

ACC

10000/142/22

10000/142/22

APPOINTMENTS OF SUMMARY COURTS
SEPT. 1943 - DEC. 1944

FILE CLOSED 21 DECEMBER 1944

*File
4002/1*

THE QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(31A)

AC/4002/1

/ap.
21 December 1944.

SUBJECT : Military Courts Additional Members.

TO : Regional Commissioner, Southern Region

1. Reference your 18 Dec 1944 R/1307.
2. We are immediately requesting G-5 AFHQ to do the needful.

By command of Rear Admiral STONE:

W. E. BEHRENS, Colonel,
Deputy Chief Legal Advisor.

39

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

30A

AG/4002/L.

21 December 1944.

SUBJECT : Military Courts - Additional Members.

TO : G-5, AFHQ.

1. It has been found essential to open new Military Courts in Naples, and for that purpose additional non legal members are required to sit with legally trained presidents. None such can be made available from SOUTHERN Region HQ Staff.

2. G.O.C. 3 District has informed the Regional Commissioner SOUTHERN Region that he would be willing to make a loan of officers for that purpose from training centres but that such centres are directly under AFHQ.

3. May the necessary arrangements be made to the end that such officers be supplied and that we be informed accordingly.

For the Chief Commissioner:

G. S. PARKINSON, Brig.,
A/VP C. A. Sec.
Dep COS.

220/ 101 AG/4002/1/L.
AG/4002/12/L.

38

File
C
O
P
Y

4002/1.

HEADQUARTERS
SOUTHERN REGION ALLIED COMMISSION
OFFICE OF THE REGIONAL COMMISSIONER
APO 394

29A

R/1307

18 December 1944

SUBJECT : Military Court- Additional Members.

TO : Headquarters, Allied Commission.

1. The military courts at Naples are now fully extended. It will be necessary to open new courts but this can only be done, if additional, non legal, members be found to sit with trained, legal, presidents.

2. Some additional officers have already been found through the courtesy of the Royal Navy and Royal Air Force, more, however, are needed. It is not possible for me to spare any of the specialist officers on this HQ. staff.

3. I have approached G.O.C. 3 District for the loan of officers from training centres. He tells me that he would be glad to help, but that these training centres are directly under AFHQ.

4. Will you please take this matter up with G-5, AFHQ. Alternatively will you authorize us to take it up direct with G-5.

(Sgd) J. K. DUNLOP,
Brigadier,
Regional Commissioner.

JKD/jh

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/pa
28A

REFERENCE : ACC/4002/1/L.

12 Jul 44.

SUBJECT : Officers for Summary Courts.

MEMORANDUM TO: Executive Officer, ROME Region .

1. Your letter 3 July 44, RR/121 has been referred to Legal Sub-Commission.

2. Since arriving in Rome I have talked with Major Hendrickson, your RLO, and fully appreciate the problems with which you are confronted. The problem of personnel is one of increasing magnitude. Major Hendrickson is going to keep in touch with me on the situation and I will try to dig up an officer here and there for him as there becomes a particular need. I have already secured for him a prosecutor from Region III for a General Court case even though that prosecuting officer was slated to prosecute a case before a General Court in Region III. Isn't there some duplication of personnel in having two prosecutor's offices one for black market and one for ordinary cases?

36
RICHARD H. WILMER,
Colonel, C.A.C.,
Acting Chief Legal Officer.

R E S T R I C T E D

27A

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROME REGION
APO 394

4002/1

RR/121

3 July 1944

SUBJECT: Officers for Summary Courts.

TO : Regional Control and Military Government Section,
Headquarters,
Allied Control Commission.
(Attention: Legal Sub-Commission)

1. This Headquarters is in urgent need of two additional Legal Officers to sit at Summary Courts. The number of cases in the Rome Region that must be referred to these Courts is on the increase.

For Colonel POLETTI:

John D. Ames
JOHN D. AMES
Lt Colonel, G.S.C.
Executive Officer.

LEGAL SUB-COMMISSION	
1.0	
2.0	
Chief Counsel	
CLP	
Italian Section	
CLERKS	

R E S T R I C T E D

33

4002/1
SUBJECT: Delegation of Power of Review

Legal (Rear)
26A
AMG. H.Q. Rear Eighth Army

OA/13

Edwin J. Mercer, Maj.Ord.,
S.L.O., AMG. Eighth Army.

7 April 1944.

1. Officer addressed is hereby delegated to review all cases tried by Allied Military Courts within Eighth Army area which undersigned would have the power to review as conferred by Executive Memorandum No. 37, R.C. & M.G. Section.

C. E. Henson
C.E. HENSON, D.S.O.
Group Captain,
S.C.A.O. AMG. Eighth Army.

Copy to C.L.O.
H.Q. A.C.C. (Rear)

31

HEADQUARTERS
AMG 5th Army
A.P.O. 464 U.S. ARMY
Legal Division

203/CA/3
7 February 1944.

SUBJECT : Appointment of Allied Military Courts.

TO : Chief Legal Officer, A.C.C. (Salerno Detachment)
Legal Sub-Commission.

1. With reference to your letter AMG/4020/L of 31st January 1944, on receipt by me of the latter AMG/200/98 of 12th December 1943 from the Chief Legal Officer AMG., 15th Army Group, I wrote to the J.A. 5th Army HQ. asking that an order should be signed by the CG. 5th Army delegating to the S.C.A.C., AMG. 5th Army the power to appoint Allied Military Courts. I enclose a copy of this letter of even number dated 26th December 1943 together with a copy of the order therein referred to.

2. In reply to this I received an undated endorsement thereon from the J.A. upon which I wrote a minute to the S.C.A.C. This matter was again taken up with HQ. 5th Army unsuccessfully, however, and I received instructions from the S.C.A.C. that no further action would be taken. Copies of this endorsement and my minute are attached. The delegation has not been executed.

3. As I am of opinion that the appointment of courts should be made as simple, physically, as possible and as the 5th Army HQ. is often at some distance from AMG. HQ. 5th Army, I have asked that for the appointment of General & Superior Courts in Rome, CG. 5th Army should delegate his authority within Rome City only, to the City Commander, Major General Crane.

J. V. M. Shields,
Lt. Col.,
Senior Legal Officer,
A.M.G. 5th Army.

the power to appoint Allied Military Courts. I enclose a copy of this letter of even number dated 26th December 1943 together with a copy of the order therein referred to.

2. In reply to this I received an undated endorsement thereon from the J.A. upon which I wrote a minute to the S.C.A.C. This matter was again taken up with Hq. 5th Army unsuccessfully, however, and I received instructions from the S.C.A.C. that no further action would be taken. Copies of this endorsement and my minute are attached. The delegation has not been executed.

3. As I am of opinion that the appointment of courts should be made as simple, physically, as possible and as the 5th Army Hq. is often at some distance from AMG. Hq. 5th Army, I have asked that for the appointment of General & Superior Courts in Rome, CG. 5th Army should delegate his authority within Rome City only to the City Commander, Major General Crane.

J. V. M. Shields
Lt. Col.

J.V.M. Shields,
Lt. Col.,
Senior Legal Officer,
A.M.G. 5th Army.

Copy to File-603/CA/3.

1st Ind.

HEADQUARTERS FIFTH ARMY A.P.O. 464, U.S. Army,

To: Lieutenant Colonel J.V.M. Shields, Senior Legal Officer, AMG,
Fifth Army.

Several days ago an undated authorization of the character described in paragraph 1 of the basic letter was received by this headquarters. After due consideration the Commanding General concluded that in view of the close liaison, existing and anticipated, between this headquarters and AMG, Fifth Army, the need for such delegation was not apparent and therefore until such need was demonstrated no delegation under the authorization would be made. Therefore I am returning the unsigned orders which you inclosed.

G.B. MICKELWAIT,
Colonel J.A.G.D.,
Army Judge Advocate.

1 Incl.
n/c

2nd Ind.

LEGAL DIVISION, ALLIED MILITARY GOVERNMENT, HEADQUARTERS, 5th
ARMY, APO 464, US ARMY, 1 January 1944.

TO: S.C.A.O., AMG, 5th Army.

1. Reference to our conversation 31 December 1943, I attach hereto: (1) a letter of even number dated 26 December 1943 to the MAGD, 5th Army, (2) the form of order referred to therein and, above, the indorsement reply by the Judge Advocate General thereto.

2. You will recollect that when the Chief Legal Officer, AMG, Headquarters 15 Army Group was recently in Naples, we discussed with you the practical value of asking General Clark to delegate to you authority to appoint General and Superior Courts within the occupied territory administered under his orders. You agreed to this proposal and prior to the return of the Chief Legal Officer to Bari, I mentioned this to Colonel Mickelwait on the phone, when he agreed to the proposal. The Chief Legal Officer armed with this information, returned to 15 Army Group where he obtained from General Alexander an

1 Incl.
n/c

2nd Ind.

LEGAL DIVISION, ALLIED MILITARY GOVERNMENT, HEADQUARTERS, 5th
ARMY, APO 464, US ARMY, 1 January 1944.

TO: S.C.A.O., AMG, 5th Army.

1. Reference to our conversation 31 December 1943, I
attach hereto: (1) a letter of even number dated 26 December 1943
to the JAGD, 5th Army, (2) the form of order referred to
therein and, above, the indorsement reply by the Judge Advocate
General thereto.

2. You will recollect that when the Chief Legal Officer,
AMG, Headquarters 15 Army Group was recently in Naples, we
discussed with you the practical value of asking General Clark
to delegate to you authority to appoint General and Superior
Courts within the occupied territory administered under his
orders. You agreed to this proposal and prior to the return
of the Chief Legal Officer to Bari, I mentioned this to Colonel
Mickelwait on the phone, when he agreed to the proposal. The
Chief Legal Officer armed with this information, returned to
15 Army Group where he obtained from General Alexander an
authority to the Commanding General 5th Army, and the General
Officer commanding 5th Army, by which their power to appoint
Allied Military Government Superior and General Courts could
be delegated to S.C.A.O.'s of AMG with the respective Armies.
This authority having been obtained, the Chief Legal Officer
15 Army Group, forwarded a copy thereof to me whereupon the
attached order was prepared for the signature of General
Clark. His action thereon is set out in the indorsement
above. I am not particularly concerned with whether
General Clark retains in his own hand the appointment of
Superior and General Courts. In this war of paper however,
where an Adjutant General in General Clark's Rear Headquarters
signs the formal order appointing the court, we have to use
the paper required for the letter which must be dispatched
by this Headquarters to 5th Army Headquarters asking for
the order, the copies required for the files, the

G.B. MICKELWAIT,
Colonel J.A.G.D.,
Army Judge Advocate.

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 covering letter for the Judge Advocate's Department returning the order together with his file copies. If you appointed the court all this paper could be saved. In addition, if you had the power to appoint courts it could be done in a matter of a half-hour rather than a matter of at least two days, and the ever present danger of losing signed orders in the various message centers through which they are required to pass would be obviated.

3. Apart from these elementary practical benefits in having power to appoint courts vested in you, it appears to me that we cannot impress General Alexander with a very singleness of purpose when after he was asked to grant authority to the Commanding General 5th Army to delegate the appointment of Courts to you and, on the understanding that it was agreed, did so, whereupon ex post facto the Commanding General 5th Army does not accede to the request. Incidentally, I understand that the General Officer Commanding 8th Army has delegated this power.

4. I shall be grateful if you would refer this matter again to General Clark and ask him to reconsider his decision,

J.V.M. SHIELDS, Lt. Col.,
 Senior Legal Officer,
 AMG, 5th Army.

ALLIED MILITARY GOVERNMENT
HEADQUARTERS 5th ARMY

APC 464

LEGAL DIVISION

203/CA/3
25 December 1943

SUBJECT: Appointment of Allied Military Courts

TO : Judge Advocate General, Headquarters 5th Army,
APO 464, US Army

1. I am informed by 15 Army Group that a form of authority signed by the General Officer Commanding and Military Governor, has been sent to the Commanding General of the 5th Army authorizing him to delegate to the S.C.A.C. of AMG, 5th Army, the power to appoint Military Courts,

2. I have accordingly drawn a form of order which is annexed hereto, in which the Commanding General 5th Army makes such delegation. If this meets with his approval, will you kindly obtain his signature and return same as expeditiously as possible.

J.V.M. SHIELDS, Lt. Col.,
Senior Legal Officer,
AMG 5th Army

Incl: (1)

Ord of Del (in trip)

1. I am informed by 15 Army Group that a form of authority signed by the General Officer Commanding and Military Governor, has been sent to the Commanding General of the 5th Army authorizing him to delegate to the S.C.A.O. of AMG, 5th Army, the power to appoint Military Courts,

2. I have accordingly drawn a form of order which is annexed hereto, in which the Commanding General 5th Army makes such delegation. If this meets with his approval, will you kindly obtain his signature and return same as expeditiously as possible.

J.V.M. SHIELDS, Lt. Col.,
Senior Legal Officer,
AMG 5th Army

Incl: (1)

Ord of Del (in trip)

3

HEADQUARTERS 5th ARMY
APO 464, US Army

December 1943

I, MARK W. CLARK, General Officer Commanding the 5th Army, acting pursuant to the authority conferred upon me by the General Officer Commanding the Allied Forces in ITALY and the Military Governor of the occupied territory in ITALY, hereby delegate to the Senior Civil Affairs Officer, Allied Military Government, of the 5th Army, or to the officer for the time being acting as such, all the authority and power conferred upon me by an order signed by said General Officer Commanding and Military Governor dated 1 September 1943, to establish Allied Military Courts--General, Superior, or Summary--and to appoint members thereof, within the area of said occupied territory in which the Allied Military Government is functioning for the time being under my orders.

MARK W. CLARK, Lt. Gen.,
General Officer Commanding
5th Army

29

1

Major Boettiger

For handle at Caserta.

E.E.H.

CP
250

2

Files

Talked with Col. Mickelwait Jan. 13 reported to Col.
Hume. Instructions to take no further action.

John Boettiger

3

15 Jan.

120

To Lt. Col. SHIELDS

2

Files

Talked with Col. Mickelwait Jan. 13 reported to Col.
Hume. Instructions to take no further action.

John Boettiger

3

15

15 Jan.

To Lt. Col. SHIELDS
AMS 5 Army

To see attached note from Maj. Boettiger.

J. Byles

HEADQUARTERS
ARMED MILITARY GOVERNMENT
REGION II

1 Feb 44

Ref: 2201/57/2

Subject: General Court ~~Natera~~

To : CLO HQ ACC Brindisi

1. Ref this HQ's letter of even number of 30/1/44, the HCAO has expressed a wish to sit as a member of the Court.

2. May its composition therefore be amended to read:-

President - Col G. Fallock
Members - Lt. Col. G. H. McCaffrey
Lt. Col. D.E.S. Cousins

Waiting Member - Major P. Backhouse

D.E.S. Cousins
D.E.S. COUSINS, Lt. Col.,
HCAO

File

121

HEADQUARTERS
ALLIED CONTROL COMMISSION
(GALPNO DEPT. STAFF)
LEGAL COUNCIL-COMMISSION

AMG/4020/L

GU/jpi

31 January 44

SUBJECT : Appointment of Military Courts

TO : SLO, AMG HQ, 5th Army
SLO, AMG HQ, 8th Army.

By communication AMG/209/96 of 12 Dec. 43 there was sent to you a form of delegation of the power to appoint Military Courts for the signature of the Army Commander and which, if signed, would enable the SCAG to make such appointments. It would be appreciated if you would inform us whether or not the delegation has yet been executed.

GERALD OPTORN

Colonel
Chief Legal Officer

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION II

30 Jan 44

Ref: 2201/57/2

Subject: Application For General Court.

To : CJO HQ ACC Brindisi
CJO Legal Sub-Comm. ANG/ACC Naples

1. Ref the attached application for a General Court, it is particularly desired to try the case on 3.2.44, the second day on which the CJO will be at Matera.
2. The MIAO is expecting the CJO on 6.2.44 and has arranged accommodation at his mess. Accommodation at each of the other provincial HQs has of course been arranged for the remainder of the circuit.

D.E.S. Cousins
D.E.S. COUSINS, Lt. Col.,
RCIO Region 2

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION II



30 Jan 44

20A

Ref: 2201/57/2

Subject: General Court Matera

To : CIO HQ ACC Brindisi

1. A General Military Court is required to sit at MATERA for the trial of 1 person accused of Violation of Proclamation 2 Article 1 Section 13 (Stealing over 100 mail bags belonging to the Allied Forces).

2. Evidence will be available by 8.2.44.

3. The probable duration of the case will be one day.

4. The names of the officers available to set on the Court are:

Col. W. Pollock GJO
Lt. Col. D.E.S. Cousins RCLO Region II
Major P. Backhouse, RJO Region II

5. The prosecuting officer will be Capt A.C.J. German LO Potenza

6. Lieut. Vederani will defend the accused if necessary.

7. It is expected that the interpreter of the GJO will act as such. If not, another is available.

D.E.S. COUSINS, Lt. Col.,
RCLO

21

4083
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION II

27 Jan 1945

Ref: 2201/54 C copy to /54 G

Subject: Retrial of case by General Court.

To : CJO Legal Sub-Comm. ACC/AMG Naples

1. Ref AMG/4083/54 of 24.1.45, attached please, is application for a General Court to retry the case of Taverna Alberto.

2. It is desired to hold the trial on February 14th, and the space in the proforma respecting place of trial has been left blank, since for convenience, it is hoped to hold the trial at Catanzaro.

3. It will be remembered that the CJO and NCIO are visiting that province that day.
It is presumed that the CJO will bring his interpreter.

D.K. Cousins
D.K. COUSINS, Lt. Col.,
NCIO

(34)
19B

Subject:- Appointment of General Military Court

To: C.I.O. (for C.J.C.) . . . G. H. . .

S.I.O. Region.

From: HCLD

1. A General Military Court is required to sit at.
for the trial of. persons (A) accused of :-

- (a) . . . Violation of Proclamation No 2 Article 1 Section 16
- (b) . . . Violation of Proclamation No 2 Article 1 Section 5
- (c)
- (d)
- (e)

2. Evidence will be available by. How available.

3. The probable duration of the case will be. days.

4. The prosecutor will be. Major V.A. Woody.

5. The interpreter will be. CJOs interpreter.

6. Officers available in this region to sit on the Court are

. Col. E. Pollock

. Lt. Col. D.E.S. Cousins

. Capt. R.L. Guthrie

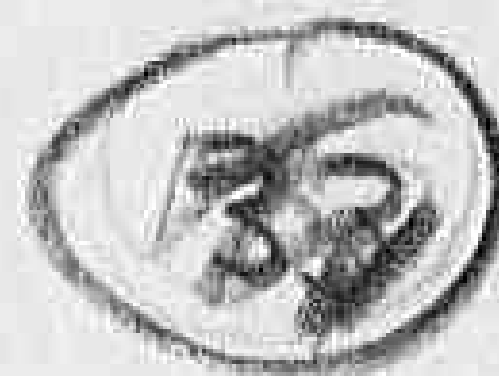
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22

Signed.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 394



18A

AMG/4002/L

rlp

SUBJECT : Appointment of General Military Court for the Island of Sicily.
TO : RCLO, Hq, Region I (THRU: RCMD, Region I).
FROM : DCMAG.

1. The appointment by me of a General Military Court for the trial of all offences within the jurisdiction of the Allied Military Courts in the Island of Sicily by order dated the 12th day of December 1943 and all additional appointments made pursuant to that order are hereby terminated as from the date of completion of any trials now proceeding pursuant to such orders.

2. Applications will be made to me pursuant to Proc. No. 4, Art. III, Sect. I for the appointment of further General Military Courts as and when required, such application to be addressed to CLO, AMG.

(sgd) CHARLES M. SPOFFORD,
Colonel, G.S.C.
D.C.C.A.O., A.M.G.

Dated this 21st day of January 1944.

21

HEADQUARTERS
JED MILITARY GOVERNMENT
REGION 11

Ref. 2204/31/14

Subject :- General Military Court.

To :- Chief Judicial Officer, Legal Sub-Commission,
A.M.G. Rear Detachment, Palermo.

1. Enclosed is an application for the appointment of a General Military Court for the purpose of trying at Salerno two cases of assault on British Soldiers with intent to kill.

2. Pursuant to Directive AMOT/4033/L the appointment has been provisionally made, because, in view of the fact that certain of the witnesses are being specially detached from tactical units in order to be available, it is essential that the court should sit at as early a date as possible.

3. I do not think that Capt. R. F. Harrison is entitled to sit on the Court without a special authority from you, and I propose therefore to replace him with an A.M.G. Officer.

P. BACKHOUSE
Major, ARCLD.



Subject:- Appointment of General Military Court

To: C.L.O. (for C.J.O.) A.M.G. H.Q.

From:

S.L.O. Region 2.....

1. A General Military Court is required to sit at ..Salerno.....
for the trial of ..2..... person(s) accused of :-

- (a) Assault with intent to kill British soldiers
(2 separate cases)
- (b)
- (c)
- (d)
- (e)

2. Evidence will be available by ..15 January 1944.....

3. The probable duration of the case will be ..2.....days.

4. The prosecutor will be ..Capt. E. Johnson, O.C. 66th S.I.S....

5. The interpreter will be Pvt. Adrian Rosati, A.U.S.....

6. Officers available in this region to sit on the Court are

..L.R. Denning, Maj. (A.M.G.)

..R.F. Harrison, Capt. (94th Sub - Area)

..John P. Barden, 2nd Lt., (A.M.G.)

.....

.....

Signed

Backhouse
A.R.C.L.O.
Region II

4002
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512
file (initials)
#4 16A

I, CHARLES M. SPOTFORD, Colonel U.S.A. hereby and on behalf of the Military Governor of Sicily appoint any three of the following officers of the Allied Forces to be a General Military Court for the trial of all offences within the jurisdiction of the Allied Military Courts in the Island of Sicily, namely, Colonel George Pollock, Lieut. Colonel W. E. Behrens, Lieut. Colonel J. L. Willis, Major A. C. Wright, Major R. J. G. Rolfe, Major G. W. McFadyean, Squadron Leader A. H. H. M. McKie, Captain L. D. Dawson or such other officers as the said Colonel George Pollock may appoint.


CHARLES M. SPOTFORD,
Col., A.U.S.

DATED this 18th day of December, 1943.

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HEADQUARTERS
ALLIED MILITARY GOVERNMENT

AFPO, 512,
APOAH SUB-SEC. 158108

AMS/4083/1.

11th December, 1943.

SUBJECT - General Military Court at Enns.

TO - H.M.O. (thru R.C.O.) Region I.

A General Military Court has been appointed to sit at Enns on Wednesday 15th December 43 consisting of Lieut. Colonel J.L. Ellis, Major A.G. Wright, Capt. Ambrose Fuller and Captain David Cunningham or any three of them. Colonel Willis and Major Wright will arrive in Enns on the afternoon of Tuesday 14th December. Battle Dress will be worn by British Officers and field jackets by U.S. Officers.

GEORGE POLLACK,
Colonel,
Chief Judicial Officer.

4002
(151)

GENERAL MILITARY COURT AT ENNA

I, GEORGE POLLACK, Colonel, hereby appoint
Captain AMBROSE FULLER and Captain DAVID GUNNINGHAM
to be additional members of the General Military Court
for the trial of cases in Sicily such additional
appointments to be confined to the trial of cases at
ENNA.

Colonel,
Chief Judicial Officer.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT

APO 512.

LEGAL CUP-COMMISSION

AMG/4083/L.

11th December, 1943.

SUBJECT - General Military Court at Enna.

TO - H.Q. (thro' R.C.A.C.) Region I.

A General Military Court has been appointed to sit at Enna on Wednesday 15th December 43 consisting of Lieut. Colonel J.L. Willis, Major A.C. Wright, Capt. Ambrose Muller and Captain David Cunningham or any three of them. Colonel Willis and Major Wright will arrive in Enna on the afternoon of Tuesday 14th December. Battle Dress will be worn by British Officers and field jackets by U.S. Officers.

GEORGE FOLLOON,
Colonel,
Chief Judicial Officer.

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ALLIED MILITARY GOVERNMENT

1. Frank J. McSherry, Brigadier-General, U.S.A. by virtue of the powers conferred upon me by the General Officer Commanding the Allied Forces in Italy and Military Governor of the Occupied Territories in Italy, hereby, and on behalf of the Military Governor, appoint a General Military Court to be constituted of Major A.W.L. Franklin, R.A.S.C. as President, and Captains S.E. Dreyfus R.A.M. and Donald Little A.U.S. to be members for the trial of TAVENNA, Alberto charged with the unlawful killing of Samuel Molio, a member of the Allied Forces.

DATED the 6th day of December, 1943.

FRANK J. MCSHERRY
Brigadier-General, U.S.A.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 542
LEGAL SUB-COMMISSION

AMG/4083/L

Subject. General Military Court

To . F.I.L.O. (thru ROAD) Region II

3rd Dec. 43

1. General McSherry has decided not to sign the order ante-dated to 6th November 1943 constituting the General Military Court for the trial of TAVERNA, Alberto.

2. Instead he has signed the attached order dated 6 Dec 43 and has issued the following instruction:-

On resuming its sitting the President of the Court will announce that owing to a defect in the Order convening the Court, the Court will be reconstituted, and as from that date will sit as a General Military Court, the membership of the Court being as before; the President will then ask the accused whether he wishes the Court to re-hear the evidence. If he does, the evidence will be re-heard. If he does not wish the Court to re-hear the evidence, the Court will then proceed to sentence and the record of evidence already taken will be admitted as the record of the General Military Court.

GEORGE POLLOCK

Colonel,
Chief Judicial Officer.

Incl. Order

GP/esp

13

File
2083

Subject: General Military Court

20 November 1943
AUG HQ.
Region 2
Ref: 2201/15/33

To: Deputy Chief Legal Officer
HQ. and
Legal Sub-Commission

1. On November 8 last, acting without the knowledge or approval of this HQ. an Allied Military Court was convened at Cotrone, in the Compartimento of Calabria, to hear charges against an Italian civilian who was charged with the murder of a British soldier. The three officers sitting on the Court had been appointed individually Superior Courts by the ROAO, and each was a Judicial Officer.
2. After hearing the evidence the Court found the defendant guilty. The imposition of sentence was postponed, pending efforts to have the tribunal named a General Military Court, for the judges agreed that sentence should exceed the maximum of a Superior Court. One of the officers went to Palermo to have the appointment taken care of; it seems that the effort was unsuccessful. In the meanwhile the time for the imposition of sentence has once more been postponed.
3. Three days ago I was informed of the details which I have set out above. I rejected the proposal that the Court should proceed to impose sentence, send the record to HQ. AUG and have the Tribunal named a General Military Court after the proceedings had been closed. Instead I have advised that no further action should be taken until the enclosed order is signed by General McNairy, and that when that is done the Court should be convened again and should then impose sentence. You will note that the Order is dated 6 November 1943.
4. It is hoped that you will find this proposed procedure suitable. It is greatly regretted that the matter was handled at the beginning in such a slipshod manner, but no better method of straightening out the difficulty than that suggested above has occurred to me.

Ward New York

Ward New York, Major, AUS, 12
ACIO, Region 2

The imposition of sentence was postponed, pending efforts to have the tribunal named a General Military Court, for the judges agreed that sentence should exceed the maximum of a Superior Court. One of the officers went to Palermo to have the appointment taken care of; it seems that the effort was unsuccessful. In the meanwhile the time for the imposition of sentence has once more been postponed.

3. Three days ago I was informed of the details which I have set out above. I rejected the proposal that the Court should proceed to impose sentence, send the record to HQ AMU and have the Tribunal named a General Military Court after the proceedings had been closed. Instead I have advised that no further action should be taken until the enclosed order is signed by General McSherry, and that when that is done the Court should be convened again and should then impose sentence. You will note that the Order is dated 6 November 1943.

4. It is hoped that you will find this proposed procedure suitable. It is greatly regretted that the matter was handled at the beginning in such a slipshod manner, but no better method of straightening out the difficulty than that suggested above has occurred to me.

had New York

Mark Dew. Howe, Major, AUS, 11
HQIO, Region 2

54

APPOINTMENT OF GENERAL MILITARY COURT

By virtue of Article III, Section 1 of Proclamation No. 4, and of the powers delegated to me, I, FRANK J. McSHERRY, Brigadier-General, hereby appoint Lt.Colonel MARTIN R. GLENN, Commander ROBERT R. FRIDLER, U.S.C.G.R., and Lt.Colonel WILLIAM H.P. BRIDGNS and such other officers as may be nominated by Lt.Colonel MARTIN R. GLENN to be members of a General Military Court at Termini, Sicily, for the trial of any person or persons brought before it.

DATED this 25th day of November, 1943.

(Sgd) Frank J. McSherry

Brigadier-General,
Deputy Chief Civil Affairs Officer.

~~Original in safe~~

2 (8A)
13

I, Frank J. McSherry, Brigadier-General, U.S.A.
by virtue of the powers conferred upon me by the General
Officer Commanding the Allied Forces in Italy and Military
Governor of the Occupied Territories in Italy, hereby,
and on behalf of the Military Governor, appoint a
General Military Court to be constituted of Major A.W.L.
Franklin, R.A.S.C. as President, and Captains B.E.
Dreyfus K.R.R., and Donald Little A.U.S. to be members
for the trial of TAVERNA, Alberto charged with the
unlawful killing of Samuel Molio, a member of the
Allied Forces.

Not
Signed

6 November 1943

Frank J. McSherry,
Brigadier-General, U.S.A.

100

CIVIL AFFAIRS OFFICE

Trapani Province

7A

3310/2018/TR
October 19, 1943.

SPECIAL ORDER.

I hereby appoint Maj. H.T.C. Magnus acting
C.A.O. Marsala and Maj. F.C. Hunzicker acting C.A.O.
at Castelvetrano as Summary Military Courts effective as of 12 Oct. '43.

Magnus
in
FLOYD A. WILKINS,
Lt. Col., Inf.,
S.C.A.O. - Trapani.

1002

RDS
2 (6A)AMJOT/1002/L.ALLIED MILITARY COURTS - PROCLAMATION NO. 4 of 1943

In terms of Article III Section 1 of Proclamation 4 of 1943 and by virtue of the powers delegated to Francis Baron Remell of Rodd, Major General, Chief Civil Affairs Officer by Sir Harold R.L.G. Alexander G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and Military Governor of the Occupied Territory in Sicily by letter dated July 1943 to constitute Allied Military Courts and to appoint the members thereof and in the absence of and with the authority of Francis, Baron Remell of Rodd, Major General, Chief Civil Affairs Officer, I hereby appoint Lt. Col. John W. Chapman, President, Captain L. H. Van Duxen and Captain Mason Hammond and Captain C. Moore to be members of a General Military Court, in the Province of Messina for the trials of such cases as may be assigned to it, and at the completion of the trials of these cases the court will be relieved of further duty. Any three of the above members will constitute a quorum.

Given under my hand at Palermo this 16th day of October, 1943.

FRANK J. MORRISSEY,
Brigadier General, U.S.A.,
Deputy Chief Civil Affairs Officer.

See folios 91

File

13007/15002/1.

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(24)

(5A)

ALLIED MILITARY COURTS - PROCLAMATION NO. 4.

By virtue of Article III, Section 1, of Proclamation No. 4 and of the powers delegated to me, I, FRANK J. Mc SHERRY, Brigadier-General, hereby appoint Major F.C. Elwes to be President and Captain B.H. Brown and three other officers to be nominated by Major F.C. Elwes to be members of a General Military Court for the trial of any person or persons brought before such Court charged with any offence or offences under any Proclamation or Order of the Allied Military Government.

Dated the

day of

1943.

Brigadier-General,
Deputy Chief Civil Affairs Officer.

7

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
APO 464, U. S. Army

4A

DATE 13 OCTOBER 1943

FROM FIFTH ARMY

TO FIFTEENTH ARMY GROUP FOR AMGOT SICILY

REF NO 5-13-10AMG3



APPROVED:

Paul Revere
PAUL REVERE
MAJOR AGD
ADJUTANT GENERAL

FOR CHANDLER FROM SHIELDS WILL YOU EMPower ME TO SEND CASES DIRECTLY FOR
TRIAL BEFORE HIGHER COURTS UNDER ADMINIST. TWO PARAGRAPH FIVE ~~STOP~~

1 copy sent AMGOT BARI

170

16/10

*Hand from
Bari. Power given*

FA

5

SUBJECT: General Military Courts.

ANGOT/1002/L.

BA

ANGOT HQ. SICILY.

TO: Col. R.G. Thorne-Thorne,
Senior Staff Officer,
ANGOT Liaison Section,
15 Army Group.

15th September, 1943.

Herewith Original and two carbon copies of Order
signed by C.C.A.O. empowering you to fill vacancies in the General
Military Court of which you are President.

Wm. C. CHAMBER.
Lieut. Col. (AUS),
Chief Legal Officer.

W

5

3B 21

AGOT/4002/L.ALLIED MILITARY COURTS - PROCLAMATION No. 4 of 1943.

With reference to my Order and Amending Order AGOT/4002/L dated 10th and 19th August, 1943 appointing a General Military Court and establishing a quorum therefor, if at any time it is impracticable for at least three of the officers referred to therein to assemble and constitute such Court, Colonel Richard Thorne Thorne (referred to in the said Orders) is hereby empowered to appoint any officer or officers of the Allied Forces to act as President or a member or members of such Court to make up the requisite quorum and a Court so constituted shall have jurisdiction for the trial of any person brought before it provided that at least one of the officers sitting upon such Court is a Judicial Officer of AGOT.

Given under my hand at BAHIGBO this 14 day of 9 1943.

[Signature]
Major-General,
Chief Civil Affairs Officer.

Subject:- Appointment of Lt. Col. McCaffrey and Lt. Col. Hill
to sit on a General Court.

ANGOT/1002/L

ANGOT H.Q. SICILY

12th September 1943.

To: S.C.A.O. Agrigento

1. Inclosed herewith is a copy of an order signed this date by General
McLewry, appointing you and Lt. Col. Hill to sit on a General Court in
Agrigento to meet at 9 a.m., Wednesday, September 15th 1943.

2. Will you notify Lt. Col. Hill of his appointment?

William R. JORDAN.
Lt. Col. C.A.C.
Chief Judicial Officer.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
(Rear Detachment)
LEGAL SUB-COMMISSION
APO 512

(2B)

Pursuant to order of Colonel Charles M. Spefford dated the 12th December 1943 appointing a General Military Court for the trial of all offenses within the jurisdiction of the Allied Military Courts in the Island of Sicily, I hereby appoint the following to be members of the said Court: Lt. Col. William R. Jordan, Major Robert H. German, Major Ian H. Campbell, Capt. Frank B. Vecchiola, Capt. G. B. Muhlman, Capt. E. K. Matthew, Capt. L. W. Davis, Capt. Frank L. Peyton, and Lt. H. G. T. Christians.

Dated the 7th day of January 1943.

GEORGE POLLOCK
Colonel
Chief Judicial Officer

DISTRIBUTION:

- 1 - Lt. Col. Wm. Jordan
- 1 - Major R.H. German
- 1 - Major I.H. Campbell
- 1 - Capt. F.B. Vecchiola
- 1 - Capt. G.B. Muhlman
- 1 - Capt. E.K. Matthew
- 1 - Capt. L.W. Davis
- 1 - Capt. F.L. Peyton
- 1 - Lt. H.G.T. Christians
- 2 - Files

copy

24 Dec 1943

Review of Cases

Col. Geo. Ballew Jr

Dear Colonel. Enclosed is copy appointment made by Col Spafford 23 Dec.

Thos Mard Brown

