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10000/142/751

COL. G. R. UPJOHN, PERSONAL
FEB. - JULY 1944

FILE CLOSED 6 July 1944

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file
Brig. G. R. UPHORN, Legal S/C (British)

1. (Par 2) The position occupied by the officer. Chief Legal Officer.
From: Oct 1943 To: 20 June 1944 - transferred to Admin Sec (now CA Sec).

General duties and the responsibilities of the officer within this position.

Advisor to Chief Commissioner on all legal problems arising in Allied Control Commission. Advisor to sections and sub-commissions on all legal problems within their respective spheres. Preparation of all legal documents required by the Allied Control Commission. Supervision of Allied Military Courts in Military and Italian Government Territory. Supervision of the work of Italian courts and Italian judicial personnel. Coordination of the work of Legal S.C.

X. (Par. 3) The difficulties encountered in the accomplishment of assigned duties and mission.

At the time this officer became Chief Legal Officer, the organization of the Commission was in an experimental state with no established principles or precedents to serve as guide-posts; the personnel generally had little or no experience with the practical side of Military Government. The Italian Courts were closed and their official personnel absent. Vast problems resulting from lack of transport, the absence of witnesses and records, and the destruction of court-rooms had to be overcome before Italian courts could be reopened. Allied Military Courts had to be reorganized from the ground up and at the outset the problem was complicated by the fact that the vast majority of them had to be operated and functioned by untrained and unqualified personnel.

X. (Par. 4) The method and personal characteristics in the development of the solution of the assigned duties and mission.

Energy, practical common sense and inspirational leadership. He built up a staff of enthusiastic and loyal experts and by direct personal guidance and detailed knowledge, he supervised personally every field of legal activity.

X. (Par. 5) The results of the accomplishment of the assigned duties and mission. 22

By June, 1944 all sub-commission had received direction on legal aspects of their functions; the Italian courts were working in Sicily and in most cases in Southern Italy and were directly assisting the Allied effort by the cases which they tried; the Allied Military Courts were working in a manner which gave general satisfaction to all concerned. Cordial relations had been established with the Ministry of Justice and every cooperation secured from it. The Legal Sub-Commission was functioning with smoothness, unity, effectiveness and success.

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MIDEAST ~~XXXXXXXXXX~~

MINISTER OF JUSTICE PAPER TO MIDEAST FOR CIVIL AFFAIRS BRANCH FOR
 COL. MAXWELL FROM ACC RNAR FROM LEGAL SIGNED SIGN PAPER AT OUR REQUEST
 WILL ENDEAVOUR TO PROVIDE ITALIAN HELP CMA REFERENCE YOUR LETTER DATED
 TWO SIX MAY TO UPJOIN CMA BUT FIRST WANTS TO KNOW NUMBER AND QUALIFICATIONS
 REQUIRED CMA LOCATION AND DURATION OF EMPLOYMENT CMA COMPENSATION TO BE
 PAID AND TO WHAT EXTENT THEY WOULD HAVE EXPENSES TO PAY PERSONALLY

AUTHENTICATED

E. J. Chiocca
 E. J. CHIOCCA
 C O USA
 Adjutant

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U.S. RESTRICTED

Under British RESTRICTED

4112
Enter into file

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

6 July 1944.

MEMORANDUM :

TO : Lt.Col. G.G. Hannaford, Legal Sub-Commission, Adv.HQ., ACC.

1. Some days ago I saw Dr. P. Chimenti. I was favourably impressed with his general qualifications and unless you have someone better to recommend it might be well to make tentative arrangements with him so that he may be available at an early date. Of course he must be carefully screened first and I suggest that this be done forthwith. In the meantime you may have found someone who you would prefer to use in which case the matter can rest until I come to Rome, which I trust will be in the very near future.

2. We will also need another lawyer who is an expert in criminal law. Dr. Chimenti would seem to have a good knowledge of law in civilian matters but not criminal matters. I am very anxious to have lawyers of these two types available as soon as or shortly after I reach Rome.

3. Colonel Upjohn has had a letter from a friend of his, Col.E.F.M. Maxwell, Civil Affairs Branch, GHQ, MEF, in which he asks whether in order to trace owners of property in Italian Africa there is available in Rome some sort of Central Registry giving the names and addresses of those Italians who have returned from abroad. Col. Maxwell has in mind to send one of his officers to Italy to endeavour to trace owners of property who fled from Africa in order to have them appoint representatives to take over their property and so relieve the Property Controllers of their present duties. In the reply to Colonel Maxwell Col. Upjohn suggested that the resort to the employment of a Curatore under Italian Law might be advantageous.

Can you locate such a central Registry?

RICHARD H. WILMER.
 Colonel CAC.,
 Acting Chief Legal Officer. (1)

RHW/ew.

3 July 1944

HQ Region 5 AMG

My dear Gerald,

I hear that you are now head of the Adm Sec; may I offer my congratulations. Do I understand that you are permanently detached from the legal world or is the divorce merely temporary?

Needless to say Chieti appears to be off. It is in many ways an admirable place, undamaged with good buildings and communications. The only objection to it is that it is too far south. So we are not going there. The present plan is Pescara, which is no further north, where every building is flat, where typhoid is rampant, where there is no water furniture or electricity and which is teeming with mosquitoes. The selection appears obvious; however if you care to come and stay with me I will provide admirable bathing - if you bring the mine detectors.

I have just finished a lightning tour of the new provinces. Chieti with Welsford is under control; at Pescara Cohen is thinking of nothing but his promotion which he does not appear to deserve any more than anyone else, but I hope he will get on with his job one day. He won't stay in Pescara long as I need him in Ancona and I can leave Pescara to Welsford after Cohen has done the donkey work in a week or so. Anyhow Pescara is so damaged that nothing much will happen there for some time. In Teramo Grant is doing precisely nothing; he is quite useless. Luckily the place is in excellent order and I think there will be no trouble. Almost all the Italian judges are there, and provided they are OK I think the province will run itself. At Ascoli Piceno Backhouse had only just got in, but I think it will be much the same as Teramo. In Aquila Bader is doing well; communications there are difficult, but the people are quiet, orderly and cooperative so there should not be much AMG work, while it is reported that the Italian judges, courts, records and personnel are in good order. The Court of Appeal itself is very short.

One Major P.E. Reynolds has just been attached to this region before going to Region 9. He is a Canadian barrister who appears competent, though he does not know whether he is in the legal div. I assume that you will be making Troxell an RLO of

Capt more

one of the new regions, so that I think you might let me have Reynolds as a legal officer to make up my number.

Incidentally I am told that personnel for Region 12 are under consideration. It appears to me that by the time Region 12 is functioning Region 5 will have been handed back to the Italians, so that I could more profitably be employed in Region 12 - particularly if it establishes its HQ in Venice!

In the course of my tour I tried to visit Penne; at the present time it can only be reached by mule or parachute. I was equipped with neither, so that I had to leave the investigation of Ciulli's family to the local CAO who, I am assured, has the matter well in hand.

I am hoping that the visit to Rome for the legal conference will take place in the not too distant future, but I would point out that I shall be heavily engaged in court for a week up to the 20 July, while our move will take place between the 15th and 25th to whatever destination God or the RC finally commits us.

Yours ever

Butz

PERSONAL AND CONFIDENTIAL

DEAR HEADQUARTERS,
ALLIED CONTROL COMMISSION.

20 Jun 44.

Dear Major Molt,

1. I have seen Col. Chapman and have come to the conclusion that in all the circumstances of the case it will be better for you to part company. I shall not do anything immediately, but probably in the near future as and when a suitable position for you arises and you may rest assured that your transfer involves no criticism of you but is due entirely to a certain incompatibility of temperament between you two.

2. Col. Chapman informs me that SARTO Ciro is entirely at the disposal of the Italian Judicial authorities for prosecution.

The only limitation on this is that if the facts warrant it all the defendants may be tried before an A.M. Court.

This is for your confidential information only.

Yours Sincerely,

To Major W.C. Molt
Officer i/c Italian Courts,
Region 5.

PERSONAL & CONFIDENTIAL

NEAR HEADQUARTERS,
ALLIED CONTROL COMMISSION.

19 Jun 44.

Dear Billy;

1. F. Sub. R. is in a very embryonic state and nothing has been decided as to whether or not it will be formed.

2. If it is formed then the principles which I discussed with you last night will be applicable i.e. you will be M.O. for the whole Region and the arrangements made for the Sub-Region will be for you in the legal sphere acting, of course, under the directions of your R.C. In particular I agree with you about the position of Levit.

3. I hope you have got back safely!

Yours Sincerely,

Col. W.E. Dehrens
R.L.O.
Region V HQ.

4112
 Enter file
 Civil Affairs Branch,
 G.H.Q., M.E.F.A.

26th May, 1944.

My dear Upjohn

Thank you very much for your letter of the 8th May (No. ACC/4027/2/L) enclosing the new Proclamations and the Military Courts Handbook. They will be of great use to us.

The Cyrenaica Legal Adviser has written to say that he has a number of difficult questions of Italian law and would like to have the benefit of an authoritative opinion from some well-qualified Italian lawyer. There are, of course, many eminent Italian lawyers in Egypt but most of them are in concentration camps. Some time ago I wrote to Shields on the same subject on behalf of the Hirings Department here and he supplied me with the name of the Legal Adviser to the British Consulate-General in Naples. But the Legal Adviser in Cyrenaica is himself an international lawyer of some considerable experience and wishes to pick and choose among the counsel whose opinion he wishes me to seek. I should, therefore, be most grateful to you if you could let me have a list showing the names and addresses of any Italian advocates whom you can recommend as being qualified to do the kind of work which I have indicated. And if it would be possible for you at the same time to let me have some idea of the kind of fees that they are likely to demand, this would make my task very much easier.

Yours Sincerely

G. F. M. Maxwell

Colonel G.R. Upjohn,
 Chief Legal Officer,
 Rear Headquarters,
 Allied Control Commission,
 Legal Sub-Commission,
 A.P.O. 394,

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REAL CASINO SOCIALE
SALERNO

Personal file

11,2 maggio 1944

on.

Col. G. UPJOHN

Legal Sub-Commission

Commissione Alleta di Controllo

SALERNO

Questo R. Casino Sociale iscriverà
a suo onore ospitare nelle sue sale la S.V. ed
i signori funzionari dipendenti.

Con osservanza.

IL COMMISSARIO

avv. Carlo Liberti

Liberti

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

/gmf

ACC/4112/L

3 May 1944

My dear

Many thanks for your letter of 27th April 1944 enclosing copies of the Eritrean Gazette and Proclamations for Somalia and Cyrenaica, which will be read with interest here.

Yours

Col. EM Maxwell
Civil Affairs Branch.
G.H.Q., M.E.F.

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Civil Affairs Branch,
G.H.Q., C.E.F.

27th April, 1944.

My dear Upjohn

Thank you very much for your letter No.
ACC/4112/L of the 16th April.

I am sorry you are not able to send any
judges to Eritrea as I think they are really
badly needed. However, I have told the Legal
Adviser that he must do the best he can with the
talent of the local Bar.

I send you herewith copies of the
Eritrean Gazette for 1943 and Cyrenaica Procla-
mations to date. The Dodecanese Proclamations
are being printed and I will let you have a
copy as soon as it has been done. Perhaps you
would also like a copy of the revised Military
Legislation of Somalia and I send it herewith.
We are making a somewhat similar revision for
Eritrea which will be sent to you in due course.

Yours Sincerely

E. M. Maxwell

Colonel G.R. Upjohn,
H.Q., A.C.C.,
C.M.F.

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4112

Cpl Patten

Type please

of 27th April 1944 enclosing copies of the Eritrean Gazette
and Proclamations for Somalia and Cyrenaica which will be
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Many thanks for your letter
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read with interest here.
Yours
C.R.

HEADQUARTERS
ALLIED CONTROL COMMISSION
C.M.F.

16 April 1944

AEC/4112/L

FROM Col. G. R. Upjohn, HQ, AEC.

My dear

Thank you for your letter of 31 March. I was very sorry to miss you when I was at Caserta.

I have discussed the question of sending some judges to Eritrea with Lieut. Gen. Mason Macfarlane but he feels that it would at the present juncture be unwise to permit any judges, who are in very short supply here at the moment, to leave Italy. He also thinks it would be inadvisable on general grounds of policy.

We are engaged in a complete revision of all proclamations and general orders. Originally we had no less than 13 proclamations to be posted up on entry into a new area, but I have reduced them to four without, I hope, cutting away any of their efficacy.

We have in these circumstances let our present stock drop to practically zero and cannot spare any but I am arranging for advance typewritten copies of our new proclamations which are being signed this week to be sent to you and when our general orders are revised in 2 or 3 weeks, copies will also be sent to you.

I should much appreciate receiving copies of your proclamations and orders. We already receive copies of the Tripoli Gazette.

Yours,

To Col. E.H.M. Maxwell,
Civil Affairs Branch,
G.H.Q., M.E.F.

Civil Affairs Branch,
G.H.Q., M.E.F.

31st March, 1944.

My dear Upjohn

I am very sorry to have missed you at the hospital last week but I had to go and visit the K.D.G's and the journey was made much slower than I expected by the ash from the volcano.

It so chances that on my return I find a difficulty on which I think you could help us. The Italians had one Court of Appeal for the whole of Italian East Africa and it sat at Addis Ababa. When we occupied Ethiopia we put all the judges there under lock and key but left such judges as were functioning in Eritrea to continue their work. The result was that Eritrea had no Court of Appeal. It has now been decided to institute one in order to meet the needs of the inhabitants which have become pressing. Under Italian law a judge of the Court of Appeal has to be of the 6th Grade. There is in Eritrea only one judge with this qualification.

I wonder if you could assist us by finding out whether there are any judges available in that part of Italy for which you are responsible, whether any of them would be willing to come to Eritrea and what salary they would require. I regret to say that in the Italian colonies which we occupy the judges are not paid the full salaries due to them under Italian law but are lumped together with all other Government officials whose maximum salary is £25 a month. But before anyone is engaged I would let you know full details of all the conditions of service. Two judges are required.

I had hoped to get a collection of the General Orders issued by General MacFarlane but unfortunately left Caserta rather earlier than I expected. I should be very grateful if you could send me a complete set for my own personal use and, of course, I would be only too glad to send you any documents of a like nature which we issue here.

Yours Sincerely

E.F.M. Maxwell

Colonel Upjohn,
Legal Sub-Commission,
H.Q., A.G.C.,
C.M.F.

4112

REPORT ABSTRACT FOR THE DIRECTOR

1 There is a great deal of confusion in many minds as to how the necessary work is related to function and there is a resultant loss of efficiency, loss of time, friction and reduction of effort.

2 The confusion of thought is due partially to the fact that the demarcation between the functions of certain sections has not been clearly defined, and partially to misunderstandings, particularly to inspection.

3 As far as I understand the position, the functions of AOS are three:

(i) that in the war office to know as staff mission, (which is there carried out by a branch of the General Staff).

(ii) that for control purposes it acts in addition as 'CC Regions', and

(iii) General Administration (i.e. A & C matters) of HQ itself.

4 As the War Office the CC Branch is responsible for the production of the instructions, the allocation of staff functions, the preparation of directions, commands of instructions, the selection and training of staff officers and the selection for staff appointments and commands; the planning of the functions which should be allotted to the various branches of the staff. In short they plan the work and the staff to do it but they do not take part in the work itself.

5 With regard to the second function, that of CC Regions. There is an obvious convenience in having a single channel of command and communication but this function is one of an entirely different class to the first and is basically analogous to the appointment of CCB to a Command. It is the combining of two such different functions in one person that has led to some confusion of thought.

6 It is not intended to refer further to the third function of AOS which is not a source of serious misunderstanding.

7 The arguments of sections and directions of sub commissions have never to make certain decisions and there are notified to regions through HQ. Technicality, these decisions are made on behalf of the CC and the errors that are involved are tiny but the fact that the errors are limited through HQ in response to the incorrect idea prevalent in many quarters that officers of Regions are directly responsible to HQ for all their acts and that their correct channel of correspondence is HQ.

8 This is quite incorrect. The AOS is directly comparable in function and organization to the War Office. The instructions which sub commissions are accountable to HQ's which are prepared by War Office branches and issued over the signature of a civilian member of the War Council; usually analogous, but the AOS does not deal with the matters with which HQ's deal. If a Command (of Region) desires to raise any question it corresponds with the appropriate War Office Branch (of sub commissions) and not with the AOS. As far as HQ's cover all the ground and there is no room for correspondence between Regions and HQ on any subject which has been allotted to a HQ's. This is, in all, the biggest source of friction, delay, and waste of time, labor and material.

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5. The lack of instructions, the selection and training of staff officers and the selection for staff appointments are examples of the planning of the future in which should be allocated to the various branches of the staff. In short they plan the work and the staff to do it but they do not take part in the work itself.

6. With regard to the general function, that of co-ordination. There is an obvious contradiction in having a single channel of command and co-ordination but this function is one of an entirely different class to the first and is basically analogous to the appointment of GSO to a Commander. It is the combining of two such different functions in one person that has led to some confusion of thought.

7. It is not intended to refer further to the third function of HQM which is not a cause of serious misunderstanding.

8. The President of sections and directors of the Commission have power to make certain decisions and these are applied to regions through HQM. In common speaking, these decisions are made on behalf of the CC and the orders that are issued are his. But the fact that the orders are issued through HQM is responsible for the frequent lack of interest in many quarters that officers of regions are directly responsible to HQM for all their work and that their current command of correspondence is HQM.

9. This is quite incorrect. HQM is directly comparable in function and organization to the War Office. The instructions which the Commission issues are comparable to those which are prepared by the War Office and issued over the signature of a civilian member of the War Office, especially the Chief of the Staff. The same man with the authority with which HQM deals. If a General (of Region) desires to raise any question it corresponds with an appropriate officer through (of HQM) and not with the HQM. So here, the Commission covers all the ground and there is no room for correspondence between regions and HQM on any subject which has been allotted to a HQM. This is, of all, the biggest cause of friction, delay, and waste of time, labour and material.

10. This line of demarcation between these functions is not even understood by the officers of HQM staff themselves let alone regions or other HQM units, as the following examples which are all from the table of the particular staff officers on the particular day, the 1st April. The extent of the delay, disorganization and misunderstanding occurring in the whole HQM must be obvious.

11. In the following examples the words Sub Commissions are omitted for the sake of brevity.

March 1st

12. Instead of addressing attention direct vision as a branch of the staff they are entitled to do, write on the 1st April to the HQM Commission the on the 1st April writer from HQM to the HQM staff of HQM (and writing on a separate file for that purpose) who then have to send the letter back to HQM of HQM. HQM will not receive the letter written in HQM on the 1st April until at least 7 April because a number of persons have been quite unnecessarily employed registered typing, filing, copying the correspondence and paper has been wasted etc.

...../10

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It apparently is contemplated that future correspondence on this subject should also follow the same channel, allowing down the machine horribly to little or no purpose on right who have laboriously duplicated the files on the subject are not the executive authority. They are merely a conduit pipe and a bottle neck at that.

Paragraph 12.

Paragraph 12 writing on the 26 bar on the technical matter of persons instead of addressing Public Safety direct written to NCNC who write a forwarding letter on a different file to ADM Sec which is received by and passed to Public Safety on 6 April; again a number of persons have been quite uselessly employed and much time, labour and paper wasted.

Just imagine the copies of files that quite uselessly exist at NCNC and the staff that must be required to register these letters in and out, to write the covering letters, to make the copies of the letters to be enclosed and to file them.

Paragraph 13.

In this case the routing etc of the papers is quite correct but the matter complained of discloses that a senior technical officer has been appointed without any reference to the ADM Sec responsible for the work in question or with the senior technical officer under whom the officer was to work and that an experienced officer with whose work his superior was well pleased has been replaced. Such unscrutinized interference with the internal working leads to discontent, a feeling of insecurity and to ultimate inefficiency.

Paragraph 14.

These papers originate with a report from a 10 to the CIO and disclose what appears to be the establishment of an unauthorized court and the infliction of illegal punishments. This was a matter entirely for legal to look into. It might be for NCNC to take action thereafter but that is another matter.

In 14 by NCNC letter of 27 bar intended to suggest that the enquiry into this technical matter should have been conducted by persons with no special knowledge of the last. I can see no useful purpose of any legal enquiry until it had been decided that what was done was illegal - after that explanation can be asked for.

The correspondence discloses a complete misunderstanding of the functions of NCNC who are not concerned with any technical matter of government. If this is not the case a clarification of the respective functions of NCNC and the ADM Sec is urgently needed. If the expert ADM Sec at NCNC are not responsible for the running of the functions of which they are nominally the head, they may as well be abolished and let the lawyer (at NCNC) be responsible for technical details.

Paragraph 15.

Deals with the proposals for the control of the Italian press and the ADM Sec without any consultation with the experts on the subject of Italian government. It is to discuss the arrangements for control of the press including press-

over that must be required to register these letters in and out, to write the covering letters, to make the copies of the letters to be enclosed and to file them.

Paragraph C.

In this case the routing etc of the papers is quite correct but the matter complained of discloses that a senior technical officer has been appointed without any reference to the Sub Com responsible for the work in question or with the senior technical officer under whom the officer was to work and that an experienced officer with whose work his superior was well pleased has been replaced. Such unwarranted interference with the internal working leads to discontent, a feeling of insecurity and to ultimate inefficiency.

Paragraph D.

These papers originate with a report from a IC to the CIG and disclose what appears to be the establishment of an unauthorized court and the infliction of illegal punishments. This was a matter entirely for legal to look into. It might be for ICAC to take action thereafter but that is another matter.

As is by ICAC letter of 27 her intention to suggest that the enquiry into this technical matter should have been conducted by persons with no special knowledge of the law. I can see no useful purpose of any man legal enquiry until it had been decided that what was done was illegal - after that explanation can be asked for.

The correspondence discloses a complete misunderstanding of the functions of ICAC who are not concerned with any technical matter of government. If this is not the case a clarification of the respective functions of ICAC and the Sub Com is urgently needed. If the expert sub Com at ICAC are not responsible for the running of the functions of which they are nominally the head, they may as well be abolished and let the laymen (at ICAC) be responsible for technical details.

Paragraph E.

Deals with the proposals for the control of the Italian press and the AIR without any consultation with the experts on the subject of Italian Government proposals to discuss the arrangements for control of the press including providing for the cooperation of the Italian Government shall be provided.

They decide upon a scheme which the expert could have told them at once would be inoperative and inacceptable. No prefect has any power or position with regard to other provinces and little knowledge of local conditions in those other provinces. The Bari Board for instance covers ten provinces with the detailed conditions of mine of which the Bari prefect will be quite unacquainted. He will therefore be of little assistance to the Board while if he be elevated to a position which may be regarded as superior to that of the other mine prefects it is likely to cause ill feeling and friction.

This is a case where the Interior expert on Italian Government should have been consulted so that a workable scheme might have been devised.

Then without waiting to get any reaction from the Italian Government the AIR got legal to present to the Italian Government a draft decree carrying out their proposals. Surely this is the way to create ill feeling and friction.

...../Paragraph F.

-3-

Paper 1

Indicate that NC Region III wrote to ROM requesting a for a certain prefecture. On 3 Apr (apparently after the lapse of some days) ROM ask ADM Gen to obtain the views of the Italian Government. This letter is not received until the 5th April and is handed to and acted on by Interior the same day. On the 6 Apr the Italian Liaison Officer informed Interior that NC Region III has already been in direct communication with the Italian Govt. Interior also receive on that day a letter dated 5 Apr (the same day they received the first communication) which approves the person 'nominated' by NC Region III.

This makes a perfect laughing stock of Interior.

Two points are obvious:

- (a) That if NC Region III had written Interior direct, the latter would have got there so much earlier; there was nothing that ROM could do but send it on wasting time and labour, and
- (b) NC Region III should not have approached the Italian Government - what would have been the position if for some unknown reason we could not approve of his 'nominations'?

The position is preposterous.

Paper 2

NC Region II writes ROM with regard to the appointments of prefects in Sicily. The letter dated 23 Mar does not arrive at this ROM until 6 Apr. Some days would have been saved if this had been correctly addressed direct to Interior whose function it is to deal with these matters.

Paper 3Paper 4

Regional and Provincial Commissioners' agent in many ways the powers and functions which would in peace have been exercised by the Central Govt. or by or through the prefect. The Interior Sub Comm has been allotted the functions of organizing and supervising local government and of procuring that the Italian Govt issues such decrees as may be necessary to develop this Government on lines consistent with the Italian policy, and that it makes appointments of which it approves.

Yet with these large responsibilities it is stated to have no officers in the field and the officers who are in fact exercising local government functions and powers are shown in Paper 5 as a part of ROM.

Paper 5 shows that: the Director of the Interior is unable to obtain the information which he requires to enable him to carry out his duties. On his protesting he was informed that all CA officers were his representatives. This is so, it is not understood why they should not be shown as Interior officers in the field or for what reason they are shown as ROM officers in the field. Their being so shown certainly leaves CA's to believe that ROM is their master.

- (b) RU Region III should not have approached the Italian Government - what would have been the position if for some unknown reason we could not approve of his 'demonstration'?

The position is preposterous.

Paper II

PC Region II writes PCOM with regard to the appointments of prefects in Sicily, the letter dated 23 Mar does not arrive at this HQ until 6 Apr. Some days would have been saved if this had been correctly addressed direct to Interior whose function it is to deal with these matters.

Paper II
Paper II

Regional and Provincial Commissioners exert in many ways the powers and functions which would in peace have been exercised by the Central Govt. or by or through the Prefect. The Interior Sub Comm has been allotted the functions of organizing and supervising local government and of procuring that the Italian Govt issues such decrees as may be necessary to develop this Government on lines consistent with the Allied policy, and that it makes appointments of which it approves.

Yet with these large responsibilities it is stated to have no officers in the field and the officers who are in fact supervising local government functions and powers are shown in Paper II as a part of PCOM.

Paper II shows that: the Director of the Interior is unable to obtain the information which he requires to enable him to carry out his duties. On his protesting he was informed that all CA officers were his representatives. This is so, it is not understood why they should not be shown as interested officers in the field or for what reason they are shown as PCOM officers in the field. Their being so shown certainly leads CA's to believe that PCOM is their master.

Subject Paper I

Not only has the enquiry into the distribution of medical supplies been much delayed by the use of various wrong channels of communication used but PCOM has much correspondence on this subject of which the responsible Sub Comm had until the last few days, no knowledge.

10 The correspondence quoted collected from one day only shows there is in fact a great deal of confusion and misunderstanding and that Regions recognise little responsibility to communicate with any other quarter than PCOM and the delay, friction, waste and inefficiency which this causes.

Certain functions have been declared to be the respective spheres of action of Sub Comm. It is requested that it shall be made perfectly clear to all CA officers in Regions with Armies or at HQ that on these matters they will correspond directly with and only with the appropriate Sub Comm.

...../when

When a purely technical matter is under discussion the sub Commission will answer direct except where a question of policy is involved or when approval of higher authority is required. In such cases it is for the sub Comm to initiate the recommendation to the appropriate quarters.

As the sphere of sub Comm covers all ground except that of Staff Office, HQ, A & C, Northern, Regions and Advice will communicate with sub Comm on these matters only.

- 11 If sub Comm has any other function may it be precisely defined.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ES/gmf

ACC/4112/L

17 March 1944.

SUBJECT: Misdirected correspondence.

TO : The War Office (C.A.2), Hotel Victoria, Northumberland Ave.,
London W.C. 2 (Att. Major L.M. Taylor).

Dear

Many thanks for your letter C.A. 2/DO/U/1/1 of 12 Feb. 1944
and for returning my letter addressed to the Italian Minister of Justice
which was sent to you by an extraordinary mistake.

I regret having inconvenienced you and I hope that such mistake
will not occur again.

G. R. UPJOHN
Colonel
Chief Legal Officer.

4112

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

rlp.
15 March 1944.

TO : Major Mercer, AMG, 8th Army (PERSONAL).

1. As arranged at our meeting at Casabasso, let Lt. Harry A. Grant will report to you as assistant Legal Officer. I understand he has already been so assigned. However, it appears doubtful from his record and age whether he will prove entirely suitable for the performance of the particular duties contemplated. If you should likewise so conclude please advise me by confidential report.

2. Please accept my personal thanks for your great hospitality and the pleasure of your company last week.

GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

RND/hft

2 March 1944

2112

MEMORANDUM FOR: Col Henderson
Col Upjohn
Lt Col Crump

1. An automobile will pick up Col Henderson and Col Upjohn at the Villa Maria at 0815 hours. It will proceed to the Hotel Vittoria at 0830 hours where it will pick up Lt Col Crump and from there will go to Naples.

2. Please initial the attached copy and return to Lt Derby in Room 4.

For the Deputy Chief Commissioner:

ROGER B. DERBY
1st Lt A.G.D.
Adjutant

cc: Capt Pawley

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

ART/gaf

14 February 1944.

ACC/4112/L

SUBJECT:

To H.E. G. de Santis
Undersecretary of State for Pardon and Justice.

My dear Minister:

On the occasion of your taking up a new appointment, I should like to refer to the cordial atmosphere which has always marked the relations between this Subcommittee and your Ministry, and also to say how confident I am that the collaboration so happily begun constitutes an augury for the future.

As an instance of the fruit borne of common effort in the interests of justice and humanity, I desire to record how much your personal efforts in the matter of the decree for the restoration of rights to the Jews has been appreciated.

Yours very truly,

Colonel
Chief Legal Officer.

CONFIDENTIAL

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GRU/gmf

26 February 1944.

ACC/4112/L

SUBJECT: Survey of Public Opinion.

TO : Lord Stansgate.

With regard to the Surveys of Public Opinion held in Sicily my purely personal opinion is that the time, energy, money and most of all high grade paper involved are not justified.

Notwithstanding the noble effort to justify the accuracy of the opinions (See App I) I doubt whether the figures taken from a very low percentage of the population (of whom nearly all are in Palermo) can be assumed to be in any way accurate; further, the mental attitude of the Italian seems to me to make any statistics gained from a questionnaire of doubtful validity and this objection is not really disposed of by the higher mathematics on p. 4 and lastly the initial experiment is bound to produce unreliable results.

Assuming the accuracy of the figures, however, what useful purpose does the survey serve? I can see its utility when framing future broadcasts but so far as assisting in the development of policy of ACC I can see no information contained therein which is not obtainable by, on the whole, other and probably equally reliable sources.

G. R. UPJOHN
Colonel
Chief Legal Officer.



4112
file

The War Office (C.A.2),
Hotel Victoria,
Northumberland Avenue,
London, W.C.2.

C.A.2/DO/U/1/1

12th February, 1944.

Dear Colonel,

You may be interested to see how far your correspondence travels. The attached letter finished up here after a somewhat varied journey, which included the Home Office.

I attach the envelope in which this letter was despatched for your information, in case you wish to take the matter up with your Signals.

We have not so far received any more of your correspondence to the Ministry of Pardon and Justice, so I hope that nothing else has gone astray.

This is the first time we have had occasion to communicate with any section of the A.C.C., so I hope that A.P.O.394 will find you and that no further delay will occur.

Yours Sincerely

L.M. Taylor

L.M. TAYLOR.

Colonel G.R. Upjohn,
Legal Sub-commission,
Main H.Q. A.C.C.
A.P.O. 394.

*Endorse to above on
file. Acc/c/111 1
(Bands.)*

