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

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MAJOR A.C. GERMAN RELATIONS WITH ITALIAN AUTHORITIES
JAN. 1945

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

FIL E CLOSED 31 January 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4071/1/L.

/rlp.
31 January 1945.

SUBJECT : Correspondence from Legal Officer, Taranto.
TO : President of the Tribunale Militare of Taranto.

1. My attention has been drawn by Rear Admiral Morgan to the letter of the 19th January 1945 addressed to you by Major German.

2. I am quite unable to understand how this disgraceful letter came to be written. I wish, on behalf of the Legal Sub-Commission, to apologize to you for the letter and to ask you to treat it as officially withdrawn.

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

File
C O N F I D E N T I A L

(3A)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4071/1/L.

/rlp.
31 January 1945.SUBJECT : Correspondence between Major A.C.J. German and President of
Tribunale Militare, Taranto.

TO : NAVY S/C (Attn: Commodore H.V. Ziroti).

1. After a full investigation of the attached file and the previous history of the Tribunale Militare of Taranto, I am quite unable to understand Major German's letter.

2. I have accordingly written a personal apology to the President of the Tribunale. I have arranged that Major German will be immediately transferred from Southern Region and a letter is being written to the Regional Commissioner, Southern Region suggesting that he take disciplinary action against Major German. *(Copy attached)*

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

Incl: File.

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

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CONFIDENTIAL

(2A)

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/4071/1/L.

/rlp.
31 January 1945.

SUBJECT : Major A.C.J. German.

TO : Regional Commissioner, SOUTHERN Region.

1. A complaint has been made to this Hq over the terms of a letter written by Major A.C.J. German to Admiral Francesco Quentin, the President of the Tribunale Militare of Taranto. Copies of the letter complained of and of a translation of the letter to which it is a reply are attached for your information.

2. This Hq takes a most serious view of this letter which is the more outrageous in view of the reports by Major German and his predecessors that the Tribunale Militare of Taranto is working satisfactorily and doing its best to assist.

3. The DCLA has written a personal letter of apology to the President of the Tribunal.

4. It is, however, quite apparent that Major German is entirely unsuited to remain in a region where his principal, if not his only work is to cooperate with Italian court officials and orders have therefore been issued for his reassignment to an AMB Region. Please ensure that he moves at the earliest possible date.

5. No doubt you will take such disciplinary action against Major German as you think fit.

By command of Rear Admiral STONE:

G. R. Upjohn
G. R. UPJOHN, Brig
VP CA Sec
Dep CGS, AC

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2 Incls:

Incl 1 -Letter dtd 19 Jan 45, Maj German

Incl 2 -Letter no. 1360, Rear Admiral Quentin (Translation)

Copy to Navy S/c.

CONFIDENTIAL

Annex No. 4

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Military Territorial War Tribunal - Taranto

CANC/UD
Prot. 1360

To the Allied Commission
Office of Legal Affairs,
T A R A N T O

Subject: Trials for Offences against the Allies.

I refer to your letter of 10/1/45 TBL/4-

On the day in question no trials were conducted for offences against the Allies because this Tribunal was under the necessity of settling more urgent and important cases.

I beg to advise you that no case touching Allied interests is pending without being set down for trial with the exception of six, in which it is at the moment impossible to go to trial, for procedural reasons.

In order to avoid unnecessary correspondence in the matter between your office and this tribunal, Your Excellency, when in doubt, may examine into the status of the cases in the files of this chancery.

THE PRESIDENT

(sgd) REAR ADMIRAL FRANCESCO QUENTIN.

CERTIFIED A TRUE COPY
IL TENENTE DI VASCELLO
(sgd) Paolo MAININI.

TRANSLATION

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PY
(2C)ALLIED COMMISSION
LEGAL OFFICE
TARANTO

Taranto, 19/1/45.

Ref: TEL/4.
 From: Legal Officer, AC, Taranto.
 To: PRESIDENT - TRIBUNALE MILITARE, TARANTO.
 Subject: Cases affecting Allied Interests.
 Your Ref: Prot. No. 1360.

I am in receipt of your letter of the 16th January on which I have the following observations to make:

- (1) I consider your letter discourteous, insulting and an exhibition of lack of manners.
- (2) It is not the habit or intention of this office to address correspondence to clerks or to any person other than the head of the department concerned. If any correspondence has in the past been addressed by your Court to any of my clerks, orders should be given for such practice to cease immediately.
- (3) The cases affecting Allied interests are of the maximum importance as you have been informed by your own superiors on more than one occasion. There are no cases that exceed them either in the matter of urgency or importance, and this fact should be well known to you by this time.
- (4) I have checked that 63 cases have been set down for hearing between the present date and 12 February. I trust that these cases will be actually heard and that adjournments will only be granted in exceptional circumstances, e.g., not on the grounds of unchecked medical certificates or on a plea by an avvocato that he is engaged in another court. I also trust that where possible attempts will be made to fix for hearing during the same period any other cases that may reach the Tribunale as 63 cases is a comparatively small total for a period of 24 days.
- (5) I observe that in your last complaint to Admiral Morgan you raised objection to letters of this nature being written by an officer of my rank to an officer of your rank. I am unable to view the matter in this light. At the present moment - quite irrespective of rank - your duties are as President of the Tribunale Militare and my duty (among others) is to supervise the working of that Tribunale. Until such time as that work is carried out satisfactorily and in accordance with the instructions that I received from my superior officers, I am unable to agree that any correspondence is a waste of paper the object of which is either to ensure that the wishes of my superiors are complied with or to secure the provision of officials willing to cooperate with this purpose in view.
- (6) The whole tone of your letter is so distasteful that I propose forwarding to my Hq a complete copy of the relative correspondence with a request that - in view of the clearly defined attitude adopted on your part - in conjunction with your Ministry the advisability of appointing a new President for the Tribunale be very seriously considered.

/s/ A.C.J. German
 A.C.J. German, Major
 Legal Officer, Taranto.

OFFICE OF FLAG OFFICER LIAISON ITALY, ROME
(NAVAL SUB-COMMISSION)

Staff Minute Sheet

SUBJECT : CORRESPONDENCE BETWEEN LEGAL OFFICER, TARANTO
AND THE MILITARY TRIBUNAL, TARANTO.

Pack No. NSC/1584

FROM: Navy Sub-Commission, HQ. Allied Commission.
TO : Colonel W. E. Behrens,
Legal Sub-Commission, Hq. AC.

1. The attached correspondence is forwarded herewith for necessary action. It is requested that I may be informed as to the action contemplated in order to comply with paragraph 5 of the Chief, Navy Sub-Commission, A.C. staff minute sheet, dated 23 January 1945.

2. A translation of the President of the Military Tribunal Prot. No. 1360 of 16 January 1945, made by this office is forwarded herewith for comparison with the translation forwarded by the basic correspondence. It is possible that the misunderstanding is occasioned by a misinterpretation of the letter from the President of the Military Tribunal, Taranto.

3. I would like to discuss this matter with you personally, when convenient. The return of papers is requested.

(sgd) H. W. ZIROLI

H. W. ZIROLI,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, AC.

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