

ACC

10000/142/228

1936

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

785016

10000/142/228

DELEGATIONS OF POWER
JULY 1943 - NOV. 1945

4020

COPY/

July 1943.

I, Sir Harold R.L.G. Alexander, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and Military Governor of the Occupied Territory, hereby delegate to Francis Baron Rennell of Rodd, Major General, Chief Civil Affairs Officer, all powers which I possess to constitute Allied Military Courts and to appoint the members thereof, whether General Military Courts, Superior Military Courts or Summary Military Courts, and I hereby vest in the said Chief Civil Affairs Officer all powers which I have under Proclamation No. 4 heretofore issued by me, in connection therewith. In the event of the absence or inability to act of the Chief Civil Affairs Officer, such powers may be exercised by the Deputy Chief Civil Affairs Officer or any other officer authorised to act in the place of the Chief Civil Affairs Officer.

(Sgd.) H.R. Alexander,

GENERAL

General Officer Commanding the Allied Forces
and Military Governor.

1

15 Army Group.

10-6 September, 1943.

I, Harold R. L. Alexander, C.B.E., C.B.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and Italy and Military Governor of the Occupied Territory, hereby delegate to Francis Baron Russell of Kedd, Major-General, the Chief Civil Affairs Officer of the Allied Military Government of Occupied Territory, all powers which I possess to appoint and remove all Italian administrative and judicial officials of the provinces and communes, and all other government and municipal functionaries, and all officers and employees of state, municipal or other public services within the Occupied Territory. The said Chief Civil Affairs Officer may nominate any officer or officers of the Allied Military Government of Occupied Territory, such officer or officers not being below the rank of Lieutenant-Colonel, to exercise the powers delegated to him under the provisions of this Order.

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

15 Army Group.

10th September, 1943.

I Harold G. Alexander, G.C.B., G.B.E., D.S.O., D.C., General, General Officer Commanding the Allied Forces in Sicily and Italy and Military Governor of the Occupied Territory Herby Authorise and Empower Prince Baron Russell of Bode, Major-General, Chief Civil Affairs Officer of the Allied Military Government of Occupied Territory, subject nevertheless to the provisions of such Proclamations and other Orders, as I have already issued or may from time to time hereafter issue,

- (a) To issue in his own name such orders and directives as may be necessary from time to time to carry out his duties as such Chief Civil Affairs Officer as aforesaid, and
- (b) To delegate the power to make such orders and directives to such officer or officers under his command as he may see fit.

And I further Authorise and Empower the said Chief Civil Affairs Officer, by Order issued in my name, to make such amendments to any Proclamations which I have already issued or may from time to time hereafter issue, as may be necessary to conform such Proclamations to Proclamations dealing with the same subject issued for other Occupied Territories.

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

25A

HEADQUARTERS ALLIED COMMISSION
#0 394
CIVIL AFFAIRS SECTION

AC/4030/1/L

5 Nov 45

SUBJECT : Pardons in Italian Courts in AMG Territory

TO : AFHE, G-5 Section

Will you please substitute the attached proforma for that included in ~~ex~~ AC/4030/1/L of 3 Nov.

FOR THE CHIEF COMMISSIONER:

E. GARR, Brig,
VP CA Section

31

Copies to: Files: AC/4092/1/L
AC/4020/L

ALLIED FORCE HEADQUARTERS
Office of the Commander-in-Chief

I, WILLIAM D. MORGAN, FCM, DSO, MC, Lieutenant General, Supreme Allied Commander Mediterranean Theatre of Operations and Military Governor of all Italian territory which is, or from time to time may become, subject to Allied Military Government, do hereby delegate to ELIJAH W. STONE, Rear Admiral, USMC, and to any Officer not below the rank of Colonel from time to time appointed by him in writing for that purpose, full power and authority to pardon persons sentenced to death by Italian Courts sitting in territory under Allied Military Government or to substitute for such sentence, such other sentence as may appear appropriate.

30

WILLIAM D. MORGAN
LIEUTENANT-GENERAL,
SUPREME ALLIED COMMANDER,
MEDITERRANEAN THEATRE.

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/1030/1/1

5 November 1945

SUBJECT : Pardons in Italian Courts in AMG Territory
TO : AFHQ, G-5 Section

1. The present procedure with regard to the review of cases tried by Italian Courts in AMG territory is for the petitions to be submitted through the usual legal channels and ultimately to this Headquarters. The power of pardoning offences in occupied Italy vests, of course, in the Supreme Commander, and on his behalf the Chief Legal Advisor has been exercising the power of review.
2. As a practical expression of co-operation it has been the practice of the CIA to submit the petitions for clemency to the Minister of Justice, who is the normal authority for dealing with similar petitions arising from territory under Italian administration. The Minister of Justice then advises the CIA as to how he would deal with that particular petition if he had jurisdiction and in practice the CIA accepts that advice and gives directions accordingly. It is recognised by the Italian Government and this Headquarters that the opinion expressed by the Minister of Justice is purely advisory and that the CIA is not bound to accept such advice.
3. With the advent of the Special Court of Assize the death sentence, which was previously for all practical purposes non-existent, was restored for offences by collaborators in North Italy and a number of petitions against sentence of death are now being received. The established procedure has far been followed and no clemency has as yet been exercised except in accordance with advice of the Minister of Justice. Sentences of death by the Italian Courts under Italian law have been carried out after an appeal has been dismissed by the Italian Courts and a subsequent petition has been "rejected" by the Minister of Justice.
4. In the case of AMG courts the Supreme Commander has restricted the power of confirming death sentences to such person as to whom he may delegate that power in writing.
5. If the Supreme Allied Commander desires to restrict the power of pardoning persons sentenced by Italian Courts by delegating the same, may the attached order please be signed. In this event it would be intended that the present procedure should continue, that being in effect the same as that which obtains in territory under Italian administration.
6. Action upon a number of petitions against the sentence of death is suspended pending decision as to the Supreme Commander's wishes upon this point.

Page - 2 -

7. May the matter please be treated as urgent as prolonged failure to carry out these sentences is likely to cause political comment in North Italy.

For the Chief Commissioner :



M. GARR, Brig.,
VP CA Section.

Incl: Order of delegation.

Copies to: Files - AC/4092/1/L

AC/4020/L

ALLIED FORCE HEADQUARTERS
Office of the Commander-in-Chief

I, WILLIAM D. MORGAN, K.C.B., D.S.O., M.C., Lieutenant-General, Supreme Allied Commander Mediterranean Theatre of Operations and Military Governor of all Italian territory which is, or from time to time may become, subject to Allied Military Government, do hereby delegate to ELLERY W. STONE, Rear Admiral, USNR, and to any officer not below the rank of Colonel from time to time appointed by him in writing for that purpose, full power and authority to pardon persons sentenced by Italian Courts in Allied Military Government territory or to commute, reduce or remit sentences imposed by such courts.

WILLIAM D. MORGAN
LIEUTENANT-GENERAL,
SUPREME ALLIED COMMANDER, 27
MEDITERRANEAN THEATRE.

Dated: November 1945

23A

I

INSTRUMENT OF DELEGATION

I, CONSTANTINE EVELYN BENSON, SENIOR CIVIL AFFAIRS OFFICER, EIGHTH ARMY AMG, HEREBY AUTHORIZE THE OFFICER FOR THE TIME BEING PERFORMING THE DUTIES OF SENIOR CIVIL AFFAIRS OFFICER, AMG 13 COMPS, TO SIGN ALL GENERAL ORDERS AND ALL OTHER LEGISLATION SUBORDINATE THEREAFTER WHICH IS TO OPERATE IN THOSE PARTS OF VENEZIA GIULIA OCCUPIED BY THE ALLIED FORCES.

IN THE FIELD, THIS 18TH DAY OF JUNE 1945.

C. Benson

Air Commodore,
Senior Civil Affairs Officer,
AMG Eighth Army.

To EEC for info
Legal for retention

Spahr

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(22)

HEADQUARTERS
ALLIED CONTROL COMMISSION
(SALERNO DETACHMENT)
LEGAL SEC-COMMISSION

AMG/1020/L

GU/Jp1

31 January 44

SUBJECT : Appointment of Military Courts

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

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

G. Upjohn
GERALD UPJOHN

25

Colonel
Chief Legal Officer

1st Indorsement. 11/2/44.

→ To: C. L. C.

1. Delegation executed. Copy of same attached.

Edwin J. Mercer
EDWIN J. MERCER, Maj. O.
SENIOR LEGAL OFFICER, AJAG, 8th ARMY



COPY.

(21)

Headquarters,
Eighth Army.

R 19220 A

To: Senior Civil Affairs Officer, Eighth Army.

I, Bernard Law Montgomery, Knight Commander of the Order of the Bath, Member of the Distinguished Service Order, General, General Officer Commanding the Eighth Army, hereby authorize and empower you to establish Allied Military Courts and to appoint members thereof, within the area of the Occupied Territory in which the Allied Military Government is functioning for the time being under your orders.

(Signed) B.L. Montgomery,
General,
General Officer Commanding Eighth Army .

Date 26-12-1945.

COPY.Headquarters,
Eighth Army.

R 19220 A

To: Senior Civil Affairs Officer, Eighth Army.

I, Bernard Law Montgomery, Knight Commander of the Order of the Bath, Member of the Distinguished Service Order, General, General Officer Commanding the Eighth Army, hereby authorize and empower you to establish Allied Military Courts and to appoint members thereof, within the area of the Occupied Territory in which the Allied Military Government is functioning for the time being under your orders.

(Signed) B.L. Montgomery,
General,
General Officer Commanding Eighth Army.

Date 20-12-1943.

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Adm Sac.

29

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
A.P.C. 394, U.S. Army

RMcC/pv
3/6129/L

1 February 1944

Subject: Delegation of powers to appoint General Military Courts, etc., by R.C.A.O.

To : Hq. A.C.C.

Inclosed is a signed copy of an instrument delegating the authority of the R.C.A.O. to appoint General Military Courts in Region III to the Lord Forester, Lieutenant Colonel, R.E.G.; delegating the power of the R.C.A.O. to consider petitions of appeal in all cases heard by Allied Military Courts in Region III where the sentence in any such case does not exceed two (2) years imprisonment or a fine of fifty thousand (50,000) lire to Riley Mc Clain, Lieutenant Colonel, J.A.G.D.; and appointing Riley Mc Clain, Lieutenant Colonel, J.A.G.D., to review all cases heard by Allied Military Courts in Region III where there has been no petition of appeal under Section 1, Article VII, Proclamation No.4, and the sentence does not exceed two (2) years imprisonment or a fine of fifty thousand (50,000) lire.

For the Regional Civil Affairs Officer:

Douglas N. Batson
DOUGLAS N. BATSON,
1st Lt., C.M.F.,
Actg Asst Adj Gen.

1 Incl - Copy of order.

	TO:	INT
ADM.		
CL.		
ST.		
STAFF		
STAFF		
COUNCIL	7512	

Copy for file 4002 ✓

HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
A.P.O. 394, U.S. Army

RMCC/pv
3/6129/L

1 February 1944

Subject: Delegation of powers to appoint General
Military Courts, etc., by R.C.A.O.

To : Hq. A.C.C.

Inclosed is a signed copy of an instrument delegating the authority of the R.C.A.O. to appoint General Military Courts in Region III to the Lord Forester, Lieutenant Colonel, R.H.G.; delegating the power of the R.C.A.O. to consider petitions of appeal in all cases heard by Allied Military Courts in Region III where the sentence in any such case does not exceed two (2) years imprisonment or a fine of fifty thousand (50,000) lire to Riley Mc Clain, Lieutenant Colonel, J.A.G.D.; and appointing Riley Mc Clain, Lieutenant Colonel, J.A.G.D., to review all cases heard by Allied Military Courts in Region III where there has been no petition of appeal under Section 1, Article VII, Proclamation No.4, and the sentence does not exceed two (2) years imprisonment or a fine of fifty thousand (50,000) lire.

21

For the Regional Civil Affairs Officer:

DOUGLAS N. BATSON,
1st Lt., C.M.F.,
Actg Asst Adj Gen.

1 Incl -

Copy of order.

I, CARL A. KRAUSE, Lieutenant Colonel, Signal Corps, Regional Civil Affairs Officer, Region III AMG, hereby delegate to THE LORD MCNESTER, Lieutenant Colonel, A.H.G., the following power, heretofore delegated to me by Maurice Stanley Lush, C.B.E., M.C., Brigadier, Deputy Chief Civil Affairs Officer, by instrument dated 14 December 1943 empowering me to further delegate said power to any officer not below the rank of lieutenant colonel:

Power to establish General Military Courts within the occupied territory subject to my jurisdiction and to appoint members thereof.

I further hereby delegate to RILEY MC CLARK, Lieutenant Colonel, J.A.G.D., Regional Chief Legal Officer, Region III AMG, the following power, heretofore delegated to me by Maurice Stanley Lush, C.B.E., M.C., Brigadier, Deputy Chief Civil Affairs Officer, by instrument dated 14 December 1943 empowering me to further delegate said power to any officer not below the rank of lieutenant colonel:

Power to consider petitions of appeal in all cases heard by Allied Military Courts in the occupied territory subject to my jurisdiction where the sentence in any such case does not exceed two (2) years imprisonment or a fine of fifty thousand (50,000) lire.

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I further hereby appoint RILEY MC CLARK, Lieutenant Colonel, J.A.G.D., Regional Chief Legal Officer, Region III AMG, under authority of Article I of Proclamation No. 14, amending Section 3, Article VII, of Proclamation No. 4, to:

Review all cases heard by Allied Military Courts in the occupied territory subject to my jurisdiction where there has been no

I further hereby delegate to RILEY MC CLAIN, Lieutenant Colonel, J.A.G.D., Regional Chief Legal Officer, Region III AMG, the following power, heretofore delegated to me by Maurice Stanley Lush, C.B.E., M.C., Brigadier, Deputy Chief Civil Affairs Officer, by instrument dated 14 December 1940 empowering me to further delegate said power to any officer not below the rank of lieutenant colonel :

Power to consider petitions of appeal in all cases heard by Allied Military Courts in the occupied territory subject to my jurisdiction where the sentence in any such case does not exceed two (2) years imprisonment or a fine of fifty thousand (50,000) lire.

20

I further hereby appoint RILEY MC CLAIN, Lieutenant Colonel, J.A.G.D., Regional Chief Legal Officer, Region III AMG, under authority of Article I of Proclamation No. 14, amending Section 3, Article VII, of Proclamation No. 4, to:

Review all cases heard by Allied Military Courts in the occupied territory subject to my jurisdiction where there has been no

1953

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petition of appeal under Section 1, Article VII,
Proclamation No. 4, and the sentence does not
exceed two (2) years imprisonment or a fine of
fifty thousand (50,000) lire.

DATED: 30 January 1944.

Carl A. Krause

CARL A. KRAUSE

Lieutenant Colonel, Signal Corps,
Regional Civil Affairs Officer, Region II

1954

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

785016

19

- 2 -

1955

785016

14 FEB 1944

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

203/CA/3
7 February 1944.

SUBJECT : Appointment of Allied Military Courts.

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

1. With reference to your letter AMG/4020/L of 31st January 1944, on receipt by me of the letter AMG/209/96 of 18th December 1943 from the Chief Legal Officer AMG., 15th Army Group, I wrote to the J.A. 5th Army Hq. asking that an order should be signed by the CG. 5th Army delegating to the S.C.A.O., AMG. 5th Army the power to appoint Allied Military Courts. I enclose a copy of this letter of even number dated 26th December 1943 together with a copy of the order therein referred to.
2. In reply to this I received an undated endorsement thereon from the J.A. upon which I wrote a minute to the S.C.A.O. This matter was again taken up with Hq. 5th Army unsuccessfully however and I received instructions from the S.C.A.O. that no further action would be taken. Copies of this endorsement and my minute are attached. The delegation has not been executed.
3. As I am of opinion that the appointment of courts should be made as simple, physically, as possible and as the 5th Army Hq. is often at some distance from AMG. Hq. 5th Army, I have asked that for the appointment of General & Superior Courts in Rome CG. 5th Army should delegate his authority within Rome City only to the City Commander, Major General Crane.

J. V. M. Shields
J.V.M. Shields,
Lt. Col.,
Senior Legal Officer.

1944, on receipt by me of the letter AMG/20/73, 1943 from the Chief Legal Officer AMG., 15th Army Group, I wrote to the J.A. 5th Army Hq. asking that an order should be signed by the CG. 5th Army delegating to the S.C.A.O., AMG. 5th Army the power to appoint Allied Military Courts. I enclose a copy of this letter of even number dated 26th December 1943 together with a copy of the order therein referred to.

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

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

J. W. Shields
Lt. Col.

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

Copy to File 203/CA/5.

forward 4002/1

1957

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

785016

HEADQUARTERS
ALLIED CENTRAL COMMISSION
(SALerno DISTRICT)
LEGAL SUB-COMMISSION
APO 3/4

4 February 1944.

Pursuant to Proclamation No. 4 of the Allied Military Government of Occupied Territory and pursuant to the powers vested in me as Military Governor of the Occupied Territory in Italy and Sicily and pursuant to Article VIII of the said Proclamation, I, HAROLD R.L.G. ALEXANDER, C.D.R., C.S.A., U.S.O., M.C., General, General Officer, Commanding, Commander in Chief, Allied Central Mediterranean Force and Military Governor of the Occupied Territory hereby delegate to WOLFE MARSH MAC FILLANE, K.P.S., D.S.O., M.C., Lieutenant General, Chief Civil Affairs Officer or to such specified officer not below the rank of Brigadier General or Brigadier to whom he may delegate such power in writing the power to confirm any sentence of death passed by an Allied Military Court in Occupied Territory in Italy and Sicily.

HAROLD R.L.G. ALEXANDER,
General
Commander in Chief,
Allied Central Mediterranean Force

17

1958

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HEADQUARTERS
ALLIED CONTROL COMMISSION
(SALERNO DETACHMENT)
LEGAL SUB-COMMISSION

AMC/4020/L

CU/jpl

31 January 44

SUBJECT : Appointment of Military Courts

TO : SIO, AMG-HQ, 5th Army
SIO, AMG-HQ, 8th Army.

By communication AMC/207/96 of 12 Dec. 43 there was sent to you a form of delegation of the power to appoint Military Courts for the signature of the Army Commander and which, if signed, would enable the SCAG to make such appointments. It would be appreciated if you would inform us whether or not the delegation has yet been executed.

GERALD UPJOHN

Colonel
Chief Legal Officer

16

1959

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

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cwk

SECRET

EQUALS ~~TOP SECRET~~ AND SECRET

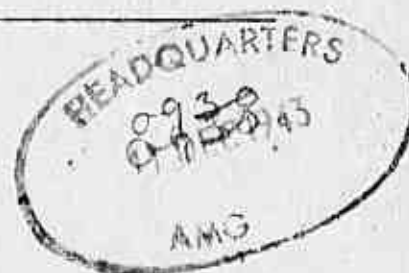
INCOMING MESSAGE

NR: 784
SECRET

ADDRESSED FOR ACTION TO: FARGO
 FOR INFORMATION TO :
 FROM : FLOTT FROM AMG
 IN REPLY REFER TO : PA 432

IBS NUMBER 3241
 TIME SENT 2091130A
 TIME REC'D 100015A
 PRECEDENCE: ROUTINE

- EDITED LITERAL TEXT -



Reference MA 816 of 8th December. Last sentence. Unless you
 advise contrary deligation to Spofford being prepared here same form as
 deligation to McSherry.

DOWN GRAD
 TO
 UNCLASSIFIED

Col. Inf.
 Chief Judicial Officer.
 for Chief of Base Officer.

(Action) 15
 (Info) Exoff (Action)
 File

SECRET

EQUALS ~~TOP SECRET~~ AND SECRET

DISTRIBUTION :

ADD (ACTION)

CO

1960

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

785016

File

14

HEADQUARTERS
ARMED MILITARY GOVERNMENT
A.M.G. 512
LSCOL AND COMMISSIONER

AMG/1025/2

21 November 1945

SUBJECT : Delegation to Brig. Gen. Rosberry

TO : Chief Legal Officer A.M.G. 15th Army Group

Thank you for the form of Delegation signed in duplicate by
Major General Lord Marshall in favor of Brig. Gen. Rosberry.

COPIED 1
For Chief Legal Officer
Hq. AMG

14

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Subj: Delegation to Brig. Gen. McSherry.

4020

H.Q., A.M.G.,
15 Army Group,
C. H. F.Chief Legal Officer,
Legal Sub-Commission,
H.Q., A.M.G.,
PAIDED.SECRET.
AMG/211/10.
16. Nov. 43.**Confidential**

Herewith form of above delegation

duly signed by the C.C.A.O., together with
duplicate copy.

2. Please acknowledge receipt.

A.16. sent 20/11/43
H.W.H. E. ROWE,
Lieut. Colonel,
Chief Legal Officer.
for Major-General,
Chief Civil Affairs Officer.

HER/JG.

Original Handed to Brig. Gen. McSherry. 20/11/43.
Duplicate Original placed in file in safe. 20/11/43.
H.W.DOWN GRADED
TO
UNCLASSIFIEDCol. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

Whereas under and by virtue of the Proclamations and Authorities of the Military Governor of the occupied territories in Italy and Sicily the powers hereinafter mentioned are now vested in me as Chief Civil Affairs Officer of the said territories.

And whereas in my absence from Headquarters of the Allied Military Government it is desirable that the said powers should, in respect of those parts of the said territories which are controlled from the said Headquarters, be exercised by or under the control of Brigadier-General Frank J. McSherry, Deputy Chief Civil Affairs Officer of the said occupied territories.

Now, therefore, I, Francis, Baron Ramell of Rodd, C.B., Major-General, Chief Civil Affairs Officer, hereby delegate to Brigadier-General Frank J. McSherry, in his capacity as Deputy Chief Civil Affairs Officer, the following powers, subject nevertheless to the provisions of the said Proclamations and Authorities of the Military Governor, namely:-

1. Power to issue in his own name such orders and directives as he may deem necessary from time to time to carry out his duties as Deputy Chief Civil Affairs Officer in my absence in those parts of the said occupied territories which are controlled by Headquarters of the Allied Military Government (as distinct from those parts of the said occupied territories which are controlled by U.S., A.M.G., 15 Army Group) and which are hereinafter referred to as "the Rear Areas".
2. Power to appoint and remove Italian administrative and judicial officials of the Province and Communes in the Rear Areas and all other government and municipal functionaries and all officers and employees of state, municipal or other public services who are in the Rear Areas.
3. Power to exercise the powers conferred on the Chief Civil Affairs Officer by Article VII of Proclamation 4 to review all cases heard by Allied Military Courts in the Rear Areas.
4. Power to delegate to any officer or officers acting under his command all or any of the powers hereinbefore delegated.
5. Power to issue all such orders and directives as he may deem necessary from time to time for the purpose of dividing the Rear Areas into Regions and for the decentralization of powers to officers appointed to control such Regions.
6. Power to make, and from time to time rescind or amend, such Orders or Regulations as he may deem requisite for the purpose of applying in the Rear Areas any Proclamations or Orders made by or with the authority of the Military Governor.

Dated this 24th day of October, 1943.

s/ Ramell

Major-General,
Chief Civil Affairs Officer.

1963

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

785016



Legal ^{33 697}

4020/2

152160A NR 703

SECRET

PRIORITY

IBS-3586

FROM : FILPOT

160820A

TO : SEAMS FOR FARGO FOR CHANLER

Confidential

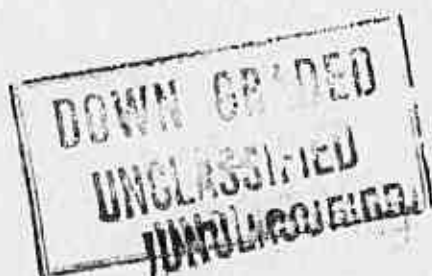
Delegation to Brigadier General McSherry signed by CCAD. Delegation dated 20th October. Form of delegation follows.

(TO SEAMS FOR FARGO FOR CHANLER FROM FILPOT FROM ANGOT CITE FA201)

DIST:

50

ACC (ACTION)



Col. Inf.
Chief Judicial Officer.
for Chief Civil Affairs Officer.

acc

Confirmation *by*

copy sent Gen McSherry



1964

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

LEGAL 10

RECEIVED AT
ISLAND BASE SECTION

697

MSG NR 703
MSG GEN NR
TO SEARS FOR FARGO FOR CHANLER

HEADQUARTERS
16 NOV 1943
AMGOT

CLASSIFICATION
TIME OF ORIGIN 152450A
TIME OF RECEIPT 160115A
TIME DECODED 160147A

Confidential

DELEGATION TO BRIGADIER GENERAL MCSHERRY SIGNED BY CHARLIE CHARLIE
ABLE OBOE PD DELEGATION DATED TWO FOUR OCTOBER PD FORM OF DELEGATION
FOLLOWS PAREN TO SEATS FOR FARGO FOR CHANLER FROM FILPOT FROM
AMGOT CITE FOX ABLE TWO ZERO FOUR PAREN PD

See by CLO
S.G. AMG
COP S
FREE OFFICER

DOWN GRADED
UNCLASSIFIED

Col. Inf.
Chief Judicial Officer,
for Chief Civil Affairs Officer.

10

SECRET

RECEIVED IN CODE

1965

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

785016

Subject: Delegation of Powers.SECRET.Headquarters,
A.M.G.O.T., *Man. HQ.*
PALERMO.
-----AL/31/2.5. Oct. 43.**Confidential**

I attach two copies of Order signed by the
G.O.C. in C., 15 Army Group, dated 4.Oct.43, for your
information and transmission of one copy to M.G.S.,
A.F.H.Q.

AMGOT,
15 Army Group,
C. H. F.
RJPT/JG.

R. J. 2
Colonel,
S. S. O.

Copy to: Lt.Col.Gerry, Angot Region 2 (together
with copy of Order for information).

DOWN GR DED
UNCLASSIFIED

QUARTER
4020
AMGOT

Col. Inf.
Chief Judicial Officer
for Chief

Learn. But
Ch. J. 2
12/28/43

I, Harold H. G. Alexander, C.O.B., C.S.I., D.S.O., M.C. ⁷

General Officer Commanding the Allied Forces in Italy, and Military Governor of the Occupied Territory in Italy, by virtue of the powers conferred upon me by the Commander in Chief of the Allied Forces, hereby and as of the date of this instrument, confer the powers and impose the responsibilities of Chief Civil Affairs Officer upon Francis, Barnet Russell of Rodi, Major-General, throughout the whole of the Compartimenti of Calabria and Lucania ~~and the whole of the Province of Reggio in the Compartimenti of Emilia~~ ^{Frank}

Given under my hand, in the Field, on this first day of October, 1943.

H.R. Alexander. General.
General Officer Commanding and
Military Governor.

1967

785016

AMGOT/4020/1.
 AMGOT HQ., SICILY
 14 October 1943

SUBJECT: Matters for attention of C.C.A.O.

TO : C.C.A.O.

1. Herewith form of Delegation to C.C.A.O. of power to review cases which it would be convenient if C.C.A.O. will sign. There is a large number of cases awaiting review and embarrassment is being caused because there is nobody present to exercise the power. If C.C.A.O. is going to be here however it will be advisable to change C.C.A.O.'s name to his in the form. Will you send a priority signal when delegation has been signed and at the same time quote the name of the person to whom it is given? The person delegated must be of the rank of not less than a full Colonel.

2. General Order No. 11 has been signed by C.C.A.O., but Major Clayton of Agriculture Division desires a new clause with regard to the amendment of Amassi laws. I enclose the signed Order together with the form of the new Order. If C.C.A.O. approves, will you please get him to cancel the old Order and sign the new one. The cancellation may be made by tearing the old order up as it has never been published. Please signal when new Order No. 11 has been signed.

H.R.
 H. E. ROWE,
 Lt. Col.,
 D. C. L. O.

Copies to:
 File 4036/1.
 4007/1.

34

Copy handed to C.C.A.O.

4020/4
5

In pursuance of Sec. 3 of Article VII of Proclamation No. 4,
I, Francis, Marvin Barnell of Rodd, Major General, Chief Civil Affairs
Officer, hereby delegate to Colonel Charles M. Spofford the power to re-
view the records of trials by Allied Military Courts in the occupied ter-
ritory of Italy and to exercise all the powers of a reviewing officer,
including the consideration of appeals in connection therewith.

Dated:

1943.

Major General,
Chief Civil Affairs Officer.

6

COPY.

I, Harold R.L.G.Alexander, G.C.B., C.S.I., D.S.O., M.C.,
General Officer Commanding the Allied Forces in Italy, and
Military Governor of the Occupied Territory in Italy, by virtue
of the powers conferred upon me by the Commander in Chief of the
Allied Forces, hereby and as of the date of this instrument,
confer the powers and impose the responsibilities of Chief Civil
Affairs Officer upon Francis, Baron Rennell of Rodd, Major-General,
throughout the whole of the Compartimenti of Calabria and Lucania.

Given under my hand, in the Field, on this Fourth day
of October, 1943.

H.R.ALEXANDER, General,
General Officer Commanding and
Military Governor.

5

SUBJECT: Delegation of Power from G.O.C.

ADCE/480/L.

AMGOT H.Q.,
SICILY.

7th September, 1943.

To: G.O.C.A.C.

I annex the two proposed orders for the signature of the G.O.C. 15 Army Group, delegating certain powers to you. I believe it important to have them signed for the following reasons:-

(a) The first order delegates the power to appoint and remove administrative and judicial officials and other government functionaries, employees etc. There are many officials who were previously appointed directly from Rome. I have no doubt of the Military Governor's power to exercise such powers but I doubt whether you could properly exercise these powers without a specific delegation.

(b) The second proposed order covers two questions: First it gives you a somewhat broader power of issuing orders and directives than that now contained in Proclamation No. 4, Article II, which is limited to such orders as may be necessary to carry out the purposes of the proclamation. Secondly it authorises you to issue orders in the name of the Military Governor making such amendments in Proclamations previously issued by him as may be necessary to conform them to other proclamations on the same subject issued for other theatres of operations. The purpose of this is to enable us by Order to make two or three of the procedural amendments to Proclamations Nos. 2 and 4 which we put in for Italy and which would be very helpful in Sicily. They have in fact been requested

to exercise such powers but I doubt whether you could properly exercise those powers without a specific delegation.

(b) The second proposed order covers two questions: First it gives you a somewhat broader power of issuing orders and directives than that now contained in Proclamation No. 4, Article IX, which is limited to such orders as may be necessary to carry out the purposes of the proclamation. Secondly it authorizes you to issue orders in the name of the Military Governor making such amendments in Proclamations previously issued by him as may be necessary to conform them to other proclamations on the same subject issued for other theatres of operations. The purpose of this is to enable us by Order to make two or three of the procedural amendments to Proclamations Nos. 2 and 4 which we put in for Italy and which would be very helpful in Sicily. They have in fact been requested by many legal officers.

Wm. C. CHAMBERLAIN, Lt. Col. (A. U. S.)
Chief Legal Officer.

P/A 15/4

1972