

0294

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

785016

ACC

10000/142/482

785016

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LT MUSMANO, INVESTIGATION  
(JULY - SEPT. 1943); MAR. - MAY 1944

- 2 -

Captain Stone, since the moment I landed in Italy, I have been concerned only with doing my duty. My immediate commanding officer, Lt. Col. Kincaid, has seen how that duty was performed and on numerous occasions he has complimented my work to others. Brigadier Carr, Regional Commissioner of Region 4, to which organization I was assigned from the beginning, has spoken very highly of my efforts. General Hume has also. It is a little embarrassing to enumerate what may seem to be compliments to myself, but the situation apparently requires that I show that those who supervised my work had no complaints and on the contrary went out of their way to speak very favorably of that work. The British Town Major of Sorrento went on record of his own volition in approval of my efforts on the Sorrentine Peninsula.

With the exception of that one time at your office when I first had the pleasure of meeting you, no superior of mine has pointed to any specific infraction, and on that one occasion you called my attention to a situation which was sincerely explained and there was never any occasion later for comment on that score.

Only 3 days ago a Lieutenant Craig passing through [redacted] from Washington said that but 5 days previous he had spoken to Captain Pence in Washington and that Captain Pence there spoke well of my efforts in Italy and he recommended to Craig that he (Craig) see me in Italy for any assistance which I could render him. This would indicate that as late as last week Captain Pence was counting upon my remaining in Italy. For me to return to Washington without completing the job Captain Pence set out for me would be very disappointing to him. Of that I am sure. ) 41

If some one in A.C.C. has a criticism of anything I may have done, and of which I confess I am utterly ignorant, I should like very much to be able to explain my side of the situation. Captain Stone, I know that with your innate sense of justice, you would demand that for a fellow-American and for an officer in your command.

You can imagine the agony I am suffering of waiting here in [redacted] while the big job (because of my particular training) for which I am best fitted is now about to unfold. I was working with General Hume's staff in planning for the occupation of a certain city when the most unexpected order arrived; and now we know that the order did not have its origin in the States. Therefore, to that extent the task of keeping me here has been considerably simplified. Captain

-3-

Stone, may I count on your help in this respect? Your word will have to be respected. Whatever has been said against me which has brought about this torturesome situation should come to light so I can have an opportunity to reply and clarify. I am certain that in that clarification I will still merit the friendship you generously accorded me in that hour of delightful conversation on the intrinsic justice of immortality and, let us hope, of mortality too.

With the profoundest of esteem and regard,

Yours most respectfully and faithfully,

*Michael A. Illusman*  
c/o Lieut. Commander Chas. Darlington,  
G-5 Section, AFHQ,  
A.P.O. 512,  
Local.

COPYRESTRICTED

5386

AGC MAIN (Civil Affairs)

22 MAY 1944

RESTRICTED

Vapor 23 - Fiske

PRIORITY

AFHQ

\_\_\_\_\_ AFTER FULL CONSIDERATION BELIEVE ORDERS SHOULD BE ALLOWED TO STAND  
PD PAREN TO AFHQ FOR G FIVE PERSONAL FOR SPOFFORD FROM FISKE PAREN THIS REFERS  
SUBJECT OF YOUR LETTER BROUGHT BY SOUTHARD PD LETTER FOLLOWS

39

L.T. MONTANT, JR.  
Lt., AGC  
ADJUTANT

RESTRICTED



COPYCONFIDENTIALALLIED CONTROL COMMISSION  
APO 394INCOMING MESSAGE

TO: ACC MAIN PERSONAL FOR FISKE

SIGNAL MESSAGE CENTER NO: 5/26

FROM: SPOFFORD SGO SACMED

CLASSIFICATION: CONFIDENTIAL

REFERENCE NO: F50720

PRECEDENCE: PRIORITY

DATE AND TIME OF ORIGIN: MAY 25 1933

OFFICE OF ORIGIN: CITE/PHLGS

OFFICER REFERRED MCM 5386 OF 22 MAY HAS FULL KNOWLEDGE HUNES REQUEST FOR RETENTION AND HAS ASKED REASONS FOR RELIEF, REQUESTING INVESTIGATION ANY COMPLAINTS OR CHARGES AGAINST HIM. IN VIEW OF LACK OF PARTICULARS HERE WOULD APPRECIATE STATEMENT OF REASONS FOR REQUESTED WITHDRAWAL. BELIEVE THIS NECESSARY FOR DISCUSSION WITH NAVAL AUTHORITIES AND TO PREVENT POSSIBLE FUTURE EMBARRASSMENT. PLEASE FORWARD EARLIEST

ACC DIST

ACTION/ CA BR 2

INFO / DCC

FILE

Date and time of RECEIPT: MAY260325

CONFIDENTIAL

6 April 1944

To: Col. Upjohn, Legal Sub-Commission

Re Lt. Commander Musmanno, 9 incls. attached.

In view of the fact that Lt. Commander Musmanno has not been given an opportunity to present his side of the picture and to comment on any of the statements made by the witnesses that were interviewed, do you feel we are fully justified in saying:

"the initial investigation sufficiently establishes the unsuitability of this officer for overseas service."

Would our position be better if it was said that he is not suitable for further service of a legal nature or with the Legal Sub-Commission and request RC&MG Section to assign him to duties other than legal. It will then be incumbent upon the Establishment Branch to assign him to duties for which he is qualified. If no such position vacancy exists, IGS can be notified that his services are no longer required by ACC and request his assignment elsewhere.

Tell me what you think and I will forward the case with my remarks to Naples.

S.W.S.

37

C O P Y

6 April 1944

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Tell me what you think and I will forward the case with my remarks to Naples.

(sgd) E.W.S.



## CONFIDENTIAL

LWS/hjp

In reply refer to:  
DCC 210.31

9 April 1944

SUBJECT: Lieut. Commander Michael A. Musmanno, USNR

TO : RC & MG Section, Hq ACC, APO 394  
(Attention: Colonel Fiske, D.E.C.)

1. Reference is made to the following, all attached as inclosures:
  - a. No. 1 - Ltr 545/44/CA Hq ACC, RC & MG Section, 27 Mar 44, to DCC, subject: "Recommendation".
  - b. No. 2 - Copy ltr 545/45/CA Hq ACC RC & MG Section, 29 Mar 44, to C.L.O., same subject as a.
  - c. No. 3 - Ltr ACC/4070/1/L, C.L.O., Rear Hq ACC to D.E.C., dated 24 March 44, same subject as a.
  - d. No. 4 - Copy investigation report from Major Marc J. Grossman to C.L.O., relative Lt Commander M. Musmanno.
  - e. No. 5 - Ltr 65/41/CA, Hq ACC, RC & MG Section, 16 Mar 44, to Director Legal Sub-Commission, subject same as a.
  - f. No. 6 - Ltr ACC/4070/1/L, Rear Hq ACC, C.L.O. & D.E.C. 5  
8 April 44, relative to Incl #5 and above subject.
  - g. No. 7 - Copy ltr RA/210.3(R) from Hq Region IV AMG, 10 Mar 44, subject: "Transfer of Personnel".
  - h. No. 8 - Extract, Movement Order No. 7, Region IV, 30 Oct 43.
  - i. No. 9 - Copy S.O. #35, Hq Military Government School, 14 Sept 43.
  - j. No. 10 - Copy, travel order letter, Navy Department, Bureau of Naval Personnel, Aug 25 1943, subject: "Change of Duty, Lt Commander Michael A. Musmanno".

## CONFIDENTIAL

2. Consideration has been given to the investigation report (Incl #4) and the supplemental statement made by C.L.O., Incl #6, which states that the initial investigation sufficiently establishes the unsuitability of the officer for services of a legal nature in A.C.C.

3. In consideration of the conclusion reached by the C.L.O. in Inclosure #6, it is suggested that this matter be referred to the Establishment Branch to determine whether this officer may be assigned to other duties. If no vacancy exists, MGS should be informed of the fact and a request made for the officer's assignment elsewhere by either Commanding General, NATUSA, or by COMNAVNAV.

EMERY W. STONE  
Captain, USNR  
Deputy Chief Commissioner

10 Incls:  
as above

3 34

COPY

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

Ref/545/44/CA

NEF/mrd  
27 March 1944

SUBJECT: Recommendation

TO : Captain E. W. Stone

1. I am referring this matter to you as the Senior Naval Officer at Headquarters, Allied Control Commission for such action as you may deem appropriate in the circumstances.

2. It does not appear from the investigation that Lt. Commander Musmanno was given an opportunity to present his side of the picture and to comment on any of the statements made by the witnesses that were interviewed. I had not intended taking any action until the reported investigation has been submitted but I find that while I was away Lieut. Commander Musmanno was returned to Region IV by orders from this Headquarters.

/s/ Norman E. Fiske

/t/ NORMAN E. FISKE

Colonel

Deputy Executive Commissioner

COPY

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

Ref/545/45/CA

NEF/mrd  
29 March 1944

SUBJECT: Recommendation

TO : Chief Legal Officer

1. Reference your letter ACC/4070/1/L of 26 March, the reported investigation was transmitted to Captain Stone for any further action inasmuch as Lieut. Comdr. Musmanno is an officer of the Navy.

2. The inclusion of any reference to this matter in the Region V monthly report was unfortunate and the Regional Commissioner has been advised not to include such items in the future.

3. If Captain Stone desires further investigation he will refer directly to you.

NORMAL E. FISKE  
Colonel  
Deputy Executive Commissioner

Copy to:  
Capt. Stone

CONFIDENTIAL

/gmf

COPY

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ACC/4070/1/L

24 March 1944

SUBJECT: Recommendation.

TO : Deputy Executive Commissioner.

1. Pursuant to your 65/41/CA date 18 March 1944, Major Marc J. Grossman, Chief Counsel, Legal Subcommittee, has made an initial investigation and attached hereto is his report.

2. It was not possible nor was it intended in the initial investigation to assemble legal proof which might be made the basis of charges, and the attached report is not to be so regarded. For that purpose an extensive investigation would have to be conducted, many witnesses interviewed and much time and effort expended, without in the end any certainty that sufficient evidence could be discovered on which it would be proper to frame any charges.

3. It is, however, the conclusion of the Legal Subcommittee that the initial investigation sufficiently establishes the unsuitability of this officer for overseas service as to justify the recommendation that he be relieved and returned to the United States.

4. Region 4 complain that Lieut. Commander Musmanno has been posted away from them and without their orders and it further appears that he is now being employed as a CAO Vico and not a legal officer in Region 3 in breach of the plan directive that specialist officers are not to be employed as CAOs without consultation with the appropriate subcommittee.

I regard it, therefore, as absolutely essential that he be ordered to return to Region 4 forthwith for duty as a legal officer under close supervision pending his return to the U.S. Will you please give the necessary orders.

31

/s/ G. R. Upjohn  
/t/ G. R. UPJOHN  
Colonel  
Chief Legal Officer

CONFIDENTIAL



CONFIDENTIALCOPY

Subject: Lt. Commander W. Musmanno.

To : Colonel Gerald R. Upjohn.

1. Pursuant to your instructions I have conducted a brief but intensive investigation of the character and quality of the performance of the above named officer of his official overseas duties. It was not intended nor was it possible within the six hours devoted to the inquiry to assemble legally admissible proof which might be made the basis of charges. The time was ample however for the purpose of securing information upon which a realistic evaluation of his performance might be made.

2. Submitted herewith is a brief summary of the substance of the statements of the officers interviewed:-

A. Lt. Col. A. W. Chapman (A) (Regional Legal Officer, Region III) formerly R.C.L.C. Region IV.

During January 1944 while serving as C.A.O. for Vico Equense on loan from Region IV to Region III, this officer in question issued a permit to a priest authorizing him to ride a military convoy (organized by Region IV) from Vico to Foggia, and to use one of its trucks to carry from Vico back to Foggia grain purchased by the priest. The Convoy Commander upon his return reported the incident to Colonel R. P. Marshall, Chief of Staff Region IV, who directed Lt. Col. Chapman to give the offending officer a "dressing down", which was accordingly done. Lt. Col. Chapman directed the attention of the officer to the fact that without authority he had:-

- (1) directed the use of Region IV transport.
- (2) issued a permit for travel to Foggia which was a prohibited area.
- (3) authorized a civilian to ride in a military vehicle.
- (4) in effect authorized the Priest to purchase grain. 30

Lt. Col. Chapman had heard but without confirmation that this officer had later again become involved in a similar episode. In the language of Lt. Col. Chapman it was his opinion that this officer had a decided "Italian Complex" which served greatly to impair his usefulness.

B. Col. J. K. Weber (A) (S.L.C. Naples Province)

In presenting himself to Col. Weber in early March 1944 for service on Allied Military Courts, this officer said that Col. H. S. Willmer was greatly surprised at this assignment to Col. Weber and that Lt. Col. Poletti desired him to remain at Vico. This officer's representation that his assignment was a surprise to Col. Willmer caused Col. Weber to believe that a mistake had been made and he directed this officer to return to Col. Willmer. The latter upon being so advised informed Col. Weber that not only had this officer's assignment not occasioned him surprise but

CONFIDENTIAL

that it had been made on his direct order. The officer reported back to Col. Weber on the following day and subsequently held a court at Nola in a manner so unsatisfactory that the M.P.s reported that it was useless to present evidence so light were the sentences imposed. He was thereupon recalled to Naples where under guidance he tried cases satisfactorily. Col. Weber expressed the opinion that he was conspicuously "Pro-Italian" and that by reason thereof his usefulness was gravely impaired.

C. Col. H. S. Willmer (B), Regional Legal Officer, Region IV.

Col. Willmer confirmed such part of Col. Weber's statement as touched upon his participation in the incidents referred to in the proceeding paragraph. Col. Willmer stated that he had been informed, but without confirmation that when this officer had been ordered to Naples for attachment to the Rome party he failed to respond. Having finally arrived he declined to give a Naples address and it is the impression of both Col. Willmer and Capt. Oates (also interviewed) that this officer continued to reside at Vico.

D. Col. Robert P. Marshall (A).

It was the considered judgment of Col. Marshall partly based on personal experience and in part on the reports of other officers that this officer beginning with an unauthorized departure from his ship in convey, had consistently flaunted and disobeyed every order which had for its purpose his removal from Vico. Indeed having been finally separated from that station, he returned hereto and continued there to perform official duties without any shadow of authority whatever. It was Col. Marshall's opinion that this officer "had gone native" and should be relieved of his overseas duty as promptly as possible.

3. The unanimity of opinion among the officers interviewed would seem clearly to indicate that the character and quality of his performance have been such as to make it desirable that he be relieved of his overseas duty and returned to the United States. Meanwhile in the interests of discipline and to the end that his activities may be closely supervised it is recommended that he be recalled from Vico, relieved of his attachment to Region III and returned to duty in Region IV.

COPYSECRET

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

Ref/65/41/CA

NEF/mrd  
16 March 1944

SUBJECT: Recommendation

TO : Director, Legal Subcommittee

1. A report has been received from the Regional Commissioner, Region V, with respect to Lieutenant Commander H. Musmanno in which it is said that the latter authorized travel into the military area of Foggia without consulting either his immediate Provincial Commissioner, the Provincial Commissioner at Foggia or this Headquarters. This authorization resulted in nolle prosequing a case of a well known black market operator, with a resultant bad effect on Carabinieri and on other Italians.

2. Lieutenant Commander Musmanno was assigned to Region IV and there has also been some difficulty with respect to his alleged disobedience of orders issued by the Regional Commissioner, Region IV.

3. It would be appreciated if you would have one of your senior officers, preferably an American officer, investigate these reports and determine the facts, both with respect to the reports themselves and any other matters that may be brought out by the investigation, and make any recommendations which may be indicated as a result of the investigation.

28  
/s/ Norman E. Fiske  
/t/ NORMAN E. FISKE  
Colonel

Deputy Executive Commissioner

COPYC O N F I D E N T I A L

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APC 394

ACC/1070/1/L.

/rlp.  
8 April 1944.

SUBJECT: Lieut. Commander Musmanno.

TO : Deputy Executive Commissioner.

With further reference to your 65/41/CA dated 16 March 1944 and to letter of this Sub-Commission dated 24 March 1944, on further consideration it is decided that paragraph 3 of the last mentioned letter should be modified to read as follows:

"3. It is, however, the conclusion of the Legal Sub-Commission that the initial investigation sufficiently establishes the unsuitability of this officer for services of a legal nature in A.C.C."

GERALD R. UPJOHN,  
Colonel,  
Chief Legal Officer.



COPY

HEADQUARTERS REGION 4  
Allied Military Government  
APO 394

RPM/mrd

TO : HQ, ACC (R.C. & M.G. Section) (2 Copies)  
FROM : HQ, Region 4 AMG  
SUBJECT: Transfer of Personnel  
REF. : RA/210.3 (R)  
DATE : 10 March, 1944

1. Reference paragraph 2 of Special Orders No. 35, HQ, ACC, 8 March 1944, may urgent consideration please be given to circumstances under which Lt. Commander Michael A. Musmanno, 86622, USNR, has been relieved from attachment to Region 4 and attached to Region 3 for duty.

2. In the first place, despite recent undertakings given on the highest level, no consultation whatever has taken place with this HQ regarding the release of this officer. Presumably, he has been asked for by name. Secondly, he has been earmarked for Rome Sub-region for legal work, for which he has special qualifications and on account of which he was attached to Region 4 when he first reported for duty at the Military Government School and Holding Center, in September 1943. There are other reasons why it is imperative that this officer should remain attached to Region 4. These I am prepared to present, if necessary.

3. I therefore request that paragraph 2 of Special Orders No. 35 be cancelled forthwith, and that Lt. Commander Musmanno be returned to duty with Region 4.

Regional Commissioner  
Region 4, AMG



COPY

REGION IV

SECRET

Copy No. 4

MOVEMENT ORDER NO. 7

30 Oct. 43

INTENTION

1. Rear Party, Region 4, will move from Tizi-Ouzou to NAPLES, in accordance with the following instructions:

XX  
 (d) On arrival in Naples, Party 1 will come under the orders of HQ AMG Fifth Army. O.C. Party will report arrival to HQ Region 4.

3. Personnel

(a) Party 1 will consist of 7 Officers and 33 EM/OR (For Nominal Roll see Appendix A)

(b) Col. Edmund O. Howell (A) will command.

XX  
 BY COMMAND OF BRIG CARR:

/s/ Robert P. Marshall  
 /t/ ROBERT P. MARSHALL  
 Colonel, F.A.  
 Chief of Staff, Reg. 4

Appendix A to Movement Order No. 7 dated 30 Oct. 1943

List of 7 Officers, 20 EM and 13 OR proceeding with Party 1 Rear Party, Region 4, AMG on 1 Nov. 43.

<u>Rank</u>	<u>Name</u>	<u>A or B</u>	<u>No.</u>
Lt. Cmdr	Michael A. Musmanno	A	86622

XX  
 XX

3 25

EXTRACT TRUE COPY

/s/ O. W. Campbell  
 /t/ O. W. CAMPBELL  
 Captain, AUS.  
 Adjutant

COPYR E S T R I C T E D

HEADQUARTERS  
MILITARY GOVERNMENT SCHOOL  
APO 512

14 September 1943

SPECIAL ORDER )  
:  
NUMBER 35 )

1. Having reported to this station under competent orders, the following named O are asgd to duty.

LT COL JOHN S. ARNOLD, 024277, INF    LT CMDR MICHAEL A. MUSMANN, 86622, USNR  
CAPT FRANCIS C. BROOKS, 0394511, CMP    CAPT GEORGE C. S. BENSON, 0266951, AGD

By order of Colonel PARKIN:

LAWRENCE E. KEARIN,  
1st Lt., Infantry,  
Adjutant.

OFFICIAL:

/s/ Lawrence E. Kearin  
/t/ LAWRENCE E. KEARIN,  
1st Lt., Infantry,  
Adjutant.

DISTRIBUTION: "A"

A TRUE COPY:

/s/ Morris K. Goldstein  
/t/ MORRIS K. GOLDSTEIN,  
1st Lt., Infantry

R E S T R I C T E D

COPY

NAVY DEPARTMENT  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON D.C.  
35284

AUG 25 1943

86622  
Pers-3152-LJK

From: The Chief of Naval Personnel.  
To: Lieutenant Commander  
Michael A. M U S M A N N O, L-V(S), USNR,  
Office of Judge Advocate General,  
Navy Department.

Via: The Judge Advocate General.

SUBJECT: Change of duty.

1. When directed by the Judge Advocate General you will regard yourself detached from duty in the office of the Judge Advocate General, Navy Department, and from such other duty as may have been assigned you; will proceed to Algiers, Algeria, via such transportation, including government or commercial air, as may be furnished by the Bureau of Naval Personnel, and upon arrival report to the senior naval officer for assignment to duty under the Commanding General, North African Theatre of Operations, U. S. Army.
2. You are hereby authorized to delay for a period of seven days in taking passage to Algiers, Algeria. This delay will count as leave.
3. Keep the Bureau of Naval Personnel advised of your address.
4. For travel outside the United States a per diem of \$7.00 in lieu of subsistence is authorized, except while in a vessel.
5. Seventy-five pounds of baggage will be allowed while traveling via air.

PANDALL JACOBS

23

Copy to:  
Comdg. Gen., North African  
Theatre of Operations,  
U. S. Army.  
Transportation Division

Jacket Copy  
Pink Copy  
Pers 3101  
Pers 3107  
Pers 215

JAG:AD:blm

End--1 2 September 1943

Office of the Judge Advocate General  
Navy Department, Washington, D.C.

To: Lieut. Commander Michael A. MUSMANNO, L-V(S), USNR.

1. Delivered and detached this date.

L. M. BRATTON  
Acting

Certified to be a true copy:

/s/ Michael A. MUSMANNO

U. S. NAVAL FORCES  
NORTHWEST AFRICAN WATERS

PL6-4/00

SECOND ENDORSEMENT

September 12, 1943.

From: Commander U.S. Naval Forces, Northwest African Waters.  
To : Lieut. Comdr. Michael A. MUSMANNO L-V (S), USNR

1. Reported this date for duty.

N. C. PICKLESIMER  
By direction.

I hereby certify that all travel claimed by me on these orders was performed by means shown in the following itinerary:

Departed Washington, D.C. 1000, 9/6/43  
 Arrived Preskwick, Scotland, 1200, 9/7/43  
 Departed Preskwick, 2100, 9/10/43  
 Arrived Narrakech, 1100, 9/11/43  
 Departed Narrakech, 1400, 9/11/43  
 Arrived Algiers, 2000, 9/11/43.....Gov't Aircraft.

LIEUT. COMDR. MICHAEL A. MUSMANNO

CERTIFIED A TRUE COPY:

/s/ Michael A. Musmanno

EXTRACT TRUE COPY

/s/ C. W. Campbell  
 /t/ C. W. CAMPBELL  
 Captain, AUS,  
 Adjutant

Captain Stone

~~Head~~ Orders from

"C of North African  
Theatre of Operations

U.S. Army" assigning

Musmanno to AMG/ACC  
not available.

—  
May I suggest that  
you write a letter  
(Copy to 2 NA) HQ ACC) to  
MGS-AFHQ and



Tell Col Spofford  
what you want done  
& have them do it from  
there.

For some reason I  
feel MG 3 should be  
in on this. I understand  
he (Musmanno) is a  
good friend of Col  
Paletti. Let's keep our  
powder dry.

Wenzmore

282 1- APR 1944  
2608HEADQUARTERS  
2675TH REGIMENT  
ALLIED CONTROL COMMISSION  
(PROVISIONAL)  
APO 394

NKC/jtg

313.3

31 March 1944

SUBJECT : Transmittal Special Order.

TO : Captain ELLERY W. STONE, Detachment Hq & Hq Company, 2675th Regt,  
ACC, APO 394, U.S. Army, (Thru: Lt Col Leonard D. Densmore).

In compliance with telephone conversation with Lt Colonel ERNEST  
L. CLOUGH, transmitted herewith SO No. 35, Military Government School, dated  
14 September 1943, pertaining to Lt Comdr MICHAEL A. MUSMANN, 86622, USNR,  
the only available assignment orders at this headquarters.

By order of Colonel PARKIN:

*Morris K. Goldstein*  
MORRIS K. GOLDSTEIN,  
1st Lt., Infantry,  
Adjutant.

1 Incl:  
Special Order No. 35.

## INTER OFFICE MEMO

From: Lt. Col. L. D. Densmore

SUBJECT:

FILE No.

TO: Captain Stone

1400 hrs 28 March 1944

Lt Col Clough, Vapour #8, called on your telephone. He wanted to ask you about giving his office some assistance in following naval procedure in respect to having relieved from ACC duties one Lt. Commander Louis Mano. It seems that Mano is a legal officer and has been on duty in Regions 3 and 4. It is stated that he is no good and they want to "sack" him.

We have a method in the Army whereby, if an officer should be relieved, if over 38 years old, we get him to write a letter, or write it for him, stating that there is no assignment for him and after necessary approval he finds himself back in the States and turns in his suit.

Col. Clough felt that perhaps you know how the Navy handles such matters and when convenient to you, you might give him a call.

*Find out what orders*

*Densmore*  
L. D. DENSMORE

21

APR 1944

2608

RESTRICTED

HEADQUARTERS  
MILITARY GOVERNMENT SCHOOL  
APO 512

14 September 1943

SPECIAL ORDER )

NUMBER 35 )

1. Having reported to this station under competent orders, the following named O are asgd to duty.

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CAPT FRANCIS C. BROOKS, 0394511, CMP

LT COMDR MICHAEL A. MUSMANN, 86622, USNR  
CAPT GEORGE C. S. BENSON, 0266951, AGD

By order of Colonel PARKIN:

LAWRENCE E. KEARIN,  
1st Lt., Infantry,  
Adjutant.

OFFICIAL:

/s/ Lawrence E. Kearin  
/t/ LAWRENCE E. KEARIN,  
1st Lt., Infantry,  
Adjutant.

DISTRIBUTION: "A"A TRUE COPY:

*Morris K. Goldstein*  
MORRIS K. GOLDSTEIN,  
1st Lt., Infantry.

20

RESTRICTED

2 APR 1944

2608

HEADQUARTERS  
2675TH REGIMENT  
ALLIED CONTROL COMMISSION  
(PROVISIONAL)  
APO 394

WKG/jtg

313.3

31 March 1944

SUBJECT : Transmittal Special Order.

TO : Captain MERRY W. STONE, Detachment Hq & Hq Company, 2675th Regt,  
ACC, APO 394, U.S. Army, (Thru: Lt Col Leonard D. Denmore).

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14 September 1943, pertaining to Lt Comdr MICHAEL A. MUSMANN, 86622, USNR,  
the only available assignment orders at this headquarters.

By order of Colonel PARKIN:

MORRIS E. GOLDSTEIN,  
1st Lt., Infantry,  
Adjutant.

1 Incl:  
Special Order No. 35.

19



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

*Sus/pt*  
Ref/65/ /CA

NEF/mrc  
27 March 1944

SUBJECT: Recommendation

TO : Captain E. W. Stone

1. I am referring this matter to you as the Senior Naval Officer at Headquarters, Allied Control Commission for such action as you may deem appropriate in the circumstances.

2. It does not appear from the investigation that Lt. Commander Musmanno was given an opportunity to present his side of the picture and to comment on any of the statements made by the witnesses that were interviewed. I had not intended taking any action until the reported investigation has been submitted but I find that while I was away Lieut. Commander Musmanno was returned to Region IV by orders from this Headquarters.

NORMAN E. FISKE  
Colonel  
Deputy Executive Commissioner

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

/gnt

(3)

ACC/4070/L

19 March 1944.

SUBJECT: Recommendation.

TO : Deputy Executive Commissioner.

1. Yours ref 65/41/CA received. (dated 16 March 44)
2. Major MARC J. GROSSMAN, Chief Counsel, will at once undertake the investigation and due report thereof will be made as promptly as possible.

RICHARD H. WILMER  
Lt. Col. CAC  
Deputy Chief Legal Officer

CONFIDENTIAL

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ACC/4070/1/L.

/rlp.  
8 April 1944.

SUBJECT : Lieut. Commander Musmanno.

TO : Deputy Executive Commissioner.

With further reference to your 65/41/CA dated 16 March 1944 and to letter of this Sub-Commission dated 24 March 1944, on further consideration it is decided that paragraph 3 of the last mentioned letter should be modified to read as follows:

"3. It is, however, the conclusion of the Legal Sub-Commission that the initial investigation sufficiently establishes the unsuitability of this officer for services of a legal nature. *via Acc*" *RLP*

*Richard H. Williams*  
*for*  
GERALD R. UPJOHN,  
Colonel,  
Chief Legal Officer.

6 April 1944

To: Col. Upjohn, Legal Sub-Commission

Re Lt. Commander Musmanno, 9 incls. attached.

In view of the fact that Lt. Commander Musmanno has not been given an opportunity to present his side of the picture and to comment on any of the statements made by the witnesses that were interviewed, do you feel we are fully justified in saying:

"the initial investigation sufficiently establishes the unsuitability of this officer for overseas service."

Would our position be better if it was said that he is not suitable for further service of a legal nature or with the Legal Sub-Commission and request RO&MG Section to assign him to duties other than legal. It will then be incumbent upon the Establishment Branch to assign him to duties for which he is qualified. If no such position vacancy exists, MGS can be notified that his services are no longer required by ACC and request his assignment elsewhere.

Tell me what you think and I will forward the case with my remarks to Naples.

*W.S.*

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APC 394

GRU/gmf

ACC/4070/L

5 April 1944

SUBJECT: Black Market Prosecution.

TO : Executive Commissioner.

... 1. Ref your 65/42/CA dated 22 March I enclose copy of letter received from RLO Region 5. I have carefully considered it and agree with the conclusions reached in para. 7, namely that the 6 persons mentioned in para. 2 can be prosecuted but not, in view of the statements made by the judge and set out in para. 6, the 4 farmers, in AMG Courts.

2. I do not doubt that technically the 4 farmers can still be tried in an Italian Court notwithstanding the words of the Judge but such a procedure would scarcely enhance the prestige of our own Courts and it would appear to the Italians that the Italian Court was overruling a direction by the AMG judges.

3. The 6 men in the lorry were admittedly acting under the instructions of the CAO Vico Equense and whether the Court would in these circumstances convict, must be considered doubtful. In other words the prosecution has a thin case.

4. The matter is one, of course, for the Chief Commissioner, but I doubt in the above circumstances the desirability of proceeding further.

G. R. UPJOHN, Colonel 14  
Chief Legal Officer.

Copy to: ACC/4070/L



TO

LEGAL SUB-COMMISSION HQ AOC.

FROM

HQ REGION 5 AUC.

SUBJECT

Black-market Prosecution.

REF

R5/511/19.

(Copy to file R5/714/1.)

attached

DATE

2 APRIL 1944.

1. Ref your AOC/4070/1/L of 26 March 1944 herewith are the full details of this case as ascertained by this HQ.
2. On 6 Feb 1944 the GERR arrested in Lucera 6 persons from Vico Equinse transporting 37 Qli of beans on a truck. They had no authority for the transport, but the leader of the party produced a permit signed by PO Vico Equinse authorising the party to come to the province of Foggia to buy food.
3. The beans were sequestered, an inquiry was ordered, and the 6 persons were bailed in the total sum of Lire 60000 to appear at the Summary Military Court, Lucera, on 26 Feb.
4. In the course of the inquiry, 4 farmers who sold the beans were traced. The purchase money, lire 44845, (a clear black-market price), was seized and handed to PO.
5. On 23 Feb PO Vico Equinse visited PO Foggia and advised that the men were acting under his (PO's) instructions. Accordingly on 24 Feb PO directed PO Lucera not to proceed against the 6 men from VE. The bail bond for lire 60000 was handed to PO VE on behalf of the 6 men who were told that they need not attend court on 26 Feb. No proceedings have since been taken against any of these men.
6. So far as the 4 farmers are concerned the position is not entirely clear, as the officer who dealt with the case has left the area and there are no documents available. It seems however that before the visit of PO VE they were "instructed" to appear at the court on 26 Feb in connection with their black-market activities; it is not clear whether a formal summons was served on them. It had been the intention to turn the case over to the Italian courts, but when the men appeared on 26 Feb the judge (PO), on instructions from PO, said (inter alia):-

"In view of the fact that De Martino was acting under the orders of the AMECOT officer, even though he must have known that the officer had made a mistake and that he was not permitted to buy beans from farmers direct, I do not propose to punish anyone who was acting on the instructions of AMECOT. I have therefore decided not to proceed with the case."

"You 4 farmers should consider yourselves very fortunate that the AMECOT officer has accepted the responsibility and that the case is not being proceeded with as you must obviously have known that you are not permitted to sell direct to persons. I had arranged for this case to be dealt with in an Italian Court, and I feel sure that the punishment would have been many years in prison."

"In view of what has happened I am dismissing this case, but I promise you that if in future ....."

7. It is submitted, therefore, that so far as the 6 men from VE are concerned there is no legal objection to the reopening of proceedings, but that against the 4 farmers the case is res judicata.

For the Regional Commissioner

W.E. Behrens, Lt-Col.  
R.L.C.

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R.C. & L.C. SECTION  
AFC 394

*file*

Ref/545/45/CA

REF/mrd  
29 March 1944

SUBJECT: Recommendation

TO : Chief Legal Officer

*attached*

1. Reference your letter ACC/4070/1/L of 26 March, the reported investigation was transmitted to Captain Stone for any further action inasmuch as Lieut. Comdr. Musmanno is an officer of the Navy.

2. The inclusion of any reference to this matter in the Region V monthly report was unfortunate and the Regional Commissioner has been advised not to include such items in the future.

3. If Captain Stone desires further investigation he will refer directly to you.

*Norman E. Fiske*

NORMAN E. FISKE  
Colonel  
Deputy Executive Commissioner

Copy to:

Capt. Stone

12

*See: File with Depo. Ex. Comm.  
but one competence attached*

C O P Y

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

NEF/mrd

27 March 1944

Ref/545/44/CA

SUBJECT : Recommendation

TO : Captain E. W. Stone

1. I am referring this matter to you as the Senior Naval Officer at Headquarters, Allied Control Commission for such action as you may deem appropriate in the circumstances.

2. It does not appear from the investigation that Lt. Commander Musmanno was given an opportunity to present his side of the picture and to comment on any of the statements made by the witnesses that were interviewed. I had not intended taking any action until the reported investigation has been submitted but I find that while I was away Lieut. Commander Musmanno was returned to Region IV by orders from this Headquarters.

(sgd) NORMAN E. FISKE  
Colonel  
Deputy Executive Commissioner

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Confidential

(10)

/gmf

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

26 March 1944.

ACC/4070/1/L

SUBJECT: Recommendation.

TO : Deputy Executive Commissioner, ACC.

1. This will supplement our ACC/4070/1/L dated 24 March 44 concerning Lt. Com. Musmano to which more specific reference cannot be made because our original file was forwarded to you on 24 March 44.

2. We direct your attention to Para 2 of Region V monthly report, 4 March 1944 (AMG 319.1). Since the contents thereof were not disclosed to us until 25 March 44 and we had no prior knowledge of the incidents alleged, they could not be made the subject of an earlier inquiry.

3. Inasmuch as this report has had rather general circulation you may desire to give this officer the opportunity to defend himself against the charges made and implied therein.

4. If further investigation is to be made may we suggest that Public Safety Subcommittee is best equipped as to trained personnel for that purpose.

5. The aforesaid report serves to confirm our recommendation heretofore submitted to you with respect to this officer.

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G. R. UPJOHN, Colonel  
Chief Legal Officer.

CC CONFIDENTIAL

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

/gmf

ACC/4070/1/L

26 March 1944.

SUBJECT: Black Market Prosecution.

TO : Deputy Executive Commissioner, ACC.

1. Ref. your 65/42/CA dated 22 March 1944.
2. Whether this case can be prosecuted will depend upon manner in which it was dismissed. We have requested full particulars from HQ Region 5 and as soon as received our answer will be forthcoming.

9

G. R. UPJOHN, Colonel  
Chief Legal Officer.



CONFIDENTIAL

PEAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

/gaf

26 March 1944.

ACC/4070/1/L

SUBJECT: Black Market Prosecution.

TO : RLO (thru RC) Region 5.

1. Enclosed copies of letter of Dep. Executive Commissioner and extract from Region 5 report for month of Feb. 1944.

2. To answer Para. 2 of Dep. Executive Commissioner's letter we must know whether form of dismissal was such as to preclude further prosecution of accused. Please advise earliest with full particulars.

G. R. UPJOHN, Colonel  
Chief Legal Officer.

7

8

/gnt

7

CONFIDENTIAL

HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

ACC/4070/1/L

24 March 1944

SUBJECT: Recommendation.

TO : Deputy Executive Commissioner.

1. Pursuant to your 65/41/CA date 18 March 1944, Major Marc J. Grossman, Chief Counsel, Legal Subcommittee, has made an initial investigation and attached hereto is his report.

2. It was not possible nor was it intended in the initial investigation to assemble legal proof which might be made the basis of charges, and the attached report is not to be so regarded. For that purpose an extensive investigation would have to be conducted, many witnesses interviewed and much time and effort expended, without in the end any certainty that sufficient evidence could be discovered on which it would be proper to frame any charges.

3. It is, however, the conclusion of the Legal Subcommittee that the initial investigation sufficiently establishes the unsuitability of this officer for overseas service as to justify the recommendation that he be relieved and returned to the United States.

4. Region 4 complains that Lieut. Commander Musmanno has been posted away from them and without their orders and it further appears that he is now being employed as a CAO Vico and not a legal officer in Region 3 in breach of the plain directive that specialist officers are not to be employed as CAOs without consultation with the appropriate subcommittee.

I regard it, therefore, as absolutely essential that he be ordered to return to Region 4 forthwith for duty as a legal officer under close supervision pending his return to the U.S. Will you please give the necessary orders.

G. R. UPJOHN  
Colonel  
Chief Legal Officer.

Copy to: RLO Regions 3 &amp; 4.

CONFIDENTIAL.

CONFIDENTIAL

Subject : Lt. Commander M. Musmano.

To : Colonel Gerald R. Upjohn.

1. Pursuant to your instructions I have conducted a brief but intensive investigation of the character and quality of the performance of the above named officer of his official overseas duties. It was not intended nor was it possible within the six hours devoted to the inquiry to assemble legally admissible proof which might be made the basis of charges. The time was ample however for the purpose of securing information upon which a realistic evaluation of his performance might be made.

2. Submitted herewith is a brief summary of the substance of the statements of the officers interviewed :-

A. Lt.Col. A. W. Chapman (A) (Regional Legal Officer, Region III) formerly R.G.L.O. Region IV.

During January 1944 while serving as C.A.O. for Vico Equense on loan from Region IV to Region III, the officer in question issued a permit to a priest authorizing him to ride a military convoy (organized by Region IV) from Vico to Foggia, and to use one of its trucks to carry from Vico back to Foggia grain purchased by the priest. The Convoy Commander upon his return reported the incident to Colonel R. P. Marshall, Chief of Staff Region IV, who directed Lt. Col. Chapman to give the offending officer a "dressing down", which was accordingly done. Lt. Col. Chapman directed the attention of the officer to the fact that without authority he had :-

- (1) directed the use of Region IV transport.
- (2) issued a permit for travel to Foggia which was a prohibited area.
- (3) authorized a civilian to ride in a military vehicle.
- (4) in effect authorized the Priest to purchase grain.

Lt. Col. Chapman had heard but without confirmation that this officer had later again become involved in a similar episode. In the language of Lt. Col. Chapman it was his opinion that this officer had a decided "Italian Complex" which served greatly to impair his usefulness.

B. Col. J. K. Weber (A) (S.L.O. Naples Province)

In presenting himself to Col. Weber in early March 1944 for service on Allied Military Courts, this officer said that Col. H. S. Willmer was greatly surprised at this assignment to Col. Weber and that Lt. Col. Polatti desired him to remain at Vico. This officer's representation that his assignment was a surprise to Col. Willmer caused Col. Weber to believe that a mistake had been made and he directed this officer to return to Col. Willmer. The latter upon being so advised informed Col. Weber that not only had this officer's assignment not

CONFIDENTIAL

2.

5

occasioned him surprise but that it had been made on his direct order. The officer reported back to Col. Weber on the following day and subsequently held a court at Nola in a manner so unsatisfactory that the M. Ps reported it was useless to present evidence so light were the sentences imposed. He was thereupon recalled to Naples where under guidance he tried cases satisfactorily. Col. Weber expressed the opinion that he was conspicuously "Pro-Italian" and that by reason thereof his usefulness was gravely impaired.

C. Col. H. S. Willmer (B), Regional Legal Officer, Region IV.

Col. Willmer confirmed such part of Col. Weber's statement as touched upon his participation in the incidents referred to in the preceding paragraph. Col. Willmer stated that he had been informed, but without confirmation that when this officer had been ordered to Naples for attachment to the Rome party he failed to respond. Having finally arrived he declined to give a Naples address and it is the impression of both Col. Willmer and Capt. Oates (also interviewed) that this officer continued to reside at Vico.

D. Col. Robert P. Marshall (A).

It was the considered judgment of Col. Marshall partly based on personal experience and in part on the reports of other officers that this officer beginning with an unauthorized departure from his ship in convoy, has consistently flaunted and disobeyed every order which had for its purpose his removal from Vico. Indeed having been finally separated from that station, he returned thereto and continued there to perform official duties without any shadow of authority whatever. It was Col. Marshall's opinion that this officer "had gone native" and should be relieved of his overseas duty as promptly as possible.

3. The unanimity of opinion among the officers interviewed would seem clearly to indicate that the character and quality of his performance have been such as to make it desirable that he be relieved of his overseas duty and returned to the United States. Meanwhile in the interests of discipline and to the end that his activities may be closely supervised it is recommended that he be recalled from Vico, relieved of his attachment to Region III and returned to duty in Region IV.



CONFIDENTIAL

23 MAR 1944

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R.C. & M.C. Section,  
APO 394

Ref/65/42/CA.

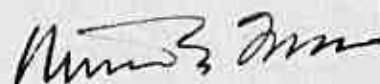
22 March 1944

SUBJECT: Black Market Prosecution.

TO : Admin. Section (For Attention Legal Sub-Commission)

1. Reference this Hq. memorandum No. 65/41/CA of 16 March 1944 and attached extract from Region V report for the month of February 1944.

2. The Chief Commissioner considers that this case should have been prosecuted without regard to the extent to which an individual member of the Allied Control Commission might become involved. He desires your advise as to whether this case could be prosecuted successfully if reopened now.



NORMAN E. FISKE  
Colonel  
Deputy Executive  
Commissioner

Copy to Region V

For Information

The legal Sub-Commission will deal with your Hq. direct with reference to the last sentence of above memorandum.

File with Dep Ex Comm 4



3

AMG Officer furthers black market operations (case investigated by Chief G.A.P.O., Col. Rawlins). A C.A.O. of Vico Equense, Naples Province, Lt. Com. Mussmano, gave verbal permission to a black market operative to make purchases of 37 quintals of grain and oil in Bari and Foggia provinces. Our police trailed trucks and arrested drivers in Lacera district and sequestered cargo of grain and oil and some 44,845 Lire paid for grain and oil. The C.A.O. had previously been successful since other cargoes of similar nature had gone through without detection. When the C.A.O. learned of arrests he went personally to Foggia Province and pleaded for release, stating he had given verbal authority to make deal, as his commune needed more food. Merchant on lorry was known as black market operative and police were ready for him. It is not known whether C.A.O. received any personal benefit for his assistance in the deals. Case was ready for trial February 25-26 and was called off direction of the P.C.A.O. on grounds undesirable to involve AMG officer, since he would be called as defense witness.

Recommend that the C.A.O., Vico Equense, be removed from his present duty and ordered elsewhere for violation of AMG-ACC orders in authorizing travel into military area without consulting either his immediate Province Commissioner, Hq ACC or the Provincial Commissioner of Foggia and also to offset bad effect on R.R.C.C. and other Italians for nolle prosequing the case when a known black market merchant was involved.

3

S E C R E T

C O P Y

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

Ref/65/41/CA

NEF/mrd  
16 March 1944

SUBJECT : Recommendation

TO : Director, Legal Subcommittee

1. A report has been received from the Regional Commissioner, Region V, with respect to Lieutenant Commander M. Musmanno in which it is said that the latter authorized travel into the military area of Foggia without consulting either his immediate Provincial Commissioner, the Provincial Commissioner of Foggia or this Headquarters. This authorization resulted in nolle prosequing a case of a well known black market operator, with a resultant bad effect on Carabinieri and on other Italians.

2. Lieutenant Commander Musmanno was assigned to Region IV and there has also been some difficulty with respect to his alleged disobedience of orders issued by the Regional Commissioner, Region IV.

3. It would be appreciated if you would have one of your senior officers, preferably an American officer, investigate these reports and determine the facts, both with respect to the reports themselves and any other matters that may be brought out by the investigation, and make any recommendations which may be indicated as a result of the investigation.

(sgd) NORMAN E. FISKE  
Colonel  
Deputy Executive Commissioner.

Major Grossman

Please investigate and report.

19 Mar 44

GRUPjohn

C O P Y  
HEADQUARTERS REGION 4  
ALLIED MILITARY GOVERNMENT  
APO 394

RPM/ mrd

TO : HQ, ACC (R.C. & M. G. Section)(2 copies)  
FROM : HQ, Region 4 AMG  
SUBJECT Transfer of Personnel  
REF : R4/210.3 (R)  
DATE : 10 March, 1944

1. Reference paragraph 2 of Special Orders No. 35, HQ, ACC, 8 March 1944, may urgent consideration please be given to circumstances under which Lt. Commander Michael A. Musmanno, 86622, USNR, has been relieved from attachment to Region 4 and attached to Region 3 for duty.

2. In the first place, despite recent undertakings given on the highest level, no consultation whatever has taken place with this HQ regarding the release of this officer. Presumably, he has been asked for by name. Secondly, he has been earmarked for Rome Sub-Region for legal work, for which he has special qualifications and on account of which he was attached to Region 4 when he first reported for duty at the Military Government School and Holding Center, in September 1943. There are other reasons why it is imperative that this officer should remain attached to Region 4. These I am prepared to present, if necessary.

3. I therefore request that paragraph 2 of Special Orders No. 35 be cancelled forthwith, and that Lt. Commander Musmanno be returned to duty with Region 4.

\_\_\_\_\_  
Regional Commissioner,  
Region 4, AMG



03401

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

FILE CLOSED 27 May 1944

0 3 4

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

785016

FILE CLOSED 27 May 1944



(17)

Yes, after 3 months our file has been returned  
to us with various papers but with no comments.  
Can I consider this matter dead?

Yes for the time being <sup>Chapter</sup> 12/6/44  
PKW anyway.

Date \_\_\_\_\_

Suspense\_\_\_\_\_

FOR:

Signature  
Remarks/Recommendation  
Information  
Approval/Disapproval  
Appropriate Action  
Investigation & Report  
Dispatch

REMARKS:

Dear Commanda Musmanno

Thank you for your letter  
of 27 May. Recently I had an  
opportunity occasion to visit with  
Colonel Spofford & in the course  
of the discussion the matter

///



27 May 1944.

Captain Ellery W. Stone, U.S.N.R.,  
Deputy Chief Commissioner, A. C. C.,  
A. P. O. 394,  
Local.

My dear Captain Stone:

A couple of weeks ago you accorded me the privilege of talking with you for an hour or more as we might have talked back in the States in our civilian capacities. In a discussion of immortality (and incidentally if I can ever master the reasoning you mustered I know I can defeat any potential Darrow any time anywhere on the subject in question) -- In that discussion we spoke as man to man and not as lieutenant commander and Captain. May I please be permitted in this letter to speak in the same manner, always of course respecting your rank and more than ever respecting the high qualities of character which it has been so much comfort and inspiration in seeing in you. Kindly don't consider this as a "softening up" process. Hero-worshipping has not gone out of business and I can bring my flowers of regard to the shrine of a living man - good, clean, intelligent, resourceful, refreshing, accomplished - as well as I can to the graves of the departed masters.

Captain Stone, I am in [ ] This is what you recommended I do and it was a splendid recommendation because here I have been able to clarify the situation somewhat. I was tremendously relieved to learn upon my arrival that it was not Washington which had asked for my return to the United States; nor in its initial phase was it even Comnavaw.

I spoke to Captain Francis P. Old, Assistant Chief of Staff, and he indicated that he had no interest in seeing me go back to the States, and he indicated I discuss the matter with Col. Spofford and Lt. Cmdr. Darlington, the latter being liaison man for the Navy in G-5. From Lt. Cmdr. Darlington I learned that a request had been made by someone (name unknown) in A.C.C. for my return to the States. The request was not in writing nor was any specific reason assigned for an action so drastic and to me so tragic.

0 3 4 6