Robert G. Kirkwood
ROBT. G. KIRKWOOD,
Colonel, FA, US Army
Regional Commissioner

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Declassified E.O. 12356 Section 3.3/NND No. 785015

PERSONAL.

5th February 1945.

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I am afraid I have been a long time in replying to your DO letter of January 25th, but I wanted to discuss the subject with Colonel Pike. He has, however, been away from this Headquarters for some time and I have not had an opportunity for discussion.

This is an interim acknowledgment of your letter, to which Colonel Pike will reply fully on his return.

M. S. LUBIN

Colonel R.G. Kirkwood,
Regional Commissioner,
Allied Military Government,
TOSCANA REGION.

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HEADQUARTERS ALLIED COMMISSION

APO 394

office of the Chief of Staff ~~Section~~

February 1945

Dear

This will acknowledge your DO letter of January 25th, the subject of which I have gone into in detail.

The matter of promotions, on either side, is one very productive of discontent and heart-burning; regardless of the basis on which they are handled, someone is bound to prefer another, and, to him, more equitable basis.

With regard to Lt. Col. Carter's promotion, it appears that during a tour of duty with another Region, after having been relieved from the then Region VIII, he was recommended for promotion by his then (and present) Regional Commissioner.

As to recommendations for promotion being lost, I should be most grateful if you could let me have specific data on any such cases. Nothing, I can well appreciate, could be more infuriating. Corrective action can and will be taken, on receipt of more detailed information.

The specific promotions which you mention in para. 5 of your letter will all be taken up at the next meeting of the Promotion Board. It is also pointed out that of five recommendations received from Toscana Region for Captains to be promoted to the grade of Major, considered at the December 5th meeting of the Promotion Board, four are now Majors: Andrews, Chiara, Rosson and Warren.

Of the recent group of American promotions, some 79 went to officers in Regions or in the field, and 19 to officers in Headquarters, which seems a fair showing.

Legitimate complaints of injustice on the score of advancement are more destructive of morale in a formation, when unanswered, than any other factor. Accordingly, I am more than grateful to you for writing so fully and frankly, and I do hope that you will not hesitate to do so again, should the situation, in your opinion, warrant it.

Yours,

Colonel Robert G. Kirkwood,
Hq. Toscana Region, AMG

HEADQUARTERS
2675TH REGIMENT
ALLIED COMMISSION
(OVERHEAD)
APO 394

RTU/tan

31 January 1945

MEMORANDUM:

TO : Captain Montant, Establishments Section, Allied Commission.

1. I hardly feel that I should be called on to defend the accusations contained in Colonel Kirkwood's letter to Brigadier Lush, but because his letter is so full of inaccuracies and also since the truth is apparently treated rather lightly, suppose we let the following facts speak for themselves:

2. Reference the first paragraph, of the 98 promotions in the past two months, 79 have been in the field. If this percentage causes dissatisfaction among officers in the field, God only knows how to satisfy them. In regard to the immediate headquarters of the 2675th Regiment, in recent months out of 18 officers, 4 have been promoted. Now I contend that these four officers occupied important positions and that they were entitled to their promotion.

a. First, Captain Belafsky was promoted to Major. He is the surgeon of the Regiment, and the T/O for the surgeon in a regiment calls for a Lieutenant Colonel.

b. Second, Captain Craig was promoted to Major. He now fulfills the position of both S-4 of the Regiment and G-4 of the Allied Commission. Major Craig took the place of a Lieutenant Colonel as G-4.

c. Lt Colonel Dragneff was recently promoted to a position which in our Army would be called Adjutant General of a large headquarters, such as Allied Commission. In my opinion, such a highly specialized position would be filled by a full Colonel of the Adjutant General's Department.

d. Lt Colonel Seith's position certainly has to be filled by a Lieutenant Colonel inasmuch as he is the United States officer charged by the Commanding Officer with the responsibility for the surveys of all property and so forth.

3. Next, let me quote Colonel Kirkwood's statement that "practically every officer in the Legal Sub-Commission has been promoted". Now I am only interested in the American officers in the Legal Sub-Commission. This Sub-Commission has 46 American officers. Since October 1944, 14 out of these 46 have been promoted. It is inconceivable that Colonel Kirkwood should make such an extravagant statement in full sincerity. I think that Colonel

Memorandum to Captain Montant - (Cont'd).

Kirkwood should be called upon to prove any such statement that he has made, when the actual records show that he does not come anywhere near the truth. 5

4. As you know, the promotion of American officers is handled by a board which consists of Colonel Fiske, Deputy Chief of Staff; Colonel Denmore, Acting Vice-President of the Economics Section; Colonel Chapman, Senior American officer of the Civil Affairs Section; and Colonel Parkin, Commanding Officer of the Regiment. Certainly, the honesty and integrity of the above-named officers is unquestioned, and if I were any one of them, I would emphatically demand that Colonel Kirkwood either retract portions of this letter or offer proof in their support.

5. Regarding certain regions whose personnel have been promoted out of proportion to the personnel of other regions, if this statement is true of Colonel Kirkwood's region, it is only because he has failed to put in more recommendations for promotion of his officers. Our records show that at the meeting of the board on the 5th of December four (Andrews, Chiara, Rossen, and Warren) of the five Captains recommended by Colonel Kirkwood were approved and were promoted to the rank of Major on January 7th. On December 5th we received promotion papers for Majors Clarke and Sowers and Captains MacDougall and Frazer (later transferred to G-2, War Department). Since the board had already met, these papers were not processed at that time. Promotion papers on Major McBratney were received on January 11th. There were, at the time of the meeting of the promotion board, papers on Major Clarke and Captain Sirota which had been submitted at an earlier date by different superior officers (on Clarke by Colonel Howell, on Sirota by Colonel Chapman).

6. Now in regard to the second paragraph, it is true that Colonel Kirkwood did not recommend the then Major Carter for promotion. However, after Major Carter left Colonel Kirkwood's region and had performed duty for a considerable length of time in another region, he was recommended by his present regional commissioner. Apparently, there are other officers who recognize ability just as well as Colonel Kirkwood, and whose judgment is equally as sound. 419

7. In reference to paragraph three, I am at a loss to know what recommendation for promotion was lost in Headquarters, Allied Commission, as charged in this paragraph. And if it has happened several times, where are the examples? We cannot defend ourselves on being charged with doing this wilfully or through gross inefficiency unless we know specifically what the Colonel is writing about.

8. Reference paragraph four, I am not aware that there is a promotion lobby at this headquarters. If there is any Region or any Sub-Commission which has a promotion lobby at this headquarters, I am sure that the officers of the promotion board would glad to hear about it.

Memorandum to Captain Montant - (Cont'd).

9. Again I want to emphasize that Colonel Kirkwood is attacking the honesty and integrity of four Colonels of the United States Army and I feel that they should be given a chance to reply to this letter and have Colonel Kirkwood either prove his statements or, failing to do so, have him apologize for such a piece of correspondence.

R. T. Uhler

R. T. UHLER
Lt Col, AGD
Executive Officer

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Deos Est Sed

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This matter was ventilated very strongly to
me on my recent visit to Toscana. Can you
~~possibly~~ examine the case quoted & give me
a draft reply

M/30/1/45

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HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT
Office of the Regional Commissioner.
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DO.

25 Jan. 1945.

Brigadier M. S. Lush, C.B., C.B.E., M.C.,
Chief of Staff,
HQ. Allied Commission.

Dear Brigadier,

1. The manner in which the promotions of American officers has been handled in HQ. AC has caused much dissatisfaction among American officers in the field. There appears to be ample reason to believe that promotions are manipulated in favor of certain officers or groups of officers who are in a good position to advocate their own promotion. First, practically every officer in the immediate headquarters of the 2675th Regiment has been promoted, regardless of the comparative importance of his position. Then, too, practically every officer in the Legal Sub-Commission has been promoted. Also certain Regions whose personnel have not been engaged in running a Region, have been promoted out of proportion to the promotions in Regions actually functioning as such.

2. As an example of an unaccountable promotion, Major (now Lt. Col) Curry CARTER has, with the exception of a very short time, been doing duty in my Region either as an assigned or attached officer for more than six months. I have not recommended him for promotion. His work while quite satisfactory does not compare either in importance or in quality with that of at least three Heads of Divisions, and one Provincial Commissioner, in TOSCANA Region who have been recommended but not promoted. Moreover, he has not had as long a time in grade as either of the three Majors (two Heads of Divisions and one Provincial Commissioner) recommended by me for promotion.

3. One of the usual causes of sidetracking promotions is losing the recommendation in HQ. AC. This has happened several times. One must conclude that this is done either wilfully or through gross inefficiency.

4. The officers of this Region are fully occupied with their duties in the provinces and at Region Headquarters. This Region has not and cannot maintain a promotion lobby at HQ. AC. It must depend upon HQ. AC to look after its interests. This appears not to have been done.

5. Among other promotions recommended but not acted upon are the following most deserving cases:

Capt. SAMUEL V. NOE, Regional Education Officer;
Major JOHN W. CLARKE, Regional Finance Officer;
Major GEORGE B. SOWERS, Regional Transportation Officer;
Major WILLIAM E. McBRATNEY, Provincial Commissioner, PISTOLA Province.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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6. It is respectfully requested that all recommendations for promotion of American officers submitted from TOSCANA Region be given the consideration merited by the importance of the position occupied, manner of performance, and length of service in grade. Moreover, it is especially requested that the recommendations made for the promotion of Heads of Divisions and Provincial Commissioners be given prompt and favorable consideration.

Robert G. Kirkwood
ROBT. G. KIRKWOOD,
Colonel, FA, US Army
Regional Commissioner.

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