

ACC

10000/142/667

DIRECTIVE ON PO
(SUPPLEMENTAL
MAY - DEC. 1944

10000/142/667

DIRECTIVE ON POWERS OF RC'S & RLO'S,
(SUPPLEMENTAL EXCO MEMO NO. 30)
MAY - DEC. 1944

FIDE CLOSED 27 December 1944

file
4081/1

184
4 JAN 1945

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

27 December 1944

EXECUTIVE MEMORANDUM)

NUMBER 12)

PROVINCIAL ORDERS

1. Normally, Provincial Orders (See per 2, c, Executive Memorandum No. 1, dated 14 August 1944) should be drafted by the Provincial Legal Officer and submitted for approval, before publication to Regional Headquarters. In an emergency, when time is of the essence, they may be published without prior approval, but copies will be forwarded at once to this Headquarters.

2. Provincial Orders must not deal with over-all policies (e.g., defascistization), nor with matters that affect more than one (1) province. They may not contravene, amend, or purport to construe Proclamations, General Orders, or Regional Orders. In number, they should be kept to a minimum. 22

3. Upon publication, ten (10) copies of each Provincial Order will be forwarded to this Headquarters.

By order of Lt Col BOWMAN:

P.H.G. HOLTON-SMITH HARTLEY
Lt Col, Goldstream Guards
Executive Officer

OFFICIAL:

Duane D. Freese
DUANE D. FREESE
Capt, CPT
Adjutant

DISTRIBUTION:
"A"

LEGAL SUB-COMMISSION	
CLO	
WFO	
Chief Clerk	22
CJO	ie
Region Liaison	
CLERKS	
4 JAN 1945	6895

10 DEC 1944

8 December 1944

NUMBER

11)

REGIONAL ORDERS

1. Executive Memorandum No. 68, ACC, 4 July 44 provides that:

"Every Regional Order is to be submitted before signature to the Regional Legal Officer, who should sign a certificate that the order conforms with the principles laid down above and is in proper form for signature."

2. Heads of Special Divisions desiring the issuance of a Regional Order will see that it is processed in accordance with the foregoing, before submission to the Regional Commissioner for signature.

By order of Lt Col BOWMAN:

P.H.G. HORTON-SMITH HARTLEY
Lt Col, Coldstream Guards
Executive Officer

OFFICIAL:

DUANE D. FRANKS
Capt, CMP
Adjutant

23

DISTRIBUTION:

LEGAL SUBCOMMISSION
C.O.
R.F.D.
CHIEF OF POLICE
C.A.S.
HONORARY JUDGE
QUINCY

14 DEC 1944

AC DIST

ADJ
CA SECT (2)

HEADQUARTERS

(5982)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

15 July 1944.

REFERENCE : ACC/4089/1/L.

SUBJECT : Executive Memorandum No. 68.

TO : Regional Legal Officer (thru R.O.), Region 5.

1. Reference your RS/514/2 dated 12 July 1944.
2. The enactment of such purely local orders as curfew, pass violations and so forth would not appear to contravene the provisions of Executive Memorandum No. 68.
3. In para.2 of your letter you state that an order has been issued in respect of military property. I am not quite sure what you mean by that. If it covers a case of theft of military property I would not think that any order is necessary as Italian statutory law has been passed on this subject.
4. Recently there was sent to you an analogy of proclamation offenses and statutes. I think you will find that nearly all offenses under proclamations have their counterpart in Italian Statutory Law.
5. Subject to what is said above I approve your present procedure and certainly it is very important that all cases, where possible, be turned over to the Italian Courts to try.

RICHARD H. WEIMER.
Colonel, CAS.
Acting Chief Legal Officer.

Copy to : File ACC/4021/3/L.

TO CLO HQ A
FROM HQ REGION 5 ANG
SUBJECT Executive Memorandum No. 68
REF R5/511/2

Legal-
HEADQUARTERS
A.C.C.
15A

12 July 1944

1. A question has arisen upon the true construction of Executive Memorandum ^{No 68} as it affects the trial in Italian courts of offences against ANG Proclamations, and particularly the offence of illegal possession.
2. Acting upon the advice of DCLG this HQ instructed the PFs of Foggia and Campobasso Provinces to arrange for the Prefects to enact certain orders, identical with ANG Proclamations, covering such matters as curfew, and entry into the province without a pass. In Foggia a similar order has been issued in respect of military property and such an order is in course of preparation in Campobasso. Breaches of these orders are tried in Italian courts, although of course the ANG courts have also the right to try the offence against the Proclamation if they desire to exercise it. This procedure has been fully reported to you and it is understood that you approved it. It should be mentioned that with the reduced staff now available in these provinces it is not possible for all these offences to be heard in ANG courts.
3. It would appear that strictly the matter does not come within the terms of the Executive Memorandum since no Regional or Provincial order has in fact been issued purporting to transfer any cases to Italian courts; the situation is that a perfectly legal order has been issued by the Prefect, and that except in special cases that order is enforced in the Italian courts.
4. In case however it may be said that the procedure is at least in spirit a transfer to the Italian courts and therefore within the memorandum, it would

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be appreciated if you would confirm that you do approve of the present procedure under which offences of the type mentioned are in fact tried in the Italian courts and if you would also advise whether the true construction of the Memorandum is as suggested, or whether you desire to be specifically consulted in every case before a similar action is taken in future in other provinces.

For the Regional Commissioner,

W.D. Bennett
W.D. BENNETT
Colonel
R.I.O.

4089/1

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
QL RKS	

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394.

Regional Control and Military Government Section

Ref: 17/43/CA.

4 July 1944

EXECUTIVE MEMORANDUM

NUMBER.....68

RELATION BETWEEN ALLIED CONTROL COMMISSION
HEADQUARTERS AND REGIONS. REGIONAL ORDERS.

18

1. The powers delegated to Regional Commissioners are set out in Paragraph 1 of Executive Memorandum No. 30, to which this Memorandum is supplemental.
2. This Memorandum is issued with the intention of clarifying the principles which should govern the publication of Regional Orders in whatever form or by whatever description promulgated.
3. Regional Orders must not deal with over-all policies, such as censorship and defascistization.
4. Matters involving long term policy (i.e. extending beyond occupation) should be done by Italian decree, or by General Order (where it will take too long to await the issuance of an expected Italian decree), and not by Regional Order. A simple machinery has been established whereby Italian decrees can be made effective in Military Government Territory by an endorsement signed by the Executive Commissioner and published in the Gazzetta Ufficiale. The above procedure should be followed whenever possible and HQ. ACC should be approached to make the necessary arrangements.
5. It is important that Regional Orders should not contravene Proclamations or General Orders. It is not permissible for a Regional Order to purport to amend or construe a Proclamation or General Order, and any attempt to do so is legally ineffective. Further it is not permissible for a Regional Order to purport to transfer to Italian Courts the trial of offences which would otherwise be tried by the Military Government.

Ref: 17/43/CA.

4 July 1944

EXECUTIVE MEMORANDUM

NUMBER.....68}

RELATION BETWEEN ALLIED CONTROL COMMISSION
HEADQUARTERS AND REGIONS. REGIONAL ORDERS.

18

1. The powers delegated to Regional Commissioners are set out in Paragraph 1 of Executive Memorandum No. 50, to which this Memorandum is supplemental.
2. This Memorandum is issued with the intention of clarifying the principles which should govern the publication of Regional Orders in whatever form or by whatever description promulgated.
3. Regional Orders must not deal with over-all policies, such as censorship and defascistization.
4. Matters involving long term policy (i.e. extending beyond occupation) should be done by Italian decree, or by General Order (where it will take too long to await the issuance of an expected Italian decree), and not by Regional Order. A simple machinery has been established whereby Italian decrees can be made effective in Military Government Territory by an endorsement signed by the Executive Commissioner and published in the Gazzetta Ufficiale. The above procedure should be followed whenever possible and HQ. ACC should be approached to make the necessary arrangements.
5. It is important that Regional Orders should not contravene Proclamations or General Orders. It is not permissible for a Regional Order to purport to amend or construe a Proclamation or General Order, and any attempt to do so is legally ineffective. Further it is not permissible for a Regional Order to purport to transfer to Italian Courts the trial of offences which would normally be heard before Allied Military Courts. Whenever it is desired to make any such transfer, the matter must always be referred to HQ ACC.
6. Every Regional Order is to be submitted before signature to the Regional Legal Officer, who should sign a certificate that the Order conforms with the principles laid down above and is in proper form for signature.

Brigadier,
Executive Commissioner.

EX-100

3 July
REAR HEADQUARTERS
JOINT CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

RHW/eap

(13A)

ACC/4089/1/L

2 July
~~30 Jun 40~~SUBJECT: Control of Regional Orders -
Draft Executive Memorandum.

TO : Executive Commissioner

To bring again to the attention of R.Cs the provisions of Executive Memorandum No. 30 and to supplement it in the light of more recent experience, it is suggested that a new Executive Memorandum in the form inclosed be issued.

R. H. WILLEN,
Colonel, CAC
Deputy Chief Legal Officer
Actg

HEADQUARTERS
ALLIED CONTROL COMMISSION
HQ & HQ SECTION
APO 394

138

Jul 34

EXECUTIVE MEMORANDUM

NO.

Relation between Allied Control Commission
Headquarters and Regions. Regional Orders.

1. The powers delegated to Regional Commissioners are set out in Paragraph 1 of Executive Memorandum No. 30, to which this present Memorandum is supplemental.
2. This Memorandum is issued with the intention of clarifying the principles which should govern the publication of Regional Orders in whatever form or by whatever description promulgated.
3. The main point to bear in mind is that Regional Orders must not attempt to deal with over-all policies, such as censorship or defascistization.
4. In addition it is to be borne in mind that matters involving ~~the~~ tax policy (i.e. extending beyond occupation) should be done by Italian Decree, or by General Order (where it will take too long to await the issuance of an expected Italian decree), and not by Regional Order. A simple machinery has been established whereby Italian decrees can be made effective in Military Government Territory by an endorsement signed by the Executive Commissioner. The above procedure should be followed whenever possible and in these cases HQ ACC should be approached to make the necessary arrangements.
5. It is important that Regional Orders should not contravene Proclamations or General Orders. It is not permissible for a Regional Order to purport to amend or construe a Proclamation or General Order, and any attempt to do so is legally ineffective. Further it is not permissible for a Regional Order to purport to transfer to Italian Courts the trial of offences which would normally be heard before Allied Military Courts. Whenever it is desired to make any such transfer, the matter must always be referred to HQ ACC.

- 2 -

6. Every Regional Order is to be submitted before signature to the Regional Legal Officer, who should sign a certificate that the order conforms with the principles laid down above and is in proper form for signature.

M. S. HSE,
Brigadier,
Deputy Commissioner,
for Chief Commissioner.

15.

File
✓ ALLIED CONTROL COMMISSION
SICILY REGION HEADQUARTERS
APO 394

Legal (Pear)

U 2913

(19A)

File: RLE 013.132/FLV

23 June 1944

SUBJECT: Powers of Regional Commissioners.

TO : Chief Legal Officer, A.C.C., HQ.

1. In reply to your communication ACC/4089/L under date of 7 May 1944, please be advised that I have this day been informed by the Regional Commissioner to the effect that he does not believe that a supplemental directive to "Instructions for Guidance of Officers of the Commission" is required.

For Colonel A.N. HANCOCK:

Frank L. Vecchiolla
FRANK L. VECCHIOLLA,
Major, JAGD.,
Regional Legal Officer.

sf.

16

14089/1
HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION VII *May*

Ref: VII/L/704

20 May 44

Subject: Powers of Regional Commissioners

To: CLO Legal Subcommittee ACC Salerno

1. Attention is invited to par 3 your basic communication dated 7 May 44 your ref/ACC/4089/L. *1A*
2. At this time RLO Region VII knows of no special matters that should be included in supplemental directive to "Instructions for Guidance of Officers of the Commission" and to Executive Memorandum No.30 such a supplemental directive is not required by this RLO at this time. *13*
3. Should special matters arise request will be made for additional instruction.

Donald C. Little
Donald C. Little
Captain CMP AUS
RLO Region VII

File

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
AIO 394

JH/SMF

12A

ACC/4089/1/1

21 May 1944.

SUBJECT: Delegation of Powers under Proclamation 10.

TO: Executive Commissioner.

1. It has been suggested by FLO Region 3 and agreed by Finance Subcommittee that the powers reserved to the Chief Civil Affairs Officer under Article II of Proclamation 10 should be delegated specifically to Regional Commissioners. Finance Subcommittee suggest that similar delegation should be made to Joint Directors, Finance Subcommittee.
2. If you agree may the necessary instruction please be issued?
3. Since the new consolidated proclamations do not reproduce the terms of Article II of existing Proclamation 10, this delegation of powers will only affect territory already occupied; and where Proclamation No. 10 has been posted.

G. R. UPJOHN, Colonel
Chief Legal Officer.

Copy to: Finance Subcommittee.

12.

4089/1 76

TELETYPE

11A

S I C LEGAL SUBCOMMISSION A G C SALERNO

REF AGO/4089/D OF 7.5.44 ONLY JUST RECEIVED
EXECUTIVE MEMORANDUM SO SEEMS TO EMBRACE ALL
THAT IS NECESSARY

BAC
R I C REGION 2

11

4089/1 ✓ file
HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

Legal
(Rear HQ)
-8c70
10P

17 May 1944

TO : H.Q., A.C.C., (Rear) Legal Sub-Commission.

SUBJECT : Powers of Regional Commissioners.

REFERENCE: L/1440

Reference your ACC/4089/L dated 7 May 1944, para 2, receipt of "Instructions for Guidance of Officers of the Commission" and of Executive Memorandum No. 30 in this office cannot be traced.

R.C. & M.G. Section have been asked to forward these as soon as possible.

RGSA/cm

Henry A. Hally
for M. CARR
Brigadier
Regional Commissioner.

-10



HEADQUARTERS
ALLIED CONTROL COMMISSION
FINANCE SUB-COMMISSION
APO 394

13016/F

16 May 1944

SUBJECT: Delegation of Powers under Proclamation 10.

TO : Director, Legal Sub-Commission. ✓

1. Reference your ACC/4089/1/L dated 13 May, 1944.
2. It is the view of this Sub-Commission that the power to lift the restrictions imposed by Article I of Proclamation No. 10 should not be decentralized to Regional Commissioners. This Article imposes an exchange control and prohibits trade or communication with persons outside liberated Italy. These are considered to be matters for Finance Sub-Commission HQ to deal with. Uniformity is essential and policy can only be laid down in specific instances.
3. We see no objection, however, in decentralizing the power to act under Article II of Proclamation No. 10. The power to "block" funds and prohibit internal transactions is primarily an investigative and security function, and might well be delegated to Regional Commissioners, as well as the Joint Directors, Finance Sub-Commission. 9

G. W. Foley
Colonel,
Joint Director,
Finance Sub-Commission.

BELT/rad

Capt Moore
Prepare summary letter to Exec Com
Check what is particularly
press.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

DND/gac

ACC/4089/1/L

14 May 1944

SUBJECT: Powers of RCS.

TO : RCS Regions 3, 4, 5 (Attn RLCs).

In view of the replies to my ACC/4089/1, dated 7 May 44 it is NOT proposed to prepare any further directive on the powers of Regional Commissioners supplemented to Exec. Memo. 30.

G. R. H. P. H.
D. H. WITMAN, Colonel
Chief Legal Officer.

Copy to: RC & MD (CAB) Attn Capt. Talbot

TO CLO REAR H. ACC.
 FROM HQ REGION V AFG.
 SUBJECT POWER OF R.C.s.
 REF RS/511/2.

Legal

12 May 1944.

1. Ref your ACC/4069/L of 7 May 1944, Executive Memorandum No 30 was not available at this HQ at the date of the recent RLO's conference.
2. No further direction would appear necessary.

LEGAL SUB-COMMISSION

CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian Section	☐
CLERKS	☐

For Regional Commissioner

W. E. DEHRES
 W. E. DEHRES
 Lt. Colonel
 RLO

7

4356

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

GRU/pa

13 May 1944

ACC/4089/1/L.

SUBJECT : Delegation of Powers under Proclamation 10 .
TO : Director of Finance Sub-Commission, HQ ACC .

1. Region J has suggested that the powers conferred on the C.C.A.O. (new Chief Commissioner) by Proclamation 10 should be decentralised and conferred upon the Regional Commissioner.
2. Will you let me have your comments please.

J. R. UPJOHN,
Colonel,
Chief Legal Officer.

6

Copy to : File ACC/4027/L.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

GRU/pa

5A

13 May 1944

ACC/4089/1/L.

SUBJECT : Delegation of Powers under Proclamations 7 and 10.
TO : H.L.O. (thru RC) Region 3 .

1. Reference para 2 of your letter 1/2010 dated 10 May 1944 as to delegation of such powers under arts 3 and 4 of Procl.7 I think it is better that this should be done by Decree of the Italian Government. They are at the moment proposing a compensations bill dissolving all fascist societies and organizations, which will be applied to occupied territory .

2. With regard to Procl.10 I am referring the matter to the Finance Sub-Commission.

G. R. URJOHN,
Colonel,
Chief Legal Officer.

5*

Copy to : File ACC/4089/L.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/emf

ACC/4089/L

12 May 1944

SUBJECT: Powers of Regional Commissioners.

TO : RLO (thru RC) Region 3.

1. Your L/2010 dated 10 May 44 is acknowledged.
2. I assume from your reply that you do not think any further general directive is required.
3. The question raised by you on Proclamations 7 & 10 will be taken up ~~with~~ the appropriate quarters.

G. R. URGIN
Colonel
Chief Legal Officer.

✓
4019

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

3A

L/2010

10 May 1944

Subject : Powers of Regional Commissioners.

To : C.L.O. Legal Subcommittee, A.C.C.

1. Reference is made to your letter ACC/4089/L dated 7 May 1944 , subject as above.

2. Executive Memorandum No. 30 covers general authority of Regional Commissioner but it is my opinion that some of the powers reserved to the Chief Civil Affairs Officer (now Chief Commissioner) by Proclamations 7 and 10 should be delegated specifically to the Regional Commissioner.

3. The situation came to light in this Region recently when it became necessary to inquire into the dissolution of certain organizations affiliated with the Fascist Party by order of Colonel (now Brigadier General) Hume. We were unable to find any delegation of authority for such action. 3

4. This lack of authority to dissolve such organizations still exists.

5. The new Proclamation may take care of these situations in advanced operations but that will not help the situation here.

For the Regional Commissioner:

John W. Chapman
JOHN W. CHAPMAN,
Lt. Col., J.A.G.D.
Reg. Legal Officer

JWC/cm

HEADQUARTERS REGION 4
ALLIED MILITARY GOVERNMENT
A. P. O. 394

TO : G.I.C., A.S.C., H.Q. (Rear)
FROM : R.L.G. Region 4.
SUBJECT: Powers of Regional Commissioners.
REF. : R4/LE/Reg/R/17.
DATE : 10 May 44.

1. Reference your AGC/4099/L of 7 May 44 on the above subject.
2. The R.L.G. instructs me to reply that having considered the instructions quoted, and Executive Memorandum No. 30, he does not consider a supplemental directive is required.

W.G.R. Dates

Capt.
A.D.H.L.G.
for R.L.G.
Region 4.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian - Section	
CLERKS	

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

7 May, 1944.

REFERENCE : ACC/4069/L.

SUBJECT : Powers of Regional Commissioners.

TO : Regional Legal Officers (thru Regional Commissioners)
Regional 2, 3, 4, 5, 6, 7.

1. At the meeting of R.L.Os on 1 May the need was expressed for some further directive defining the powers of Regional Commissioners (see para. 15 (b) of Minutes of Meeting).

2. Before proceeding with such a directive, however, your attention is directed to "Instructions for Guidance of Officers of the Commission" and to Executive Memorandum No. 30 in particular which may previously have escaped your attention.

3. Will you let me know as soon as possible whether in the light of the foregoing you think a supplemental directive is still required and if so I should be grateful if you would indicate any special matters with which it should deal.

Gerald R. Urigh
GERALD R. URIGH.
Colonel,
Chief Legal Officer.

GNU/wcw.

2187

