

ACC

10000/142/458

10000/142/458

LIQUIDATION OF ALLIED COMMISSION
DEC. 1946 - JAN. 1947

MINUTE No. 2

To: Chief Legal Adviser

17th January 1947

I have discussed this with the Chief Commissioner and a brief letter on the lines of the enclosed draft will, I think, meet the case. Will you discuss with Lt. Colonel Ross and let me have your comments on the draft.

MC

M. CARR, Brigadier,
Executive Commissioner.

Minute No 3.

To: Exec Com.

draft of letter has been noted.

Seen by Col Ross.

Written

Colonel. Def. Office

C. L. A.

4.

Legal Div.

Please verify for CC signature, is

I have signed an amendment

to para 4, because bedouin know yet

that AFHQ will approve on proposal

for a statement - D. 17-11

noted.
Seen by Col Ross.
M. J. J. 24/1
M. J. J. 24/1
Colonel, Maj. J. M. J. 24/1
C. L. A.

4.

Legal Div.

Please have typed for CC's signature, is
I have signed & asked an amendment
to para 4, because we do not know yet
that they will approve our proposal
for a strength of 15 Officers.
M. J. J. 24/1
24/1/47.

5.

Ex Co, Letter enclosed.

24/1/47

M. J. J. 24/1
Colonel, Maj. J. M. J. 24/1
C. L. A.

MEMO TO THE CHIEF COMMISSIONER:

1. Some weeks ago, announcement was made that "S" Day would occur on 10 February 1947. While it was intimated that "R" Day would thereafter follow, it was apparent that within the realm of possibility "S" Day and "R" Day might both fall on 10 February 1947.

2. Unlike other Branches, the activities of the Legal Division concern themselves with the administration of the law, rather than its operative effect. Under International Law, with the coming of the Peace, the exercise of powers under Occupational Law comes to a natural end. By delegation from the Military Governor, the Legal Division administers much of the penal portion thereof. Any needful exercise of the powers incident thereto must be accomplished on or before "R" Day ere they lapse by operation of law. In order to be prepared for possible eventualities, it was determined by the Legal Division that 10 February 1947 should be fixed as "R" Day insofar as the exercise of powers in the administration of Occupational Law were concerned, and more particularly for our liquidation activities. Like other Branches, the Legal Division is not immune from redeployment, sickness, leaves of absence, furloughs, and participation in Special Service tours. Because of these reasons and of the increase in pace involved in fixing 10 February 1947 as our target date, it was decided to use the services of personnel who might be available to the Legal Division. These were sought without pressure.

3. Additional personnel have been secured. The net increase in the past month, and particularly in the past ten days, was two officers, and two enlisted men, and a War Department civilian stenographer. A loss by re-deployment of one enlisted man may occur this month. Presumably the increase of personnel above described has caused or contributed to cause the concern which is reflected in the letter of 6 January 1947 (see Flag A).

4. The task of reviewing outstanding sentences has come to its natural end. First to be reviewed were sentences of two years and more. When this chore was finished the less than two year sentences were reviewed. In an estimated fifty cases, recommendations of the Review Board have yet to be passed on by me as Chief Judicial Officer. My duties as Chief Legal Adviser are substantial. In dis-

EC.
Do see me
14/11 Jus cc

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5. Reviewed, but on which no decision has been rendered, are the sentences of approximately thirty-five defendants now serving time in felon prisons for spy and espionage offenses. Treating these cases as a single problem, two officers are now preparing recommendations on each accused for such action, if any, as higher authority may care to take. These war-treason cases have no counterpart in domestic criminal law.

6. Sentences imposed in Venezia Giulia and Udine were not considered by the Review Board. Functioning actively at present, it would have been unwise to relax the deterrent effect which these sentences carry in the current administration of this area. Colonel

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Carnes is in Trieste canvassing the situation. I have prepared and submitted to the Chief Commissioner a solution of this problem which is not necessarily the solution. I will be guided by the desires of higher authority.

7. It is safe to say that in the initial phases of Occupational Government, little or no thought was given to the problems to be encountered in the liquidation of the Legal Division. In most instances no method entitled to be elevated to the dignity of a system was followed by regions in keeping and preserving case records. The one outstanding exception is the Tuscany records, for which I proudly claim the authorship. When territory was returned to Italy, it was conditioned on recognition of acts done by the Allies during occupation. Presumably under such condition, convictions by Allied Courts must be recognized by the Italians. Under Italian law, a conviction by a court has many consequences after a sentence has been served. Hence case records will be important after occupation has ceased. In its functions, the Review Board was obliged to call up from Archives records of trial on sentences being reviewed. With the authorization to the Italian Government of conditional liberty to be granted in convictions by Allied Courts, information upon which such power might be exercised by the Italian Government had to be gained from records in Archives. It is not exaggeration to say that until recently luck and dogged resolution alone enabled Archives to find a sought-for record. This incredible situation was in need of permanent remedy. This problem was an inherited heartache for Archives. By agreement Archives undertook the task of bringing these records under orderly control, on condition that the Legal Division supervise the task. An officer was loaned for this purpose. When the work was substantially underway and more than 30,000 cases had been processed, this officer was released from this duty and transferred out of the Legal Division. The work continues on under our supervision, being absorbed into our daily routine. If we were relieved of this activity, Archives would lose needed advisory assistance, and the Legal Division would gain time for relaxation. It is considered that voluntary abandonment for such reasons is unworthy of us. Naturally we will do so if ordered. In passing, may I say with emphasis that Archives has done and is doing an impressive job in this behalf.

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- 3 -

9. When this Division more than a year ago foresaw the need for a liquidation program and on its own initiation put in motion much that is now accomplished, it was decided that each activity should be a separate and severable one. By this plan, the completion of one activity was not a condition precedent to the completion of another before any benefits would flow from either. Nor was it necessary to complete any one activity before any benefit would be realized therefrom. For example, the prison check was not conditioned on completion of the Review of cases. In like manner, the result in the review of one case was not made contingent on the completion of the review of all cases.

By reason of this plan, progressively each day sees something done rather than a near approach to getting something done. As action of some kind on what we are doing ultimately must be taken by someone, as long as the Legal Division is operative and such functions primarily are its problem children, it has elected to perform to the utmost the discharge of its military and professional obligations. When it is borne in mind that its powers in this behalf in any event will come to a natural end on "Q" Day, and by operation of law, apprehension concerning its activities might well be reduced to the vanishing point. It follows that our present efforts at liquidation are being directed with emphasis towards the prison check and the wind-up of cases involved therein. The elimination of the spy and espionage cases alone would greatly reduce the burden of correspondence not only of the Legal Division but of others as well. It is not unusual for the family of an accused periodically to write a number of letters to outside sources, such as the Vatican, the King of England, the President of the United States, members of Congress, and the Theatre Commander. These letters require reply. If those cases could be removed from our concern, much quasi non-essential work could be eliminated. Likewise, the servicing of Allied cases by the Legal Division progressively removes case after case from the realm of Allied concern to that of Italian concern. It follows, therefore, that speed and pressure on our part find reward in diminishing irritable concerns. It further serves to ensure the early hoped-for return to civil life to which voluntarily we stand committed.

26

10. The Legal Division does not promise to achieve completion of all of its work. Progress in the prison check is dependent upon the speed and assistance given by the Italian Government in those activities under the control of the Italian Government. Inasmuch as what we do inures to its benefit, the Italian Ministry has been and is pushing its agencies to the utmost. Thus far the response has been substantial. One other activity remains to be mentioned. The Italian Government has expressed concern on the matter of our records being available for informative

1953

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FILE

ALL OFFICERS
INITIAL

14A

ALCOM SITE ASSOC FROM ADMIRAL STONE

0015 FEB 1

- (1) AFHQ FOR G-5 (2) GHQ (3) MTOUSA (4) RAAC
(5) AMG UDINE (6) AMG VENEZIA GIULIA

6216

UNCLASSIFIED

2359 - 31 Jan 47

UNCLASSIFIED PD

ALLIED COMMISSION CLOSED WITH EFFECT FROM TWO THREE FIVE NINE HOURS THREE
ONE JANUARY FOUR SEVEN PD ITALIAN MILITARY AFFAIRS SECTION BRACKET ITEM
MIKE ABLE SUGAR BRACKET OF AFHQ AND LIAISON AND CIVIL AFFAIRS BRANCH
BRACKET LOVE ABLE CHARLIE ABLE BAKER BRACKET OF GEORGE FIVE SECTION AFHQ
OPENED SAME TIME AT HEADQUARTERS PREVIOUSLY OCCUPIED BY ALCOM

DISTRIBUTION:

DP & R. Div.
PUBLIC SAFETY
LEGAL DIVISION
ECONOMIC DIVISION
COMMUNICATIONS DIV
ARCHIVES DIVISION
EX.O A.
EX.O B.

[IMAS]
[LACAB] G-5



PRIORITY
EXECUTIVE COMMISSIONER

ALAN W. KNISELY
Capt.

371

1954

785016

13A

AC/4087/3/L

31 January 1947

SUBJECT : Post Treaty AC/AMG Commitments

TO : Allied Force Headquarters,
Attention G-5 Section.

1. Reference is made to your G-5:91P.13-3 P/S(TS) of 8 January 47, the contents of which have been noted.

2. The work presently performed by the Legal Division consists of the following:

- a. Review of current AMG cases
- b. Decisions on cases considered by the Review Board
- c. Renditions of legal opinions on issues of international and Italian law
- d. Italian Court administration in occupied territory
- e. Prison check on untried, unsentenced or illegally imprisoned persons detained under colour of Allied authority
- f. Action on appeals and representations

3. Cases involving approximately thirty-five defendants undergoing imprisonment for spy and espionage are being dealt with in a separate report being prepared for the Supreme Allied Commander for whatever action he may care to take in the exercise of the pardon power.

4. It is difficult to forecast when functions occasioned by liquidation may be completed. The prison check has revealed many cases in need of individual investigation. Speed in the attainment of results is contingent on the cooperation of Italian governmental agencies. Review has not yet been undertaken on Venezia Giulia deterrent sentences. The program of review of other cases has been completed.

ML
/s/ ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

1953

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

785016

4057/3

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

JAN 30 1947
Legal Div:
12A 1947

G-5: 900-29 R(TS)
~~910.13-3 P/C (TS)~~

27 January 1947

SUBJECT: Post-War Treaty Liquidation AG/AMG Commitments.

TO : Chief Commissioner,
Allied Commission,
APO 794.

Reference this Headquarters' letter, G-5: 910.13-3
P/C (TS) of 6 January 1947.

May we have an early reply to the above-referenced
letter, please.

BY COMMAND OF GENERAL MORGAN:

W. J. Brown
Lt. Col. Inf.

For A. L. HARRIS
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

4 23

Action
Legal Div:

4079/1

Ans'd: 31 Jan 1947

LEGAL SUP - COMMISSION	
CJO - G-5	
DC - G	
CHIEF - G-5	
ITALY - G-5	
Recd	30 JAN 1947

1956

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

785016

4049/1
4057/3

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

4772
Legal 1/17

G-5: 910.13-3 P/S (TS)

6 January 1947

SUBJECT: Post-Peace Treaty Liquidation AC/AMG Commitments.

TO : Chief Commissioner,
Allied Commission,
APO 794.

1. By letter, Clemency for Prisoners, file AC/4079/1/L dated 4 April 1946, you estimated that the review of legal cases would be completed by June 1946. Information is desired as to the work now being performed by the Legal Branch and when such work will, except for review of current cases from AMG Territory, ~~will~~ be finished. It should be stressed that no work except that which is essential should be undertaken by any Branch and that non-essential work, even though desirable, should be abandoned as soon as practicable. A period of ruthless tearing down must be initiated. Bearing in mind that there exists a natural tendency for Branches to perpetuate themselves, and find all manner of reasons for so doing, little progress in closing out can be made without strong pressure by those at the top.

BY COMMAND OF GENERAL MORGAN:



A.L. HAMBLIN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

22

LEGAL SUB - COMMISSION	
GIO-GIA	
PROB	
CHIEF COUNSEL	
LEGAL SECTION	
Recd 10 JAN 1947	

4057/3

HEADQUARTERS ALLIED COMMISSION

AFO 794

ARCHIVES DIVISION

Ref. : 15/AB.

EXECUTIVE MEMORANDUM }

NUMBER 11. }

29 January 1947

DISPOSITION OF ALLIED COMMISSION RECORDS

1. In order that the safe custody and closing of all files of the Allied Commission shall be assured, the following procedure will be adopted by Sub-Commissions and Divisions of this Headquarters.

POLICY
ALLIED
COMMISSION
RECORDS.

(a) Instructions will be issued within each office that on no account will action be continued within the present files after the official date of closure of A.C.

CLOSING
OF ALL
A.C. FILES.

(b) All files will be closed in accordance with para. 7 Exec. Memo No. 7 dated 5 Jan. 46 (copy herewith) and the date of the commencement and closing of the file clearly marked in ink upon the cover.

NEW
PROCEDURE.

(c) Fresh files will be opened in accordance with Directives to be issued shortly. Files will only be opened as required for new subjects or for matters on which continued action is necessary. The number of the files will be kept to a minimum.

A.C. FILES
ON LOAN.

(d) Under Ex.L.M. No. 7, para. 8, ALCOM files may be retained for reference within the new administrative for a period not exceeding three months (unless by special arrangement with Archives Division). 21

A Record of these loaned files will be forwarded by the Records Officer concerned, to Archives Division. This record will be receipted by the person borrowing the files and the responsibility for their return on the stated date will be accepted by Archives Division.

STORAGE.

(e) All files not required by the Branch will be sent to the "R" (Receiving) Section of Archives as soon as possible under the

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STORAGE. (e) All files not required by the Branch will be sent to the "B" (Receiving) Section of Archives as soon as possible under the arrangement of the Receiving Officer.

It should be clearly understood by Directors and Officers in charge of Sub-Commissions that the final disposition of their records is of extreme importance and that such disposal is the responsibility of the Records Officers delegated by them for that purpose.

FOR THE CHIEF COMMISSIONER

Brigadier,
Executive Commissioner.

Distribution.

List "A"

25 Copies Archives Division.



9A

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4057/3

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19

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10. The Legal Division does not promise to achieve completion of all of its work. Progress in the prison check is dependent upon the speed and assistance given by the Italian Government in those activities under the control of the Italian Government. Inasmuch as what we do inures to its benefit, the Italian Ministry has been and is pushing its agencies to the utmost. Thus far the response has been substantial. One other activity remains to be mentioned. The Italian Government has expressed concern on the matter of our records being available for informative

- 3 -

9. When this Division more than a year ago foresaw the need for a liquidation program and on its own initiation put in motion much that is now accomplished, it was decided that each activity should be a separate and severable one. By this plan, the completion of one activity was not a condition precedent to the completion of another before any benefits would flow from either. Nor was it necessary to complete any one activity before any benefit would be realized therefrom. For example, the prison check was not conditioned on completion of the Review of cases. In like manner, the result in the review of one case was not made contingent on the completion of the review of all cases. By reason of this plan, progressively each day sees something done rather than a near approach to getting something done. As action of some kind on what we are doing ultimately must be taken by someone, as long as the Legal Division is operative and such functions primarily are its problem children, it has elected to perform to the utmost the discharge of its military and professional obligations. When it is borne in mind that its powers in this behalf in any event will come to a natural end on "V" Day, and by operation of law, apprehension concerning its activities might well be reduced to the vanishing point. It follows that our present efforts at liquidation are being directed with emphasis towards the prison check and the wind-up of cases involved therein. The elimination of the spy and espionage cases alone would greatly reduce the burden of correspondence not only of the Legal Division but of others as well. It is not unusual for the family of an accused periodically to write a number of letters to outside sources, such as the Vatican, the King of England, the President of the United States, members of Congress, and the Theatre Commander. These letters require reply. If those cases could be removed from our concern, such quasi non-essential work could be eliminated. Likewise, the servicing of Allied cases by the Legal Division progressively removes case after case from the realm of Allied concern to that of Italian concern. It follows, therefore, that speed and pressure on our part find reward in diminishing irritable concerns. It further serves to ensure the early hoped-for return to civil life to which voluntarily we stand committed.

10. The Legal Division does not promise to achieve completion of all of its work. Progress in the prison check is dependent upon the speed and assistance given by the Italian Government in those activities under the control of the Italian Government. Inasmuch as what we do inures to its benefit, the Italian Ministry has been and is pushing its agencies to the utmost. Thus far the response has been substantial. One other activity remains to be mentioned. The Italian Government has expressed concern as to the matter of our records being available for informative

its powers in this behalf in any event will be reduced to a minimum. Day, and by operation of law, apprehension concerning its activities might well be reduced to the vanishing point. It follows that our present efforts at liquidation are being directed with emphasis towards the prison check and the wind-up of cases involved therein. The elimination of the spy and espionage cases alone would greatly reduce the burden of correspondence not only of the Legal Division but of others as well. It is not unusual for the family of an accused periodically to write a number of letters to outside sources, such as the Vatican, the King of England, the President of the United States, members of Congress, and the Theatre Commander. These letters require reply. If those cases could be removed from our concern, much quasi non-essential work could be eliminated. Likewise, the servicing of Allied cases by the Legal Division progressively removes case after case from the realm of Allied concern to that of Italian concern. It follows, therefore, that speed and pressure on our part find reward in diminishing irritable concerns. It further serves to ensure the early hoped-for return to civil life to which voluntarily we stand committed.

10. The Legal Division does not promise to achieve completion of all of its work. Progress in the prison check is dependent upon the speed and assistance given by the Italian Government in those activities under the control of the Italian Government. Inasmuch as what we do inures to its benefit, the Italian Ministry has been and is pushing its agencies to the utmost. Thus far the response has been substantial. One other activity remains to be mentioned. The Italian Government has expressed concern on the matter of our records being available for informative purposes after the cessation of the Occupation. A number of conferences have been had by the Ministry and this Division. We believe that a request is being formulated by the Italian Government and shortly will be submitted for consideration to those empowered to deal therewith. We recognize this matter is one of post-war concern. Our interest is bottomed on liaison with the Ministry of Justice, and not in the solution. About all that is left for us to do is to transmit the request, if any is made, to higher authority.

11. Should the Allied Commission be abolished at any time before Day, the powers now exercised by the Legal Division can be delegated by the Military Governor to whomever he may designate.

JOHN K. WEER
Colonel, Infantry
Chief Legal Adviser

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HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

8A
FILE

Ref: 2622/31/EC

10 January 1947.

SUBJECT: Liquidation of AO/AMG Functions

TO : Director, Legal Division.
Public Safety Division.
Communications Division.
Economic Division.

In accordance with Serial No. 1 of the Recommendations made by the Allied Commission Liquidation Committee set up by Executive Order No. 39, no further monthly report will be published by this Commission. A monthly report is therefore no longer required from your Division.

BY COMMAND OF REAR ADMIRAL STONE:

Alant Kinsely
Brigadier.
Executive Commissioner.

Copy to: CC

17

LEGAL SUB - COMMISSION

SJO - CIA

DGLD

CHIEF COUNSEL

ITALIAN SECTION

Recd

11 JAN 1947

1967

785016

405-1/3
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Ref: 2622/30/EC

10 January, 1947

SUBJECT: Liquidation of AC/AME Functions.

TO : Chief Commissioner
 Polad A
 " B
 Director Econ. Div.
 Financial Advisor
 Director Legal Div.
 Ex. O.A.
 Ex. O.B.

411

Enclosed for your information is a copy of A.P.H.Q. letter No. G-5: 910.13-3P(TS) dated 3 January 1947, in reply to this Commission's letter No. 2622/16/EC dated 23 December 1946 on this subject.

All instructions for the putting into effect of the agreed recommendations will be issued by this office.

BY COMMAND OF REAR ADMIRAL STONE:

Wanda Kravich
 Brigadier,
 Executive Commissioner.

16

LEGAL SUB - COMMISSION	
610-61A	
6010	
CHIEF COUNSEL	
ITALIAN SECTION	
Recd	10 JAN 1947

COPY

6A

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 910.13-3P(13)

3 January 1947

SUBJECT: Liquidation of AG/AFM Functions.

TO : Chief Commissioner,
Allied Commission,
APO n. 794

1. Reference your 2622/16/BI of 23 December. It is desired that you take all possible steps to dispose of any GFM matters without delay, and eliminate the Branch forthwith.

2. It is regretted that you have not listed the executive functions of the Allied Commission (less service Sub-Commissions), which you visualise should be taken over by the permanent Civil Authority. Without a list of such functions, it will not be possible to obtain the directions of higher authority as to their disposal. It is accordingly desired that you furnish such a list as a matter of urgency, specifying the scope and estimated duration of each function, together with your recommendations as to its disposal.

3. Reference your Schedule No.1:

Serial 1. Agreed.

Serial 2. Agreed.

3 15

Serial 3. Not agreed. The Bulletin should cease publication without delay and the political summary, if required, should be published as a mimeograph sheet. The AGI should be approached with a view to eliminating this report, as all the information is otherwise available to the AGI.

Serial 4. Agreed. It is believed that other branches can equally well be consolidated into the Records Division to economize on overhead. Possibly a change in name of the Records Division to that of Liquidating Branch or Liaison Branch might be in order.

Serial 5. Agreed. The policy of ceasing to call for reports is fully endorsed. It is possible that reports are being called for by other Branches because of orders from higher authorities. These should be carefully investigated and recommendations submitted to change the orders. Similarly all reports now being submitted by ALOM should be scrutinized with a view to early elimination.

-2-

Serial 6. Agreed.

Serial 7. Agreed.

Serial 8. This is not considered an Allied function and should not be continued. Is it practicable for British personnel to be transferred from ALOM to the Embassy to remove this British function.

Serial 9. Agreed.

Serial 10. Believe that this function should cease forthwith as an Allied function.

Serial 11. Agreed.

4. It is believed that time will be saved and that there will be no loss of efficiency if the Food and AMB Supply Branch is transferred to AFHQ. Your views are desired.

BY COMMAND OF GENERAL MORGAN:

sgt. A.L. HAMILTON
Colonel, G.S.G.
Assistant Chief of Staff, G-5

1970

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5B

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 910.13-3 P/S (TS)

6 January 1947

SUBJECT: Post-Peace Treaty Liquidation AC/AMG Commitments.

TO : Chief Commissioner,
Allied Commission,
APO 794.

1. By letter, Clemency for Prisoners, file AC/4079/1/L dated 4 April 1946, you estimated that the review of legal cases would be completed by June 1946. Information is desired as to the work now being performed by the Legal Branch and when such work will, except for review of current cases from AMG Territory, ~~will~~ be finished. It should be stressed that no work except that which is essential should be undertaken by any Branch and that non-essential work, even though desirable, should be abandoned as soon as practicable. A period of ruthless tearing down must be initiated. Bearing in mind that there exists a natural tendency for Branches to perpetuate themselves, and find all manner of reasons for so doing, little progress in closing out can be made without strong pressure by those at the top.

BY COMMAND OF GENERAL MORGAN:

1 13

A.L. HAMBLIN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

1971

4054/3

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

5A
FILE

3 January 1947.

Legal Division.

The attached is forwarded for your information and retention.

LEGAL SUB - COMMISSION

WFO-GIA

WFO-G

CHIEF COUNSEL

ITALIAN SECTION

REC'D 4 JAN 1947

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 902. 20

23 December 1946

SUBJECT: Handback of Territory

TO : Chief Commissioner,
Allied Commission,
APO 794.

1. Letter of the Executive Commissioner dated 16 December, file 3/DO/EC concerning handover documents in respect of AMG territory refers.

2. The questions raised in the enclosure to the above noted letter have not been resolved. There is grave doubt as to whether any handover documents are proper or legal. The handover of documents in previous cases where territory was released from AMG control were imposed upon the Italian Government as a condition of turn back. So far as is known no such undertaking is referred to or authorized by the Peace Treaty. The Italians may well refuse to sign such an undertaking, and their failure to do so does not preclude the territory from returning to Italian control.

3. Unless therefore the Italian Government undertakes voluntarily to legalize the actions of our military government they become non-effective upon the ratification of the Peace Treaty. The same situation exists with respect of territory transferred to France, to Yugoslavia and to Trieste Free State. It is the present view that no signatures, or acts by us are necessary to give each of these countries their rights, nor are they bound to do any acts or sign any documents which we may present to them. They receive their titles direct from the Peace Treaty.

4. One of the particular problems which arises hereby is the status of those sentenced by AMG courts and who now are in confinement in various areas. No guidance has been received from higher authority on this or similar civil affairs matters. As soon as the reports showing problems involved are received from the various civil affairs agencies recommendations will be made and guidance sought from such authorities.

5. As this problem is only one of many, it is undesirable to treat it as a separate issue. You are, however, free to express further views if you so wish.

BY COMMAND OF GENERAL MORGAN:

A.L. HAMMEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

HEADQUARTERS ALLIED COMMISSION
APO 794
Office of the Chief Commissioner

LEGAL
4A

4057
Ref: 2622/16/EO

8 December 1946.

SUBJECT: Liquidation of AO/AME Functions

TO : ALLIED FORCE HEADQUARTERS,

Attention: G-5 Section.



1. Reference is made to your G-5: 910.13-3P of 5 December 1946.
2. A Co-ordinating Committee to make recommendations in regard to the liquidation of the functions of this Commission has been set up under Executive Order No. 39 of 13 December 1946, copy of which is enclosed.
3. (a) Taking the officer strength of the Commission as a gauge of its present activities there are now at Headquarters a total of 152 Officers (61 (A) and 91 (B)).
(b) Of this total, 72 officers are with the Service Subcommissions. Separate plans are being submitted for the run down of the Land Forces Subcommission (LMIA) (with a strength at Headquarters of 40 Officers), in accordance with your G-5:910.13-3P of 9 December 1946. As regards the Navy and Air Forces Subcommissions, pending decisions from higher authority, I am unable at this stage to make any recommendations as to any advance reduction in their personnel or functions, although they will of course cease to function as such on "R" Day.
(c) As regards the remaining total of 80 Officers, 10 are with Displaced Persons Division (which Division has also 24 Officers in the field) and 6 are with Archives Division, the functions of which are not considered in this letter. This leaves a balance of 64 Officers engaged on various activities which have been considered in regard to preliminary action with a view to facilitating the closing down of this Commission.
4. I do not consider it practicable to draw up at this stage a phased plan for the liquidation of all functions presently carried out by this Commission or for the run down of its Divisions. All existing Divisions will have functions to perform up to "R" Day especially in view of the continuance of Allied Military Government up to that day.

All Divisions have been directed to bring all outstanding matters to a conclusion, as early as possible, and are processing their records in preparation for their eventual transfer to Archives.

- 2 -

As a first step I am enclosing a schedule containing recommendations in regard to the termination of certain functions or their transfer to permanent civil authorities.

These and other functions will be kept under constant review with the object of making fresh recommendations to hasten procedure as regards the run down of this Commission.

5. Consideration is being given to the special problems set out in the Annexure to your letter under reference and also to others of a similar nature. Special action is also being taken with GHQ in regard to disposing of the outstanding functions of the Captured Enemy Materials Division and copies of all correspondence on this question will be sent to your Headquarters.

6. I recommend that consideration should be given to the establishment in due course of an office in Rome under your Headquarters which will be responsible for the final disposal during the 90 day period (perhaps even longer) of personnel, stores, equipment and any outstanding matters connected with the Commission and other agencies such as AFA and ASAA. Moreover there will be the question of a channel of communication between the Italian and Allied authorities in matters of detail such as when Allied military absences are found in territory not covered by any Allied military headquarters. In discussing with permanent civil authorities the matter of taking over functions, which in most cases are executive, such authorities are reluctant to agree or to give decisions owing to uncertainty as to securing the necessary staff which in many cases they hope to obtain from the Allied Commission after the termination of its functions. The question of appropriations also concerns the American Embassy in particular.

In view of the reluctance or refusal of these authorities to take over certain responsibilities (in particular see ASAA liquidation plan) it may be that it will be necessary for the office proposed above to continue to operate after the termination of the 90 day period. Approach would have to be made to the Italian Government seeking approval of such operation since even if this office were civilian in character the question of immunity for its personnel would arise. I do not anticipate that the Italian Government would raise any objections to such a proposal but the continued administration and maintenance of such an office might well have complications without the Government's concurrence.

7. I would appreciate your views on the matter raised in para 6 above and at an early date your comments on or approval of the recommendations contained in the schedule enclosed.

Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to: Polad (A)
Polad (B)
AFA
ASAA
Sec. Div.
LFSO.

1975

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

785016

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Serial No.	Subject or Organisation	Sub-Commission or Division affected	Recommendation
1.	A.C. Monthly Report	All Subcommissions and Divisions	The report for now in course of action should be
2.	Daily Digest of Rome Press prepared at this HQ with a daily circulation of 160 copies.	Public Relations Office	To be discontinued 31 January 1947.
3.	A.C. Weekly Bulletin	Public Relations Office and, to a lesser degree, all Subcommissions and Divisions.	To be continued "R" Day.
4.	Transportation Sub-Division.	Transportation Sub-Division and Economic Division.	To close w.e. 1947.
5.	Italian Public Safety Reports un-connected with Allied interests.	Public Safety Division.	That the Italian critics should be rendered with.

1976

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

785016

STANDARD NO. 1.

Sub-Commission or Division affected	Recommendation	Remarks
All Subcommissions and Divisions	The report for November now in course of preparation should be the last.	November report will be ready for issue about 15 Jan 1947. AMG reports from UDINE and VENEZIA GIULIA will be available for higher authority if required.
Public Relations Office	To be discontinued w.e.f. 31 January 1947.	After this date the daily digest issued by the British Embassy will only be available.
Public Relations Office and, to a lesser degree, all Subcommissions and Divisions.	To be continued until "R" Day.	The political summary in this Bulletin takes the place of the Chief Commissioners former political reports to the A.C.I.
Transportation Sub-Division and Economic Division.	To close w.e.f. 31 Jan 1947.	Remaining commitments if any to be undertaken within Economic Div.
Public Safety Division.	That the Italian authorities should cease rendering reports forthwith.	

- 2 -

2

Serial No.	Subject or Organisation	Subcommission or Division affected	Rec
6.	Permission to visit or re-enter ex-Italian colonies or territories presently under BMA including head for head exchanges.	Displaced Persons Division	To be British Jan 19
7.	Trade between Italy and ex-Italian colonies or territories under BMA.	Economic Division	To be British as probable
8.	Legal questions pertaining to ex-Italian colonies or territories under BMA such as amnesty concerning Italian civilians now serving sentences pronounced by Italian courts under Italian law, parastatal agencies, petrol rights in LZMA, Lloyd Triestino Shipping, etc.	Legal Division	To be British ore R
9.	Requisitioned Premises	Economic Division.	A.C. with milit consi ation ian a Gover

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- 2 -

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	Subcommittee or Division affected	Recommendation	Remarks
or re- onics tly head	Displaced Persons Division	To be handed over to the British Embassy w.e.f. 1 Jan 1947.	The British Embassy have been consulted and agree.
and ex- territ-	Economic Division	To be handed over to the British Embassy as early as possible in Jan 47 probably about 15 Jan 47.	The British Embassy have been consulted and agree.
aining as or such Ital- wing by Italian cies, A, Lloyd etc.	Legal Division	To be handed over to the British Embassy not before R-14 Day.	The British Embassy state that lack of qualified staff preclude earlier action. British Embassy has matter under consideration with Foreign Office.
es	Economic Division.	A.C. should cease forthwith forwarding to the military authorities for consideration representations made by the Italian authorities except on Government level.	

- 3 -

Serial No.	Subject or Organisation	Subcommission or Division affected	Recommendation
10.	Handover of all Submarine Cables and information regarding them.	Communications Division.	Responsibility to be taken over on "R" Day by the American and British Embassies to be dealt with by these Embassies, as their interests lie, and by the Italian Government.
11.	Maintenance of telephone and telegraphic communications for the Allied Forces.	Communications Division.	To be dealt with as at present by the Communications Division and Liaison Officers provided by AFHQ until "R" Day when responsibility will pass to special office recommended under para 6 of covering letter

1980

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

785016

- 3 -

6

Commission or Division affected	Recommendation	Remarks
Communications Division.	Responsibility to be taken over on "R" Day by the American and British Embassies to be dealt with by these Embassies, as their interests lie, and by the Italian Government.	Question to be raised with the Embassies concerned.
Communications Division.	To be dealt with as at present by the Communications Division and Liaison Officers provided by AFHQ until "R" Day when responsibility will pass to special office recommended under para 6 of covering letter.	

4057/3
Ref: 2623/1/EC

HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

INTER OFFICE MEMORANDUM.

TO: Director,
Legal Division.

14th December 1946

3A

1. In connection with the Peace Treaty, very early consideration should be given to the question of the necessary handover documents in respect of AMG territory.

2. There would appear to be four territories involved:-

- (a) Udine Province
- (b) that part of Zone "A" of Venezia Giulia which passes to Italian control.
- (c) that part of Zone "A" of Venezia Giulia which passes to Yugoslav control.

(I am not clear yet whether any small part of the N.W. corner of Udine is affected.)

- (d) that part of Venezia Giulia which passes to the control of the International State of Trieste.

It may be that there are no existing directives covering documents for (c) or (d) and that instructions will have to be sought from AFHQ.

3. The question of the actual time and date of handover, of the signing of the documents, of the notification to all AMG and Italian authorities concerned of the actual time and date, and of the circulation of the documents may present an intricate problem.

4. So far as is known at present, the date of the coming into effect of the Peace Treaty will be that on which the ratification documents of the Four Big Powers are deposited in Paris. It is not known whether such documents will be deposited by the Four Big Powers simultaneously on one agreed date, or whether the documents will be deposited independently thus making the effective date of the Treaty the date on which the last Big Power to ratify deposits its documents.

It is not known, therefore, how much advance notice (if any) there will be of the actual time and date on which the Peace Treaty comes into effect.

Atello: This file is in
locked up.

HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

5. The above is the situation as it is known to this Commission at the moment, but it must not be assumed that it is correct.

6. In view of the Civil Affairs Section no longer being in existence, it will be appreciated if your Division will be responsible for the printing of the handover documents, obtaining signatures on them and their distribution. All possible assistance will be given to your Division by my office in this matter.



M. CARR, Brigadier.
Executive Commissioner.

Copies to Polad A.
Polad B.

1983

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

785016

HEADQUARTERS ALLIED COMMISSION

A P O 794

Office of the Executive Commissioner

2A

Ref. : 2622/15/EC

16 December 1946

SUBJECT: Liquidation of A.C.

TO : Executive Commissioner
Director, Economic Division
Financial Adviser
Director, Legal Division — *haw*
Executive Officer (A)
Executive Officer (B)
C.S.O. to Executive Commissioner

Reference is made to Executive Order no. 39 dated 13 Dec. 46.

There will be a meeting of the Committee in the Executive Commissioner's Office at 1430 hrs today.

It is requested that all members will be present.

BY COMMAND OF REAR ADMIRAL STONE:

W. A. Kinsey
Chief Staff Officer,
to the Executive Commissioner.



14

SECRET

Ref: 5622/1A

December 1946.

SUBJECT: Post-War Liquidation of AG/AG Unit One

TO : ALLIED FORCE HEADQUARTERS,

Attention: AG/AG Unit One.

1. Reference is made to your letter of 5 December 1946.

2. During the officer strength of the various subcommittees, divisions etc. of the Headquarters of this Commission on a range of 200 present activities, there are at present at Headquarters.....officers.

Of this total.....officers are with the service subcommittee. As regards these subcommittees there are with them officers subcommittee (including.....officers in the field)..... officers. That the majority of officers in the various subcommittees are with them grows subcommittee (including.....officers in the field)..... officers. That the drawn up.

As regards the remaining..... officers,..... are with displaced persons division and with various division leaving a balance of..... officers engaged in various activities of the Commission.

3. A coordinating committee to make recommendations in regard to the liquidation of the functions of this Commission has been set up under Executive Order No. 30 of 13 December 1946, copy of which is enclosed.

22

of this total.....officers are with the service administration.
As regards these administration there are with some administration
(and) (excluding.....officers in the field)..... officers. Thus the
majority of officers in the service administration are with the service
administration (and) for the use of which service plans are being
drawn up.

As regards the service..... officers..... are with
the service administration and with service administration leaving a
balance of..... officers engaged in various activities of the administration.

3. A Committee has been set up to make recommendations in regard to
the liquidation of the functions of this Commission has been set up under
Executive Order No. 39 of 13 November 1946, copy of which is enclosed.

4. I do not consider it practicable to draw up at this stage a
detailed plan for the liquidation of all the functions of the Commission or for
the transfer of its administration and functions.

At least every division or subdivision will have some functions
to perform up to "X" day especially in view of the continuance of allied
military government up to that day.

I am enclosing herewith setting out recommendations in regard to
the termination of certain functions previously carried out by this Commission
for your consent or approval.

785016

These and other functions will be kept constantly under review and further changes being recommended will be

5. I recommend that consideration should be given to offering up in due course an officer in which under your instructions will all be responsible for the final disposal during the 90 day period of personnel, stores, equipment and any outstanding matters connected with the Expedition.

our child, the
her mother

Long

1

These and other functions will be kept on fairly under review and further information from recommendations will be prepared as and when appropriate.

5. I recommend that consideration should be given to signing up in the course as either in which your organization will be responsible for the final disposal during the 90 day period of personnel, stores, equipment and any outstanding matters connected with the mission.

ear 'dual, their
chief consideration

copy to:

Civil employees.

Monthly report discontinued

Guilean Colony work to be taken by embassy

2870 to be taken as delay

Daily report end 31 Jan.

Weekly Bulletin end R. Day

1989