

ACC

10000/142/544

CONTROL OF BLACK MARKET
MAR. - JULY 1944

42/544

FILE CLOSED 7 July 1944

File 40^{ro}

14A

ALLIED OVERSEAS COMMISSION
Legal Subcommittee
APO 354

AC/134/1

7 Jul 44

SUBJECT: ~~Memorandum for Information~~ Against Italians.TO: ~~AC/134/1~~ (100).

1. Reference our letter AC/134/1 of 30/6/44.
2. Information is particularly required by this Subcommittee as to punishments given to British Military personnel with respect to (a) black market participation and (b) injuries to Italian civilians and their property.
3. In your letter JAG General/1/4 of 21/5/44, you furnished us with certain examples of punishments inflicted for offences against Italian civilians, and in your letters JAG General/20 of 23/5/44 and 31/5/44 you gave us particulars of two other cases. We would be glad to have from time to time additional information as to both classes of cases mentioned in para 2 above.
4. You will recall that we wanted to be in a position to advise the Italian Government that Allied Military personnel involved in such cases were being dealt with adequately. Of course, as previously stated, the names of the Military personnel and their units will not be divulged.
5. Similar information is being obtained as to United States Military personnel.
6. It has been suggested that it is better to obtain this information direct from you rather than have our legal officers in the Field attempt to obtain it locally.

(Sgd) R H Wilmer

HUGHES H. WILMER
Colonel, CAS
Acting Chief Legal Officer.

Copies to AC/134/1 Section (ref letter 30/135/CA of 4 Jul 44)
File AC/134/1.

24/6
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HEADQUARTERS
ARMED OFFENCES COMMISSION
LEGAL SUB-COMMISSION
APO 394.

13A

30 June 1944.

REFERENCE : ACC/4080/L.

SUBJECT : Punishment of Military Personnel for Black Market Offences.

TO : R.L.C. (thru Regional Commissioner), Region 6.

1. Reference your letter PE/1514 dated 26 June 1944 and this Sub-Commission's letter reference ACC/4080/1/L dated 15 May 1944.

2. For reasons stated in our last mentioned letter this Sub-Commission is desirous of obtaining the requested information. However, if it is a matter of general difficulty in securing information locally this Sub-Commission does not wish to press the point further ~~as much~~ as it is particularly important to secure this information in areas where AEC Courts are sitting. You will appreciate it does have bearing on our relations with the civilian population.

RICHARD H. WILMER.
Colonel, GAC.,
Deputy Chief Legal Officer.

RMH/ww.

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Copy to : R.C. & M.C. Section.

4080/L
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 HEADQUARTERS
 ALIEN CONTROL COMMISSION
 REGION 6

26 June 1944

TO: Headquarters, A.C.C. (R.C. & M.C. Section)
 SUBJECT: Punishment of Military Personnel for Black Market Offences.
 REFERENCE: PS/1514

1. With reference to ACC/4080/L of 15 May 44 (copy attached for easy reference) it would, in my opinion, be contrary to accepted practice for me to request a Garrison Commander to keep this Headquarters supplied with the detailed information set out in the letter under reference.

2. The inference must be that such reports are required for the purpose of scrutiny of sentences by A.C.C. and of comment where necessary and this appears to me to be interference with local Garrison administration.

If this information is required by A.C.C. I suggest that the proper action is for H.Q., A.A.I. to issue instructions to District, Garrison, etc. Commanders for the information to be supplied to A.C.C. authorities.

The position here is that Garrison Orders contain a certain amount of information regarding these cases but full information is not available.

3. The Provost Marshal General here has been contacted unofficially in the matter and he stated that he was not anxious to supply the information. Moreover the question was raised of the extra amount of work involved.

McCan Brigadier

Brigadier,
 Regional Commissioner.

MC/ech

Copy to: Legal Sub Commission, A.C.C.

COPY

DEAF HEADQUARTERS
ALLIED FORCES COMMISSION
Legal Sub-Commission
A.P.O. 394

18 May 1944

ACC/4080/11

SUBJECT: Punishment of Military Personnel for Black Market Offences.

TO : RLOs. Regions 1, 2, 3, 4, 5, 6 & 7 (Thru RCOs.)
SLOs. 5th & 8th Armies (Thru SCAGs.)

1. General statements have been made from time to time in reference to inadequate sentences of members of Allied Forces personnel where they have been engaged in black market activities along with Italians.
2. Any such cases should be reported to the Legal Sub-Commission giving the names and units of the Allied personnel, the nature of the offence and, if the case has been disposed of, the punishment meted out or lack of punishment.
3. If the cases of other types involving relations with the Italian populace come to your attention in which inadequate sentences appear to have been imposed, it is requested that similar information be furnished.

(sd) R. H. WILMER,
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

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HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 374

JHS/maf

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15 May 1944

ACC/4080/M/1

SUBJECT: Punishment of Military Personnel for Black Market Offences.

TO : HQs Regions 1, 2, 3, 4, 5, 6 and 7 (thru PCs).
HQs 5th and 8th Armies (thru SCAGs).

1. General statements have been made from time to time with reference to inadequate sentences of members of Allied Forces personnel where they have been engaged in black market activities along with Italians.

2. Any such cases should be reported to the Legal Subcommittee giving the names and units of the Allied personnel, the nature of the offence and, if the case has been disposed of, the punishment meted out or lack of punishment.

3. If cases of other types involving relations with the Italian populace come to your attention in which inadequate sentences appear to have been imposed, it is requested that similar information be furnished.

*Respectfully,
R. H. FILER*

R. H. FILER

Lt. Col. GAC

Deputy Chief Legal Officer

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COPY

4080

Sent to info
of the
C.I.F.

9

Subject:- Misuse of Petrol

Headquarters,
Allied Armies in Italy,
C.I.F.
1053/7/41.

29 Apr. 44.

H.Q., Allied Control Commission.

The Commander-in-Chief is perturbed at reports that are reaching him of the number of civil cars which are on the road, and of the extent to which civilians can apparently obtain petrol. These reports indicate that there is a great amount of petrol being wasted on pleasure motoring, particularly in SICILY.

In view of the smallness of the official allotment for civil purposes, it is evident that large quantities of petrol are being obtained on the black market. This presumably represents petrol stolen from military dumps or obtained from military sources in other ways. It is impossible to provide enough guards to prevent all theft. Measures are required to identify and punish severely those who traffick in stolen petrol and those who use it.

The Commander-in-Chief would be grateful if you would study this matter, in consultation with the Staff at this H.Q. responsible for the allocation of petrol for Italian civilian use and with the District Commanders concerned. He will be glad to have a report from you as to the steps which you propose to take to check the present abuse.

e/ M. A. Robertson

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PBR/ent.

Major-General,
Chief Administrative Officer.

Copies to:- G.O.C., No. 1 District.
G.O.C., No. 2 District.
G.O.C., No. 3 District.
C.G., P. ninsular Base Section
Petroleum Section.
D.C.A.O.

LEGAL SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

file

GRU/gmf

4080

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

20 March 1944.

CONFIDENTIAL.

Dear Lieut. Corree:

I have spoken to General Mason MacFarlane about the lack of cooperation on the part of the army personnel concerned in regard to leakages from the port of Naples which are such a substantial factor in the Black Market.

He would like to have in due course a report in some detail which he can take up on the highest level in this matter.

I shall be glad therefore as a result of your general black market investigations if you will also report to me in say 10 days or a fortnight's time on lack of cooperation on the part of the army authorities; this will include a report not merely on lack of a cooperative frame of mind but also a report on instances of a failure to take obvious and essential precautions such as the guarding of stores, inadequate provision of military police, bad convoy discipline and inadequate supervision and also of course the more serious case of criminal participation by officers or EM/OPs concerned.

G. R. UPJOHN, Colonel
Chief Legal Officer

Copy to: Col. Chapman Region 4.

FILE

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

7

ACC/4080/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 HLO 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. UPTON, Colonel
Chief Legal Officer.

Copy to: ~~ACC/4070/1/L~~

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TO CLO (GAL SUB-COMMISSION HQ ACC.

FROM HQ REGION 5 AMG.

SUBJECT Black-market Prosecution.

REF R5/511/19 (copy to file R5/714/1.)

DATE 2 APRIL 1944.

1. Ref your ACC/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 CCRR 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 PC Foggia and advised that the men were acting under his (PO's) instructions. Accordingly on 24 Feb PC 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 PC, said (inter alia) :-
" In view of the fact that De Martino was acting under the orders of the AMG 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 AMGOT. I have therefore decided not to proceed with the case.
"You 4 farmers should consider yourselves very fortunate that the AMGOT 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

(sgd) Behrens

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

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION.
APO 394.

1st April, 1944.

ACC/4080/L.

Dear Don,

Very many thanks for your letter of the 20th March, 1944 sending me copies of a memorandum which you have sent out with regard to the 'Black Market' situation. If more units were given directions on this and kindred subjects I am convinced we would have less difficulty from the standpoint of law enforcement in occupied territory.

If you can get away some time I shall be happy if you will come here and see us.

Faithfully yours,

Richard K. Whiner

LTJG

OCLO Acc

Lt.Col. Donald P. Mayhew, JAQD.,
Staff Judge Advocate,
AAAFEC, MTO (Prov) .. APO. 528,
U. S. ARMY.

CONFIDENTIAL

HEADQUARTERS
ARMY AIR FORCE ENGINEER COMMAND, MTO (PROV)
APO 528

20 March 1944

Lt Col Richard Wilmer,
Chief Counsel, A.C.O.,
APO 394, U. S. Army.

Dear Dick:

Inclosed are a number of copies of a memorandum which I have had prepared and issued to units of this command. If they are of any informative value to the C.A.O.'s in the provinces (particularly in the Eastern Area) you can distribute them as an indication of cooperation by this command with them in their "black market" fight.

Best regards to you and the rest of my friends.

Sincerely,

Donald P. Mayhew
Lt Col Donald P. Mayhew, JAGD
Staff Judge Advocate,
AAFEC, MTO (Prov), APO 528

1 Incl:
AAFEC, MTO Memorandum
No. 35-12, dated
16 March 1944

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CONFIDENTIAL

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HEADQUARTERS
ARMY AIR FORCE ENGINEER COMMAND, MTO (PROV)
APO 528

20 March 1944

Lt Col Richard Wilmer,
Chief Counsel, A.C.O.,
APO 394, U. S. Army.

Dear Dick:

Inclosed are a number of copies of a memorandum which I have had prepared and issued to units of this command. If they are of any informative value to the C.A.O.'s in the provinces (particularly in the Eastern Area) you can distribute them as an indication of cooperation by this command with them in their "black market" fight.

Best regards to you and the rest of my friends.

Sincerely,

Lt Col Donald F. Mayhew, JAGD
Staff Judge Advocate,
AAFEC, MTO (Prov), APO 528

1 Incl:
AAFEC, MTO Memorandum
No. 35-12, dated
16 March 1944

CONFIDENTIAL

RESTRICTED

HEADQUARTERS
ARMY AIR FORCE ENGINEER COMMAND, MTO, (PROV)
AFG 528

(J-1-12)

MEMORANDUM)

16 March 1944

NUMBER 35-12)

COMPLICITY OF ARMY PERSONNEL IN "BLACK-MARKET" VIOLATIONS

1. The growing complicity of Army personnel in "black market" operations has recently been brought to the attention of this headquarters. This is particularly notable in the use of Government vehicles for the transportation of foodstuffs, contrary to local law or AMCOT regulations, or both. These laws and regulations are designed to insure an equitable distribution of food and to prevent inflationary prices.

2. It is believed that the commission of such offenses results, in many cases, from a failure on the part of the offender to fully appreciate the seriousness of the charges to which his action may subject him, and to understand the economic situation which may be created or aggravated by his ill-considered action.

3. All personnel of this command will be instructed as to the:

- a. Hardship to the local populace resulting from such practices; and
- b. The seriousness of the offenses involved: for example

(1) Purchase by military personnel of merchandise at prices above those prescribed by AMCOT orders (at "black market" prices) may constitute a wrongful aiding and abetting of the vendor of the merchandise in violating such orders and may thus constitute conduct of a nature to bring discredit upon the military service in violation of AW 96;

(2) Use of a government vehicle in transporting such merchandise constitutes a direct violation of Paragraph 1, Section 1, Circular Number 9, MATOUSA, 22 January 1944 and may amount to an application of a government vehicle to an unauthorized purpose, under AW 94, which offense may be punishable by a sentence of a General Court-Martial to a dishonorable discharge, total forfeitures and up to five (5) years confinement at hard labor.

By command of Brigadier General DAVISON:

1

OFFICIAL:

HAROLD A. KUPSTEDT
Colonel, CE,
Chief of Staff.

E. A. BARRETT
Lt. Colonel, AGO,
Adjutant General.

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