

785016

ACC

10000/142/748

OFFICE OF
DEC. 1943 -

785016

142/748

OFFICE OF THE DIRECTOR OF SPECIAL PROSECUTIONS
DEC. 1943 - FEB. 1944

FILE CLOSED :15 February 1944.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee.
APO 394.

GRU/gmf

15 February 1944.

ACC/4109/L

SUBJECT: Special Prosecutions.

TO : R.C. Region III.

As arranged with the RCLO Region III yesterday, I can make Lt. Correa (Director of Special Prosecutions Branch, Legal Subcommittee) and a small staff available forthwith to assist in the preparation and prosecution of the more difficult cases (especially black market cases) before ARMG Courts.

In addition, Lt. Correa has at his disposal temporarily a staff of investigators who are organized for a special duty which is temporarily in abeyance and this staff can also be employed by Lt. Correa in Region 3 for preliminary investigation of cases.

If you require Lt. Correa and his staff, will you please ask Lt. Col. Chapman to contact him direct.

G. RI UPJCHN
Colonel
Chief Legal Officer.

12

*Taken by Sgt. Seiff
16/2/44.*

785016

CONFIDENTIAL

DCCAO
1889PENINSULAR BASE SECTION
SIGNAL MESSAGE CENTER

28 JAN 44

CONFIDENTIAL

File

PRIORITY

CG PBS FOR (FARGO) FOR SPECIAL PROSECUTIONS BRANCH LEGAL

NONE

AMG REGION TWO FOR RCLO

27NET

281530A

RT/150

NONE

OFFICER OF YOUR BRANCH URGENTLY REQUIRED TO REPORT TO LIEUT FISCHELSON HQ
SALERNO PROVINCE AS SOON AS POSSIBLE AFTER 29 JAN. SHOULD REVEAL HIS IDENTITY
TO NO ONE ELSE. MATTER IMPORTANT.

PBS DIST
ACTION AMG HQ
INFO C-2
CG
SSCY

ACC DIST
ACTION ADMIN DIR 2
INFO DCCAO
EXEC OFF
G-1

Original sent to AD
with draft cable for reply 2/2/44

11

11503

CONFIDENTIAL

2 5 2 7

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

785016

RESTRICTED

4109

FARGO 514

FARGO

26 JAN 44

RESTRICTED

16050 UPJOHN

ROUTINE

DISTWO

____ WITH REFERENCE YOUR ROGERS TARE SLASH ONE THREE FOUR DATED TWO
FOR
FIVE JANUARY ONE NINE FOUR FOUR PD FINEAST PAREN FARGO PAREN TO DISTWO/AMG REGION TWO
PD CITE FARGO FIVE ONE FOUR PD IN VIEW OF EMERGENCY REPORT NO SPECIAL PROSECUTORS AVAILABLE
AVAILABLE FOR MANY DAYS

L. F. NICKEL 10
Lt. Col., ASD
Adjutant General

RESTRICTED

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION
A.P.O. 394

REG/1409/L

SUBJECT:- Visit of Special Prosecutor to Region II

TO :- Administrative Directorate

25th January 1944

May the following signal please be sent to AMG Region II in reply to their signal 25/134 dated 25 January 1944.

In view of emergency regret no special prosecutors available for many days

CEPAID UPON

Colonel,
Chief Legal Officer.

2529

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

785016

CONFIDENTIAL

PENNINSULAR PASSPORT SECTION
SIGNAL MESSAGE CENTER

1394

25 JANUARY 1944

CONFIDENTIAL

ROUTINE

CG PRE (FARCO) FOR LITEL

NONE

AMG REGION 2

24 RPT

242150A

RT/134

NONE



PLEASE INFORM BY TELETYPE EARLIEST DATE AT WHICH SPECIAL PROSECUTOR CAN VISIT
THIS HQ PROCEEDING THENCE TO REGION SUPERIOR COURT CASE.

Action taken 25/1/44

PBS DIST
Action AMG HQ
Info Secy
CG

AG DIST
Admin Div (2)

10941

CONFIDENTIAL

TIME	TO	INIT
		25 JAN
		ADMIN DIRECTOR
		CHIEF STATE O
		STAFF O 1
		STAFF O 2
		STAFF O 3
		STAFF O 4
		STAFF O 5
		STAFF O 6
		STAFF O 7
		STAFF O 8
		STAFF O 9
		STAFF O 10

2530

785016

Form 18-135A

N-2829

RAD

Signal Corps, United States Army
Telegram

GPO B-10565

Received at

CONFIDENTIAL

PENINSULAR BASE SECTION
SIGNAL MESSAGE CENTER

20 JANUARY 1944

19

CONFIDENTIAL

ROUTINE

TO (ACTION) : CG PBS FOR FARGO ATTN CORREA

(INFORMATION) : NONE

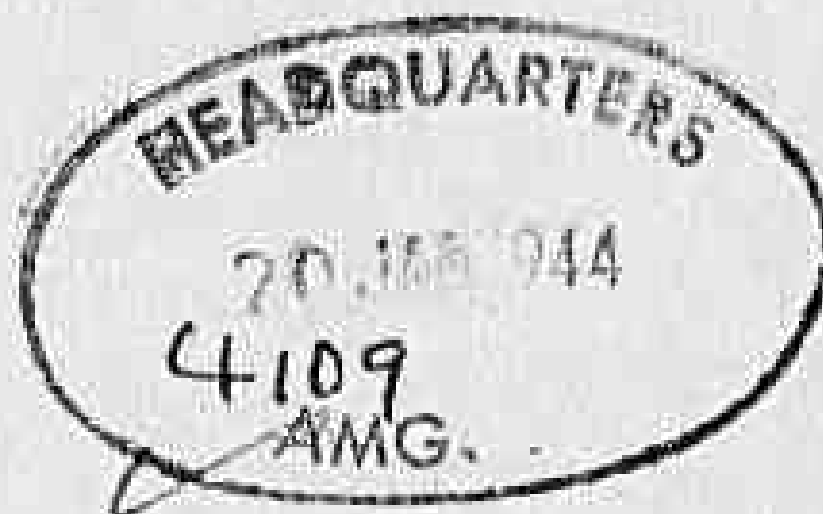
FROM : ROGERS FROM PARKER SIGNED SEARS

DATE TIME SIGNED: 191700A

DATE TIME REC'D : 200235A

REFERENCE NR. : S-6049

CITE : ROGERS 1422



CHARLIE CASE NOT YET READY FOR OUR CONSIDERATION. INDICATION
TODAY MORE DEFINITE WORD ON HIS STATUS MAY BE AVAILABLE 24 JANUARY:
MONDAY.

*Sigs. Army Hq
C/S
Sigs*

Unit Contact

Room 33

Seen by Lt. Correa on 2/1/44

CONFIDENTIAL

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AMG/MAG/L

Subject :- Change of location of Chief Judicial
Officer and Office of Special Prosecutions.

To :- RGOs (thru RGACs) Regions I and II.

12th January 1946.

The Chief Judicial Officer and the Officer in charge of
Special Prosecutions are now joining H.Q. A.M.G. on the mainland.

All matters dealing with the functions of these officers
should henceforth be sent to them here.

RICHARD H. WILSON,
Lt. Col. C.A.C.
Deputy Chief Legal Officer.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LEGAL SUB-COMMISSION

AMG/4109/1

Subject:- Publications

To:- Administrative Directorate

3rd January 1944

1. With reference to letter from A.F.H.Q., M.G.S. (Reference MG-401) dated 10th December 1943 delivered to the Legal Sub-Commission on 3rd January 1944, the Legal Sub-Commission has not heretofore received orders to supply 25 copies of mimeographed documents to A.F.H.Q., M.G.S.
2. 24 additional copies are being despatched forthwith to A.F.H.Q., M.G.S.

MARC J. GROSSMAN
Major,
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 542
ITALY SUB-COMMISSION

(4)

AMG/1402/1.

Directive on
Subject: Office of Director of Special Prosecutions.

To: A.M.G. (thru R.M.G.) Regions I and II.

6th December 1945

1. Enclosed are mimeographed copies of a directive from this Sub-commission which should be distributed to those interested.
2. This directive is not intended in any way to vary the general preference laid down in a communication from this office. (Reference AMG/1402/1, dated 1 Dec 45, entitled "Allied Military Courts"). On the contrary it helps centre the efforts to be made in compliance with such communication.
3. After the prospective changeover from A.M.G. to A.C.G. any of the activities of the Office of the Director of Special Prosecutions will be continued with enforcement generally through Italian courts.

EDWARD H. WILSON

lt. Col.,
Acting Deputy Chief Legal Officer.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 312
LEGAL SUB-COMMISSION

AMG/4109/L

Subject:- Office of Director of Special Prosecutions.

To :- R.C.L.C. (thru ROACe) Regions I and II.

6th December 1943.

1. In order to achieve uniformity in prosecution and, as far as possible, uniformity in the imposition of punishments for all crimes deemed directly to affect special interests of the Allied Military Government, there has been established within the Legal Sub-Commission, this Headquarters, the Office of the Director of Special Prosecutions, Legal Sub-Commission.

2. The function of the office of the Director of Special Prosecutions is to supervise and, whenever necessary, to assist in or conduct all prosecutions, within the occupied territory, of crimes within the category described in paragraph 1.

3. Crimes within the category described in paragraph 1 are :-

- (a) All criminal acts of any kind or nature whatever, that are committed with the purpose or intent of aiding or assisting the operations of the United Nations or of interfering with the operations of the Allied Forces.
- (b) All criminal acts which tend to bring about a substantial interference with the operations of the Allied Forces within the occupied territory, irrespective of the specific interest with which they are committed.
- (c) All acts of organized or mass violence or terrorism or of organized or mass resistance, or opposition to the Allied Military Government or other lawfully constituted government or the representatives or agents.
- (d) Violation of Article V of Proclamation No. 7 of July 1943.
- (e) All violations of applicable laws, decrees, Proclamations, orders and regulations (hereinafter referred to as "black market laws") which constitute :-

- (1) a diversion of unutilized commodities from legal channels;

- (a) All criminal acts of any kind or nature whatever, that are committed with the purpose or intent of aiding or assisting the enemies of the United Nations or of interfering with the operations of the Allied Forces.
- (b) All criminal acts which tend to bring about a substantial interference with the operations of the Allied Forces within the occupied territory, irrespective of the specific interest with which they are committed.
- (c) All acts of organized or mass violence or terrorism or of organized or mass resistance or opposition to the Allied Military Government or other lawfully constituted government or its representatives or agents.
- (d) Violation of Article V of Proclamation No. 7 of July 1943.
- (e) All violations of applicable laws, decrees, Proclamations, orders and regulations (hereinafter referred to as "black market cases") which constitute :-
- (i) a diversion of essential commodities from legal channels by hoarding, transportation or sale through other than legal means;
 - (ii) an unlawful purchase or sale of such commodities at prices in excess of legally prescribed maximums.
- (f) All other substantial violations which in the judgment of the C.I.O., Legal Officer or C.A.P.O. having jurisdiction thereof are of such a nature or extent as to fall within the category described in paragraph 1.
4. However none of the kinds mentioned in paragraph 3, sub-para. (a), (b), (c), (d) and (f), or major black market cases arise, it shall be the duty of the C.I.O., C.A.P.O. or Legal Officer having jurisdiction :-
- (a) to report the case immediately through Regional Headquarters to the Director of Special Prosecutions;
 - (b) whenever practicable in view of existing communication and transportation difficulties, to withhold prosecution of the offense until advice is received from the Director of Special Prosecutions through Regional Headquarters to proceed with the prosecution.

(c) To give all such cases special preferred and expeditious treatment, including to the maximum extent possible special investigative attention to make certain that all available evidence of the offense has been secured and all available individuals involved in the offense have been discovered and apprehended.

5. It shall be the duty of each Regional Headquarters to forward as soon as practicable all reports of the type described in paragraph 4 heretofore to the Director of Special Prosecutions and, in any event, to render such assistance to the investigation and prosecution of offenses so reported as the Regional Chief Legal Officer deems necessary.

Where, however, in view of the nature of the case so reported and the state of transportation and communication facilities, it is not deemed practicable to withhold prosecution until advice is received from the Director of Special Prosecutions, it shall be the duty of Regional Headquarters to take all necessary steps to ensure prosecution of the case in accordance with the policy defined in this directive.

6. All prosecutions for crimes that affect the interests of A.M.C. as defined in para. 3 heretofore shall be brought before A.M. Courts.

7. The procedure described in para. 4 heretofore shall be followed in all cases of any nature whatsoever, if it seems likely that the prosecution is to be brought before a General A. M. Court. The duties of Regional Headquarters with respect to such cases shall be as set forth in para. 5 heretofore.

8. Major black market cases are distinguished from other black market cases are subject to the procedure set forth in para. 4 heretofore. No word and fast rule can be laid down defining a major black market case. Illustrative of the type of case falling into this category are the following types of cases. There are examples only for they by no means exhaust the category:-

- (a) Violations which are the result of the operation of any organized group, ring or conspiracy;
- (b) Violations which involve a branch of trust such as violations by law enforcement officers or other public officials charged with the suppression of black market practices or with the administration of supplies or rationing;
- (c) Violations whose extent is such as to indicate a black market operation on a major scale.

9. Success of the current drive against Black Market cases is of especial interest to the A.M.C. Hence the greatest emphasis should be laid upon the detection of major cases. Other black market cases should

7. The procedure described in para. 4 hereof shall be followed in all cases of any nature whatsoever, if it seems likely that the prosecution is to be brought before a General or a Court. The duties of Regional Headquarters with respect to such cases shall be as set forth in para. 5 hereof.

8. Major black market cases are distinguished from other black market cases are subject to the procedure set forth in para. 4 hereof. No hard and fast rule can be laid down defining a major black market case. Illustrative of the type of cases falling into this category are the following types of cases. These are examples only for they by no means exhaust the category :-

- (a) Violations which are the result of the operation of any organized group, ring or conspiracy;
- (b) Violations which involve a breach of trust such as violations by law enforcement officers or other public officials charged with the suppression of black market practices or with the administration of supplies or rationing;
- (c) Violations whose extent is such as to indicate a black market operation on a major scale.

9. Success of the current drive against black market cases is of especial interest to the A.M.S. Hence the greatest emphasis should be laid upon the prosecution and investigation of major cases. Other black market cases should also be the subject of an intensive law enforcement drive by C.A.Os, Legal Officers and C.A.P.Os. The greatest available concentration of time, effort and enforcement personnel should be made upon this type of violation. The steps to be taken in pursuance of this policy will depend on a large extent upon the resourcefulness of the C.A.O., Legal Officer or C.A.P.O. having jurisdiction and his knowledge of local conditions. The following measures, however, should be put into effect whenever they are applicable:-

- (a) Imposition of uniform punishments for this type of violation within the limits set forth in the directive of the Chief Judicial Officer on the subject;
- (b) A special effort to discover and apprehend major violators, suppliers, transporters of grain on a large scale and individuals connected with organized black market activity;
- (c) In connection with the above a policy of leniency to minor offenders who win the enforcement authorities by giving information concerning their sources of supply, their confederates, or other matters;
- (d) Dissemination by whatever means available of publicity as to cases actually tried, the names of the offenders and the punishments imposed.

- 3 -

- (e) Establishment of road blocks and the use of such other special investigative devices as may be warranted by conditions obtaining in any particular locality.
10. Communications from Regional Headquarters will be transmitted to the Legal Sub-Commission for the office of the Director of Special Prosecutions.

Richard H. Wilmer

RICHARD H. WILMER

Lt. Colonel,
Acting Deputy Chief Legal Officer.

DISTRIBUTION :-

RCLO Region I	25
RCLO Region II	25
MS. AFHQ.	1
AMC. 15 Army Gp.	10
Lieut. Carner. (Public Safety)	10
Sub-Commissions	15
File 4109/L.	1
Spares	20

(For information)

" "

2539

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

785016

2

20

File 4109/L.
Spares

4 Dec 1943

Memorandum to: Col Spafford

I am attaching the draft of directive prepared by Lt Correa with respect to investigations and prosecutions. If it is satisfactory to you I will send it out to Regions I & II with an explanatory letter stating that it is not intended to deviate from the principles previously laid down - namely to hold the cases to be tried by Allied Military Courts to a minimum. I believe this will avoid confusion. Also it seems to me that with this start Lt. Correa will have made a start on the work to be done after the change from AMQ to ACC.

St. Hilmer: I think the attached is good and should go out right away.

Howard H. Wilmer
— 1st Lt. Col. 1

12/4

C/S

4 Dec 1943

Memorandum to Col Spafford

I am attaching the draft of directive prepared by Lt Corea with respect to investigations and proceedings. If it is satisfactory to you I will send it out to Regains I & II with an explanatory letter stating that it is not intended to deviate from the principles previously laid down - namely to hold the cases to be tried by Allied Military Courts to a minimum. I believe this will avoid confusion. Also it seems to me that with this start Lt. Corea will have made a start on the work to be done after the change from AMG to ACC

St. Hilmer: I think the attached is good and should go out right away.

Richard H. Wilmer
— 1st Lt. Col.

12/4

JS

1

