SECRET

HEL low Q U A R T E R S
EUROPEAN THEATER OF OPERATIONS
UNITED STATES ARMY

LC 2504/L Comp

SUBJECT: Authority to Appoint Military Commissions.

TO: Commanding General, US Strategic Air Forces in Europe.

1. Authority is granted to the Commanding General, US Strategic Air Forces in Europe, with authority to delegate such authorization to his subordinate commanders exercising general court-martial jurisdiction, having regard for, but not being bound by, the prescribed composition of general courts-martial, to appoint military commissions of not less than three officers of the US Army, for the trial of persons subject to the jurisdiction of such a commission and who are charged with espionage or with such violations of the laws of war as threaten or impair the security of his forces, or the effectiveness and ability of his forces or members thereof, provided that the military commissions herein authorized shall not try any person charged with offenses committed within the United Kingdom. The exercise of the authority herein granted is not mandatory. Persons suspected of the foregoing offenses may, if convenient, be handed over for trial to field force commanders or commanders of Communications Zone sections having jurisdiction.

2. Such commissions shall have power as required to make such rules for the conduct of their proceedings, consistent with the powers of such commissions, as deemed necessary for a full and fair trial of the accused, with regard for, but not being bound by, rules of procedure and evidence prescribed for general courts-martial. Such evidence shall be admitted as has, in the opinion of the president of the commission, probative value to a reasonable man.

3. The concurrence of at least two-thirds of the members of the commission present at the time of voting shall be necessary for a conviction or sentence.

4. No sentence by any such commission shall be carried into effect until the record of trial thereof shall have been examined by the Staff Judge Advocate of the authority appointing the commission and the sentence approved by such authority; provided that, the Commanding General, US Strategic Air Forces in Europe, or the Theater Commander, in any particular case may require confirmation by the Commanding General, US Strategic Air Forces in Europe, in addition to approval by the authority appointing the commission, prior to execution of a sentence imposed by a military commission appointed by authority of a commander subordinate to the Commanding General, US Strategic Air Forces in Europe, and provided further that the Theater Commander, in any particular case, may require confirmation by the Theater Commander, in addition to approval by the appointing authority, prior to execution of a sentence imposed by a military commission appointed by the Commanding General, US Strategic Air Forces in Europe, and provide further that confirmation, if required, shall be preceded by reference of the record to the Staff Judge Advocate of the confirming authority.
5. As a matter of policy, the authority herein granted will not be exercised over offenses committed in any part of German territory occupied by US or Allied forces and over which Military Government is established in pursuance of the directive of the Supreme Commander, Allied Expeditionary Force, AG 014, subject: "Directive for Military Government of Germany Prior to Defeat or Surrender", dated 9 November 1944. Further, as a matter of policy the authority herein granted will be exercised in accordance with other applicable directives of the Supreme Commander, Allied Expeditionary Force and the Theater Commander, particularly as respects offenses committed by nationals of and civilians in France, Belgium, Luxembourg and the Netherlands.

6. Records of trial by military commissions appointed under the authority of Commanding General, US Strategic Air Forces in Europe and subordinate commanders (other than Military Government Courts appointed in Occupied Germany by authority of Supreme Commander, Allied Expeditionary Force) will be forwarded to this headquarters, attention: Judge Advocate, with the least practicable delay after final action has been taken thereon. Distribution for all copies of orders promulgating sentences of such military commissions will include:
   a. Three (3) copies to The Adjutant General, Washington, D. C.
   b. Two (2) copies to The Judge Advocate General, Washington, D. C.
   c. One (1) copy to Supreme Headquarters, Allied Expeditionary Force.
   d. One (1) copy to the Adjutant General, this headquarters.
   e. Three (3) copies to the Judge Advocate, this headquarters.

7. Reports of the executions of all sentences of such military commissions will be made to this headquarters, attention: Judge Advocate.

By command of General EISENHOWER:

/s/t/R. B. LOVETT
Brigadier General, USA
Adjutant General