

ACC

10000/142/175

MINUTES OF MEETINGS
MAR. 1944 - JAN. 1945

10000/142/175

MINUTES OF MEETINGS WITH RLO & SLO
MAR. 1944 - JAN. 1945

0107

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

FILE CLOSED 22 January 1945

86

0108

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



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELL' UOMO

IL COMMISSARIO FEDERALE

401314

PER/nee.
22 January 1945.

TO : Chief Legal Advisor, Legal Sub-Commission,
Headquarters, Allied Commission, APO 394.

Reference your AC/4013/4/L, dated 10 January 1945.

1. The following points for discussion at the next conference are suggested:-

- (a) Present status of legislation concerning advocacy (admissions to the bar, discipline, etc.).
- (b) Duty of Regional legal officer to secure reasonable uniformity of sentences and methods of effecting same.
- (c) Definition of "existing laws" in Proclamation No. 1, Article III. Does it include Fascist Republican Legislation?

For the Regional Commissioner:

P.E. REYNOLDS, Major
D.R.L.C, Emilia Region.

25 JAN 1945

4013/4

HEADQUARTERS REGION VIII
ARMED MILITARY GOVERNMENT

(74A)

File Ref:

Date: 25 November 44

SUBJECT: Attendance on Regional Legal Meeting.
TO: Chief Legal Advisor, Headquarters ac.

1. See your letter, 16 November 44,
ac/4013/4/L.

2. I expect to be present. It is not
convenient for Major Nugent and I to
be away from the office at the same
time. Lt. Colonel ~~Novell~~ has asked to
attend, and having no objection
thereto, he will accompany me.

DCLA

To note past declined

B

John K. Weber
Colonel, Infantry
Regional Legal Officer

✓ 4013/4
ALLIED COMMISSION

OFFICE OF 1 : HEADQUARTERS COMMANDANT

SUBJECT: Conference.

FILE No. HQC/6

TO: Chief Legal Adviser,
Legal Sub-Commission.

25 November 1944

Reference your AC/4013/4/L, dated 24 Nov 44.

The conference room has been reserved for the use of your S/C
for 0900 hrs, Wednesday, 29 Nov 44.

R. H. ROBERTSON Lt. Col.
Hq. Commandant.

83

$$\begin{array}{r} 4013 \overline{) 4} \\ \underline{4} \\ 0 \end{array}$$

20 November 1944.

TO : Chief Naval Advisory Board Sub-Force Division, Headquarters,
Allied Commission, AFM 39a (See Capt. J. W. Levy).

For the Regional Commissioner:

W. H. Levitt
WILLIAM H. LEVITT
Major, U.S.A.
Regional Level Officer

HEADQUARTERS
22 NOV 1944

LEGAL SUB-COMMISSION
Chief Clerk
CJO
Hollan Section
CL RKS
23 NOV 1944
Capt. Levy.

0113

4013/4 ✓

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

FILE: FILE 013.132/EKM

20 November 1944

SUBJECT: Meeting of Regional Legal Officers.

TO : Headquarters, Allied Commission - APO 394.
(Attention: Legal Sub-Commission)

LEGAL SUBCOMMISSION	
CIO	
ECIO	
Chief Counsel	
CIO	
sf 23 NOV 1944	
Capt. Henry.	✓

1. Your letter AC/4013/4/L of 10.11.44 is hereby acknowledged.

For the Regional Commissioner:

E.K. Matthews, Cpt
E.K. MATTHEWS, Captain,
Regional Legal Officer.

HEADQUARTERS
ALLIED COMMISSION
SARDEGNA REGION

21 November 1944.

Reference: L/1435

Subject : Meeting of Regional Legal Officers.

To : Hq. A.C.C., APO 394
Attention: Legal Sub-Commission/

Letter, your Headquarters, reference above subject, dated 16th November 1944 is hereby acknowledged. The undersigned will arrive your Headquarters 28 November 1944.

For the Regional Commissioner.

John J. Scanlan
JOHN J. SCANLAN,
1st Lt., C.M.F.,
Regional Legal Office.

JJS/bcg

LEGAL SUB-COMMISSION	
CHIEF	
CHIEF COUNSEL	
CLERK	
RECORDS	
23 NOV 1944	
<i>Kapt. Henry</i>	

HEADQUARTERS REGION VIII
ARMED MILITARY GOVERNMENT

File Ref: RVIII/19/1006

4013/4

Date: 22 November 1944.

SUBJECT: Topic for forthcoming Regional Legal Officers' Conference.

TO : Chief Legal Advisor, Headquarters, A.C.

I. At the forthcoming conference of Regional Legal Officers, may the following be clarified:

A case is submitted to the Regional Commissioner for review, either with or without a petition for review. After due consideration, the conviction and sentence are affirmed, and the result communicated to the Provincial Legal Officer, and the defendant enters upon the discharge of the sentence.

Thereafter a paper is received, and in the interest of justice, in the opinion of the Regional Commissioner a modification of the original sentence should be made. The paper may be labeled either a petition for review or an application for a pardon; be that as it may, the moving force for granting it is a re-study of the case, and not unusually facts de hors the record and in point of time subsequent to the original affirmation.

Article 33, section I, plainly states that except on review, there is NO provision for pardoning offenders convicted by an Allied Military Court, nor for reducing, remitting, or varying any sentence imposed by any such Court.

But the question occurs, is not the power included in the total of the functions of Military Government, and what is lacking is in reality a lack of specific provision for its exercise?

Is Section I, Article 33 to be interpreted that because no provision is made for clemency, it does not exist in Allied Military Government? Or, is it to be interpreted in the narrower sense set out in the above paragraph?

By a reading of Section 2 and 3 of Article 33, the impression is gained that the power does exist, and may be exercised by an authority higher than the Regional Commissioner, and by the Regional Commissioner himself, seemingly by analogy to the power to review cases, and within such boundaries. In such sections, provision is made for applications for pardon, grace and clemency to be considered and disposed of by said authorities, with second petitions to be treated as such applications. Obviously, if the power did not exist in the first instance, there would not be anything to be considered and disposed of as such terms are understood in their legal meaning. Is this impression correct? If not, where is the error therein?

CJO to address R.L.Os. if he understands what this letter means.

A case is submitted to the Regional Commissioner for review. After due consideration, either with or without a petition for review. After due consideration, the conviction and sentence are affirmed, and the result communicated to the Provincial Legal Officer, and the defendant enters upon the discharge of the sentence.

Thereafter a paper is received, and in the interest of justice, in the opinion of the Regional Commissioner a modification of the original sentence should be made. The paper may be labeled either a petition for review or an application for a pardon; be that as it may, the moving force for granting it is a re-study of the case, and not unusually facts before the record and in point of time since sent to the original affirmance.

Article 33, section 1, plainly states that except on review, there is no provision for reducing, remitting, or varying any sentence imposed by any such Court.

But the question occurs, is not the power included in the total of the functions of Military Government, and what is lacking is in reality a lack of specific provision for its exercise?

Is Section I, Article 33 to be interpreted that because no provision is made for clemency, it does not exist in Allied Military Government? Or, is it to be interpreted in the narrower sense set out in the above paragraph?

By a reading of section 2 and 3 of Article 33, the impression is gained that the power does exist, and may be exercised by an authority higher than the Regional Commissioner, and by the Regional Commissioner himself, seemingly by analogy to the power to review cases, and within such boundaries. In such sections, provision is made for applications for pardon, grace and clemency, to be considered and disposed of by said authorities, with second petitions to be treated as such applications. Obviously, if the power did not exist in the first instance, there would not be anything to be considered and disposed of as such terms are understood in their legal meaning. Is this impression correct? If not, where is the error therein?

While the important thing is the ultimate administration of justice within lawful boundaries, and not necessarily the nomenclature by which it is labeled, it is nevertheless desirable that the processes followed be clothed with the elegance to which they are entitled. It is asked that you have clarity and clarify the borders of the premises here discussed, to the end that the unpleasant uncertainties which we now entertain, either knightfully or wrongfully, be removed.

JOHN H. WEBER
Colonel, Infantry
Regional Legal Officer

Like other points for con. to

0 to add-on RLOS. if he
understand that the letter means

0117

70A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AS/4013/4/L.

/rm.
26 Nov. 1944.

SUBJECT : Conference - Legal Officers.

TO : R.Q., Comdt, A.C.

Reference arrangements made with Capt. SINCLAIR and telephone conversation of today (Lt. Col. ROBERTSON - Capt. LEVY) it is confirmed that this sub-commission desires the use of the conference room for Wednesday, the 29th November 1944 at 0900 hours. The conference is not expected to last longer than three hours.

JOS. W. LEVY,
Capt. CMP,
for Chief Legal Advisor.

78

HEADQUARTERS ALLIED COMMISSION
APO 384
LEGAL SUB-COMMISSION

AC/4013/4/L.

/rlp.
23 November 1944.

SUBJECT : Topics.

TO : Regional Commissioner (Attn: Regional Legal Officer),
TOSCANA Region.

1. Reference your RVIII/19/1006 of 12 November 1944 it is not entirely clear whether you desire an immediate answer for action in the case PORRO Alberto or whether you wish to discuss the question at the forthcoming conference.

2. Upon the assumption that you require an immediate ruling, you are informed that the expression "Italian troops" in Art. 4 of the Consolidated Instructions refers only to those Italians who are actively members of the Italian Armed Forces and are engaged on duty in Italy under the command of the Supreme Allied Commander. Normally, such members enjoy exemption in respect of offences committed during normal leave provided that they are due to return to their proper station at the expiring of this leave. POWG is subject to the jurisdiction of AMG Courts.

3. An out of bounds order as such is binding only on military personnel. No order on the inmates of the house affected can be "implied." If, on express order is given to these inmates either by public AMG Order or other authorized means the out of bounds order may be extended to these inmates.

By command of Commodore STONE:

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

HEADQUARTERS REGION VIII

ALLIED MILITARY GOVERNMENT

(63A)

File Ref:

RVIII/19/1006

4013/34

Date: 19 November 1944

SUBJECT: Topics for forthcoming legal conference.

TO : The Chief Legal Advisor, Headquarters, AC. ✓

Case Law
for conference
agenda.

1. Two topics are in need of clarification, and are submitted for your consideration:

(A) Who are Italian troops within the meaning of Article 4, Section C, "Consolidated Instructions"?

In connection with the above, while the direction given in the above section is clear, a re-occurring difficulty is encountered in determining who are to be regarded as "Italian Troops" within the meaning of the Section. For example, note the inquiry directed to this office in the attached letter.

(B) Is the posting by Military Police of "Out of Bounds" notices on premises of Italians to be considered merely an order to military personnel, or, in addition thereto, is it to be considered an order by Military Government to the Italian in question not to permit Allied troops to enter such premises?

In connection with the above, there are two schools of thought being applied in determination of the question. The first regards the order as binding only on military personnel; the second regards it as binding on the Italian personnel, and enforceable in Allied Military Government Courts, either by reason of an oral order given by the Military Police at the time of posting, or implied ~~therefrom~~ from the whole transaction.

76

CIO
DCLO
Chief Counsel
CJO
Italian Section
QL RKS

You will talk at
the conference



John K. Weber
Colonel, Infantry
Regional Legal Officer

Non Capisco

KO

22 NOV 1944

ALLIED MILITARY GOVERNMENT
HEADQUARTERS
FLORENCE PROVINCE

(67A)

ID/15

13 November 1944

SUBJECT: Jurisdiction to try Italian Air-Force
Soldier

TO : Legal Sub-Commission Hq., A.C.,
(through A.I., Hq., A.C., Toscana Region)

1. There is pending, before Major S.A. Benilet sitting as Superior Court in this Province, a charge of possession of arms against one FORMO Alberto, who is an Italian Air-Force Sub-Lieutenant on "indeterminate leave pending demobilization," according to the findings of the court, on the accused's military card and "foglio di licenza." The court has doubts as to whether it should take jurisdiction in this case or whether the accused should be handed over to the Italian Military Authorities for trial and has requested instructions from the C.L.A. on this subject. May such instructions be given?

2. The accused is at present released on bail in the sum of Lire 10,000.--

Henry L. Quinn
HENRY L. QUINN
Major, JAGD.,
Legal Officer for the
Province and City of
Florence

HLC/FV

4013/4 file
HEADQUARTERS
AMG FIFTH ARMY
APO 464 U.S. ARMY

66A

20 November 1944.

208/43.

SUBJECT: Meeting of Regional Legal Officers.

TO : H.Q., Allied Commission,
(Legal Sub-Commission).

1. Your letter AC/4013/4/L dated 16th November 1944, is acknowledged.

2. It is noted that the next R.L.Os meeting is fixed for the 29th November.

For the Commanding General:

H.M. Dickie
H.M. DICKIE,
W/Cdr., RAF.,
Legal Officer,
A.M.G. Fifth Army.

/jm

R-E-S-T-R-I-C-T-E-D

4013/4 r h
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
A.P.O. 394

D-5115

65A

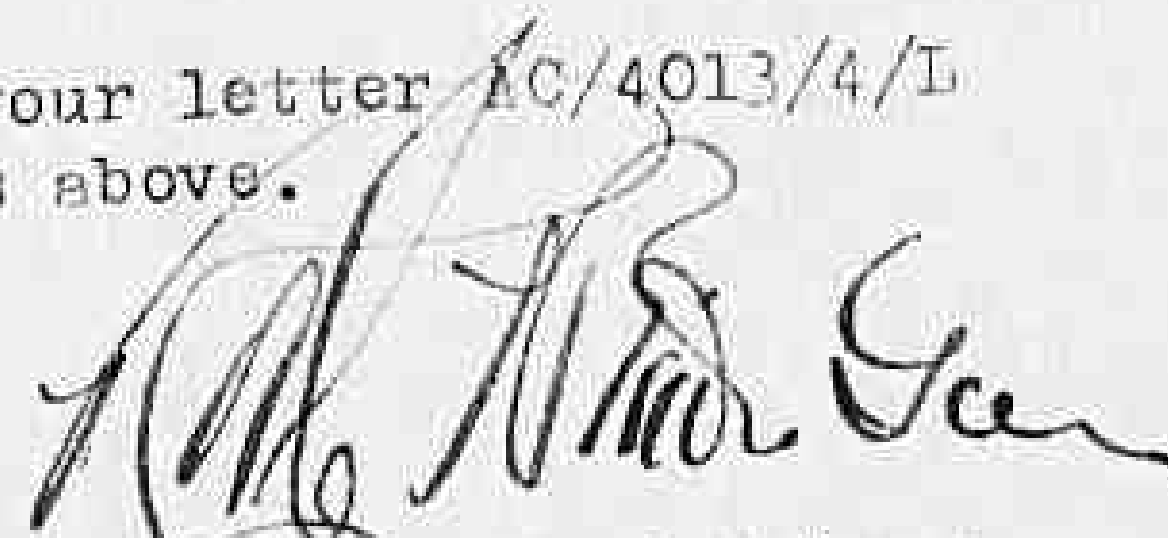
20 November 1944

L/1105

SUBJECT : MEETING OF REGIONAL LEGAL OFFICERS

TO : Chief Legal Officer,
Legal Sub Commission,
Headquarters Allied Commission.

1. Receipt is acknowledged of your letter AC/4013/4/L
dated 16 November, 1944, subject as above.



Robert C. Hendrickson,
Major, A.U.S.
Regional Legal Officer,

RCH/PA.

73

R-E-S-T-R-I-C-T-E-D

0123

4013/4 Feb

64A

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

EJM/jlc

19 November 1944

SUBJECT: Meeting of RLO's

TO : Legal Sub-Commission, Hq AC

1. Receipt is acknowledged of notice of meeting at 0900 hours,
Wednesday, 29 November 1944 at Hq AC, Rome.

2. Undersigned expects to attend.

Edwin J. Mercer
EDWIN J. MERCER
Lt Col, Ord
Regional Legal Officer



4013/4

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

63A

17 November 1944

FILE: RLE 013.0132/EKM

TO : Headquarters, Allied Commission - APO 394
(Attn: Legal Sub-Commission)

1. With reference to my letter of 11.11.44 I beg to report that I was discharged from Hospital on 15.11.44 and have now resumed light duty.

E. K. Matthews Capt
E.K. MATTHEWS, Captain,
Regional Legal Officer.

sf

plc
HEADQUARTERS LIGURIA REGION
ALLI. COMMISSION

(62A) 74

LIG/LEG/10/

18 november 1944.

SUBJECT : Meeting of Regional Legal Officers.

TO : Legal Sub-Commission - AC.H.

1. - Your AC/4013/4/L. letter dated the 16 november 1944 is hereby acknowledged.
2. - The writer in company with his deputy, Major G.M. Welsford intends to be present.

G. M. Welsford
M. G. WELSFORD

M. G. WELSFORD
Regional Legal Officer
Liguria Region.

70

4-3/4 26

EAST HEADQUARTERS
EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

GIA

WHL/adb
12 November 1944

Ref : RIX/LE/210

SUBJECT: Meeting of RLOs.

TO : Deputy Chief Legal Advisor, Hq. AC.

1. Ref. your AC/4013/4/2, 2 Nov. 44, this Region has no points it desires raised at this time.

For the Regional Commissioner:

William H. Levitt
WILLIAM H. LEVITT
Major, JAGD
RLO.

69

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

58A

AC/4013/L/L.

JWI/pe.
16 Nov 44.

SUBJECT : Meeting of Regional Legal Officers.
TO : Regional Commissioner, Sicilia Region.
(Attn. Regional Legal Officer).

1. Your letter of November 14 subject as above is acknowledged.
2. If your work or illness prevents you from attendance at the meeting of RLOs you are of course excused.
3. You have my good wishes for a speedy recovery.

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

68

~~SECRET~~

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4013/W/1.

(57A)

JRL/pa.
16 Nov 44.

SUBJECT : Meeting of Regional Legal Officers.

TO : Brigadier G.R. Upjohn.

The Deputy Chief Legal Advisor has asked me to say that he will be very pleased if you will attend the meeting of RLOs on Wednesday, 29 November 1944.

67

Joseph W. LEVY,
Capt., C.M.P.
for Deputy Chief Legal Advisor.

✓ 4013/4
HEADQUARTERS VENEZIA REGION
Allied Commission
APO 394

56A

10 November 1944

TO : Chief Legal Adviser, Legal Sub-Commission, A.C.

SUBJECT: Meeting of Regional Legal Officers.

FILE No: RXII/LE/Reg/J/O3.

1. Reference your AC/4013/4/L of 2 November 1944.
2. As this Region has not been operating since the date of the last meeting, I have no legal points to raise at the proposed meeting.
3. The only matter which I can think of, which might profitably be discussed, is that of the temporary employment of legal officers assigned to the Northern Regions until such time as their own Regions are occupied.

H. G. Linner

Colonel,
Regional Legal Officer,
Venezia Region.

66

4013/4 HEADQUARTERS REGION VIII
ALLIED MILITARY GOVERNMENT

File Ref: *RVM/19/1006*

Date: 8 November 44

SUBJECT: Meeting of Regional Legal Officers.

TO : CHIEF LEGAL ADVISOR, Headquarters, AC.

See your letter 2 Nov 44, AC/4013/4/L. — *49A*

1. I would be interested in being brought down to date on operation and Italian Military Courts for provinces returned to regional control; also, after a case has been affirmed by regional authority, and it is thereafter determined that a suspension of the unexpired sentence is desirable, is the approach one of review or one of pardon?

[Signature]
JOHN F. WEBER
Colonel, Infantry
Regional Legal Officer.

Capt. Long

Per 12

65

4013/4
ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
AFO 394

(54)

11 November 1944

FILE: RLE 013.132/EKM

SUBJECT: Meeting of Regional Legal Officers.

TO : Legal Sub-Commission - Allied Commission, Headquarters.

1. Reference your letter AC/4013/4/L of 2.11.44 I have no points which I desire to raise at the next meeting of R.L.O's.

2. I understand that the Executive Officer for Region I has already reported to you that I have been absent from duty since Monday 23 October suffering from jaundice and am at present in the 33 General Hospital. I am now informed however that I am likely to be fit to return to duty in the very near future. Having regard to this fact and to the arrears of work which have accumulated I shall be grateful should it become necessary, for my attendance at the next meeting to be excused. As you are aware I have no other Legal Officers in this Region.

sf

E. K. Matthews, Captain
E.K. MATTHEWS, Captain,
Regional Legal Officer.

by
Cpl. Francis

62

401314 ✓

(53A)

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

NOV 11 1944

Office of the Regional Legal Officer

Subject: Meeting of Regional Legal Officers.
To: Legal Sub-Commission, H.Q., A.C.,
APO 394

1. R. L. O. Piemonte Region has
no points to raise at proposed meeting
28 Nov 44.

Edmund J. Merces
Lt. Col. Ad.
R. L. O.

HEADQUARTERS
SOUTHERN REGION, ALLIED COMMISSION
LEGAL DIVISION
APO 394, U.S. Army

L-2190

8 November 1944

SUBJECT: Meeting of Regional Legal Officers.

TO : Chief Legal Advisor, Legal Sub-Commission, HQ, AC

1. It is my desire to raise the following points at the proposed meeting of the Regional Legal Officers on 28 November 1944:

- (1) To reconsider the present necessity for automatic review of every case tried by a Military Court.
- (2) The desirability of now bringing the sentences in all arms cases under review with the object of reducing such sentences to the time already served as at the date of review.
- (3) To consider the possibility of limiting the number of petitions for pardon in respect of the same prisoner.

L. F. Dawson

L.F. DAWSON,
Lieut. Colonel, C.I.,
Reg. Chief Legal Officer
Southern Region.

LFD/mo

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Notion Section	
CL RK3	
NOV 1944	

RESTRICTED
ALLIED CONTROL COMMISSION
INCOMING MESSAGE

(SIA)

C/730

TO: HQ AC OR LEGAL

SIGNAL MESSAGE CENTER No: 103/12

FROM: AC SARDINIA REGION FROM SCARLA

CLASSIFICATION:

REFERENCE No:

PRECEDENCE:

ROUTINE

DATE AND TIME OF ORIGIN: NOV 121459A OFFICE OF ORIGIN: CITER ACC 243

RESTRICTED.

Conference referred to in your letter 2 Nov received today. Following points arise:

- (1) Additional personnel to replace those taken away by Ministry
- (2) Suggestions for speedy trial of minor offenses.

ACTION

Dist

Action - Legal (2)

Info - A/CC

CA Sec

File (2)

Flogt

61

HEADQUARTERS

13 NOV 1944

A. C.

RESTRICTED

DATE and Time of RECEIPT NOV 122050A

Distribution:

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
A.P.O. 394

8 November 1944

L/1105

SUBJECT : Meeting of Regional Legal Officers.

TO : Deputy Chief Legal Advisor,
(Col. W.E. Behrens)
Legal Sub Commission
ALLIED COMMISSION.

1. This is to acknowledge your letter of the 2. November, 1944, and to suggest one point which might be discussed to advantage at a meeting of Regional Legal Officers, namely the amendment of certain sections of the proclamations to insure a greater degree of protection in cases where Allied interests are involved.

2. Further details with respect to this problem will be before you shortly in connection with an important case which is now pending in this Region, which may ~~have~~ be the subject for an application for a General Court.

LEGAL SUB COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Italian Section	
CL RKS	
9 NOV 1944	

RCH/PA.


Robert C. Hendrickson,
Major, A.U.S.
Regional Legal Officer.

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

file
AG/4013/4/L.

49A
3 November 1944.

SUBJECT : Meeting of Regional Legal Officers.

TO : See distribution below.

1. It is under consideration to hold a meeting of Regional Legal Officers about 28 November 1944.
2. In order to determine whether or not to hold this meeting will RLOs please notify Legal S/C before 14 November 1944 what points, if any, they desire to raise at such meeting.
3. Nil returns, if applicable, will be submitted.

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

DISTRIBUTION:

RLO, AICHLIA Region
" ✓ SOUTHERN "
" ✓ SADEONA "
" ✓ LAZIO-UMBRIA Region
" ✓ ABRUZZI-MARCH "
" ✓ TOSCANA "
" EMILIA "
" LIGURIA "
" PIEDMONT "
" LOMBARDIA "
" VENEZIA "

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

2 October 1944.

ACC/4015/4/D.

NOTES OF MEETING OF LEGAL SUB-COMMISSION AND FLOS
HELD AT RMF, 20 SEPTEMBER 1944.

PRESID ED: Col. R.H. Wilmer
PRESENT: Brig. G. R. Upjohn, K.C.
Col. W. E. Behrens
Col. J. K. Weber
Col. H. G. Willmer K.C.
Col. J. W. Chapman
Lt. Col. M. J. Grossman
Lt. Col. A. R. Thackrah
Lt. Col. J. L. Willie
W. Col. H. M. Dickie
Lt. Col. I. F. Dawson
Lt. Col. W. G. Elder
Major M. E. Palmieri
Major Frank L. Vecchiola
Major R. G. S. Alexander
Major W. H. Levit
Major W. F. Vaughn
Major G. M. Walsford
Captain J. H. Levy
Captain E. A. Matthews
Captain R. A. Gaziano
Captain W. G. F. Oates
Lieutenant W. G. Bryce

- HQ ACC
- HQ ACC
- HQ ACC
- Region VIII
- Region XII
- Piemonte
- HQ ACC
- HQ ACC
- Region V
- Region XI
- Southern Reg.
- Region IV
- Region VI
- Region IX
- Region XI
- Liguria
- HQ ACC
- Region I
- Region IV
- Region XII
- HQ ACC
- VP Admin Sec
- DLO
- RLO
- RLO
- RLO
- Chief Counsel
- L.O.
- RLO
- RLO
- RLO
- RLO
- L.O.
- RLO
- RLO
- RLO
- L.O.
- RLO
- DLO
- DLO
- L.O.

1. Personnel.

The CLO stated that regarding legal personnel, as it was reported at the last meeting, it was then at an all time low--at 57. A great deal of time has been spent to round up additional personnel. The CLO stated that the total legal personnel stood at 76 which is quite an improvement. Obviously, it is not enough if suddenly the northern regions were thrown open. We have accumulated enough, however, to do a reasonably good job until the new regions are completely opened up. Then more legal officers will be pulled in from Region IV and from Region VIII to move north. As far as Region IX is concerned, some of the officers there were earmarked for future regions. Region IX must however perform its functions before officers are taken away, for obviously, personnel cannot go to the new regions leaving back regions completely unmanned. A few more legal officers will come in from various sources in the course of the next few weeks and that will help the situation further.

2. Promotions.

a. American.

(1) EMs.

At the present time, as far as promotions of deserving enlisted men on the American side are concerned, the CLO stated that no vacancies exist at the present time for promotions, that this does not mean that application for promotions should not be submitted, for when there are vacancies,

PRESID ED: Col. R.H. Walmer
 PRESENT : Brig. G.R. Upjohn, K.C.
 Col. W. E. Behrens
 Col. J. K. Weber
 Col. H. G. Willmer K.C.
 Col. J. W. Chapman
 Lt. Col. M. J. Grossman
 Lt. Col. A. R. Thacker
 Lt. Col. J. L. Willis
 Lt. Col. H. M. Dickie
 Lt. Col. L. F. Dawson
 Lt. Col. W. G. Elder
 Major L. R. Palmieri
 Major Frank L. Vecchiola
 Major R. G. S. Alexander
 Major W. H. Levitt
 Major W. F. Waugh
 Major G. M. Welsford
 Captain J. W. Levy
 Captain E. L. Matthews
 Captain R. A. Gaziano
 Captain W. G. R. Oates
 Lieutenant W. G. Bryce

- HQ ACC
 - HQ ACC
 - HQ ACC
 - Region VIII
 - Region XII
 - Piemonte
 - HQ ACC
 - HQ ACC
 - Region V
 - Region XI
 - Southern Res.
 - Tri
 - HQ ACC
 - Region IV
 - Region VI
 - Region IX
 - Region I
 - Liguria
 - HQ ACC
 - Region I
 - Region IV
 - Region XII
 - HQ ACC
 - CLO
 - VP Admin Sec
 - DCLO
 - RLO
 - RLO
 - RLO
 - Chief Counsel
 - L.C.
 - RLO
 - RLO
 - RLO
 - RLO
 - L.C.
 - RLO
 - RLO
 - DRLO
 - DRLO
 - L.O.

1. Personnel.

The CLO stated that regarding legal personnel, as it was reported at the last meeting, it was then at an all time low-- at 57. A great deal of time has been spent to round up additional personnel. The CLO stated that the total legal personnel stood at 76 which is quite an improvement. Obviously, it is not enough if suddenly the northern regions were thrown open. We have accumulated enough, however, to do a reasonably good job until the new regions are completely opened up. Then more legal officers will be needed in from Region IV and from Region VIII to move north. As far as Region IX is concerned, some of the officers there were earmarked for future regions. Region IX must however perform its functions before officers are taken away, for obviously, Personnel cannot go to the new regions leaving back regions completely unmanned. A few more legal officers will come in from various sources in the course of the next few weeks and that will help the situation further.

2. Promotions.

a. American.

(1) EAC.

At the present time, as far as promotions of deserving enlisted men on the American side are concerned, the CLO stated that no vacancies exist at the present time for promotions, that this does not mean that application for their promotion should not be submitted, for when there are vacancies, their names will already be on the list.

(2) Officers.

Coming to the question of officers' promotions, the CLO stated that there was a NATOUSA order dated 15 August 1944 closing all promotions in field grades. Promotions have been frozen from time to time in the past and,

2.

therefore that does not mean necessarily that it will be a long time before they are open again. They are frozen at the moment, but applications which were submitted before the 15th of August were sent forward. However it is not known what action has been or will be taken at Higher Headquarters. As to officers being recommended for promotion from 2nd Lt to 1st Lt and from 1st Lt to Captain, the freeze does not apply and during the last week or so several deserving officers in these ranks have been promoted.

There is no reason why recommendations should not be submitted at HQ here even if they are held until they can be acted upon.

With the shifting of officers around from region to region it is always feared that some man who has done an excellent job all along the line will be passed over by one Commanding Officer or another. It is up to the RLOs to watch out for their own men.

As indicated:

LOLO stated that the position is still unsatisfactory.

(1) CPO.

Recommendations should be sent in and will/coted on as soon as vacancies are available.

(2) Officers.

The Board has recently sat. It is hoped some promotion will result; there will be very few as until the War Establishment is increased there are almost no vacancies. A definite promise has been received that the War Establishment will be increased within the next two or three weeks and if that happens, it is hoped that further promotions will be made. However, such promises have been made before and not eventuated.

Brig. Upjohn stated the number of vacancies for promotions from Captain to Major was insufficient to allow each sub-Commission to have one promotion; let alone CPOs. DOLO stated that the procedure for recommendation for promotion has been changed by the recent administrative alterations of 12 September 1944. This procedure must be followed. The queue for return is no longer regarded as a recommendation for promotion. It is merely a list of officers who have been recommended. The officer will be promoted unless an AFB 194 D has been submitted for him. RLOs must ensure that any officer whom it is desired to promote has this form submitted for him. It cannot be guaranteed that a promotion will automatically follow the submission of this form but there certainly will be no promotion without it.

Brig. Upjohn stated that in the field, promotions are recommended by Regional Commissioners. It sometimes happened, that because an officer changed from one region to another at a vital moment, he missed a recommendation for promotion since the new RLO did not feel that he knew the officer well enough to send one in. Brig. Upjohn had suggested to the Establishments Branch that to avoid injustice in these cases the system should be adopted whereby directors of sub-Commissions should be allowed to recommend the promotion.

30. Summary against Fascism

On the subject of dismissing fascists from their posts, Brig. Upjohn recorded the meeting that, under the new decree of 27 July operation was done in the main by a series of ministerial commissions and not (except for purely local concerns) by Provincial Commissions. He stated that the high commissioner had been extremely vague and very slow and not withstanding much pressure until the day before yesterday had not issued the procedural "Regolamento" under the decree.

The Italian Government

0140

— DOLC stated that the position is still unsatisfactory.

- (1) ^{be} CAs.
Recommendations should be sent in and will ^{be} acted on as soon as vacancies are available.
- (2) Officers.
The Board has recently sat. It is hoped some promotions will result; there will be very few as until the War Establishment is increased there are almost no vacancies. A definite promise has been received that the War Establishment will be increased within the next two or three months and if this happens, it is hoped that further promotions will be made. However, such promises have been made before and not eventuated. Brig. Upjohn stated the number of vacancies for promotions from Captain to Major was insufficient to allow each sub-Commission to have one promotion, let alone CAs. DOLC stated that the procedure for recommendation for promotion has been changed by the recent administrative instructions of 12 September 1944. This procedure must be followed. The quinquennial return is no longer regarded as a recommendation for promotion. It is merely a list of officers who have been recommended. The officer will be promoted unless an AFB 194 D has been submitted for him. CAs must ensure that any officer whom it is desired to promote has had this form submitted for him. It cannot be guaranteed that a promotion will automatically follow the submission of this form but there certainly will be no promotion without it.

Brig. Upjohn stated that in the field, promotions are recommended by Regional Commissioners. It sometimes happened, that because an officer changed from one region to another at a vital moment, he missed a recommendation for promotion since the new RC did not feel that he knew the officer well enough to send one in. Brig. Upjohn had suggested to the Establishments Branch that to avoid injustice in these cases the system should be adopted whereby directors of sub-Commissions should be allowed to recommend the promotion.

3. Provincial Establishments

On the subject of dismissing fascists from their posts, Brig. Upjohn reminded the meeting that under the new decrees of 27 July expatriation was (one in the main) by a series of ministerial commissions and not (except for purely local concerns) by Provincial Commissions. He stated that the High Commissioner had been extremely vague and very slow and not withstanding much pressure until the day before yesterday had not issued the provincial "Regolamento" under the decree.

The Italian Government had now produced a new draft decree with the object of getting rid of the big men rapidly. By its terms each Minister has to produce within two months a list of all those in grades 1 - 4 incl. who should be purged.

In the province (Brigadier Upjohn stated) the situation was even more unsatisfactory. Provincial Commissions are set up on which to purge organizations defected from the Prefect or the Province. No provincial commissions have yet been appointed.

On the other hand Brigadier Upjohn said he did not want the meeting to carry away too gloomy a view. The subject was fraught with difficulty and the Italians were naturally very slow. In the end the decree would work.

Epuration in L.M.G.G. territory.

Before this decree was made law in any particular province, defascistization was done under Executive Memorandum No. 67. There were two lists: List A - persons with Prefects, Procuratore del Re, etc.; List B - list of fascist officers, Marcia su Roma, Scierpa Littorio, etc. Looking at List A, if it is seen that any are members of any such organization in List B, they are removed from office. In addition to that Count Sforza has supplied names of reliable persons in towns not yet liberated so that Sforza Army or RO could ask in secret for their advice in removing officials.

On entry into newly occupied territory, Executive Memorandum No. 67 was sufficient but at the moment the Italian Government was so slow at getting its epuration scheme to work that some other form of epuration might be necessary. That matter is under consideration. In the meantime the Brigadier asked those present to advise the ROs or ROs against having any form of amateur epuration commission. Executive Memorandum No. 67 sets out the procedure to be followed when arriving in a province.

Major Palmieri stated that there is no uniformity and no consistency and a good deal of confusion in the matter of defascism on the part of the ministries themselves. In many cases there has been a mass distribution of Schede Personali which was against our interests and against the interests of the Italian Government. We do not like to see minor employees afflicted with the duty of filling out this personal schedule unless their cases are worthy of investigation by the epuration commission.

When one reaches a small underpaid employee one must be careful that he is not made a sergeant. Generally, low grade Government employees have not occupied important political posts. Generally these employees are not subject to dismissal under the defascism law. On September 10th a talk was held with the High Commissioner regarding distribution of personal questionnaires. It was agreed that only employees of Civil Service Grade 1 - 6 inclusive should receive Schede Personali in the first instance, employees inferior to grade 6 should not have to fill out Schede Personali unless they are before the defascism commission. In this way the commission can devote its attention to the more important employees. The proposed decree which the Brigadier referred to, Maj. Palmieri declared, will bring about a speedier procedure. If you find Schede distributed indiscriminately to employees inferior to grade 6, stop it.

There are some cases, Major Palmieri stated, with respect to people dismissed from office before the decree of July 27th under the old Badoglio decree or under Regional Orders. There may be cases which may be incompatible with the new decree of July 27th. These cases must be examined and disposed of in accordance with the decree of July 27th.

Major Palmieri stated that there has been some question with respect to a right to a hearing by the Commission. That is a matter of discretion with the Commission. If evidence is clear to the Commission from the schedo personale of the employee that he can have no valid defence they have a perfect right to refuse a personal hearing. They have no right to refuse receipt of the written defense of the employee.

The CIO stated that the decree does not apply to Army territory. If Army line appears static it might be suggested that some decree would be made law of the Province. It was stated that the duty of the SCAOs has changed very considerably in the last few months.

On entry into newly occupied territory, Executive Memorandum No. 67 was sufficient but at the moment the Italian Government was so slow at getting its epuration scheme to work that some other form of epuration might be necessary. That matter is under consideration. In the meantime the Brigadier asked those present to advise the RCOs or RCOs against having any form of amateur epuration commission. Executive Memorandum No. 67 sets out the procedure to be followed when arriving in a province.

Major Palmieri stated that there is no uniformity and no consistency and a good deal of confusion in the matter of defascism on the part of the ministries themselves. In many cases there has been a mass distribution of Schede Personali which was against our interests and against the interests of the Italian Government. We do not like to see minor employees afflicted with the duty of filling out this personal schedule unless their cases are worthy of investigation by the epuration commission.

When one reaches a small underpaid employee one must be careful that he is not made a scapegoat. Generally, low grade Government employees have not occupied important political posts. Generally these employees are not subject to dismissal under the defascism law. (On September 10th a talk was held with the High Commissioner regarding distribution of personal questionnaires. It was agreed that only employees of Civil Service Grade 1 - 6 inclusive should receive Schede Personali in the first instance, employees inferior to grade 6 should not have to fill out Schede Personali unless they are before the defascism commission. In this way the commission can devote its attention to the more important employees. The proposed decree which the Brigadier referred to, Major Palmieri declared, will bring about a speedier procedure. If you find Schede distributed indiscriminately to employees inferior to grade 6, stop it.

There are some cases, Major Palmieri stated, with respect to people dismissed from office before the decree of July 27th under the old Badoglio decree or under Regional Orders. There may be cases which may be incompatible with the new decree of July 27th. These cases must be examined and disposed of in accordance with the decree of July 27.

Major Palmieri stated that there has been some question with respect to a right to a hearing by the Commission. That is a matter of discretion with the Commission. If evidence is clear to the Commission from the schedi personale of the employee that he can have no valid defence they have a perfect right to refuse a personal hearing. They have no right to refuse receipt of the written defense of the employee.

The CIO stated that the decree does not apply to Army territory. If Army line appears static it might be suggested that some decree would be made law of the Province. It was stated that the duty of the SOAOS has changed very considerably in the last few months.

4. Treatment and status of enemy partisans.

Discussion on various phases. The subject is covered in a secret circular which is being issued but RLOs must realize that this is a difficult and delicate question and must take great care to ensure that no rash decisions are taken. Cases of doubt should be referred to this HQ.

5. Italian Military Tribunals.

The CIO stated that the Italian Military Tribunals have been functioning, of course with their own aims, but also with the purpose of aiding in the quick disposal of cases affecting Allied interests. In Naples, it is understood, the Military Tribunals have performed very satisfactorily on the whole, in a cooperative. In Sicily also the same relation exists. In Bari the Italian Military Tribunal was the limit of uncooperativeness and deceptiveness. The whole situation in Bari has been a rather pre-fascist one and the whole spirit of the Tribunals seemed to be infected. The CIO reported a housecleaning there and the appointment of Dr. Umberto Bersani until recently a member of the Court of Cassation as Prosecutor Generale Militare in the place of Gen. Traina. The CIO requested that RLOs submit reports as to how things are going in the military tribunals in their regions insofar as Allied interests are concerned. If things are not going so well, sentences are ridiculously low etc, the CIO expressed the wish to be informed about it because he could then take it up quite forcefully with the new Prosecutor Generale. The CIO stated that he proposed to have a weekly or fortnightly conference with the new Prosecutor Militare Generale in the same way as he has weekly conferences with the Minister of Justice.

Jurisdiction.

If the accused is not in jail at the time he is called to trial and he is then found guilty, he has to be allowed liberty during the period in which the appeal is pending, if he has filed one, or during the period within which he may file one.

Relations with Allied Military Authorities

The CIO stated that the CIO urged the RLOs to discuss with the Allied Military authorities any problems affecting the various courts including the Italian Military Tribunals. A very close and frank relation must be maintained.

In answer to a question, the CIO stated that the Headquarters of the Prosecutor Generale Militare had been at Lecce and has just been moved to Rome. The places where Military Tribunals are now functioning will be communicated later. It was stated that there is a very reduced personnel of Italian Military judicial and law-only 250 now and it is proposed to send these judicial military officers to places where they are needed. It is doubted whether they are functioning in the forward areas.

6. Death sentences under Italian Law.

The CIO explained the new decree which the Minister of Justice is proposing to publish for the abolition of the death sentence. The proposed decree was a short one and abolished the death penalty for offences under the Codice Penale. The penalty, however, will be preserved in two cases, viz., (a) for offences under the Codice Penale Malavere and (b) for offences under Article V of decree, Sanctions issued at Fascism, 1925.

The Minister had proposed this law because the death penalty under the Codice Penale was a fascist innovation which he wished to remove. AOC had approved publication of decree.

seemed to be infected. The CIO reported a housecleaning there and the appointment of Dr. Umberto Persori until recently a member of the Court of Cassation as Procuratore Generale Militare in the place of Gen. Trino. The CIO requested that all submit reports as to how things are going in the military tribunals in their regions insofar as Allied interests are concerned. If things are not going so well, sentences are ridiculous, etc., the CIO expressed the wish to be informed about it because he could then take it up quite forcefully with the new Procuratore Generale. The CIO stated that he proposed to have a weekly or fortnightly conference with the new Procuratore Militare Generale in the same way as he has weekly conferences with the Minister of Justice.

Jurisdiction.

If the accused is not in jail at the time he is called to trial and he is then found guilty, he has to be allowed liberty during the period in which the appeal is pending, if he has filed one, or during the period within which he may file one.

Relations with Allied Military Authorities

When the CIO urged the RLCs to discuss with the Allied Military authorities any problems affecting the various courts including the Italian Military Tribunals. A very close and frank relation must be maintained.

In answer to a question, the CIO stated that the Headquarters of the Procuratore Generale Militare had been at Lecce and has just been moved to Rome. The places where Military Tribunals are now functioning will be communicated later. It was stated that there is a very reduced personnel of Italian Military judicial offices only 250 now and it is proposed to send these judicial military officers to places where they are needed. It is doubted whether they are functioning in the forward areas.

b. Death sentences under Italian Law.

The CIO explained the new decree which the Minister of Justice is proposing to publish for the abolition of the death sentence. The proposed decree was a short one and abolished the death penalty for offences under the Codice Penale. The penalty, however, will be preserved in two cases, viz., (a) for offences under the Codice Penale Militare and (b) for offences under article V of decree. Sanctions aimed at Fascism, art. 159.

The Minister had proposed this law because the death penalty under the Codice Penale was a fascist innovation which he wished to remove. AOC had approved publication of decree.

The decree affects Allied Tribunals because persons who are tried under Italian law can only be punished in accordance with the penalties prescribed by that law. The decree will not affect persons who are guilty of acts of sabotage and espionage. They can be tried under the Codice Penale Militare for the offences detailed in articles 59 and following and articles 158 and following. Before the publication of ROL 159 it was frequently impossible to try civilians under those articles since many of them were limited in operation to offences committed by soldiers. Now, however, Art. V of ROL 159 prescribes that civilians as well as soldiers can be tried equally under this code and can suffer the same penalty. The proposed decree will, however, affect cases in Allied courts where the accused is charged with an ordinary murder of an Allied soldier. In such cases, the minimum sentence will be imprisonment for 10 years.

7. Fascist Republican Laws.

Col. Thackrah stated that this question arose out of a circular from the Ministry of Justice which RLOs will all receive in due course. It is a simple matter. As generally known, under the fascist regime there existed the famous Tribunale Speciale per la Difesa dello Stato, the Fascist "Star Chamber" in which all serious things were done. At Rome prior to the break up, the Badoglio Government before it left, suppressed, by the RDL of 1943 this special tribunale but no sooner had Badoglio left than Mussolini and company with the Nazi-Fascist Republican Government restored the tribunale and even created local branches of it to spread the net still wider. The attitude which the present Italian Government has taken towards the judgements of the two arms of the Tribunale Speciale was this, sentences of the old Tribunale Speciale will be revised on basis of a law in course of preparation; whilst the sentences of the new Tribunale Speciale ^{it} specially considered null and are non-existent.

The Italian Government had dealt with it by means of a circular sent out by the Ministry of Justice to Procuratori del Regno telling them all they must get busy in the release of prisoners and the retrial of all common-law sentences which have been passed by the reconstituted and newly established Tribunale for the Defense of the State.

Col. Thackrah said that RLOs will get the circular referred to. The Italian version will be on one side and the English on the other. The CIO stated that at the meeting with the Minister of Justice, he was handed a new proposed decree which goes back and deals with cases tried prior to the Badoglio regime, trying to undo some of the things done before July 1943. Although the opportunity has not as yet presented itself to examine the proposed decree the CIO stated that there was certainly a definite attitude on the part of the Minister to try to undo as rapidly as he can these various things and get them off the statute books.

Brig. Upjohn stated that it would be desirable that some publicity be given by the Italian Government to their view that the laws of the Fascist Republican Government be automatically null and void. The CIO stated that study is being given consideration of a decree to get rid of the wrongs and to take care of rights.

8. Distribution of Official Gazette in Occupied Territory.

Lt. Col. Thackrah first recapitulated what happened to the Gazette since the last meeting, saying there is a change in the Executive Commissioner's order which is printed in each copy of the Gazette implementing the law in regions of AD territory. Before the order was of the kind which only implemented certain specific Italian decrees and made them the law of regional territory. Now the implementation order had been changed around to implement the Gazette in toto and specifically any exception to this implementation. Any Sub-Commission in AD that singles out any decrees they do not want implemented has the responsibility of informing the legal Sub-Commission.

Dividing machinery for distributing Gazette.

Lt. Col. Thackrah told the meeting that on Italian printing works prints the Gazette and Italian organization distributes it to Italian Officials. The Legal Sub-Commission distributes it in AD territory through administrative channels to the commissioners whose duty it is to hand these gazettes to the Prefects of provinces, so that they, in turn, distribute the Gazette to their officials and men responsible. The effective date of the publication of the Gazette is the date it is delivered to the Prefect in that Province analogous to the posting of a notice.

judgements of the two arms of the Tribunale Speciale was this, sentences of the old Tribunale Speciale will be revised on basis of a law in course of preparation; whilst the sentences of the new Tribunale Speciale considered null and are non-existent.

The Italian Government had dealt with it by means of a circular sent out by the Ministry of Justice to Procuratori del Regno telling them all they must do busy in the release of prisoners and the retrial of all common-law sentences which have been passed by the reconstituted and newly established tribunali for the Defense of the State.

Col. Thackrah said that RLOs will get the circular referred to. The Italian version will be on one side and the English on the other. The CIO stated that at the meeting with the Minister of Justice, he was handed a new proposed decree which goes back and deals with cases tried prior to the Badoglio regime, trying to undo some of the things done before July 1943. Although the opportunity has not as yet presented itself to examine the proposed decree the CIO stated that there was certainly a definite attitude on the part of the Minister to try to undo as rapidly as he can these various things and get them off the statute books.

Frsg. Upjohn stated that it would be desirable that some publicity be given by the Italian Government to their view that the laws of the Fascist Republican Government be automatically null and void. The CIO stated that study is being given consideration of a decree to get rid of the wrongs and to take care of rights.

3. Distribution of Official Gazette in Occupied Territory.

Lt. Col. Thackrah first recapitulated what happened to the Gazette since the last meeting, saying there is a change in the Executive Commissioner's order which is printed in each copy of the Gazette implementing the law in regions of ALB territory. Before the order was of the kind which only implemented certain specific Italian decrees and made them the law of regional territory. Now the implementation order had been changed around to implement the Gazette in toto and specifically any exception to this implementation. Any Sub-Commission in AEG that singles out any decree they do not want implemented has the responsibility of informing the Legal Sub-Commission.

Dividing machinery for distributing Gazette.

Lt. Col. Thackrah told the meeting that an Italian printing works prints the Gazette and Italian organization distributes it to Italian Officials. The Legal Sub-Commission distributes it in ALB territory through administrative channels to the commissioners whose duty it is to hand these gazettes to the Prefects of provinces, so that they, in turn, distribute the Gazette to their officials and men responsible. The effective date of the publication of the Gazette is the date it is delivered to the Prefect in that Province analogous to the posting of a proclamation.

He stated that PQs are very busy officials and therefore we have to rely on the RLOs under their respective RLOs to keep an eye on the Gazette and see that it gets into the hands of the Prefects and that Prefects give receipts. The Gazette is sent out packed up and labeled with a receipt attached to it. The filling of receipts at Prefecture, dating, numbering and sending back to this HQ is important piece of machinery. He said that we look to RLOs and PLCs to supervise this piece of legislative machinery and see that they get the receipts back to us. They do not

at present, reach this HQ regularly, but must do so in order that we can get these records so as to know when the laws became effective in each particular province.

As for Regions PIEMONTE, LIGURIA, XI and XII we are taking special steps to have the Italian printing works and Italian publishers prepare collections of statutes for these particular regions. Col. Thackeray stated he was glad to note that RIOS of these regions were interested and taking the matter personally in hand and would supervise distribution of these collections to their regions as they came under regional control.

In about a week's time these collections should be ready. He added that RIOS should keep in close touch with HQ and tell us when they were prepared to receive these collections and advise us when they receive same, also when their distribution commences.

Regional control in relation to the Gazette means that the decrees and laws published therein may become effective in that region. Until then it is under the Army. In some cases, it was stated, Army takes administrative steps in Army areas to implement suitable Italian legislation when static period occurs.

In answer to a query it was made known that Perugia was still under 8th Army control per circular dated two days ago.

9. Assaults, etc., by Partisans against Fascists.

The CIO stated that people who have been patriots or partisans in our favour get behind our lines and when they see fascists, some of them still in office, they are tempted to take the law in their own hands. Nevertheless the CIO stated, they cannot be allowed to make assaults of that kind which may result in death or disturbance. These are cases generally not to be tried by AMG Courts. As to what Court should try them the CIO stated that it was his feeling that no specific directives can be laid down. Generally these are cases of Italians against Italians for Italian Courts to deal with. He said that on the other hand assaults might lead to a disturbance affecting the military security. He considered it proper for an AMG Court to handle such a case and that after all the disposition of such cases must be on a basis of a common sense.

10. Retention of prisoners convicted by AMG Courts and Italian Courts where Allied interests involved.

The CIO stated that there is no general knowledge in our possession, particularly in the back regions, as to whether prisoners who were convicted by AMG Courts are still in jail.

In the same connection he said regarding the amnesty situation that the Minister's decree of April 5th does not apply to any case where the person is convicted by an AMG Court or by an Italian Court where it involved Allied interests. The Minister has made this abundantly clear by his circular sent out everywhere.

11. Italian Government cars requisition prohibited.

Capt. Levy stated that Establishment Branch Memorandum No. 21 of Sept 3, which deals with the requisitioning and registration of civilian vehicles in general, para 12 in particular deals with civilian vehicles which are not to be requisitioned. Para 12 enumerates, Doctors, nurses, diplomats, etc. We were of the opinion, he said, that it did not necessarily mean to include vehicles being used by the Minister

should keep in close touch with HQ and tell us when they were prepared to receive these collections and advise us when they receive same, also when their distribution commences.

Regional Control in relation to the Gazette means that the decrees and laws published therein may become effective in that region. Until then it is under the Army. In some cases, it was stated, Army takes administrative steps in Army areas to implement suitable Italian legislation when static period occurs.

In answer to a query it was made known that Perugia was still under 8th Army control per circular dated two days ago.

9. Assaults, etc., by Partisans against Fascists.

The CIG stated that people who have been patriots or partisans in our favour get behind our lines and when they see fascists, some of them still in office, they are tempted to take the law in their own hands. Nevertheless the CIG stated, they cannot be allowed to make assaults of that kind which may result in death or disturbance. These are cases generally not to be tried by AMG Courts. As to what Court should try them the CIG stated that it was his feeling that no specific directives can be laid down. Generally these are cases of Italians against Italians for Italian Courts to deal with. He said that on the other hand assaults might lead to a disturbance affecting the military security. He considered it proper for an AMG Court to handle such a case and that after all the disposition of such cases must be on a basis of a common sense.

10. Retention of prisoners convicted by AMG Courts and Italian Courts where Allied interests involved.

The CIG stated that there is no general knowledge in our possession, particularly in the back regions, as to whether prisoners who were convicted by AMG Courts are still in jail.

In the same connection he said regarding the amnesty situation that the Minister's decree of April 5th does not apply to any case where the person is convicted by an AMG Court or by an Italian Court where it involved Allied interests. The Minister has made this abundantly clear by his circular sent out everywhere.

11. Italian Government cars requisition prohibited.

Capt. Levy stated that Establishment Branch Memorandum No. 21 of Sept. 3, which deals with the requisitioning and registration of civilian vehicles in general, para 12 in particular deals with civilian vehicles which are not to be requisitioned. Para 12 enumerates, Doctors, nurses, diplomats, etc. We were of the opinion, he said, that it did not necessarily mean to include vehicles being used by the Minister of Justice and judges as being immune from requisitioning. He said that when he asked the Establishment Branch if the memo was meant to include vehicles being operated by the Ministry of Justice and judges in various regions, he was assured that it was the intention of the Establishment Branch to include such vehicles. Accordingly a letter to that effect was published and distributed to RLOS. He said that after again conferring with the Establishment Branch he was assured that civilian vehicles rented by or on loan to the Minister of Justice, would likewise remain immune from any type of seizure. He said that all should use every effort

to see that any vehicles so being used should be uninterfered with by any one.

Major Elder stated that as far back as Jan and Feb the difficulty was gotten around by getting the Prefect to requisition cars, thus solving all the difficulties. The CIO stated that at the next conference the procedure will be given on that sort of thing.

12. Consolidated Instructions.

It. Pryce stated that last week the Hq sent around to 5 new regions Consolidated Instructions, Rules of Procedure in Italian, Proclamations in lots left over and in booklet form.

Regarding Consolidated Instructions they are purely a reprint of the first edition but regards Proclamation No. 1 it has Capt. Stone's name in the preamble and is signed by him.

We did not know of the final change until booklets were printed but the body is up to date. There is a very small steak left. When a region feels that they have not sufficient copies, the order is to be placed as soon as possible so that the distribution can be made fairly. Copies must be kept at Hq for emergency.

13. MAG Courts.

a. Records.

(1) On the outside of Form 8, spaces are left for the age and occupation of the accused. These spaces must be filled in.

~~Exhibits must be completed, exhibits must be in sufficient number to be in the proper condition, i.e., they should not be so torn as to be undecipherable. Extraneous documents, such as statements taken before the hearing of the case and not put in evidence at the trial, should not be included.~~

RLOs are responsible for seeing that records are forwarded in the proper condition.

b. Procedure on submission of no case.

If, at the end of the case for the prosecution, it is apparent that no case has been made against the accused, the court should dismiss the case. If at this stage the advocate for the accused wishes to argue that no case has been made but, he must be permitted to do so and his argument considered. If his argument is rejected, the advocate must then decide for himself whether he will rest on his submission or whether he will call evidence. If he rests on his submission and the court convicts the accused, it is open to the advocate to argue in his petition for review that there was no evidence to support his conviction. If, however, he calls evidence and the accused is convicted, it is no longer open for the petition for review to attempt to exclude the evidence given for the defense in arguing that there was no evidence to support the conviction. Such evidence, once given, forms part of the complete record of the case and the whole of that record can be examined to see if there is evidence to support the conviction. This is in accordance with both British and American procedure.

c. Jurisdiction of Summary and Superior Courts in multiple charges.

We did not know of the final change until booklets were printed but the body is up to date. There is a very small stock left. When a region feels that they have not sufficient copies, the order is to be placed as soon as possible so that the distribution can be made fairly. Copies must be kept at HQ for emergency.

13. MG Courts.

a. Records.

(1) On the outside of Form 8, spaces are left for the age and occupation of the accused. These spaces must be filled in.

~~When a region feels that they have not sufficient copies, the order is to be placed as soon as possible so that the distribution can be made fairly. Copies must be kept at HQ for emergency.~~

Exhibits must be completed, exhibits must be included and not put in evidence at the trial, should not be included.

MGs are responsible for seeing that records are forwarded in the proper condition.

b. Procedure on submission of no case.

If, at the end of the case for the prosecution, it is apparent that no case has been made against the accused, the court should dismiss the case. If at this stage the advocate for the accused wishes to argue that no case has been made but, he must be permitted to do so and his argument considered. If his argument is rejected, the advocate must then decide for himself whether he will rest on his submission or whether he will call evidence. If he rests on his submission and the court convicts the accused, it is open to the advocate to argue in his petition for review that there was no evidence to support his conviction. If, however, he calls evidence and the accused is convicted, it is no longer open for the petition for review to attempt to exclude the evidence given for the defense in arguing that there was no evidence to support the conviction. Such evidence, once given, forms part of the complete record of the case and the whole of that record can be examined to see if there is evidence to support the conviction. This is in accordance with both British and American procedure.

c. Jurisdiction of Summary and Superior Courts in multiple charges.

A person charged before a Summary or Superior Court is charged as one case, however many charges are brought against him at that time. It follows that the total punishment awarded in respect of all these charges must not exceed the total which the particular court has jurisdiction to award in any one case in accordance with Art. 25 of the Consolidated Instructions.

14. Enemy military property including petrol cars.

The CIO stated that this question was raised out of the desire of military authorities to get into their hands all military petrol cars of all types as soon as possible.

- 2 -

It. Col. Grossman said that the acute need of the Armed Forces for military petrol cans had raised many very interesting questions with respect, not only to petrol cans, but to all Italian and enemy military property in general. He pointed out that the possession of petrol cans or other enemy military property which by operation of law had become the property of the Allied Forces, could be dealt with under Proclamation No. 1, Art. IV, Sect. 11 and Art. V, Sect. 27 which make unlawful the possession of property of the Allied Forces. He said, however, that a prosecution under the foregoing provisions of the proclamation would immediately raise the question of whether the petrol cans or other enemy property had become the property of the Allied Forces. In par. 4 of directive of 19 August 1944 having to do with "Allied war supplies as abandoned property," it was stated that enemy war supplies become the property of the Allied Forces only when some act is done by the Allied Forces to reduce them into possession. That, in turn, raises the further legal question of what acts constitute a reducing to possession. He said that it might be argued at the one extreme that a victorious passage by the Allied Forces over a battlefield of itself reduces to possession enemy property located thereon. On the other hand one might say that the specific property must to all intents and purposes be individually labeled or ticked.

It therefore was apparent the means should be devised in the case of petrol cans or other enemy property to avoid the necessity of proof that the same had become the property of the Allied Forces.

He stated that under existing Allied military law, a person in possession of enemy military property can be charged under Proclamation 1, Art V, Sec. 28, provided that 30 days have elapsed since the posting of the proclamation and he has not meanwhile made a declaration thereof. The offence under this section is failure to declare and not continued possession.

He mentioned that in view of the foregoing complications, it seemed desirable specifically to make possession of German military petrol cans or other military property abandoned by the Germans or of German military origin an offence; and that had been accomplished under General Order No. 33. It was to be noted, however, that the possession is unlawful only after 14 days have elapsed from the posting of the order. This proviso was for the purpose of encouraging persons in possession to surrender the same.

Notice No. 4 which will be published in conjunction with General Order No. 33, concerns itself however only with the subject of petrol cans because their need is currently the most urgent.

He said that the urgency of the situation as to military petrol cans is such as to require that Italian military cans also be surrendered. Under Allied Military Law as it stood, such possession was not prohibited unless (1) they are deemed to be Allied Military property having been reduced to possession before the Armistice (after the Armistice, by directive of AFHQ they are considered to be Italian property reserved for the use of the Italian Army), or unless (2) Italy is still considered as an enemy within the meaning of Art. 28 which required a declaration of status of enemy origin.

To clarify this situation, General Order No. 33 makes wrongful possession of Italian military petrol cans or other Italian military property an offence, but only after an expiration of 14 days from the effective date of the order.

to reduce them into possession. That, in turn, raises the further legal question of what acts constitute a reducing to possession. He said that it might be argued at the one extreme that a victorious passage by the Allied Forces over a battlefield of itself reduces to possession enemy property located thereon. On the other hand one might say that the specific property must to all intents and purposes be individually labeled or ticked.

It therefore was apparent the means should be devised in the case of petrol cans or other enemy property to avoid the necessity of proof that the same had become the property of the Allied Forces.

He stated that under existing Allied military law, a person in possession of enemy military property can be charged under Proclamation 1, Art V, Sec. 28, provided that 30 days have elapsed since the posting of the proclamation and he has not meanwhile made a declaration thereof. The offence under this section is failure to declare and not continued possession.

He mentioned that in view of the foregoing complications, it seemed desirable specifically to make possession of German military petrol cans or other military property abandoned by the Germans or of German military origin an offence; and that had been accomplished under General Order No. 33. It was to be noted, however, that the possession is unlawful only after 14 days have elapsed from the posting of the order. This provision was for the purpose of encouraging persons in possession to surrender the same.

Notice No. 4 which will be published in conjunction with General Order No. 33, concerns itself however only with the subject of petrol cans because their need is currently the most urgent.

He said that the urgency of the situation as to military petrol cans is such as to require that Italian military cans also be surrendered. Under Allied Military Law as it stood, such possession was not prohibited unless (1) they are deemed to be Allied Military property having been reduced to possession before the Armistice (After the Armistice, by directive of AFHQ they are considered to be Italian motor-vehicles reserved for the use of the Italian Army), or unless (2) Italy is still considered as an enemy within the meaning of Art. 26 which required a declaration of stores of enemy origin.

To clarify this situation, General Order No. 33 makes wrongful possession of Italian military petrol cans or other Italian military property an offence, but only after an expiration of 14 days from the effective date of the order.

15. Other business.

There then ensued a general discussion of a number of individual problems and the meeting was finally adjourned at 1240 hours.

16. Next meeting.

The time and place for the next PLC meeting was not set but it was indicated that it would be held in about six weeks.

Richard H. Wilmer

RICHARD H. WILMER,
Colonel, C.B.,
Chief Legal Advisor.

4013/4
ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

(47A)

FILE: RLE 013.132/EKM

15 September 1944

SUBJECT: Receipt of letter.

TO: Chief Legal Officer - Legal Sub-Commission, APO 394.

1. This office acknowledges receipt of your letter ACC/4013/4/L dated 11 September 1944. *I shall be present.*

For the Regional Commissioner:

sf

56
E.K. Matthews Capt
E.K. MATTHEWS, Captain,
Regional Legal Officer.

4013/4

HEADQUARTERS REGION IX
ALLIED MILITARY GOVERNMENT
APO 394

46A

Ref: RIX/LH/210.

WHL/ncc.
16 September 1944.

SUBJECT: Chief Legal Officer's Meeting of Regional Legal Officers.

TO : Chief Legal Officer, Legal Sub-Commission, Headquarters,
Allied Control Commission, APO 394, U. S. Army.

1. Reference your AOC/4013/4/L, 11 September 1944, I plan to attend the meeting to be held on 20 September 1944.

For the Regional Commissioner:

William H. Levitt
WILLIAM H. LEVITT
Major, J.A.G.D.
Regional Legal Officer.

401314

(45A)

RLO, REGION I

HQ ACC

3314 15 Sep44

RESTRICTED
PRIORITY
LEGAL

REQUEST YOU ATTEND REGIONAL LEGAL OFFICERS MEETING: PAREN TO REGIONAL LEGAL OFFICER
REGION ONE FROM HQ ACC FROM LEGAL FROM WILMER PAREN TO BE HELD HQ ACC ROOM TWENTY
SEPTEMBER 1944 NINE HUNDRED HOURS

52

0156

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

4013/4 file

Regal

44x

SUBJECT : CLOs Conference

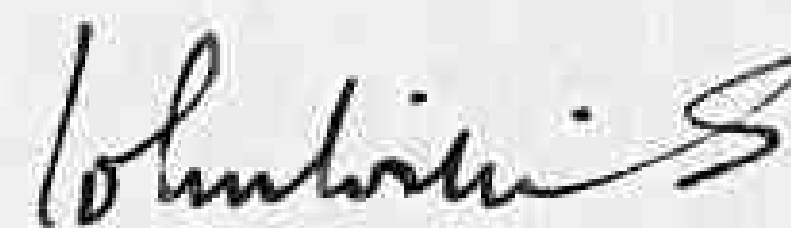
TO : CLO HQ ACC

R5/511/25

FROM : REGION V

14 Sep. 44

1. I acknowledge receipt of your ACC/4013/1/L dated 11 Sep. 44.
2. I hope to attend.



J. L. WILLIS
Lt. Colonel,
RLO



51

5416

0157

4013/4
3✓HEADQUARTERS REGION XII
Allied Control Commission
APO 394Legal
44A

15 September 1944.

TO: Chief Legal Officer, Legal Sub-Commission, A.C.C.

SUBJECT: C.L.O.'s meeting of 8.9.44.

FILE No: RXII/LE/Rsg/J/02.

39A

1. Receipt is acknowledged of your LSC/4013/4/1 of 11 September 1944.

2. I hope to be present at the meeting.

3. The following further items are suggested for the agenda :-

(a) Policy with regard to Fascist Republican legislation since 8 September 1943 (this has already been the subject of correspondence with you);

(b) Machinery for transmitting Gazzetta Ufficiale to officials in the Northern Provinces.

(c) Amendment of Rule of Procedure 6a, to permit delegation to Provincial Legal Officer of power to order a case to be referred direct to a Superior Court.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJ	
Italian Section	
CL RKS	

H. C. Winkler
Colonel,
Regional Legal Officer
Region XII.

-50



43A

HEADQUARTERS
SOUTHERN REGION, ALLIED CONTROL COMMISSION
LEGAL DIVISION
APO 354, U.S. Army

I-2150

14 September 1944

SUBJECT: CLO's Meeting of HLOs and SLOs.

TO : S.E.C. Legal Sub-Commission, A.C.C.

39A

1. Receipt is hereby acknowledged of your letter
ACO/4015/4/1 11th September 1944.

2. I wish to raise the following points at the
meeting:

- a. The status and powers of HLOs and SLOs
with regard to Italian Courts in territory
handed back to Italian Government;
- b. The question of giving increased flexibility
in the setting up and constitution of Allied
Military Courts.

LJE/mo

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

L. E. Dawson
L.E. DAWSON,
Lt. Colonel, G.I.
Reg. Legal Officer
Southern Region.

49

File *1003/4*

ALLIED MILITARY GOVERNMENT
REGION XI
Legal Division
APO 394

42A

File : L/5051

15 September 1944.

SUBJECT : C.L.O's Meeting of R.L.O's and S.L.O's.
TO : Legal Sub-Commission, A.C.C. Headquarters.

Receipt is acknowledged of your AGC/4013/L/L dated 11th September 1944.

For the Regional Commissioner.

Bouvier
Cap MA
H. M. DICKIE
W/Comdr., RAF
Regional Legal Officer.

48

js.

R-E-S-T-R-I-C-T-E-D

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION IV - LEGAL DIVISION
APO 394

0-4377

(41A)

L/1024

13 SEPTEMBER 1944

SUBJECT : CLO's Meeting of RLO's and SLO's.
TO : Legal Sub-Commission Hdq. A.C.C.
Col. R.H. Wilmer.

1. Receipt is acknowledged of your letter ACC/4013/4/L
dated 11 September 1944, subject as above.

ROBERT C. HENDRICKSON
MAJOR A.U.S.
REGION LEGAL OFFICER

ROH/GG

R-E-S-T-R-I-C-T-E-D

0161

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

40A

FLO, REGION VI

HQ ACC

3163

12 SEP 44

RESTRICTED
PRIORITY

LEGAL

REQUEST YOU ATTEND REGIONAL LEGAL OFFICERS MEETING HELD TO REGIONAL LEGAL OFFICER
REGION SD FROM HQ ACC FROM LEGAL FROM WEIMAR BARRON TO BE HELD HQ ACC FROM TWENTY
SEPTEMBER 1944 NINE HUNDRED HOURS

58

(39A)

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4013/4/1.

/rlp.
11 September 1944.

SUBJECT : CIO's Meeting of RLOs and SLOs.

TO : Regional Legal Officers, Regions I, IV, V, VI, VIII, IX, X, XI & XII
and Southern Region.

1. A meeting of all Regional Legal Officers will be held at 0900 hours
WEDNESDAY, 20th September 1944 at ROME.

RLOs may, if they wish, bring their deputies with them.

2. The conference will be held in Room 28, 4th Floor of the MINISTERO DELLE
CORPORAZIONI, Via Vittorio Veneto.

3. Preliminary note of the agenda is attached. Will RLOs please notify
the Legal Sub-Commission soon of any points which they wish to raise. Full
agenda will be issued at the meeting.

4. Please acknowledge receipt of this letter.

W. B. D. M. C. R.
for RICHARD H. WILMER,
Colonel, CAC,
Chief Legal Officer. 45

PRELIMINARY AGENDA

Meeting of RLOs to be held 20 September 1944.

Personnel - promotions.

Sanctions against fascism (defascistization, etc.)

Enemy military property including petrol cans.

Italian Military Tribunals.

Death sentences under Italian law.

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/14/144/CA.

6 Sept 1944

SUBJECT : Reservation of Conference Room.
TO : Legal Sub-Commission.

1. Reference your ACC/4013/4/L dated 5 Sept 44.
2. The Conference Room will be made available on Wednesday, 20 September 44, from 0900 hrs to 1200 hrs.

SUB-COMMISSION	
→ CLO	✓
→ Capt Levy Chief Counsel	✓
CLO	—
Italian Section	—

Norman E. Fiske
NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

35A

5th September 1944

ACC/4013/4/L

SUBJECT: Reservation of Conference Room.

TO , R C & M G Section

Request is hereby made for reservation of the Conference Room on the 4th Floor in which to hold a conference of Regional Legal Officers.

Time required, 0900 hrs to 1200 hrs - Wednesday, 20th September 1944.

Will you please confirm.

JOS. W. LEVY.
Captain,
for Chief Legal Officer.

43

34A

Tel Ext. - 579.

HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/rip.
30 July 1944.

ACC/4613/1/1.

SUBJECT : Legal officers meeting 1/8/44.

TO : HQ Gend.

1. Reference our letter ACC/4613/1/1 dated 21 July 1944.
2. The full Colonelia requiring ^{little} ~~little~~ at the Grand Hotel will be:

Col J. W. Chapman	- Region III
Col W. E. Behrens	- Region V
Col J. I. Weber	- Region VIII.

They will be asked to call at your office if arriving before 1900 hours, otherwise to go to the Grand Hotel direct.

3. It is not yet clear in whether they will all require to stay for more than one night but provisionally could their rooms be reserved for the night of 1/8/44 also?

4. As regards the lunch party at the Grand Hotel on 1/8/44, it is confirmed that 24 officers are expected to attend. The undersigned will arrange to see Mr. Levitt of the Grand Hotel.

J. MOORE,
Captain,
for Acting Chief Legal Officer.

42

HEAD QUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

334

ACC/4013/4/L.

JM/pa/.
30 Jul 44.

SUBJECT : Legal Officers Meeting 1/8/44.

TO : Lt. Guarino, Billeting Officer.

1. Reference my letter 4013/4/L of 21/7/44 to HQ Comdt.
2. Major Bocchino informs me that he is making arrangements for billeting of the three Colonels at the Grand/
3. The following are the remaining officers for whom billets will be required on the night of 31/7/44 :-

Lt.Col. D.E.S. Cousins	Region II
Lt.Col. A.R. Troxall	Region V
Lt.Col. Mercer	8th Army
Wing.Cdr. H.M. Dickie	5th Army
Major R.G.S. Alexander	Region VI
Major G.A. Bamlet	Region III
Major J.A. Boyd-Carpenter	Foggia Province
Major A.V.L. Franklin	Region II
Major. P.L. Vecchiola	Region I
Capt. D.C. Little	Region VII
Lt. H.G.T. Christian	Region VIII

4. Some of these officers will probably be leaving Rome on 1/8/44, but provisionally could their rooms please be reserved for them for the night of 1/8/44 also?

5. As agreed with you, officers have been told to report to you before 1730 hours on 31/7/44.

J. MORE,
Capt.,
for Acting Chief Legal Officer.

4012/4

32A

ACC REGIONS ONE, TWO, SIX AND SEVEN FOR HLOS

HQ ACC LEGAL
1933

RESTRICTED

ROUTINE

Legal Sub-Commission

27

BRING TO TUESDAY MEETING PARTICULARS OF ANY HEAVY SENTENCES IMPOSED
 BY ITALIAN COURTS FOR THEFT OR POSSESSION OF ALLIED PROPERTY PARER
TO ACC REGIONS ONE TWO SIX AND SEVEN FOR HLOS FROM HQ ACC
FROM LEGAL PARER IF YOU REQUIRE EILISTS REPORT HERE BEFORE SEVENTEEN
 THIRTY HOURS MONDAY

-40

File

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jrl

31A

27 July 44

AC/4013/4/L

Subject: Personnel

To : Regional Legal Officer (thru RC) Region III.

Would you please bring to the meeting on 1 Aug. 44 particulars of
any officers in Region III with legal qualifications who are not assigned as such.

JASPER MORE
Captain
for Acting Chief Legal Officer.

39

30A

4013/4

REGIONAL LEGAL OFFICER, REGION 8 (EMIT)

H.Q.. A.C.C.

1034

271

RESTRICTED

ROUTINE

LEGAL SUB-COMMISSION

BRING TO TUESDAY MEETING ~~BASED TO BE REGION EIGHT FOR FLO FROM HQ ACC FROM LEGAL BASE~~
 PARTICULARS OF ANY OFFICERS IN YOUR REGION WITH LEGAL QUALIFICATIONS BUT NOT ASSIGNED
 LEGAL PD IF YOU REQUIRE BILLETS REPORT HERE BEFORE ONE SEVEN THREE ZERO HOURS MORNING

38

TO CIG HQ ACC
 HQ REGION 5 ACC
 SUBJECT Legal Officers Conference

Regal
6765
29A
 R5/511/25
 26 July 1944

1. Receipt is acknowledged of your ACC/1013/L/L of 13 July 1944, brought by hand of Major Jackson on 25 July.
2. RLO will attend the conference and it is hoped that Lt-Col Troxall will also be able to attend. Lt-Col Troxall is at present in Chieti Province, since even before the receipt of your recent letter it had been found necessary to employ him in the field. However it will be easy to contact him and to arrange for his attendance.
3. It is hoped that Major Boyd-Carpenter will also be able to come, but communications are extremely bad with Foggia and Campobasso at the moment so that it is not certain whether he can be notified in time.
4. It is not the present intention of RLO to remain in Rome for the night of 1/2 Aug.

W. E. BEHRENS
 W. E. BEHRENS
 Col, R. L. O.
 for Regional Commissioner

A. G. C.

File
HEADQ ARTERS REGION VII
ALLIED CONTROL COMMISSION

Legal (LBA)

4013/4
File Ref: VII/L/703

Date: 24 July 44

SUBJECT: CLO's Meeting of RLOs and SLOs.
TO: CLO Legal Subcommittee ACC Rome.

1. Receipt acknowledged of basic communication your ref. ACC/4013/4/L dated 13 July 44, received HQ Region VII, 21 July 44.

Donald C. Little
DONALD C. LITTLE
Captain CMP AUS
RLO Region VII

4013/4

27A

ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

File : RLE 013.132/FLV

22nd July 1944

SUBJECT : CLO's Meeting of RLOs and SLOs.

TO : Legal Sub-Commission, A.C.C. Headquarters - APO 394

Receipt of ACC/4013/4/L dated 13th July 1944, notification of CLO's Meeting at Rome on 1st August 1944, is hereby acknowledged.

For COLONEL A.N. HANCOCK:

Frank L. Vecchiolla
FRANK L. VECCHIOLLA,
MAJOR, JAGD.
Regional Legal Officer.

35

js.

J3/pa

HEADQUARTERS
A. IED CONTROL COMMISSION
Legal Sub-Commission
APO 394

REFERENCE : ACC/4013/4/L.

21 July 44

SUBJECT : Luncheon to Regional Legal Officers.

TO : Major Brage, H.Q. Comdt.

1. A monthly meeting of Regional Legal Officers has been fixed to take place at this H.Q. on 1/8/44 and we want if possible to give them lunch at the Grand Hotel.
2. Would you be able to arrange for lunch for 1300 hours that day for approximately 24 Officers - exact number to be notified - if possible a private lunch party in the annex to the ACC lounge?
3. We shall want also to provide wines and aperitifs, gin if possible, otherwise vermouth.
4. Can these lunches and wines be paid for at ordinary ACC mess rates? All guests will be ACC officers.
5. It is understood that billeting may present difficulties. The following officers will require accomodation, certainly for the night of 31/7/44 and probably also for the night of 1/8/44 :-

Major VECCHIOLA	(A)	Region X
Lt.Col. COUSINS	(B)	Region II
Major FRANKLIN	(B)	" "
Major BAILLET	(B)	Region III
one other (probably Col Chapman)		" "
Col. BREHENS	(B)	Region V
Lt.Col. TROXALL	(A)	" "
Major ALEXANDER	(B)	Region VI
Capt. LITTLE	(A)	Region VII
Col. WEBER	(A)	Region VIII
Lt. CHRISTIAN	(B)	" "
Wing Cdr. DICKIE	(B)	5th Army
Lt.Col. MERCER	(A)	8th Army
Major BOYD-CARPENTER	(B)	Foggia Province.

J. MORR,
Capt.,
for Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

Legal 584
25A
20th July 1944.

To : Headquarters, Allied Control Commission,
(Advanced) Legal Sub-Commission.

Subject : C.L.O's Meeting of R.L.O's and S.L.O's.

Reference : L/I435.

Your ACC/4013/4/L dated 13th July
1944 is acknowledged.

RGSA/ajs.

R. G. S. Alexander
R.G.S.ALEXANDER.
Major.
Regional Legal Officer.

33

Legal Meeting 1/8/44

Major Bocchini called.

1. I am to report on 31/7/44 to Major Bocchini as to number of full colonels expected (for billeting at Grand Hotel).
2. Other officers are to be instructed to report to Lt Guarnino on arrival re billeting.
3. Lunch is to be about 1400 hours.
4. Drink appear to be O.K.
5. Lunches may be paid for at mess rates.

Jm. 32

4013/4 AL

RESTRICTED *LEGAL SC*
ALLIED CONTROL COMMISSION
INCOMING MESSAGE

TO: ACC AD V FOR ADJUTANT

SIGNAL MESSAGE CENTER No: 49/22

FROM: ACC REGION 1 HANCOCK

CLASSIFICATION: RESTRICTED

REFERENCE No:

PRECEDENCE: ROUTINE

DATE AND TIME OF ORIGIN: JUL 22 1040B OFFICE OF ORIGIN: CITE R EQ-248

REQUEST AUTHORITY TO SEND BY AIR MAJ F L VECCHIOLA TO YOUR HQ ON 30 JULY TO ATTEND LEGAL CONFERENCE. URGENT PLEASE EXPEDITE.



ACC DIST

ACTION - Adj
INFO - A/CC
Legal SC
File 2
Front

Costs
Permitted
by Ady by ~~costs~~
Post services - 29/7/14

31

DATE and Time of RECEIPT JUL 22 1700B

Distribution:

RESTRICTED

HEADQUARTERS
AMG FIFTH ARMY
APO 464 U.S. ARMY

20th July 1944.

208/CA/43

SUBJECT: Meeting of R.L.Os and S.L.Os.

TO : C.L.O., A.C.C., H.Q.

1. Your letter ACC/4013/4/L dated 13th July 1944 was received here yesterday.
2. The writer will attend the meeting fixed for Tuesday, 1st August.
3. The following additions to the Agenda are suggested:
 - a. Proclamations; Criticisms of form and content in the light of changed conditions.
 - b. Records and Applications for Review; Changes in procedure consequent upon the proposed 'liquidation' of S.L.Os with Armies.
 - c. Spy Cases; Future responsibility for handling these in the same circumstances.

For the Commanding General:

H.M. Dickie
H.M. DICKIE,
W/Cdr., R.A.F.,
S.L.O.,
A.M.G. Fifth Army.

/hdp

*Col Campbell please consider
I see me
H.W.*

4013/4

(218)

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

L-2190

18 July 1944

SUBJECT : CLO's Meeting of RLOs and SLOs.
TO : CLO, Legal Sub-Commission, A.C.C.

1. Receipt is acknowledged of your letter,
A.C.C./4013/4/L, of 13 July 1944.

For the Regional Commissioner:

G.A. Bamlet

G.A. BAMLET,
Major, G.L.,
Acting Reg. Legal Officer.

GAB/cmi

Col Chapman } are coming
& Maj Bamlet } will want to stay
2 nights.

0179

4013/4

Legal 6-11-44
J-6028 304

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROME REGION
LEGAL DIVISION
A.P.O.394

18 July 1944

SUBJECT : C.L.O.'s Meeting of R.L.Os and S.L.Os.

THRU : Regional Commissioner

TO : Legal Sub Commission, A.C.C.
Acting Chief Legal Officer.

1. Receipt of letter , "Subject: C.L.O.'s meeting of R.L.Os and S.L.Os," Hq. A.C.C. Legal Subcommittee, 13 July 1944 is hereby acknowledged in compliance with paragraph 4 of said letter.

Robert C. Hendrickson

Robert C. Hendrickson,
Major, A.U.S.
Regional Legal Officer. 28

HEADQUARTERS
20 JUL 1944
A.C.C.
RCH/PA.

LEGAL SUBCOMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

SUBJECT:- Meeting of ELOs and SLOs.

Regal ✓ 907
 HQ AMG
 Rear Eighth Army.

GA/165

17 Jul 44.

Executive Commissioners Branch,
 Allied Control Commission.

Copy to: Administrative Section (attn S.L.O.) ✓

1. Receipt is acknowledged of notice of subject meeting
 at 0900 hrs 1 Aug 44.

Edwin J. Mercer, Lt. Col. Ord,
 Senior Legal Officer,
 for Group Captain,
 Officer Commanding,
 AMG EIGHTH ARMY.

HEADQUARTERS

19 JUL 1944

A C C

27

4013/4
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION VIII.

Legal & C
45846
KA

REF: 19/14.

17 Jul 44.

SUBJECT: CLO's Meeting of RLOs
and SLOs.

TO: Chief Legal Officer (Thru RC)
Headquarters, Allied Control Commission,
Legal Sub-Commission, APO 394.

1. Receipt is acknowledged of your AGC/4013/4/L, dated 13 Jul 44.
2. Colonel John R. Weber, RLO, and Lieut. H. G. T. Christians, LO, will attend the meeting on 1 Aug 44.

John R. Weber
JOHN R. WEBER,
Colonel, Infantry,
Regional Legal Officer.

LEGAL OFFICERS
JOINT CONTROL COMMISSION
Legal Subcommittee
APO 394

13 JUL 44

AGC/4913/4/L

SUBJECT: CIO's Meeting of RIOs and SIOs.

TO : Regional Legal Officers, Regions 1, 2, 3, 4, 5, 6, 7, 8 and ROHE
Region.
Senior Legal Officers, 1st 5th & 8th Armies.

1. A meeting of all Regional and Senior Legal Officers will be held at 0900 hours WEDNESDAY 1st Aug. at ROHE.

RIO's may, if they wish, bring their deputies with them.

2. The conference will be held in Room 34, 5th Floor of the MINISTERO DELLA CORRALIOMI, Via Vittorio Veneto.

3. Preliminary note of the agenda is attached. Will RIO's please notify the Legal Subcommittee soon of any points which they wish to raise. Full agenda will be issued at the meeting.

4. Please acknowledge receipt of this letter.

RICHARD H. VUMER
Colonel, CAC
Acting Chief Legal Office.

25

PRELIMINARY AGENDA

Meeting of RIO's and SIO's to be held 1 August 1944

Personnel & Promotions.

Policy of keeping A.M. Courts to minimum.

Statement of Policy on holding Courts in Italian Government Territory (for benefit of RIO's whose territory may be restored).

Discussion of consolidated Directive on duties of IO's in restored territory.

Defascistization and Lustration.

Explanation of new book of Official Gazettes.

Military Courts Handbook and new Forms: reports thereon.

Hearing of spy cases in Camera: presence of accused.

Confessions in spy cases.

Severity of sentences in wire-cutting and other cases.

Photography in Court.

Court stenographers: use and payment.

Proper method of taking note of evidence.

Records: tidiness and legibility essential.

Italian judicial personnel in newly occupied territory: army orders relating thereto: means of transport therefor.

Jurisdiction of Italian Courts re Proclamation offences.

4013/4

file

RESTRICTED

ROUTINE

ACC REAR

IBS, DISTO, ACC MAIN, AND REGION 5, FABLE, ACC REGION 7, ANG 5 ARMY,
ANG 8th ARMY



UPJON/mar

3/03 Jm.

2848

(15)

JUNE 28/25/44

LEGAL MEETING FOR ONE TWO JUNE POSTPONED INDEFINITELY PD TO IBS FOR ACC REGION ONE
FOR RLO CMA DISTO FOR ACC REGION TWO FOR RLO CMA ACC MAIN FOR ANG REGIONS THREE
AND FOUR RLO APOSTROPHE S CMA AND REGION FIVE FOR RLO CMA FABLE FOR CARI FOR RLO CMA
ACC REGION SEVEN CMA CATANARO FOR RLO CMA AND FIVE ARMY FOR SCAR AND RLO CMA CAS
CMA ANG EIGHT ARMY FOR SCAR FROM ACC REAR FROM UPJOHN SIGNED MAGARLANE PD
ACNO LIDGE

AUTHENTICATED:

Chioica
E. J. CHIOICA
CWO USA
Asst Adj

24

DISTRIBUTION:

- 1 DSG
- 1 DCC
- 1 Legal ✓
- 1 File

Acks recd
(in file 4026)

Reg 1	_____	5. 6. 44.
" 2	_____	
" 3	_____	5. 6. 44
" 4	_____	6. 6. 44
" 5	_____	
" 6	_____	5. 6. 44
" 7	_____	
5th Army	_____	5. 6. 44
" " (CAS-	_____	
8th "	_____	4. 6. 44

Enter File

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

JL/pa

14

4 June 1944

AOC/4013/C/L.

SUBJECT : Monthly Legal Meeting.

TO : RLOs Regions 1, 2, 3, 4, 5, 6, 7.
SCAGs 5th and 8th Armies.
SLOs CAS 5th Army.

1. I am writing to confirm my message of yesterday to the effect that the meeting set for 12 June 1944 has been postponed indefinitely.

2. The revised date of this meeting will be communicated to you as soon as possible.

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

23

REAR HEADQUARTERS
 ARMY CONTROL COMMISSION
 LEGAL SUB-COMMISSION
 APO 394

100/401/4/L.

/-lp
 28 May 1944

SUBJECT : Monthly Meeting of Legal Officers, 12 June 1944.

TO : PLOs (THRU: RCOs), Regions 1, 2, 3, 4, 5, 6 and 7.
 SLOs (THRU: SCAOs), 5th and 8th Armies.

1. The next monthly meeting of legal officers will be held on 12th June 44 at 0730 hours at Provincia Bldg., Main Hq AOC, room number to be notified later.
2. PLOs and SLOs may, if they please, bring their deputies and other legal officers.
3. A preliminary agenda is enclosed herewith, which will be amplified later by this Hq. If you wish any special matters to be included for discussion, will you please inform this Hq as soon as possible?

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

Monthly Meeting of Legal Officers, 12th June 1944
Preliminary Agenda

1. New Military Courts Handbook.
 - (a) Reports on working up to date by PLOs.
 - (b) Points arising thereon.
2. Hearing of cases in Camera. Presence of accused.
3. Confessions in Spy Cases.
4. Severity of Sentences in Wire Cutting Cases, etc.
5. Photography in Court.
6. Employment of Court Interpreters.
7. Proper method of taking note of evidence.

CONFIDENTIAL

PEAR HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4013/4/L.

/rld.
5 May 1944.

NOTES OF MEETING OF LEGAL SUB-COMMISSION & RLOs

HELD AT NAPLES 1 MAY 1944

PRESENT.

Col G.R. Unjohn	- CLO	- HQ ACC
Lt Col R.H. Wilmer	- DCLO	- HQ ACC
Col H.G. Willmer	- RLO	- Region 4
Lt Col W.E. Behrens	- RLO	- Region 5
Lt Col John W. Chapman	- RLO	- Region 3
Lt Col D.E.S. Cousins	- RLO	- Region 2
Lt Col J.L. Willis	- Spec Prosecu-	- HQ ACC
	tions	
Wing Comd. H.M. Dickie	- SLO	- AMG HQ 5th Army
Maj R.G.S. Alexander	- RLO	- Region 6
Maj I.G.H. Campbell	- A/CJO	- HQ ACC
Maj M.J. Grossman	- Chief Counsel	- HQ ACC
Maj G.G. Hannaford	- Officer i/c	- HQ ACC
	Italian Branch-	
Maj R.C. Hendrickson	- LC	- CAS
Maj E. J. Mercer	- SLO	- AMG HQ 8th Army
Maj A.R. Thackrah	- Ital Branch	- HQ ACC
Maj A.R. Troxell	- DRLO	- Region 5
Maj G.A. Barlet	- DRLO	- Region 3
Capt F.L. Vecchiola	- RLO	- Region 1
Capt W.C.B. Gates	- DRLO	- Region 4
Capt. D.C. Little	- RLO	- Region 7

1. New Military Courts Handbook.

a. Date of Commencement, 15 May. CLO informed the meeting that the new Military Courts Handbook was in course of printing; proofs of same were hand around to those present. He stated that it had been found necessary to make one or two amendments to the proof (particularly Articles 3 (1) and 13), but that final copies would be in the hands of RLOs and SLOs by 7th May. He enquired whether this would give Regions and Armies sufficient time if the date for commencement of the Handbook was 15 May. It was unanimously agreed that this would be a convenient date for commencement.

The Acting CJO ran through some points of general interest, i.e., points which RLOs and SLOs would probably want to include in any instruction they may give to legal and other officers. Lt. Col. Behrens pointed out that he noticed, with regard to Form 8, there was only 1" space on this form for the whole of the evidence for the Prosecution. The Acting CJO stated this had already been noted for amendment in the final edition. The CLO stated that thought that the Handbook in its final form should prove to be a great asset to all concerned.

b. Directives and Lectures by RLOs.

CJO stated that he hoped that RLOs would issue directives and give

PRESENT.

Col G.R. Mayhew	- CLO	- HQ ACC
Lt Col R.H. Wilmer	- DCLO	- HQ ACC
Col H.G. Wallner	- RLO	- Region 4
Lt Col W.E. Behrens	- RLO	- Region 5
Lt Col John W. Chayman	- RLO	- Region 3
Lt Col D.E.S. Cousins	- RLO	- Region 2
Lt Col J.L. Willis	- Spec Prosecu-	- HQ ACC
	tions	
Wing Comd. H.M. Dickie	- SLO	- AMG HQ 5th Army
Maj R.G.S. Alexander	- RLO	- Region 6
Maj I.G.H. Campbell	- A/CJO	- HQ ACC
Maj H.J. Grossman	- Chief Counsel	- HQ ACC
Maj G.G. Hannafor	- Officer i/c	- HQ ACC
	Italian Branch	
Maj R.C. Hendrickson	- LO	- CAS
Maj B. J. Mercer	- SLO	- AMG HQ 8th Army
Maj A.R. Thackrah	- Ital Branch	- HQ ACC
Maj L.R. Proxell	- DULO	- Region 5
Maj G.A. Burdett	- DULO	- Region 3
Capt F.L. Vecchiola	- DULO	- Region 1
Capt W.C.R. Oates	- DULO	- Region 4
Capt. D.C. Little	- SLO	- Region 7

1. New Military Courts Handbook.

a. Date of Commencement, 15 May. CLO informed the meeting that the new Military Courts Handbook was in course of printing; proofs of same were hand around to those present. He stated that it had been found necessary to make one or two amendments to the proof (particularly Articles 3 (1) and 13), but that final copies would be in the hands of MIOs and SIOs by 7th May. He enquired whether this would give Regions and Armies sufficient time if the date for commencement of the Handbook was 15 May. It was unanimously agreed that this would be a convenient date for commencement.

The Acting CJO ran through some points of general interest, i.e., points which MIOs and SIOs would probably want to include in any instructor they may give to legal and other officers. Lt. Col. Behrens pointed out that he noticed, with regard to Form 8, there was only 1" space on this form for the whole of the evidence for the Prosecution. The Acting CJO stated this had already been noted for amendment in the final edition. The CLO stated that thought that the Handbook in its final form should prove to be a great asset to all concerned.

b. Directives and Lectures by MIOs.

CLO stated that he hoped that MIOs would issue directives and give lectures in their regions before the date of commencement. Acting CJO would be available to help, particularly in Naples.

c. Discretion as to Forms. Discontinuance of Summary Court Record Book.

Acting CJO stated that SIOs and MIOs would have to use their discretion as to the use of forms; but that the prompt discontinuance of the Summary Court Record Book was most important.

d. Translation of New Rules of Procedure.

Acting CJO stated that the translation of the new Rules of Procedure was now in the hands of the printer and that he hoped that copies would be available for distribution with the new Military Courts Handbook. The CJO stated that in view of the great shortage of paper, the cost and labor involved, he would be glad if RLOs and CJOs would cut down their requirements of the translation of the new Rules of Procedure to the minimum.

e. Number of copies of Handbook and Italian translation of R.P. required.

Figures were supplied to Acting CJO as to number of these publications required by Armies and Air Force. It was agreed that copies of the Rules of Procedure should be made available more through Bar Associations and Courts rather than by lavish personal issue to advocates, and numbers asked for by Regions and Armies were computed on that basis.

f. Fines, Payment and Imprisonment in Default.

The CJO again stressed that whenever a fine is imposed, the Court must always specify (1) the time within which it must be paid, and (2) the term to be served in default, and urged RLOs and CJOs to emphasize this point in their instructions.

2. Personnel.

a. Promotions.

The CJO stated that he understood that all promotions had now been decided upon so far as AOC was concerned and had been sent back to the appropriate Echelon. Nothing further could be added concerning this matter at this meeting.

b. Reduction of Personnel to 61. Consideration of names.

The CJO stated that further to the discussion on this subject at last month's conference he had managed to get, provisionally, the ceiling of legal officers fixed at 61 but a reduction to 56 might later be forced upon them. He stated that this meant that he would require the names of 8 legal officers who were least likely to be missed by Regions from RLOs immediately after the meeting and that it might be well to have a reserve of 2 or 3 more just in case the ceiling was reduced to the original figure of 56. The DCJO would see RLOs Regions 3, 4 and 5 about this matter privately after the meeting.

c. Appointment of Legal Liaison Officer with Procuratore Generale Militare

The CJO informed the meeting of the decision to appoint Legal Liaison Officer with Procuratore Generale Militare, Gen. Trania, at Ostia. He explained briefly his duties and stated that he felt that Italian Military Tribunals were not working as hard as the Civil Courts and he wanted Legal Liaison Officers in Regions 1, 2, 6 and 7 to get the Military Courts going and if any doubt arose to make full use of the Legal Liaison Officer. A directive on his duties was in course of issue.

d. Personnel for CAS

The CJO asked Major Hendrickson the position and the latter stated that he and Col. H.G. Willmer were in agreement over the matter. Col. Willmer pointed out that although he was nominated 16 bodies he was still deficient of 1 body.

f. Times. Payment and Indemnity in Default.

The CLO again stressed that whenever a fine is imposed, the Court must always specify (1) the time within which it must be paid, and (2) the term to be served in default, and urged TIOs and SIOs to emphasize this point in their instructions.

2. Personnel.

a. Promotions.

The CLO stated that he understood that all promotions had now been decided upon so far as LNC was concerned and had been sent back to the appropriate Echelon. Nothing further could be added concerning this matter at this meeting.

b. Reduction of Personnel to 61. Consideration of names.

The CLO stated that further to the discussion on this subject at last month's conference he had managed to get, provisionally, the ceiling of legal officers fixed at 61 but a reduction to 56 might later be forced upon them. He stated that this meant that he would require the names of 8 legal officers who were least likely to be missed by Regions from LIOs immediately after the meeting and that it might be well to have a reserve of 2 or 3 more just in case the ceiling was reduced to the original figure of 56. The DLO would see LIOs Regions 3, 4 and 5 about this matter privately after the meeting.

c. Appointment of Legal Liaison Officer with Procuratore Generale Militare

The CLO informed the meeting of the decision to appoint Legal Liaison Officer with Procuratore Generale Militare, Gen. Trania, at Ostrini. He explained briefly his duties and stated that he felt that Italian Military Tribunals were not working as hard as the Civil Courts and he wanted Legal Liaison Officers in Regions 1, 2, 6 and 7 to get the Military Courts going and if any doubt arose to make full use of the Legal Liaison Officer. A directive on his duties was in course of issue.

d. Personnel for CAS

The CLO asked Major Hendrickson the position and the latter stated that he and Col. H.C. Willmer were in agreement over the matter. Col. Willmer pointed out that although he was promised 16 bodies he was still deficient of 4 names to fill up this quota. CLO agreed that Region 4 should know who they would have and asked DLO to deal with this matter.

3. Policy re Italians of Yugoslav Origin.

The CLO referred to the letter recently sent out to Regions and armies explaining the policy that was to be followed. He emphasized the policy laid

down in this letter and explained why it was a very delicate matter and requested that should any case of this nature arise in any Region or Army area the matter receive great care and discretion.

4. Distribution of New Proclamations.

a. Number required by armies and regions.

The CIO stated that the distribution of these Proclamations was being pushed ahead as quickly as possible. Major Grossman stated that we should receive the proofs on Tuesday and all should be ready for distribution in 10 days time. Wing Comd. Dielle stated that this matter was most urgent and it was agreed that it should receive the highest priority. After some discussion it was agreed that an initial issue of proclamations should be made as follows, if possible by Saturday: 5th and 8th Armies AMG 3000 each, CAS 2000. It was also agreed that Regions 4 and 5 should have a reserve of 1000 each. 5th and 8th Armies AMG were asked to give to Major Grossman after the meeting their estimates up to the Rimini Pisa line.

b. Question of reposting in existing Army Areas and Regions.

After discussing the question at some length it was decided that the new Proclamations would only be reposted in the Anzio Beachhead.

5. Consideration of Draft General Order for Fascist Purge.

The DCLO stated that this General Order was still being worked on and asked whether RLOs could give him the name of an Italian lawyer who could speak English and understood our way of doing things who would be willing to come down to work on this Order with him. Lt. Col. Chapman stated that he had in mind a man who might be suitable, and it was agreed that Lt. Col. Chapman should contact this man at an early date and would notify the DCLO of the result. The DCLO stated that he would press on with this order and endeavour to issue same as quickly as possible but that several Sub-Commissions were concerned in this matter which inevitably delayed the drawing up of the Order. He stated that he thought the new Italian Government would give every co-operation. DCLO then gave a short account of the main provisions of the Order.

6. Policy as to A.M. Courts in Unoccupied Territory.

The CIO stated that the Chief Commissioner was very much against holding Allied Military Courts in territory handed back to the Italian Government and preferred, whenever possible, that the Italians be left to do things themselves. He also reminded those present that the Legal Sub-Commission was very short of personnel. He stated that it was not the policy in all cases of stabbing of Allied personnel to hold a court but where death resulted a Court would probably have to be convened. He pointed out that at present the Chief Commissioner considered all cases personally. He stated he did not wish to discourage RLOs from sending in particulars of these stabbing or other important cases but he could not promise that a court would be convened and the answer would quite frequently be "no".

7. Proposed Schedule for payment of interpreters, translators and clerks.

The DCLO briefly summarized the proposed schedule that had been drawn up for payment of interpreters, translators and clerks and which was distributed to RLOs. He pointed out that the schedule

8. Payment of Witnesses Fees and Expenses before A.S. Courts.

The CLO stated that witnesses fees and expenses should not be paid as a matter of course, owing to the difficulties and complications and also the likelihood of abuse of that by the Italians, but that Regional and Provincial Legal Officers, as illustrated by what was done in Region 1, have power to authorize payment of actual expenses in specific cases to avoid undue hardship, although this should not be made widely known to avoid abuse of same. Such legal officers will have to make their arrangements with their own Finance Officers in this respect. (N.F. Since the above directive has been decided to issue a directive in respect of this matter).

9. Hire of Army Trucks to Civilian Agencies in Region 3.

The CLO stated that, as the meeting knew, 1000 army trucks were in course of loan to civilian agencies for the purpose of transporting civilian supplies and he anticipated this was a matter which might lead to a great deal of trouble. He doubted whether Regional Transport Officers had realized what they were in for when they loaned transport to civilian agencies in regions without properly drawn up contracts. He quoted for a possible example the case of a truck loaned out which was lost or returned minus spare parts in which instance a Court of Inquiry would have to be convened. He stated that Major Grossman had prepared a draft agreement for the Economic Section of this agreement he understood trucks were operated on a Regional basis and CLO asked RLOs who had Civilian Agencies operating these trucks in their Regions to see what agreement was in existence in order to save trouble at a later stage. CLO stated in conclusion that Major Grossman's draft agreement would be sent around to Regions and Armies to show them what Legal Sub-Commission had in mind.

10. System of Distribution of Directives to Regions.

The CLO stated that Col. H. G. Willmer had suggested that Legal Sub-Commission in sending out directives might send out sufficient copies for distribution to provinces. The meeting approved of this suggestion. The CLO stated that it would not always be possible, owing to lack of paper, delay caused in lithographing etc., but if RLOs and SLOs would state their present requirements of purely technical directives this system would be followed as far as possible in the future. A note of copies required was taken after the meeting had adjourned.

11. Consideration of Directive dated 19 April 1944 on Prostitution and V.D.

The CLO stated that a letter had been written to the Minister of Justice regarding non-granting of provisional liberty of arrested prostitutes pending trial and that a Directive had been prepared by the Minister of Justice which far as could be expected. Major Hamaforst stated that the view of the Italian was that in the case of a German soldier who contracted V.D. the German Army either sent him to the front or stopped a month's pay and this had achieved good results, and if the Allied Armies were not prepared to do this they must accept the consequence. Major Hamaforst then read the Directive received from the Minister of Justice to the meeting and stated that copies would be distributed to Regions and Armies. The CLO stated that he thought this filled the bill but enquired whether SLOs or RLOs required anything further in the way of information and advice beyond that contained in the directive of 19 April. Ma Mercer stated that he noticed that nothing was mentioned in the directive concerning procedure after the release of infected prostitutes after being improperly certified as free from disease by Italian doctors. Major Hamaforst stated that the directive could be most certainly changed.

9. Hire of Army Trucks to Civilian Agencies in Regions.

The CIO stated that, at the meeting, knew, 1000 army trucks were in course of loan to civilian agencies for the purpose of transporting civilian supplies and he anticipated this was a matter which might lead to a great deal of trouble. He doubted whether Regional Transport Officers had realized what they were in for when they loaned transport to civilian agencies in regions without properly drawn up contracts. He quoted for a possible example the case of a truck loaned out which was lost or returned minus spare parts in which instance a Court of Inquiry would have to be convened. He stated that Major Grossman had prepared a draft agreement for the Economic Section of this agreement he understood trucks were operated on a Regional basis and CIO asked RLOs who had Civilian Agencies operating these trucks in their Regions to see what agreement was in existence in order to save trouble at a later stage. CIO stated in conclusion that Major Grossman's draft agreement would be sent around to Regions and Armies to show them what Legal Sub-Commission had in mind.

10. System of Distribution of Directives to Regions.

The CIO stated that Col. H. G. Willmer had suggested that Legal Sub-Commission in sending out directives might send out sufficient copies for distribution to provinces. The meeting approved of this suggestion. The CIO stated that it would not always be possible, owing to lack of paper, delay caused in lithographing etc., but if RLOs and SLOs would state their present requirements of purely technical directives this system would be followed as far as possible in the future. A note of copies required was taken after the meeting had adjourned.

11. Consideration of Directive dated 19 April 1944 on Prostitution and V.D.

The CIO stated that a letter had been written to the Minister of Justice regarding non-granting of provisional liberty of arrested prostitutes pending trial and that a Directive had been prepared by the Minister of Justice which far as could be expected. Major Hamafor stated that the view of the Italian was that in the case of a German soldier who contracted V.D. the German Army either sent him to the front or stopped a month's pay and this had achieved good results, and if the Allied Armies were not prepared to do this they must accept the consequence. Major Hamafor then read the Directive received from the Minister of Justice to the meeting and stated that copies would be distributed to Regions and Armies. The CIO stated that he thought this filled the bill but enquired whether SLOs or RLOs required anything further in the way of information and advice beyond that contained in the directive of 19 April. Ma Mercer stated that he noticed that nothing was mentioned in the directive concerning procedure after the release of infected prostitutes after being improperly certified as free from disease by Italian doctors. Major Hamafor stated that if such a case did occur the doctors could be most certainly charged for neglect of duty. The CIO stated that this was really a matter for Public Health Sub-Commission to take up generally and all the law could do would be to see that the doctor was prosecuted in the unlikely event of there being a sound case on the facts in an individual case. He would, however, take the matter up with Brig. Parkinson at an early date.

Major Mercer desired to know whether any hospitals had been opened in prisons for treatment of diseased prostitutes; also the minimum time in which prostitutes could be cured of V.D. and Lt. Col. Chapman desired to know the attitude of the police in this connection. The CIO stated that these were really matters for the Public Health and Public Safety Sub-Commissions and he did not think these were matters for this meeting. It was generally agreed that no further directives from the Legal Sub-Commission on this subject were required for the time being.

12. Publicity of Court Sentences, etc.

(a) Espionage cases handled exclusively by H.Q., A.A.I. The CIO emphasized that publicity in all espionage cases would be handled exclusively by H.Q., A.A.I.

(b) Returns to PRO. The CIO stated that the PRO had complained that he had not been receiving as many returns for publicity purposes as he would like. He stated that much greater use could be made of propaganda and added that the PRO was concerned with propaganda for radio as well as for the press. Wing Comd. Dickie pointed out that apart from spy trials he only had a few permit cases but CIO pointed out that returns as to permit cases and so on were just what the PRO wanted. CIO stressed the great importance of propaganda in combatting crime and urged PROs to make returns of cases by numbers and with the facts in one or two more important cases where a class of case was becoming a local problem (e.g. permits in Foggia).

(c) Local Problems. The CIO handed round to the meeting certain poster that had been received from the Psychological Warfare Branch as examples of propaganda. Major Mercer stated that he had observed that some of the poster were being displayed did not bear any authority and under such circumstances anyone might display posters. This was agreed and the CIO said that he would write to FWS forthwith suggesting that all posters and leaflets displayed should bear an authority proving that they were official.

13. Machinery adopted in implementing Decree Laws in Occupied Territory.

Major Thelkrah gave an account of the machinery adopted. Lt. Col. Chapman suggested that the usual channels of communication were being ignored as circulars in this connection went direct to Provincial Commissioners for onward transmission to Prefects. He also suggested that it often happened that as the packages were addressed to the Prefects it was known for clerks in the Provincial Commissioner's office to forward same to the Prefect without the contents having been perused by anyone in the Provincial Commissioner's office. The CIO promised to look into this matter and it was agreed that in future all circulars etc. concerning the Implementing of Decree Laws would be forwarded through the PRO to PRO for distribution to the Prefect and also that each Provincial Legal Officer should also have a copy.

14. Position with New Government - New Decrees.

The CIO stated that he could not foresee what the attitude of the new Italian Government would be in the future but up to the present they had been helpful.

(a) Decree as to Bar Associations. The CIO stated that the Minister of Justice was working on this decree which was presently being held in temporary

(a) Espionage cases handled exclusively by H.Q. A.A.I. The CLO emphasized that publicity in all espionage cases would be handled exclusively by H.Q.A.I.

(b) Returns to ERO. The CLO stated that the ERO had complained that he had not been receiving as many returns for publicity purposes as he would like. He stated that much greater use could be made of propaganda and added that the ERO was concerned with propaganda for radio as well as for the press. Wing Comd. Dickie pointed out that apart from spy trials he only had a few permit cases but CLO pointed out that returns as to permit cases and so on were just what the ERO wanted. CLO stressed the great importance of propaganda in combatting crime and urged EROs to make returns of cases by numbers and with the facts in one or two more important cases where a class of case was becoming a local problem (e.g. permits in Perugia).

(c) Local Problems. The CLO handed round to the meeting certain poster that had been received from the Psychological Warfare Branch as examples of propaganda. Major Mercer stated that he had observed that some of the poster were being displayed did not bear any authority and under such circumstances anyone might display posters. This was agreed and the CLO said that he would write to F.W.B. forthwith suggesting that all posters and leaflets displayed should bear an authority proving that they were official.

13. Machinery adopted in implementing Decree Laws in Occupied Territory.

Major Thackrah gave an account of the machinery adopted. Lt. Col. Chapman suggested that the usual channels of communication were being ignored as circulars in this connection went direct to Provincial Commissioners for onward transmission to Prefects. He also suggested that it often happened that as the packages were addressed to the Prefects it was known for clerks in the Provincial Commissioner's office to forward same to the Prefect without the contents having been perused by anyone in the Provincial Commissioner's office. The CLO promised to look into this matter and it was agreed that in future all circulars etc. concerning the implementing of Decree Laws would be forwarded through the ERO to FLO for distribution to the Prefect and also that each Provincial Legal Officer should also have a copy.

14. Position with New Government - New Decrees.

The CLO stated that he could not foresee what the attitude of the new Italian Government would be in the future but up to the present they had been helpful.

(a) Decree as to Bar Associations. The CLO stated that the Minister of Justice was working on this decree which was practically ready but had been held up temporarily on change of Government and it did not present any great difficulty. It was hoped that the decree would be published shortly.

(b) Royal Decree SE. Procedure for the appointment of Managers, Legal Representatives, etc. to branches of companies, firms etc. having their seat in enemy occupied territory.

Major General stated that this had just been received operative in the territory. Officials are even conflicting methods for appointing the above referred to officials had been followed to this date not only in the same region but even in the same province. This order concerns provinces and points us to the bond side of the appointments. The Italian bankers in the zones considered that random appointments would not be valid, when the territory would be restored to Italian administration. The procedure set out in the decree was simple and straightforward and it only be followed wherever the need of such appointments arose.

(c) Restoration of Officers of the Forces. Major General explained that this decree was being held up at the moment as the Local Sub-Commission was endeavouring to get the Italian Government to allow the Chairman to perform executive prerogatives. The Italian treaty appeared to be a great stumbling block but it was hoped that the present difficulties would be overcome in due course.

(d) Restoration of Property. CIO gave particulars of the decree and said that same would be issued in the near future. He stated that for the purposes of occupation in Oct. 7, July 1944 would be taken as the date of occupation of all Sicily and Sept. 8th as the date of occupation of all Italy and that Italian Government would be issuing a directive on this matter shortly.

15. General Orders.

(a) Consolidation. CIO stated that work was proceeding on the revision and consolidation of General Orders. Mr. Col. Dicke pointed out that the revision and consolidation of 2 proclamations would be necessary the revision of General Orders so as to conform them to the new numbers and content of the new proclamations. It was also suggested that priority should be given to the printing of General Orders 1 and 2 and CIO said this would be done.

Mr. Col. O'Connor explained what had happened in connection with the amendment to the Notice for Surrender of Firearms. The CIO stated this matter was in hand and the revised Notice would be issued as quickly as possible.

(b) Directive of Principles contained in Regional Orders. All CIOs agreed that the powers delegated to Regional Commissioners of the Chief Commissioner were far from clear and also were their powers to delegate to Provincial Commissioners. After discussing this question at some length the CIO was asked to suggest that the whole question for signature by Mr. Miller. Such a directive on the powers which have been delegated to Regional Commissioners.

16. Proposed Directives.

- (a) State of Prison in Unoccupied Territory.
- (b) Appointment of Officials in Occupied and Unoccupied Territory.

The CIO stated that these directives were practically ready and they would be issued at an early date.

(c) V.D. Treatment. A further directive in this respect had been sent by the Ministry of Justice to the Director of Prisons. CIO stated that this mainly concerned Public Health but would be sent around to local officers in due course for their information.

15. General Orders.

(a) Consolidation. CIO stated that work was proceeding on the revision of a consolidation of General Orders. Mr. Gold. Dickie pointed out that the revision and consolidation of 2 orders would be necessary to the revision of General Orders so as to conform them to the new numbers and content of the new proclamations. It was also suggested that priority should be given to the printing of General Orders 1 and 2 and CIO said this would be done.

Mr. Col. O'Connor explained that he had proposed in connection with the amendment to the Notice for Surrender of Firearms. The CIO stated this matter was in hand and the revised Notice would be issued as quickly as possible.

(b) Directive of Principles Relating to Regional Orders. All VIOs agreed that the powers delegated to Regional Commissioners of the Chief Commissioner were far from clear and also were their powers to delegate the Provincial Commissioners. After discussion this question at some length the CIO was asked to suggest that he should prepare for signature by the Chief Commissioner a directive on the powers which have been delegated to Regional Commissioners.

16. Proposed Directives.

(a) Directive of Prison in Unoccupied Territory.
(b) Directive of Officials in Occupied and Unoccupied Territory.

The CIO stated that these directives were practically ready and they would be issued at an early date.

(c) V.D. Treatment. A further directive in this respect had been sent by the Ministry of Justice to the Director of Prisons. CIO stated that this mainly concerned Public Health but would be sent around to local officers in regions andtries in due course for their information.

(d) Medical Particulars in Strain Cases before Italian Courts. The CIO stated that this directive applied only to unoccupied territory. In occupied territory the cases would be dealt with by AMG Courts. It was hoped that this directive would be issued shortly.

17. Date of next meeting.

Monday the 12th June 1964 was provisionally agreed as the date for the next meeting, and that same would be held at 021, Villiers's office, London 21 March, between 0850 hours.

18. The meeting was held into two sessions (1) of DIO and JOCs to consider personnel (see para 2 (b) above) and (2) of JOCs sessions 1, 2, 6, 7 under chairmanship of Lt. Col. Goring to consider in detail directive on duties of local liaison officers in West Africa. The meeting was held at 021 to officers at the meeting (see 00/11/64, para 1 (b) (ii)).

For file

CHURCHILL, URMEN.
Colonel,
Chief Legal Officer.

DISTRIBUTION.

Chief Commissioner (1)
W.F. Sec. (1)
Chief Commissioner (1)
Ad. Secret (1)
B. Sec.

A. G. W. H. R. R.

11

MEMORANDUM OF LEGAL SUB-COMMISSION AND R. L. O's.
1 MAY 1944

1. New Military Courts Handbook.
 - (a) Date of commencement 15 May. Final copies in hands of Regions and Armies by 7th May.
 - (b) Directives and lectures by R.L.O's. Acting C.J.O. available to help.
 - (c) Discretion as to forms. Discontinuance of Summary Court Record Book.
 - (d) Translation of new Rules of Procedure.
 - (e) Copies of Handbook and Rules of Procedure required by Regions.
 - (f) Fines. Payment and imprisonment in default.
2. Personnel.
 - (a) Proactions.
 - (b) Reduction of personnel to 34. Consideration of names.
 - (c) Appointment of Legal Liaison Officer with Procureurs Generale Militaire.
 - (d) Personnel for C.I.C.
3. Consideration of Draft General Order for fascist purge.
4. Consideration of directive dated 19 April 1944 on Prostitution and V.D.
 Letter to Minister of Justice.
5. Policy re Italians of Yugoslav origin.
 Letter explaining policy.
6. Proposed schedule for payment of interpreters, translators and clerks.
7. Payment for witnesses fees and expenses before A.M.C. Courts.
8. Publicity of Court sentences etc.
 - (a) Language cases will be handled exclusively by R.G., A.A.I.
 - (b) Returns to P.R.C.
 - (c) Local Problems.
9. Distribution of new Proclamations.
 - (a) Number required by armies and regions.
 - (b) Question of re-printing in existing any areas and regions.
10. Hire of army trucks to civilian agencies in regions.
 - (a) Draft Agreement with Italian Government.
 - (b) Agreement in regions with civilian agencies.
11. System of distribution of directives to regions.
 Number of copies required.
12. Policy as to A.M. Courts in Unoccupied Territory.
13. Proposed Directives.
 - (a) Right of pardon in occupied and unoccupied territory.
 - (b) Appointment of officials in occupied and unoccupied territory.
 - (c) V. L. Treatment. (Public Health).
 - (d) Medical articles re to staying cases before Italian Courts.
14. Duties of Liaison Officers in Unoccupied Territory.
15. Position with new Government - new Decrees.
 - (a) Decree as to Bar Associations.
 - (b) Appointment of Legal Representatives to Companies - Decree 8
 - (c) Marriages of members of the forces.

- Record Book.
- (d) Translation of new Rules of Procedure.
 - (e) Copies of Handbook and Rules of Procedure required by Regions.
 - (f) Payment and imprisonment in default.
2. Personnel.
- (a) Promotions.
 - (b) Reduction of personnel to 64. Consideration of names.
 - (c) Appointment of Legal Liaison Officer with Procureurs Generale Militaire.
 - (d) Personnel for C.A.C.
3. Consideration of Draft General Order for fascist curve.
4. Consideration of directive dated 13 April 1944 on Prostitution and V.D.
Letter to Minister of Justice.
5. Policy re Italian and Yugoslav origin.
Letter explaining policy.
6. Proposed schedule for payment of interpreters, translators and clerks.
7. Payment for witnesses fees and expenses before A.M.C. Courts.
8. Publicity of Court sentences etc.
- (a) Espionage cases will be handled exclusively by E.O., A.A.I.
 - (b) Returns to P.R.O.
 - (c) Local Problems.
9. Distribution of new Proclamations.
- (a) Number required by armies and regions.
 - (b) Question of re-planting in existing army areas and regions.
10. Hire of army trucks to civilian agencies in regions.
- (a) Draft Agreement with Italian Government.
 - (b) Agreement in regions with civilian agencies.
11. System of distribution of directives to regions.
Number of copies required.
12. Policy as to A.M.C. Courts in Unoccupied Territory.
13. Proposed Directives.
- (a) Right of pardon in occupied and unoccupied territory.
 - (b) Appointment of officials in occupied and unoccupied territory.
 - (c) V. I. Treatment. (Public Health).
 - (d) Medical material in military cases before Italian Courts.
14. Duties of Liaison Officers in Unoccupied Territory.
15. Position with new Government - new Decrees.
- (a) Decree as to Bar Associations.
 - (b) Appointment of Legal Representatives to Companies - Decree 8
 - (c) Marriages of members of the forces.
 - (d) Extent of Amnesty.
15. General Orders.
- (a) Consolidation.
 - (b) Directive of principles required in Regional Orders.

HEAD HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Subcommittee
APC 354

JM/gat

10

ASC/AG13/4/1

22 April 1944

SUBJECT: Legal Subcommittee Monthly Meetings.

TO : RLO (thru RC) Region 2.

1. The next monthly meeting of Legal Officers will be held at 0930 hours 1st May 1944 at the offices of Col. R.C. Willmer, RC, RLO Region 4, Banco di Napoli, Naples.

2. RLOs may, if they please, bring their deputies and other legal officers. The Chief Legal Officer is anxious in particular that Capt. R.C. Little should be present in view of his impending transfer to Region 7.

3. It is hoped to circulate a short agenda later. In the meantime, if you desire any special question raised, would you be good enough to inform this Subcommittee as soon as possible?

JAMES MOIR
Captain
for Chief Legal Officer.

16

Col. G. R. Upjohn
 Lt. Col. G. G. Wilmer
 Col. R. C. Willmer
 Lt. Col. E. E. Behrens
 Lt. Col. John W. Chapman
 Lt. Col. D. E. S. Cousins
 Lt. Col. J. V. E. Shields
 Maj. R. G. S. Alexander
 Maj. I. G. H. Campbell
 S/Ldr R. H. A. Pickie
 Maj. W. J. Grossman
 Maj. G. G. Hannaferd
 Maj. R. C. Hendrickson
 Maj. E. J. Mercer
 Maj. A. R. Thackrah
 Maj. A. R. Troxell
 Capt. P. Packhouse
 Capt. H. I. Glenn
 Capt. W. G. R. Oates
 Capt. R. L. Vecchiolla
 Capt. J. J. More
 - CLO
 - DCLO
 - RLC
 - SLO
 - RLO
 - NLO
 - SLO
 - RLO
 - SLO
 - Chief
 - Counsel
 - Officer
 - i/c Ital.
 - Section
 - CLO
 - It. Sec.
 - DELO
 - DELO
 - DSIC
 - DMIC
 - RLO
 - HQ ACC
 - " CC
 - Region 4
 - Region 5
 - Region 3
 - Region 2
 - A/C HQ 5th Army
 - Region 2
 - HQ ACC
 - A/C HQ 5th Army
 - HQ ACC
 - Region 4
 - HQ 5th Army
 - Region 5
 - Region 2
 - A/C HQ 5th Army (C.S.)
 - Region 4
 - Region 1
 - HQ ACC

15

1. Personnel.

a. CLO informed the meeting of a recent directive reducing HQ staff to 8 and field staff to 40.

After a long discussion it was unanimously agreed that the minimum figure essential for the working of law and justice in the field should be 50. On this basis it was provisionally agreed that the staff should be allocated between regions and armies as follows:

Region 1	- 1
" 2	- 3
" 3	- 10
" 4	- 10
" 5	- 10
" 6	- 1
Armies	- 2
TOTAL	50

CLO would do his best to persuade Executive Commissioner to agree to this figure.

b. Promotions.

CLO stated that in spite of his continual recommendations he had not much progress to report. He wished to remind the Regional Legal

Officers that recommendations from Regions must go through the Commission.

c. Interchanges of Personnel.

CIO stated that while there was no objection to Regions arranging temporary attachments of legal personnel from one Region to another direct, the usual channels must be followed, i.e. changes of regional personnel must be notified through the Regions own G-1 channels. He insisted that CIO must also be kept informed of any such changes immediately. (NB Since the meeting, SAC JACC Special Order 59 dated 1 April 44 has been circulated and nothing said by CIO at this meeting could of course affect the statement made in that Order prohibiting "loaning" of officers). Permanent changes of assignment of legal officers from one Region to another must be done only with approval CIO HQ JACC and through the usual G-1 channels.

2. New Proclamations.

CIO explained that in all new areas it had been decided to use new proclamations. These did not involve alterations of principle but merely the regrouping of existing proclamations under main headings such as Military Courts, Finance, Industry and Commerce, etc., and the elimination of administrative directives and the abolition of other proclamations which are of no future usefulness, such as existing proclamations 7, 9, 13, 14, 15. Drafts were passed around for review and comment.

The following specific points were discussed:

a. Collective Fines.

It was agreed that since power to impose these still existed under International Law, it was unnecessary to insert specific powers in proclamations.

b. Shot-guns for farmers.

Colonel Chayman and other officers cited the difficulty, under present proclamations, of proving publication of notice to surrender. It was suggested that the proclamation should be amended so as to make unnecessary the publishing of notices in order to create an offense; at the same time it was agreed that in fairness to Italians the existing procedure of posting notices should be followed; that proclamations and notices should be deposited at Municipalities or Carabinieri offices, and that as regards dates of publication, records should be kept by CIOs.

CIO mentioned proposal of EC Region 3 to amend proclamation to allow farmers in rear areas to hold a shot gun and limited amount of ammunition. It was agreed that this was unnecessary and that CIOs could and had, in Regions 1 & 2, issued licenses to farmers and returned to them their shot guns on application.

c. Wrongful possession of cigarettes, etc.

CIO stated that the Executive Commissioner had decided that the word "wrongful" which had created so much difficulty must remain in the proclamation. The only general test which CIO could suggest was whether the amount of cigarettes involved was large or small.

3. Allied Military Courts.

CIO wished to stress that sentences were still on the low side and that the Commission was still on the low side and that the Commission was still on the low side and that the Commission was still on the low side.

2. New Proclamations.

CIO explained that in all new areas it had been decided to use new proclamations. These did not involve alterations of principle but merely the regrouping of existing proclamations under main headings such as Military Courts, Finance, Industry and Commerce, etc., and the elimination of administrative directives and the abolition of other proclamations which are of no future usefulness, such as existing proclamations 7, 9, 13, 14, 15. Drafts were passed around for general and comment.

The following specific points were discussed:

a. Collective fines.

It was agreed that since power to impose these still existed under International Law, it was unnecessary to insert specific powers in proclamations.

b. Shotguns for farmers.

Colonel Chapman and other officers cited the difficulty, under present proclamations, of proving publication of notice to surrender. It was suggested that the proclamation should be amended so as to make unnecessary the publishing of notices in order to create an offense; at the same time it was agreed that in fairness to Italians the existing procedure of posting notices should be followed; that proclamations and notices should be deposited at Municipios or Carabinieri offices, and that as regards dates of publication, records should be kept by CIOs.

CIO mentioned proposal of RC Region 3 to amend proclamation to allow farmers in rear areas to hold a shot gun and limited amount of ammunition. It was agreed that this was unnecessary and that CIOs could and had, in Regions 1 & 2, issued licenses to farmers and returned to them their shot guns on application.

c. Wrongful possession of cigarettes, etc.

CIO stated that the Executive Commissioner had decided that the word "wrongful" which had created so much difficulty must remain in the proclamation. The only general test which CIO could suggest was whether the amount of cigarettes involved was large or small.

3. Allied Military Courts.

CIO wished to stress that sentences were still on the low side and instanced a case of an Italian employee driver of an Allied military truck, convicted for theft from his truck, who was given 3 months only. CIOs and SIOs, must see that more severe sentences were given.

a. Consideration of new book.

CIO explained that it was intended, for the assistance of RIOs and their staff, to issue in English a handbook containing the consolidated rules

of procedure, instructions for Military Courts and an Italian translation of the rules of procedure.

He stated that a recommendation would be made to Executive Commissioner to decentralise reviews to Regions in cases up to 2 years and 50,000 lire, even where there was an appeal, and asked RLOs to give close attention to this work and to review a large proportion of their cases personally as the importance of this work could not be overestimated. He asked RLOs to see that RLOs gained personal contact with CAO in their provinces as being the best persons to guide and instruct CAOs on Summary Courts within their respective areas.

Major Tromall suggested that verdicts might be set aside on grounds of insufficient sentence. DLO suggested that this might be agreed in cases where appeals were lodged; CLO was doubtful about this suggestion.

Major Mercer suggested power to increase sentences. Colonel Chapman opposed this and suggested that appeals be limited to applications for clemency or abolished altogether. CLO stated that the new book limited the right of appeal to questions of law or fact or excessive sentence. He did not think that we could at this stage go back on the right to appeal. After a general discussion it was however agreed on Colonel Chapman's proposal:

- (1) that the lodging of appeals should be limited to the accused himself or to the lawyer who represented him at the trial, and
- (2) that second and third petitions should not be sent forward for review.

b. Forms.

It was agreed that the Summary Court Record forms should be abolished and that instead use should be made of Form 8a or the back of Form 2 or 4. Major Campbell outlined a counterfoil system for use with Form 8 and it was agreed that H.Q. would send out to Regions on 5th April 1944 typewritten copies of the proposed future forms (see forms attached); after these were approved, the Regions would be responsible for printing, and provided they kept to the prescribed forms it would be a matter for RLOs and SLOs to decide which, according to their own preference.

c. Records of cases of prisoners in unoccupied territory.

CLO stated that Italian Government quite properly wanted records of persons serving sentences imposed by us. He was opposed to giving out records to the Government (agreed by all) and had agreed that in all cases which had been tried by Allied tribunals, other than cases where sentences had expired or fines been paid or the original sentence was less than one year, we would furnish to the Italian authorities the following particulars:-

- (1) Name and address of prisoner.
- (2) Charge.
- (3) Sentence and date.
- (4) Name of prison.

This information was to go to the Ministry of Justice via CLO HQ ACC.

Major Troxall suggested that this might be agreed in of insufficient sentence. DOLLO suggested that this suggestion. cases where appeals were lodged; CIO was doubtful about this suggestion.

Major Morcer suggested power to increase sentences. Colonel Chapman opposed this and suggested that appeals be limited to applications for clemency or abolished altogether. CIO stated that the new book limited the right of appeal to questions of law or fact or excessive sentence. He did not think that we could at this stage go back on the right to appeal. After a general discussion it was however agreed on Colonel Chapman's proposal:

- (1) that the lodging of appeals should be limited to the accused himself or to the lawyer who represented him at the trial, and
- (2) that second and third petitions should not be sent forward for review.

b. Forms.

It was agreed that the Summary Court Record forms should be abolished and that instead use should be made of Form 8a of the back of Form 2 or 4. Major Campbell outlined a counterfoil system for use with Form 8 and it was agreed that H.Q. would send out to Regions on 5th April 1944 typewritten copies of the proposed future forms (see forms attached); after these were approved, the Regions would be responsible for printing, and provided they kept to the prescribed forms it would be a matter for RLOs and SLOs to decide which, according to their own preference.

c. Records of cases of prisoners in unoccupied territory.

CIO stated that Italian Government quite properly wanted records of persons serving sentences imposed by us. He was opposed to giving up records to the Government (agreed by all) and had agreed that in all cases which had been tried by Allied tribunals, other than cases where sentences had expired or fines been paid or the original sentence was less than one year, we would furnish to the Italian authorities the following particulars:-

- (1) Name and address of prisoner.
- (2) Charge.
- (3) Sentence and date.
- (4) Name of prison.

This information was to go to the Ministry of Justice via CIO HQ ACC.

d. Appointment of General and Superior Courts.

CIO stated that General Courts should consist of :-

- (1) A good President.
- (2) A legal officer, and
- (3) A layman, if possible.

The Legal Officer will automatically preside. Colonel Chapman was asked to send in his list of names as soon as possible. CLO asked for a careful watch to be kept on persons selected to sit on Superior Courts and if any persons appointed to sit as sole members of a Superior Court were found not to be satisfactory he relied on his RLOs and SLOs Army to inform him.

4. Italian Army.
a. Trial of deserters.

CLO announced that the solution provisionally reached was that they were to be pardoned by the King.

b. Release of personnel convicted of mutiny or sabotage against German or Italian property.

Such cases had apparently only arisen in Sardinia and if Major Alexander would furnish CLO with a list of names he would endeavour to arrange for them to be pardoned or amnestied.

5. Italian Prisons.

Col. Cousins stressed the grave prison position in Region 2 due to requisitioning and CLO stated that AI had been requested to take these over only where absolutely essential. This had been formally requested by the Chief Commissioner; and it was clear that the matter could not be carried further by the Legal Subcommission.

6. Italian Interpreters, Clerks, etc.

The question of recruitment, rates of pay, etc. was one which concerned primarily Regions 3 and 4; and CLO proposed to discuss with these Regions separately. He stated, however, that the Executive Commissioner had been approached on these matters and that any concessions obtained would be announced to Region 2.

7. Italian Courts-Martial.

It was agreed that the directive circulated in January had never worked and CLO stated that it would now be abandoned.

8. General duties of IO.

a. Disagreement with Regional Commissioner.

CLO stated that the Executive Commissioner had laid down that in the event that a RC refused to take advice of his RLO, the RLO is to report to CLO.

b. Preparation of Regional Orders.

CLO wished it to be understood that RLOs and SLOs Army in advising their RCs on proposed regional orders should refer to HQ ICC in following cases:

(1) Cases affecting over-all policies, e.g., censorship, defascistization.

(2) Cases which would involve the amendment or construction of regional orders, e.g., one Region had

5. Italian Prisons.

Col. Cousins stressed the grave prison position in Region 2 due to requisitioning and CIO stated that AI had been requested to take these over only where absolutely essential. This had been formally requested by the Chief Commissioner; and it was clear that the matter could not be carried further by the legal Subco mission.

6. Italian Interpreters, Clerks, etc.

The question of recruitment, rates of pay, etc. was one which concerned primarily Regions 3 and 4; and CIO proposed to discuss with these Regions separately. IC stated, however, that the Executive Commissioner had been approached on these matters and that any concessions obtained would be announced to Region 2.

7. Italian Courts-Martial.

It was agreed that the directive circulated in January had never worked and CIO stated that it would now be abandoned.

8. General duties of IO.

a. Disagreement with Regional Commissioner.

CIO stated that the Executive Commissioner had laid down that in the event that a RC refused to take advice of his IO, the IO is to report to CIO.

b. Preparation of Regional Orders.

CIO wished it to be understood that RCOs and SIOs Army in advising their RCs on proposed regional orders should refer to HQ IOC in following cases:

(1) Cases affecting over-all policies, e.g., censorship, defascistization.

(2) Cases which would involve the amendment or construction of provisions by proclamation, e.g., one region had attempted to construct proclamation 13 by regional order and another had altered the permit system.

(3) Cases involving long term policy (i.e., extending beyond occupation); these should be done by Italian decree and not by regional order and should be applied in occupied territory by machinery which Major Thackrah explained to the meeting. CIO also pointed out Italian Government were very helpful in passing decrees at our request and IOs should not overlook this.

9. Unoccupied Territory and Amistice Terms.

- a. A copy of the Amistice Terms and the terms of restoration were circulated to be read only by the RLOs of the regions in unoccupied territory.
- b. Revision of sentences.

Colonel Cousins stated that two cases had been sent in from Region 2. CLO stressed that there was no general invitation to reduce sentences on cesser of occupation nor should absurd sentences be given in the expectation of their subsequent reduction.

c. Representation of Allied Forces as Parte Civile.

Major Hannaford explained to the meeting the procedure which it was proposed to follow. As regards cases such as stealing of parcels, the procuratore generale should be informed that we intended to claim damages.

d. Appointments of Italian Officials.

After inviting the views of RLOs Regions 1 & 2 it was agreed that in unoccupied territory appointments, removals and transfers of personnel will be made by Ministry of Justice in accord with HQ and communicated direct to First Presidents; RLOs or legal liaison officers being informed of the appointment or transfer by HQ.

10. Occupied Territory.

a. Appointment of Italian Judicial officials.

CLO stated that justifiable complaints have been received from the Italian Government regarding appointment of Italian personnel to positions of the grade above that to which they were entitled by their term of service. He stated that while it might be necessary to make such appointments in urgent cases, especially in Army areas, it was essential that the appointments should be distinctly made on a temporary basis and then an application made to HQ ACC to supply an official of the correct grade. Major Hannaford explained that the Italian Government had a pool of about 45 officials for this purpose. The procedure would be for an official to be nominated by the Italian Government through HQ ACC and the actual appointment made by the RC or SCLO Army.

b. Pardon and Conditional Liberty.

Major Hannaford read out the agreement reached as to the above matter with the Italian Government. This would be circulated.

c. Defascistization.

CLO stated that the draft decree which covered this matter appeared to be very workable. The only question was whether the Italians would give it real effect.

d. Answers from Prefects.

Major Hannaford stated that he would request Ministry of Justice to write again to the Prefects in this connection but that it was not yet received.

d. Appointments of Italian Officials.

After inviting the views of PLOs Regions 1 & 2 it was agreed that in unoccupied territory appointments, removals and transfers of personnel will be made by Ministry of Justice in accord with HQ and communicated direct to First Presidents; PLOs or legal liaison officers being informed of the appointment or transfer by HQ.

10. Occupied Territory.

a. Appointment of Italian judicial officials.

CIO stated that justifiable complaints have been received from the Italian Government regarding appointment of Italian personnel to positions of the grade above that to which they were entitled by their term of service. He stated that while it might be necessary to make such appointments in urgent cases, especially in Army areas, it was essential that the appointments should be distinctly made on a temporary basis and then an application made to HQ ACC to supply an official of the correct grade. Major Hannaford explained that the Italian Government had a pool of about 45 officials for this purpose. The procedure would be for an official to be nominated by the Italian Government through HQ ACC and the actual appointment made by the PC or SCIO Army.

b. Reversion and Conditional Liberty.

Major Hannaford read out the statement reached as to the above matter with the Italian Government. This would be circulated.

c. Defascistization.

CIO stated that the draft decree which covered this matter appeared to be very workable. The only question was whether the Italians would give it real effect.

d. Answers from Prefects.

Major Hannaford stated that he would request Ministry of Justice to write again to the Prefects in this connection but that if PLOs could interview the Prefects and urge them to comply with the Minister's request this would greatly help matters. HQ had already written to all PLOs to that effect.

11. Property Control.

Major Hannaford stated that an understanding had been reached with the Ministry of Finance, who would issue the necessary instructions to the Italian authorities concerned, embodying the requirements of the Property Controller. It was hoped that no Royal Decree would be necessary and that the P.C. would step in the shoes of the existing Italian body (ECENI) and take over "automatically all allied property sequestered by the Italian Government before occupation".

CIO put to the meeting the view that in advising Property Controllers both in occupied and unoccupied territory our obligation was primarily to look after and preserve Allied property and not to advise individual beneficiaries on their rights. This was agreed as the proper principle by all concerned.

12. A number of points of legal interest submitted by Colonel Shields and other officers were then discussed. In particular considerable discussion ensued on the question of receiving evidence of confessions in MI Courts, especially in spy cases. The proposed directive on this matter (to be incorporated in the MI Courts book) was read to the meeting and ultimately it was agreed that the principles there laid down could not be fettered in any way but that it would be for each Court to decide on its proper application in any given case.

Col. Behrens then asked what steps could be taken to keep women in jail once they had been convicted of illicit prostitution as they could always appeal against their sentence. Within three days of its pronouncement and were thereupon liberated. Major Mannaford said that this was a question of procedure and he thought it could be satisfactorily amended by the Italian authorities, if Col. Behrens's point was correct, but that he (Major Mannaford) thought that a woman in state of "arresto" could be detained in spite of appeal. Col. Behrens said that the Procuratore del Re in Campobasso had advised him differently and Squadron Leader Dickie agreed.

Major Mannaford said he would look the matter up and communicate with the RJOs on this subject.

13. It was agreed that the next monthly meeting should be held at Colonel Villmer's Office, Banca di Napoli Naples at 0930 hours on 1st May 1944.

Distribution:

Chief Commissioner (1)
V.P. Admin. Sec. (1)
Executive Commissioner (1)
All present (1)
Spares (6)

G. R. UPJOHN
Colonel
Chief Legal Officer.

G. R. Upjohn

procedure and he thought it was correct, but that the authorities, if Col. Behrens' point was correct, could be detained in spite of the fact that a woman in state of "arresto" could be detained in spite of the fact that the Procuratore del Re in Campobasso thought that the Procuratore del Re in Campobasso of appeal. Col. Behrens said that the Procuratore del Re in Campobasso of appeal. Col. Behrens said that the Procuratore del Re in Campobasso of appeal. Col. Behrens said that the Procuratore del Re in Campobasso of appeal.

Major Mansford said he would look the matter up and communicate with the JCOs on this subject.

13. It was agreed that the next monthly meeting should be held at Colonel Wilmer's Office, Banca di Napoli, Naples at 0930 hours on 1st May 1944.

Distribution:

Chief Commissioner (1)
V.P. Admin. Sec. (1)
Executive Commissioner (1)
All present (1)
Spares (6)

G. R. UPJOHN
Colonel
Chief Legal Officer.

G. R. UPJOHN

GOVERNO MILITARE ALLEATO

FORM No. 2
(revised)

CITAZIONE

Mi

(Name)

(Nome)

(Address)

(Indirizzo)

Siete con la presente citato e richiesto di presentarvi personalmente davanti al Tribunale Militare Alleato Sommaro/Superiore a

(Indirizzo della Corte)

addi (Data) (Date) alle ore (Orario) sotto le seguenti
(Address of Court) (Hour)

accuse:

Accusa:

Dettagli:

Accusa:

Dettagli:

(Se non tradotto dall'ufficiale, voi dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

Ogni accusato di fronte ad un Tribunale Militare Alleato ha diritto:

- (a) Di avere in anticipo una copia delle accuse sotto le quali egli sarà processato, sempre che egli lo desideri.
- (b) Di consultare un avvocato prima del processo e se le esigenze militari permettono, di avere un avvocato in sua difesa durante il corso del processo stesso.
- (c) Di fare richiesta al Tribunale per ottenere un periodo di tempo sufficiente per preparare la sua difesa, richiesta che il Tribunale può concedere o rigettare a propria discrezione;
- (d) Di farsi accompagnare dinanzi al Tribunale da testimoni a sua difesa, se così desidera, o far richiesta di farli comparire per ordine del Tribunale;
- (e) Di fornire prove a suo vantaggio durante il processo, ma non potrà essere costretto a fornirle.
- (f) Di farsi tradurre i procedimenti per il suo beneficio quando egli non è capace di comprenderli diversamente.

PER ORDINE

Data:

Firma dell'individuo autorizzato

RAPPORTO DI CITAZIONE

Io riconosco di aver ricevuto la citazione di cui questa è una copia conforme.

Data:

Firma dell'accusato

PROOF OF SERVICE

I hereby certify that I have this day of 194 at (hours) served the summons of which this is a copy personally/by leaving copy at above address/by mailing it to above address.

Signature of Officer Serving Summons

PROCEEDINGS

(Ref No.)

Military Court sitting at _____ on _____ 19__

Plea(s) of Accused:

1st Charge: _____

2nd Charge: _____

3rd Charge: _____

Summary of Prosecution Evidence:Summary of Defence Evidence (including any statement in mitigation):Verdict:

1st Charge: _____

2nd Charge: _____

3rd Charge: _____

Sentence (separate on each charge):1st Charge: _____ Imprisonment: _____ fine to be paid by _____
term in default of payment _____2nd Charge: _____ Imprisonment: _____ fine to be paid by _____
term in default of payment _____3rd Charge: _____ Imprisonment: _____ fine to be paid by _____
term in default of payment _____Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details)Other orders (confiscation, restitution, etc.)_____
Signature of Presiding Officer

DECISION ON REVIEW

Date: _____ 194__

Signature of Reviewing Authority

GOVERNO MILITARE ALLEATO

FOGLIO D'ACCUSA

Place
Luogo

Date
Data

(Name of defendant)
(Nome dell'accusato)

(Address)
(Indirizzo)

IS HEREBY CHARGED WITH THE FOLLOWING OFFENSES:
e' accusato delle seguenti offese:

First Charge:

Particulars:

Second Charge:

Particulars:

Third Charge:

Particulars:

TRADUZIONE

Prima Accusa:

Dettagli:

Seconda Accusa:

Dettagli:

Terza Accusa:

Dettagli:

(Se non tradotto dall'ufficiale, dovete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

LE SUDETTE ACCUSE SONO RIFERITE A PROCESSO DAVANTI IL TRIBUNALE MILITARE ALLEATO
SOMMARIO/SUPERIORE A ADDI IL GIORNO

(Indirizzo della Corte)

(Data)

DI 194, ALLE ORE

(Mese)

(Orario)

Firma dell'individuo autorizzato

Ogni accusato di fronte ad un Tribunale Militare Alleato ha diritto:
(a) Di avere in anticipo una copia delle accuse sotto le quali egli sarà processato, sempre che egli lo desideri.

Second Charge: _____

Particulars: _____

Third Charge: _____

Particulars: _____

TRADUZIONE

Prima Accusa: _____

Dettagli: _____

Seconda Accusa: _____

Dettagli: _____

Terza Accusa: _____

Dettagli: _____

(Se non tradotto dall'ufficiale, debete farvelo tradurre da un amico o presso qualsiasi Ufficio di Questura).

LE SUDEVENTE ACCUSE SONO RIFERITE A PROCESSO DAVANTI IL TRIBUNALE MILITARE ALLEATO
SCAMARIO/SUPERIORE A _____ ADDI' _____ IL _____ GIORNO _____ (Data)

DI _____ 194, ALLE ORE _____ (Orario)

Firma dell'individuo autorizzato

- Ogni accusato di fronte ad un Tribunale Militare Alleato ha diritto:
- Di avere in anticipo una copia delle accuse sotto le quali egli sarà processato, sempre che egli lo desideri.
 - Di consultare un avvocato prima del processo e, se le esigenze militari permettono, di avere un avvocato in sua difesa durante il corso del processo stesso.
 - Di fare richiesta al Tribunale per ottenere un periodo di tempo sufficiente per preparare la sua difesa, richiesta che il Tribunale può concedere o rigettare a propria discrezione.
 - Di farsi accompagnare dinanzi al Tribunale da testimoni a sua difesa, se così desidera, o far richiesta di farli comparire per ordine del Tribunale.
 - Di fornire prove a suo vantaggio durante il processo, ma non potrà essere costretto a fornirle.
 - Di farsi tradurre i procedimenti per il suo beneficio quando egli non è capace di comprenderli diversamente.

RECORD OF PROCEEDINGS TO BE ENTERED ON REVERSE OR ON FORM 8

PROCEEDINGS

(Ref No.)

Military Court sitting at _____ on _____ 194

Plea(s) of Accused:

1st Charge: _____
 2nd Charge: _____
 3rd Charge: _____

Summary of Prosecution Evidence:Summary of Defence Evidence (including any statement in mitigation):Verdict:

1st Charge: _____
 2nd Charge: _____
 3rd Charge: _____

Sentence (separate on each charge):

1st Charge: _____
 Imprisonment: _____
 term in default of payment _____
 2nd Charge: _____
 Imprisonment: _____
 term in default of payment _____
 3rd Charge: _____
 Imprisonment: _____
 term in default of payment _____

Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details) _____

Other orders (confiscation, restitution, etc.) _____

 Signature of Presiding Officer

 DECISION ON REVIEW

Verdict:

1st Charge:

2nd Charge:

3rd Charge:

Sentence (separate on each charge):

1st Charge:

Imprisonment: term in default of payment

live fine to be paid by

2nd Charge:

Imprisonment: term in default of payment

live fine to be paid by

3rd Charge:

Imprisonment: term in default of payment

live fine to be paid by

Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details)

Other orders (confiscation, restitution, etc.)

Signature of Presiding Officer

DECISION ON REVIEW

Date:

194

Signature of Reviewing Authority

0219

(Ref No.)

Accused _____

Address _____

Date of trial _____

Member(s) of Court _____

Prosecutor _____

Defence lawyer _____

Charges and pleas:

Comments (for record purposes only)

Findings and Sentences

1st Charge

2nd Charge

3rd Charge

Fine (if any) to be paid by _____

Term in default _____

Sentences of imprisonment to be
Consecutive/concurrent/partly concurrent

Record forwarded _____

Petition for Review forwarded _____

Decision on Review _____

(Ref No.)

ALLIED MILITARY GOVERNMENTFORM 8
(revised)

PROCEEDINGS OF AN ALLIED MILITARY COURT

held at _____ on the _____ day of _____ 194_____

before _____
(Name & rank of Member or
members constituting the Court)

REFERENCE No. _____ a _____ Military Court.

ACCUSED

Name: _____ Address: _____ Age: _____

Name: _____ Address: _____ Age: _____

Name: _____ Address: _____ Age: _____

Name of Interpreter: _____

Prosecutor: _____

Advocate for Accused: _____

CHARGE (S)Violation of Proclamation No. _____, Article _____, Para.(_____), in that
the accused on the _____ day of _____ 194_____ at _____

The Charges were read and explained to the accused.

PLEAS OF THE ACCUSED

The Accused _____ pleads _____ to the 1st Charge.

The Accused _____ pleads _____ to the 2nd Charge.

The Accused _____ pleads _____ to the 3rd Charge.

(If not sufficient space on this form for the notes of evidence, other sheets
should be attached).EVIDENCE FOR PROSECUTION

(Ref No.)

(Ref No.)

ALLIED MILITARY GOVERNMENTFORM 8
(revised)

PROCEEDINGS OF AN ALLIED MILITARY COURT

held at

on the _____ day of _____ 194____

before

(Name & rank of Member or
members constituting the Court)

REFERENCE No.

a _____ Military Court.

ACCUSED

Name:

Address:

Age:

Name:

Address:

Age:

Name:

Address:

Age:

Name of Interpreter:

Prosecutor:

Advocate for Accused:

CHARGE (S)Violation of Proclamation No. _____, Article _____, Para.(), in that
the accused on the _____ day of _____ 194____ at _____

The Charges were read and explained to the accused.

PLEAS OF THE ACCUSED

The Accused

pleads

to the 1st Charge.

The Accused

pleads

to the 2nd Charge.

The Accused

pleads

to the 3rd Charge.

(If not sufficient space on this form for the notes of evidence, other sheets
should be attached).EVIDENCE FOR PROSECUTION

EVIDENCE FOR DEFENCEREMARKS OF COURT

(Comments on evidence, reasons for severity or leniency, etc.)

FINDINGS OF THE COURT

The Accused found guilty/not guilty of the first charge.

" " guilty/not guilty " " second "

" " guilty/not guilty " " third "

SENTENCE OF THE COURT

(If the following space is not sufficient, set out sentences on a separate sheet)

The Court sentences the accused as follows:

Charge: _____ Imprisonment: _____ fine: _____ to be paid by _____: term in default of payment _____

Charge: _____ Imprisonment: _____ fine: _____ to be paid by _____: term in default of payment _____

Charge: _____ Imprisonment: _____ fine: _____ to be paid by _____: term in default of payment _____

Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details) _____

Other orders (confiscation, restitution, etc.) _____

Signature _____

REVIEW

REMARKS OF COURT

(Comments on evidence, reasons for severity or leniency, etc.)

FINDINGS OF THE COURT

The Accused found guilty/not guilty of the first charge.

" " guilty/not guilty " " second "

" " guilty/not guilty " " third "

SENTENCE OF THE COURT

(If the following space is not sufficient, set out sentences on a separate sheet)

The Court sentences the accused as follows:

Charge: Imprisonment: life fine: to be paid by term in
default of payment
Charge: Imprisonment: life fine: to be paid by term in
default of payment
Charge: Imprisonment: life fine: to be paid by term in
default of payment

Terms of imprisonment to be consecutive/concurrent/partly concurrent (if so, give details)

Other orders (confiscation, restitution, etc.)

Signature

REVIEW

Date: 194 Signature

MEETING OF K.L.Os and S.L.Os -
 MONDAY, 3rd April 1944.

A G E N D A

1. Allied Military Courts
 - (a) Consideration of new book.
 - (b) Forms. Printing and use of Summary Court Record.
 - (c) Appointments for General and Superior Courts.
 - (d) Construction of Proclamation 2 (Col.Shield's letter).
2. New Proclamations.
3. Personnel.
 - (a) Promotions
 - (b) Interchange of personnel.
 - (c) Future requirements.
4. Payment for translators and clerks.
5. General duties of RLO.
 - (a) Disagreement with RC.
 - (b) Principles to be applied in preparation of regional orders and reference to HQ.
 - (c) Making RD part of the law of occupied territory.
6. Position in Unoccupied Territory and Armistice terms.
 - (a) Italian Courts.
 - (b) Duty of liaison officer.
 - (c) Revision of sentences.
7. Relationships in Occupied Territory.
 - (a) Appointments of judicial officials.
 - (b) Pardon and conditional liberty.
 - (c) Defascistization.
 - (d) Answers from Prefects.
8. Property Control.
9. Italian Army.
 - (a) Trial of deserters.
 - (b) Release of personnel who have been convicted of mutiny.
10. Date of Next Meeting.
11. Discussion of individual cases.

4013/4

7

- (c) Appointments for General and Superior Courts.
- (d) Construction of Proclamation 2 (Col. Shield's letter).

2. New Proclamations.
3. Personnel.
 - (a) Promotions
 - (b) Interchange of personnel.
 - (c) Future requirements.
4. Payment for translators and clerks.
5. General duties of RIO.
 - (a) Disagreement with RC.
 - (b) Principles to be applied in preparation of regional orders and reference to HQ.
 - (c) Making RD part of the law of occupied territory.
6. Position in Unoccupied Territory and Armistice terms.
 - (a) Italian Courts.
 - (b) Duty of liaison officer.
 - (c) Revision of sentences.

Adm. Representation of Allied Forces as Parte Civile.
7. Relationships in Occupied Territory.
 - (a) Appointments of judicial officials.
 - (b) Pardon and conditional liberty.
 - (c) Defascistization.
 - (d) Answers from Prefects.
8. Property Control.
9. Italian Army.
 - (a) Trial of deserters.
 - (b) Release of personnel who have been convicted of mutiny.
10. Date of Next Meeting.
11. Discussion of individual cases.

20 copies
 REAR HEADQUARTERS
 ALLIED CENTRAL COMMISSION
 2, CAD, SUB-COMMISSION
 APO 394

rlp.
 31 March 1944.

ACQ/4013/4/L.

SUBJECT : Meeting of Legal Officers on Monday, April 3, 1944.

TO : ALL Legal Officers, Salerno.

1. I append below notes for agenda for the above meeting.

2. In the margin against each paragraph I have put the name of the officer responsible. He will be responsible for seeing that the appropriate files are brought to the meeting and will be ready to deal with any questions that may arise.

3. Capt. More will take notes of the meeting.

4. At the end of the discussion I want the officers of this headquarters to discuss with the Regional officers concerned any particular matter on which they are now engaged.

General R. MONTEN,
 Colonel,
 Chief Legal Officer.

MEET AGENDA

3 April 1944

Maj Campbell 1. Allied Military Courts.
 a. Consideration of new book.
 b. Beres.. Printing and use of Summary Court Record Book.
 c. Appointants for General and Superior Courts.
 d. Construction of Proclamation 2 (Col Shields' letter).

Maj Grossman 2. New Proclamations. 400/3 3 440
 Capt More 3. Personnel.

a. Executions.
 b. Interchange of personnel.
 c. Future requirements.
 d. Payment for translators and clerks.
 e. General duties of PIO. 4007 (General's letter).

a. Disagreement with MD.
 b. Principles to be applied in preparation of regional orders and reference to HQ.

Maj Thackrah 4. Making part of the law of occupied territory.
 Col Upjohn 5. Position in occupied territory and Justice laws.
 a. Italian courts.
 b. Duty of liaison officer.
 c. Revision of sentences.

1. I append below notes for agenda for the above meeting.

2. In the margin a short paragraph I have put the names of the officer responsible. It will be responsible for seeing that the appropriate files are brought to the meeting and will be ready to deal with any questions that may arise.

3. Capt. More will take notes of the meeting.

4. At the end of the discussion I want the officers of this headquarters to discuss with the Regional officers concerned any particular matter on which they are now engaged.

GERALD L. MORE,
Colonel,
Chief Legal Officer.

DRAFT AGENDA

3 April

1. Allied Military Courts.
a. Consideration of new book.
b. Printing and use of Summary Court Record book.
c. Appointments for General and Superior Courts.
d. Construction of Proclamation 2 (Col. Williams' letter).

2. New Proclamations.
3. Personnel.
a. Promotions.
b. Interchange of personnel.
c. Future requirements.

4. Payment for translators and clerks.
5. General duties of R.O.
a. Disagreement with R.O.
b. Principles to be applied in preparation of regional orders and references to R.O.

6. Making up part of the law of occupied territory.
a. Position in occupied territory and justice system.
b. Italian courts.
c. Duty of liaison officer.
d. Revision of sentences.
e. Representation of Allied Forces as part of civil.

7. Relationships in occupied territory.
a. Appointments of judicial officials.
b. Appointments and conditional liberty.
c. Defascistisation.
d. Answers from Prefects.
e. Property Control.

8. Italian Army.
a. Trial of deserters.
b. Release of personnel who have been sentenced to military.
c. Release of war material.
d. Release of individual cases.

4D14/3 - 4104/3

4013/4

MEETING OF R.L.O.s and S.L.O.s -
MONDAY, 3rd April 1944.

A G E N D A

1. Allied Military Courts
 - (a) Consideration of new book.
 - (b) Forms. Printing and use of Summary Court Record.
 - (c) Appointments for General and Superior Courts.
 - (d) Construction of Proclamation 2 (Col. Shield's letter).
2. New Proclamations. — *Col. Shield's letter*
3. Personnel.
 - (a) Promotions
 - (b) Interchange of personnel.
 - (c) Future requirements.
4. Payment for translators and clerks.
5. General duties of RLO.
 - (a) Disagreement with RC. ✓
 - (b) Principles to be applied in preparation of regional orders and reference to HQ. ✓
 - (c) Making RC part of the law of occupied territory. ✓
6. Position in Unoccupied Territory and Armistice terms.
 - (a) Italian Courts.
 - (b) Duty of liaison officer.
 - (c) Revision of sentences. — *rejection*
 - (d) Representation of Allied Forces as Parte Civile. ✓
7. Relationships in Occupied Territory.
 - (a) Appointments of judicial officials. ✓
 - (b) Pardon and conditional liberty. ✓
 - (c) Defascistization.
 - (d) Answers from Prefects. *Letter of the Ministry*
8. Property Control. — *Italian Property*
9. Italian Army.
 - (a) Trial of deserters.
 - (b) Release of personnel who have been convicted of mutiny. *Italian Property*
10. Date of Next Meeting.
11. Discussion of Individual cases.

1. Allied Military Courts
 - (a) Consideration of new book.
 - (b) Forms. Printing and use of Summary Court Record.
 - (c) Appointments for General and Superior Courts.
 - (d) Construction of Proclamation 2 (Col. Shield's letter).
2. New Proclamations. — *Col. Shield's letter*
3. Personnel.
 - (a) Promotions
 - (b) Interchange of personnel.
 - (c) Future requirements.
4. Payment for translators and clerks.
5. General duties of RLO.
 - (a) Disagreement with RC.
 - (b) Principles to be applied in preparation of regional orders and reference to HQ.
 - (c) Making RP part of the law of occupied territory.
6. Position in Unoccupied Territory and Armistice terms.
 - (a) Italian Courts.
 - (b) Duty of liaison officer.
 - (c) Revision of sentences.
7. Relationships in Occupied Territory.
 - (a) Appointments of judicial officials.
 - (b) Pardon and conditional liberty.
 - (c) Defascistization.
 - (d) Answers from Prefects.
8. Property Control. — *Italian Property*
9. Italian Army.
 - (a) Trial of deserters.
 - (b) Release of personnel who have been convicted of mutiny.
10. Date of Next Meeting.
11. Discussion of Individual cases.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 594

/rlp.
31 March 1944.

AOC/4013/4/L.

SUBJECT : Meeting of Legal Officers on Monday, April 3, 1944.

TO : All Legal Officers, Salerno.

1. I append below notes for agenda for the above meeting.
2. In the margin against each paragraph I have put the name of the officer responsible. He will be responsible for seeing that the appropriate files are brought to the meeting and will be ready to deal with any questions that may arise.
3. Capt. More will take notes of the meeting.
4. At the end of the discussion I want the officers of this headquarters to discuss with the Regional officers concerned any particular matter on which they are now engaged.

[Signature]
GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

DRAFT AGENDA

- | | |
|--------------|---|
| Maj Campbell | 1. Allied Military Courts. |
| | a. Consideration of new book. |
| | b. Forms.. Printing and use of Summary Court Record Book. |
| | c. Appointments for General and Superior Courts. |
| | d. Construction of Proclamation 2 (Col Shields' letter). |

- | | |
|--------------|--|
| Maj Grossman | 2. New Proclamations. |
| Capt More | 3. Personnel. |
| | a. Promotions. |
| | b. Interchange of personnel. |
| | c. Future requirements. |
| Capt More | 4. Payment for translators and clerks. |
| Col. Upjohn | 5. General duties of PIO. |
| | a. Disagreement with RO. |
| | b. Principles to be applied in preparation of regional orders and reference to Hq. |
| Maj Thackrah | 6. Making RD part of the law of occupied territory. |
| Col Upjohn | a. Position in occupied territory and Armistice terms. |
| | b. Italian courts. |

TO : All Legal Officers, Salerno.

1. I append below notes for agenda for the above meeting.
2. In the margin against each paragraph I have put the name of the officer responsible. He will be responsible for seeing that the appropriate files are brought to the meeting and will be ready to deal with any questions that may arise.
3. Capt. More will take notes of the meeting.
4. At the end of the discussion I want the officers of this headquarters to discuss with the Regional officers concerned any particular matter on which they are now engaged.

W. Upjohn
 W. Upjohn,
 Colonel,
 Chief Legal Officer.

DRAFT AGENDA

- | | |
|-----------------------------|--|
| Maj Campbell | 1. Allied Military Courts.
a. Consideration of new book.
b. Forms.. Printing and use of Summary Court Record Book.
c. Appointments for General and Superior Courts.
d. Construction of Proclamation 2 (Col Shields' letter). |
| Maj Grossman
Capt More | 2. New Proclamations.
3. Personnel.
a. Promotions.
b. Interchange of personnel.
c. Future requirements. and clinics.
d. Payment for translators |
| Capt More
Col. Upjohn | 4. General duties of RLO.
5. Disagreement with RC.
a. Principles to be applied in preparation of regional orders and reference to liq.
b. Making RD part of the law of occupied territory and Armistice terms. |
| Maj Thackrah
Col Upjohn | 6. Position in occupied territory and Armistice terms.
a. Italian courts.
b. Duty of liaison officer.
c. Revision of sentences.
d. Representation of Allied Forces as party civile.
e. Relationships in occupied territory.
f. Appointments of judicial officials. |
| Maj Hamraford | 7. Appointments of judicial officials.
a. Appointments of judicial officials.
b. Pardon and conditional liberty.
c. Defascistization.
d. Answers from Prefects.
e. Property Control. |
| Maj Hamraford
Col Upjohn | 8. Italian Army.
9. Trial of deserters.
a. Trial of deserters.
b. Release of personnel who have been convicted of mutiny.
c. Release of personnel.
d. Date of next meeting.
e. Discussion of individual cases. |
| | 10. Date of next meeting. |
| | 11. Discussion of individual cases. |

HEADQUARTERS
AMG 5th ARMY
LEGAL DIVISION.
A.P.O. 464 U.S. ARMY.

29 March 1944.
208/CA/43.

SUBJECT : Monthly Meeting.

TO C.L.O., Rear HQ. ACC, Legal Subcommittee.
A.P.O. 394.

1. With reference to your letter of 19 March (ACC/4013/4/L), the following are suggested for addition to your agenda:

(a) Are the front lines a "Forbidden area" within the meaning of par. (10) of Proc. No. 2 so that refugees are subject to prosecution thereunder if AMG chooses to do so in certain cases (such as those who come from German Intelligence HQ, but who are acquitted of espionage).

(b) Is the mere killing of an Allied soldier under circumstances which would constitute justifiable homicide under our own law an offence under Proc. No. 2. par. (16) (however light the punishment might be).

(c) May punishment for selling at an excessive price include closing the shop under Sec. 5 of Art. V of Proc. No. 2?

(d) Can there be an attempt wilfully to disobey an order (Par. (44) of Proc. No. 2) ?

(e) Must the proof, in order to convict, be proof beyond a reasonable doubt, or only by a preponderance of the evidence in view of the fact this is occupied territory in war time ?

(f) must witnesses be excluded from the court room when they consist of officer military personnel ?

(g) Does a privilege against self-incrimination exist

Long Campbell (3)
has carbon copy of the letter

file with you

Disputed
hs

2 -

in occupied territory in any case other than that an accused
need not testify at his own trial, as provided by Rule 7 (f)
(i) ?

Henry L. Shaw
Capt, TAGD.

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

H013/4

To : H.Q. Allied Control Commission,
Legal Sub-Commission, CMF.
From : Regional Legal Officer, Region 6.
Subject : Monthly Meetings.
Reference: L/1419
Date : 25th March 1944.

Reference your ACC/4015/4 dated 19th
March 44.

May I suggest the following topics for
discussion at the meeting please?

1. The Powers of Property Controllers in
Territories which have never been under AMG.
2. The Policy to be adopted in cases where
 - (a) Italian Army Personnel have been convicted
of Mutiny or analogous offences committed
before the Armistice and where political
motives are alleged by the Defence, and,
 - (b) Italian civilians have been convicted of
treasonable activities (including sabotage)
in like circumstances.

R. G. S. Alexander
R.G.S.ALEXANDER.

Major.

Regional Legal Officer.

RGSA/ajs.

✓ 1013/4

RESTRICTED

Legal 51453

ARMED CONTROL COMMISSION

CLASS: RESTRICTED

W/C NO: 16/28

PAGE: ROUTINE

REF NO: S-8845

FROM: SENSITIVE HANDBOOK

FILED: 271815A

TO: PATIA AND STONE

RECD: 260437

(2)

(FROM SENSITIVE HANDBOOK TO PATIA FOR STONE (REF -53 PAGE)
 RECD: IN YOU ISSUE IN THE HANDBOOK IN SENSITIVE HANDBOOK 0347524
 TO HANDBOOK FOR HANDBOOK BY AIR TO AT THE HANDBOOK, 1 APRIL.
 RECD: LETTER 100/401/1/1 OF 19 MARCH RECEIVED THIS DATE.
 THE HANDBOOK HANDBOOK LETTER REGARDING AIR TRAVEL FOLLOWS

ACQ LIST

1. 100/401/1/1	1
2. 100/401/1/1	1
3. 100/401/1/1	1
4. 100/401/1/1	1
5. 100/401/1/1	1
6. 100/401/1/1	1
7. 100/401/1/1	1

HEADQUARTERS
 28 MAR 1947
 A. C.

2

RESTRICTED

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 374.

GCU/gmf

AGC/4013/4/L

19 March 1944.

SUBJECT: Monthly Meeting.

TO : FLO (thru EC) Regions 1, 2, 3, 4, 5, 6.
SLO 5th & 8th Army.

1. I propose to institute a monthly meeting of FLOs and SLOs to discuss problems and difficulties and to coordinate policy. *Army*

2. I propose that the first meeting shall be on Monday, April 3rd at 1000 hours in the Conference Room, Provincia Building, Naples and I hope all addressees will make it convenient to be present.

3. Each FLO or SLO may, if he pleases, bring his deputy and other legal officers.

4. I shall circulate a short agenda later and in the meantime if FLOs or SLOs want any special question raised will they please let me know as soon as possible.

J. R. Whipple
J. R. WHIPPLE
Colonel
Chief Legal Officer.

0 2 3 7