

GHQ/SCAP Records (RG 331, National Archives and Records Service)

Description of contents

- (1) Box no. 2896
- (2) Folder title/number: (31)  
010: Courts
- (3) Date: July 1946 - Dec. 1947

(4) Subject:

Classification	Type of record
9036, 9420	e, k

- (5) Item description and comment:  
Kinki

- (6) Reproduction:  Yes  No

- (7) Film no. \_\_\_\_\_ Sheet no. \_\_\_\_\_

(Compiled by *National Diet Library*)



015

HEADQUARTERS  
KINKI MIL GOVT REGION  
APO 301 (Kyoto, Honshu)

*File*

RFS/yy

24 DEC 1947

000.5

SUBJECT: Excessive Pre-trial Confinement

TO : Commanding Officer, Hyogo Military Government Team,  
APO 317

1. Reference is made to paragraph 8, Annex A of the Monthly Activities Report, your headquarters, for the period ending 30 November 1947, in which pre-trial confinements ranging up to more than seven (7) months were reported.

2. An investigation will be conducted to separate those cases which have never gone to trial from those which are awaiting a continuance or an appeal. Of the cases in which the public trial has not started, it is desired that the reasons for delay in each case be ascertained and reported to this headquarters.

BY ORDER OF COLONEL DEVINE:

*J. Lehardt*  
LEHARDT  
Captain AGD  
Adjutant

3A20672



BASIC: Ltr Kinki Mil Govt Region, APO 301, file 000.5, Subj: "Excessive Pre-trial Confinement," 24 Dec 47

250.53

1st Ind.

Hyogo Military Government Team, APO 317, 6 February 1949

TO: Commanding Officer, Kinki Military Government Region, APO 301

1. In compliance with paragraph 2, basic communication, the following report is submitted:

- a. Persons who have not gone to trial or had first hearing - 8 ✓
  - b. Continuance after first hearing . . . . . - 4
  - c. Awaiting Appeal . . . . . -32
  - d. Convicted, awaiting transfer to prison. . . . . -34
  - e. Released for lack of evidence . . . . . -3
- TOTAL 81

2. Major causes for delay in a and b above are:

a. Persons who have not gone to trial or had first hearing:

<u>NAME</u>	<u>CHARGE</u>	<u>CAUSE FOR DELAY</u>
YOSHIDA, ISAMU	Embezzlement	Accused asked for delay until he had selected his own counsel. When brought to trial original judge had been transferred causing further delay.
YAMAUCHI, TAKEO	Theft	Delayed pending receipt of criminal record from Osaka District Court.
FUKADA, TAMOTSU	Theft	Delayed pending receipt of criminal record from Osaka District Court.
HIKA, TOSHIO	Smuggling	Delayed due to complication of case.
TAKAHASHI, SOKICHI	Smuggling	Delayed due to complication of case.
MIYAHARA, TADAYOSHI	Fraud	After indictment evidence of another crime was found delaying prosecution.

BAH 5726



BASIC: Ltr, Kinki Mil Govt Region, APO 301, file 000.5, Subj: "Excessive Pre-trial Confinement," 24 Dec 47

KORENAGA, KUNIO	Fraud	After indictment evidence of another crime was found delaying prosecution.
SAKAMOTO, KIYOSHI	Theft	After indictment accused escaped from confinement and recaptured after 6 months. Delayed pending receipt of records from Osaka District Court.
b. Continuance after first hearing:		
KIN SEI KON	Robbery	Indicted 13 Oct 47, first hearing 21 Nov 47. After first hearing judge was transferred to another court.
KIN TO KO	Robbery	Indicted 13 Oct 47, first hearing 21 Nov 47. After first hearing judge was transferred to another court.
HAMAGUCHI, TERUTAKA	Fraud	Indicted 15 Oct 47, first hearing 21 Nov 47. After first hearing judge was transferred to another court.
KITANO, SUEO	Fraud	Indicted 27 Sep 47, second hearing 24 Nov 47. After second hearing judge was transferred to another court.

FOR THE COMMANDING OFFICER:

*Louis C. Hutton*  
 LOUIS C. HUTTON  
 Major, Cavalry  
 Executive Officer



NARA MILITARY GOVERNMENT TEAM  
APO 25, Unit 4

EJK/kn

18 December 1947  
47/LG/C/1

SUBJECT: Courts

TO : Commanding General, Eighth Army, APO 343  
(Through Channels)

1. Recent inspection of the court system in Nara Prefecture revealed the following:

a. The District and Summary Courts in this prefecture have not been able to fill all vacancies. Only four of the eight Summary Courts are operating at present.

b. The District Court in Nara has vacancies for two judges and vice judges. Delayed appointments and the treatment of judges and procurators do not attract men of ability and character.

c. The Summary Courts located at Yagyu, Sakurai, Yoshino and Totsukawa have not been in operation. The lack of facilities and no judges are the reasons for delay in opening Summary Courts in these locations. No budget allotment for construction of court houses has been received by these locations.

d. Cases from Yagyu and Sakurai are, at present, being tried in Nara and cases from Yoshino and Totsukawa are tried in Gojo Court.

e. In the procurators system, personnel have not yet been appointed to fill all vacancies; seven vacancies now exist in this office.

2. The enclosed charts give the vacancies in the local courts and procurator's office.

Incl:  
2 Charts

ROLAND S. HENDERSON  
Lt Col, Cav  
Commanding



775013

BASIC: Ltr, Nara Mil Govt Team, APO 25, Unit 4, subj: "Courts,"  
dated 18 December 1947

AG 015 - BA

1st Ind

RFS/lha

Hq I Corps, APO 301

DEC 23 1947 MG

TO: CG, Eighth Army, APO 343

1. Attention invited to basic communication, which out-  
lines a condition fairly typical in the I Corps Z/R.

2. The report is forwarded for your information and any  
action deemed appropriate.

FOR THE COMMANDING GENERAL:

WILDER A. JOHNSON  
Capt. A. G. D.  
Asst. AdJ. Gen.

2 Incls:  
n/c

*Handwritten initials and marks:*  
J  
R  
R



HEADQUARTERS EIGHTH ARMY  
United States Army  
Office of the Commanding General  
APO 343

AG 000.5 (MG-L)

17 December 1947

SUBJECT: Excessive Pre-Trial Confinement

TO : Commanding General, I Corps, APO 301

## 1. References:

a. Paragraph 4 c of Annex A, to Monthly Military Government Activities Report, Osaka Military Government Team, period ending 30 November 1947.

b. Operational Directive 43, this headquarters, 14 May 1947, Pre-Trial Confinement of Japanese.

2. Reference 1 indicates that 91 Japanese, 23 Koreans, and 25 Chinese have been held in confinement in Osaka Fu for over 60 days and are awaiting trial.

3. A special report concerning this situation is desired, to include information as to the type of offenses charged, the agency initiating the arrest and prosecution, and the reason for the delay.

BY COMMAND OF MAJOR GENERAL RYDER:

R SCHAFER  
Lt Col, AGD  
Asst Adj Gen



775013

BASIC: Ltr, Hq Eighth Army, APO 343, File: AG 000.5(MG-L), subj:  
Excessive Pre-Trial Confinement, dtd 17 Dec 47.

AG 000.5 - BA

1st Ind

GLA/af

Hq I Corps, APO 301.

TO: CO, Osaka Mil Govt Team, APO 25

DEC 28 1947

Forwarded for expeditious compliance with paragraph 3, basic communication.

BY COMMAND OF MAJOR GENERAL WOODRUFF:

JOHN J. DUGAN  
Major, AGD  
Asst. Adj Gen.

MG  
kol  
J.



BASIC: Ltr, Hq Eighth Army, APO 343, File:AG 000.5 (MG-L)  
subj: "Excessive Pre-Trial Confinement," dtd 17 Dec  
1947.

2nd Ind

JBS/myt

Hq Osaka Mil Govt Team, APO 25, 2 Jan 1948

TO: CG, Hq I Corps, APO 301

1. Upon investigating the reason for the delay in trial of the 91 Japanese and 23 Koreans reported in the Monthly Activities Report of the Osaka Military Government Team for the period ending 30 November 1947, it was discovered that the report was incorrect. All of the persons reported have been tried in the first instance by a District Court of the prefectures under the jurisdiction of the Osaka Appellate Court. They were convicted in the District Court and now are held in confinement awaiting the decision of the Appellate Court.

2. All of the 25 Chinese are in confinement for more than 60 days without trial. According to the report, all of the Chinese are accused of robbery with the exception of one, who is accused of murder. All of the said Chinese were arrested by agencies of the 25th Division. Because of the serious nature of the charges against the said Chinese, they are required to be tried by military commission. The military commission in Osaka is the general court of the 25th Division and the reasons for the delay in the trial of the said Chinese as stated by the Judge Advocate of the Division are:

- a. The large volume of work
- b. Reorganization of the court
- c. Lack of a Chinese member

The Judge Advocate of the 25th Division further states that a dead-line of 30 days has been set for the disposal of all Chinese cases now pending.

MALCOLM E. CRAIG  
Colonel, Infantry  
Commanding



BASIC: Ltr, Hq 8th Army, APO 343, File: AG 000.5 (MG-L),  
subj: "Excessive Pre-Trial Confinement," dtd 17 Dec  
1947.

AG 000.5 - 0 3d Ind  
HEADQUARTERS I CORPS, APO 301

JAN 14 1948

TO: Commanding General, Eighth Army, APO 343.

1. Attention is invited to preceding indorsement.
2. Statement contained in paragraph 2 of said indorsement that "The military commission in Osaka is the general court of the 25th Division", is erroneous. It has been ascertained, informally, from Headquarters 25th Division that some of the members of the 25th Division General Court are also members of the Military Commission.

FOR THE COMMANDING GENERAL:

Charlie Ramsey  
C. W. O. U.S.A  
Asst. Adj Gen



12

HEADQUARTERS I CORPS

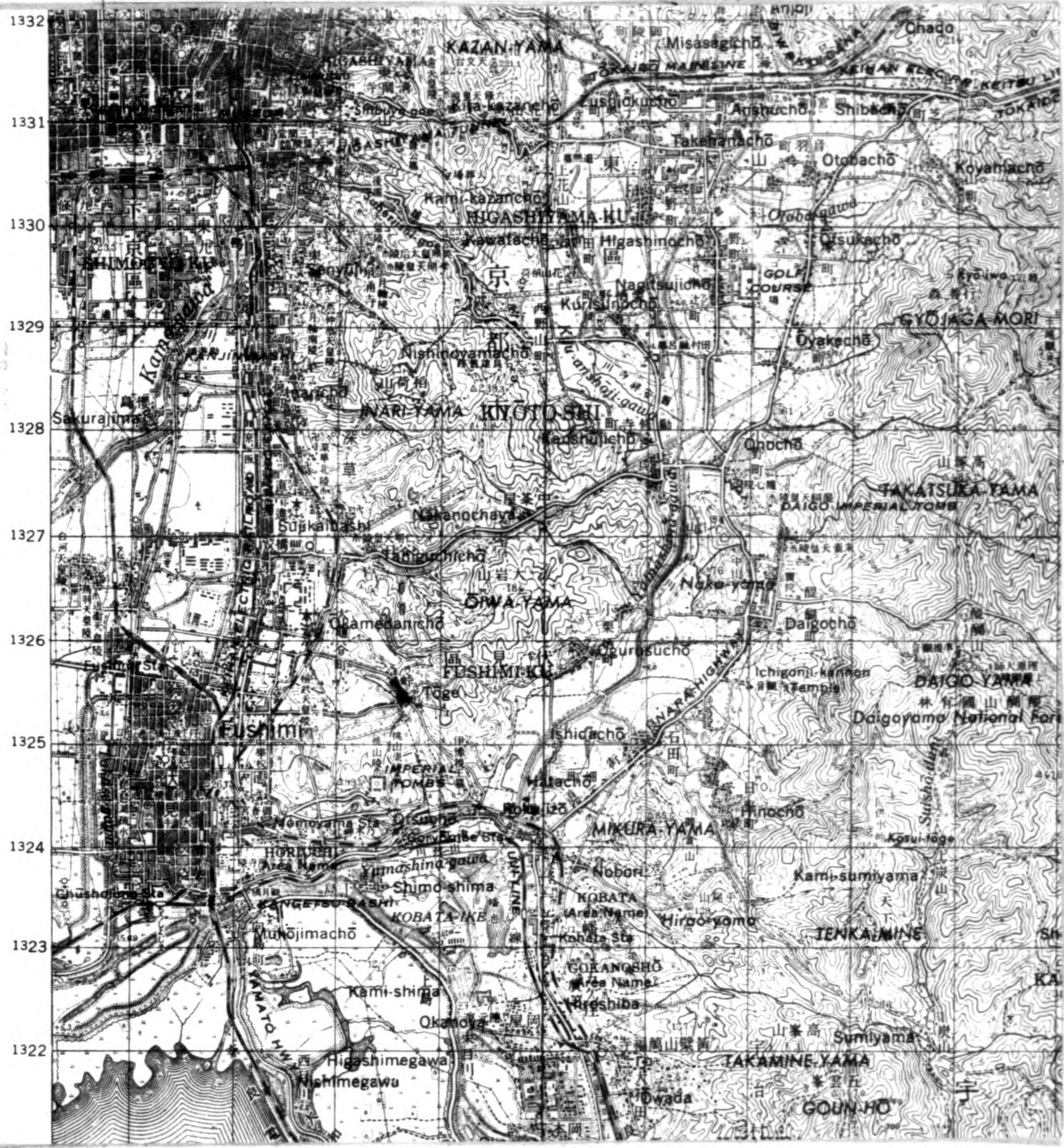
FILE: SUBJECT:

TO: (Number each note)		Office, Initials, and Date
C/S	<p>1. For your information.</p> <p>2. It is noted that the Commanding Officer, Osaka Military Government Team, in paragraph 2 of 2d Indorsement states that "The military commission in Osaka is the general court of the 25th Division". This is an incorrect statement. Informal discussion with JA of 25th Division reveals that the contents of this <del>letter</del> <sup>indorsement</sup> were coordinated between the JA of 25th Division and Legal Section of Military Government in Osaka, and it was intended to convey the idea that some of the members of the General Court 25th Division were also members of the Military Commission.</p> <p>3. Recommendation</p> <p>a. That the attached 3d Indorsement be forwarded to 8th Army in lieu of the 3d Indorsement proposed by Military Government.</p>	<p>R.T.B. JA/7 Jan 48</p>
J.A.	<p>J.A.'s proposed <del>3d</del> <sup>indorsement</sup> is approved.</p>	<p>R.T.B. 45 8 Jan</p>
	<p>OK</p>	
J.A.	<p>For info and dispatch <del>MG</del></p>	<p>10 Jan R.T.B.</p>
MG	<p>for info and dispatch</p>	<p>R.T.B. JA 12 Jan 48</p>



LEGEND

- |  |  |
|--|--|
| Density of Construction in Urban Areas |  |
| Dense                                  | Moderate                                     |
| Sparse                                 |  |
| ○ Navy Lookout Tower                   | ☪ Shrine                                     |
| ⊙ Factory                              | ☩ Temple                                     |
| ⊠ Bank                                 | ⌒ Grave                                      |
| ⋈ Powder Magazine                      | ✳ Pagoda                                     |
| ⚙ Water Wheel or Mill                  | ✚ Church                                     |
| ⊕ Generating Plant                     | ⊕ Japanese Government Building               |
| ⊕ Masonry Wall                         | ⊕ Foreign Government Building                |
| ⊕ Military Reservation                 | ⊕ Naval Reservation                          |
| ⊕ Bamboo Fences                        | ⊕ Division Headquarters                      |
| ⊕ Stone Wall                           | ⊕ Brigade Headquarters                       |
| ⊕ Earthen Wall                         | ⊕ Fortress and Defense Headquarters          |
| ⊕ Hedge                                | ⊕ Battalion Headquarters and Garrison        |
| ⊕ Cemetery                             | ⊕ Regimental Headquarters                    |
| ⊕ Ditches                              | ⊕ Naval Station                              |
| ⊕ Shrine Gate                          | ⊕ Secondary Naval Station                    |
| ⊕ Stone Lantern                        | ⊕ Naval Camp                                 |
| ⊕ Monument                             | ⊕ Army Camp                                  |
| ⊕ Station                              | ⊕ Shipyard                                   |
| ⊕ Signpost                             | ⊕ Prefectural Seat                           |
| ⊕ Stone Steps                          | ⊕ Sub-prefectural, Island office or Gun Seat |
| ⊕ Crane                                | ⊕ City Office                                |
| ⊕ Oil Well                             | ⊕ Town, Village or Ward Office               |
| ⊕ Mileage Marker                       | ⊕ School                                     |
| ⊕ Stumps                               | ⊕ Hospital                                   |
| ⊕ Isolated Trees                       | ⊕ Isolation Hospital                         |
| ⊕ Chimney                              | ⊕ Gendarmerie Post                           |
| ⊕ Triangulation Point                  | ⊕ Police Station                             |
| ⊕ Secondary Control Point              | ⊕ Court of Appeals                           |
| ⊕ Bench Mark                           | ⊕ Prison                                     |
|  | ⊕ Customs House                              |
|  | ⊕ Tax Office                                 |
|  | ⊕ Embassy Office                             |



above Sea Level



COPY

BASIC: Ltr, Hq 8th Army, APO 343, dtd 17 Dec 47, File: AG 000.5 (MG-L),  
Subject: Excessive Pre-Trial Confinement

AG 000.5 (YJ)

4th Ind

HEADQUARTERS EIGHTH ARMY, APO 343, 16 Feb 1948

TO: Commanding General, I Corps, APO 301

1. Attention is invited to paragraph 2, 2d Indorsement, indicating that about twenty-five (25) Chinese were in pre-trial confinement for sixty (60) days as of 2 January 1948, and that a 30-day deadline had been set for the disposal of the pending cases.

2. Information is requested as to the present status of the indicated Chinese in reference to trial.

BY COMMAND OF LIEUTENANT GENERAL EICHELBERGER:

Frank E. Smith  
CAPT. AGD  
Asst. Adj. Gen

AG 015 - 0

5th Ind

HEADQUARTERS I CORPS, APO 301, Feb 19 1948

TO: Commanding General, 25th Infantry Division, APO 25

For compliance with paragraph 2, preceding indorsement.

BY COMMAND OF MAJOR GENERAL SWING:

WILDER A. JOHNSON  
Capt., AGD  
Asst Adj Gen

COPY



775013

000.5

MG

BASIC: Ltr, Hq 8th Army, APO 343, dtd 17 Dec 47, file: AG 000.5  
(MG-L), Subj: Excessive Pre-trial Confinement

JA 015 6th Ind

Headquarters 25th Infantry Division, APO 25, 26 Feb 1948

TO: Commanding General, I Corps, APO 301

Thirteen have already been tried and convicted. Balance have been arraigned and are awaiting trial before a Military Commission which will be held as expeditiously as possible.

FOR THE COMMANDING GENERAL:

ROBERT W. CRAVEN  
Lt Col, AGD  
Adjutant General

AG 000.5 - BA

7th Ind

RFS/lha

Hq I Corps, APO 301

TO: CG, Eighth Army, APO 343

MAR 8 1948

Attention is invited to preceding indorsement.

FOR THE COMMANDING GENERAL:

WILLIAM A. FRANKS  
Capt, AGD  
Ass't Adjutant General



AG 000.5 - 0

Wrapper Ind.

HEADQUARTERS I CORPS, APO 301

TO: Commanding Officer, Kinki Military Government Region, APO 301

For your information and appropriate action.

BY COMMAND OF MAJOR GENERAL SWING:

1 Incl:  
Ltr fr Osaka MG Team,  
dtd 9 Dec 47, subj.  
"Criminal Jurisdiction,"  
with 3 indorsements.

WILLIAM A. FRANKS  
Captain, AGD  
Asst Adj Gen

AG 000.5 - BA

2nd Wrapper Ind.

RFS/lha

Hq, Kinki Mil Govt Region, APO 301

TO: CO, Osaka Mil Govt Team, APO 25

For your information.

BY ORDER OF COLONEL DEVINE:

1 Incl:  
n/e

J. E. ENGLEHARDT  
Captain, AGD  
Adjutant

MA



15  
O O

HEADQUARTERS  
OSAKA MILITARY GOVERNMENT TEAM  
APO 25

JBS/myt

9 December 1947

SUBJECT: Criminal Jurisdiction

TO : Commanding General  
I Corps  
APO 301

1. In accordance with telephone request from Mr. Brunner, Judge Advocate Section, Headquarters Eighth Army, the following information is submitted.

2. In accordance with directions from SCAP, the procurators in Osaka are conducting an investigation into the disposition of former Japanese Army property stored in the Osaka Arsenal. The Osaka Arsenal was seized by the Occupational Forces in October 1946. The Hanaten Repair Works, part of Osaka Arsenal, submitted a list of stored goods to the Occupational Forces at that time. The said stored goods were returned to the Japanese Government by the Occupational Forces on 29 April 1946. During the period, January to March 1946, two (2) of the custodians of the said Hanaten Repair Works permitted 500 tones of the stored goods to be secretly removed from the store-house.

3. The procurators have requested the opinion of this headquarters as to whether the aforesaid individuals should be tried in a Japanese court or in an Occupation Force court.

MALCOLM E. CRAIG  
Colonel, Infantry  
Commanding



MG

BASIC: Ltr, Hq Osaka Mil Govt Team, APO25, subj: "Criminal Jurisdiction," dated 9 December 1947.

*R*

AG 000.5 - BA

1st Ind

RFS/lha

Hq I Corps, APO 301

TO: CG, Eighth Army, APO 343

DEC 13 1947

Basic letter submitted at the request of Judge Advocate Section, Hq Eighth Army.

FOR THE COMMANDING GENERAL:

WILLIAM A. JOHNSON  
Capt. A. G. D.  
Asst. Adt. Gen.



AG 250.53 (YJ)

2nd Ind

8 Jan 1948

HEADQUARTERS EIGHTH ARMY, APO 343

TO: Commanding General, I Corps, APO 301

1. It is the opinion of this headquarters that the theft or embezzlement of Japanese property described in basic letter is essentially an offense against Japanese law which should be tried by Japanese courts if committed by persons subject to the criminal jurisdiction of the Japanese courts.

2. The Supreme Commander for the Allied Powers desires that a complete investigation be made in this case and that all persons shown to be guilty of wrongful involvement in the disposal of the property described in basic communication be brought to trial.

BY COMMAND OF LIEUTENANT GENERAL EICHELBERGER:

R. A. GORDON JR  
1st Lt AGD  
Asst Adj Gen



BASIC: Ltr, Hq Osaka Mil Govt Team, APO 25, subj: "Criminal Jurisdiction," dated 9 December 1947.

A G 000.5 - 0

3rd Ind

Hq I Corps, APO 301

Feb 26 1948

TO: Commanding General, 25th Infantry Division, APO 25

1. For compliance with paragraph 1, preceding indorsement.
2. Confidential report of 22nd CID, file number KY 65-251, indicates that no occupation force personnel are involved in the wrongful disposal of Osaka Arsenal property. Accordingly no further action by your headquarters in connection with the wrongful disposal of Osaka Arsenal property is desired.
3. Copy of this communication is being furnished Military Government authorities in your area in order to insure investigation, by Japanese authorities, of alleged wrongful dealings in connection with Osaka Arsenal property by Japanese Nationals.

BY COMMAND OF MAJOR GENERAL SWING:

WILDER A. JOHNSON  
Capt., A.G.D.  
Asst. Adj. Gen.



015

COPY

HEADQUARTERS  
OSAKA MILITARY GOVERNMENT TEAM  
APO 25

JBS/myt

SUBJECT: Deportation of Chinese

TO : Commanding General  
I Corps,  
APO 301

1. A delegation of Chinese visited this office on Thursday, 20 November 1947 concerning the deportation of Yo Sei To, a Chinese national. The delegation's complaint can be summarized in two statements. First, the Provost Court in its sentence always orders the deportation of the accused regardless of the seriousness of the offense. Second, the Chinese are not given the protection which was recently extended to Koreans, whereby all orders for deportation issued by a Provost Court are reviewed by Eighth Army pursuant to letter, Headquarters Eighth Army, APO 343, dated 21 October 1947.

2. The foregoing is forwarded for your information and whatever action is deemed necessary.

MALCOLM E. CRAIG  
Colonel, Infantry  
Commanding



775013

Below covered in column 8:

**BASIC:** Ltr, Hq Osaka Mil Govt Team, APO 25, subj: "Deportation of Chinese," dated 21 November 1947.

MG

**AG 015 - BA**  
Hq I Corps, APO 301

1st Ind

GLA/lha

Raf

**TO:** CG, Eighth Army, APO 343

10 Nov 1947

CV

Attention is invited to basic letter, attached, for your information and consideration.

FOR THE COMMANDING GENERAL:

O. H. SCHMIDT  
MAJOR, AGD  
ASST. ADJ. GEN.

No Item	Article	LVE	App. Spec.	Hand On	Expd or Lost	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**SERVICE**

(CONTINUED UNDER SYMBOL CC 1-49)

**REPORT OF EQUIPMENT ON HAND AND EXPENDED**



015

BASIC: Ltr, Hq Osaka Mil Govt Team, APO 25, subj: Deportation  
of Chinese, dated 21 November 1947

MG

AG 250.53 (YJ)

2nd Ind

HEADQUARTERS EIGHTH ARMY, APO 343, 26 Feb 1948

TO: Commanding General, I Corps, APO 301

1. Reference is made to basic communication charging that Provost Courts impose deportation as part of the sentence in all cases regardless of the seriousness of the offense, and that Koreans are accorded rights superior to those of Chinese by reason of letter, this headquarters, dated 21 October 1947.

2. Sentences of provost courts ordering expulsion are to be reviewed by the appointing authority together with all other types of sentences. If the provost court in question is acting arbitrarily or capriciously, appropriate action will be taken by the appointing authority concerned.

3. The indicated letter was written to enhance the security of the occupation, both here and in Korean, and does not give Koreans rights superior to those of Chinese. It does not provide for a review of the correctness of sentences expelling Koreans but is designed to co-ordinate actions of Eighth Army authorities with those of others concerned in implementing the expulsions.

BY COMMAND OF LIEUTENANT GENERAL EICHELBERGER:

R. A. GORDON, JR  
1st Lt, AGD  
Asst Adj Gen

AG 015 - BA

3rd Ind

RFS/lha

Hq I Corps, APO 301

TO: CO, Osaka Mil Govt Team, APO 25

MAR 3 1948

Attention is invited to preceding indorsement.

BY COMMAND OF MAJOR GENERAL SWING:

WILDER A. JOHNSON  
Capt., A.G.D.  
Asst Adj Gen.



015

HEADQUARTERS  
KYOTO MILITARY GOVERNMENT TEAM  
APO 713, Kyoto, Honshu

TRH/ms

013-BA


22 October 47

SUBJECT: Pre-trial Confinement of Provost Court prisoners.

TO: Commanding Officer, Kinki Mil Govt Region, APO 301.  
ATT: Legal & Govt Division.

1. Reference Message Form, I Corps, Cite IOO - 23, dtd 6 October 47.
2. Negative reports are submitted herewith.

FOR THE COMMANDING-OFFICER:

  
THOMAS R. HARBIN,  
1st Lt, Inf.  
Adjutant.

84430



WITHDRAWAL NOTICE

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation KG 331 Box 2896 Folder: 010  
COURTS  
 Date 21 Oct. 1947  
 From ELMER J. KALLMEYER  
 To COM. GEN., I CORPS, APO 30R

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

- Security-Classified Information
- Otherwise Restricted Information

3 doc. 578.

FOIA 6  
 Authority

1/31/80  
 Date

MJS  
NNGR



015

HEADQUARTERS  
FUKUI MILITARY GOVERNMENT TEAM  
APO 713 (Fukui, Honshu)

TAV/ki

9 Oct 47

SUBJECT: Correction and Prevention of Excessive Pretrial  
Confinement of Provost Court Prisoners

TO : Commanding General, Hq I Corps, APO 301

1. In response to telegram ICO-23, Slava A. Zeger, a Russian Citizen, was arrested 19 July 47 by members of this Military Government Team and delivered to Headquarters 35th Infantry Provost Court Number three on the same day.

2. Provost Court charge sheets were made out and forwarded to the 35th Infantry Provost Court on 21 July 47 charging Mr. Zeger with violation of the Japanese Textile goods consumption and control regulation and the Commodity Price Regulation. It is claimed he purchased and attempted to have transported five hundred artificial silk undershirts for a price greatly in excess of the legal price.

3. It is our understanding the accused was transferred to the 25th Division Stockade in Osaka and so far as is known a trial has not been held.

4. Several telephone calls have been made to Headquarters I Corps concerning the reason for a trial not being held and also two monthly ICBA-4 reports have been submitted.

FOR THE COMMANDING OFFICER:

H. E. BIELEFELD, JR.  
Captain, FA  
Adjutant



775013

M6  
Rad

**BASIC:** Ltr, Fukui Mil Govt Team, APO 713, subj: "Correction and Prevention of Excessive Pretrial Confinement of Provost Prisoners," dated 9 October 1947.

AG C15 - BA

1st Ind

GLA/lha

Hq I Corps, APO 301 20 OCT 1947

**TO:** CO, Fukui Mil Govt Team, APO 713

1. Contents of basic letter noted.
2. The trial of Mr. Zeger is scheduled for 20 October 1947 at Provost Court No. 1, Osaka.

**BY COMMAND OF MAJOR GENERAL WOODRUFF:**

WILDER A. JOHNSON  
Capt. A. G. D.  
Asst. Adj. Gen.





HEADQUARTERS  
FUKUI MILITARY GOVERNMENT TEAM  
APO 713 (Fukui, Honshu)

ATV/gn

MG  
Ral

4 Oct 1947

SUBJECT: Report of Cases Tried under Japanese Ordinance #311

TO : Supreme Commander for the Allied Powers, GHQ, APO 500  
Attn: Legal and Government Section

THRU: Channels

In compliance to SCAPIN 1740 GHQ, SCAP dated 27 June 1947, a report of cases tried under Japanese Ordinance #311 is attached.

FOR THE COMMANDING OFFICER:

H. E. BIELEFELD, JR.  
Captain, FA  
Adjutant

Incl:  
as attached

AG 015- BA

1st Ind

GLA/lha

Hq I Corps, APO 301

8 OCT 1947

TO: CG, Eighth Army, APO 343

OWS

1 Incl:  
n/e





015

NARA MILITARY GOVERNMENT TEAM

MG  
WLTkn Rad

3 October 1947

SUBJECT: Criminal Cases Tried by Japanese Courts under Imperial Ordinance No. 311

THRU : Commanding General, I Corps, APO 301

TO : Supreme Commander for the Allied Powers, APO 500

Reference, par 5, Memorandum for the Japanese Government, AG 015 (27 Jun 47) LS-L, Subject: "Amendment to Exercise of Criminal Jurisdiction", dated 27 June 1947 (SCAPIN 1740), transmitted herewith report submitted by the local officials.

FOR THE COMMANDING OFFICER:

ELMER J. KALIMEYER  
1st Lt, Inf.  
Adjutant.

1 Incl  
Ltr with 9 sheets

AG 015 - BA

1st Ind

GLA/lha

Hq I Corps, APO 301 6 OCT 1947

TO: CG, Eighth Army, APO 343

OHJ

1 Incl:  
n/c





ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation 26331 BOX 2896 FOLDER: 010  
COURTS

Date UNDATED

From SUBJECT: RUSSIAN NATIONAL

To \_\_\_\_\_

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

- Security-Classified Information
- Otherwise Restricted Information

9 Dec. 2000.

FOIA 6  
Authority

1/31/80  
Date

MJS  
UNON

WITHDRAWAL NOTICE



015

HEADQUARTERS  
OSAKA MILITARY GOVERNMENT TEAM  
APO 25

JBS/co

28 July 1947

SUBJECT: Trial of Formosans Having Chinese Nationality

TO: Commanding General  
I Corps, APO 301  
ATTN: Mil Govt Sec

1. On 6 June 1947 this office discovered that 45 Formosans were detained in the Osaka Detention House for periods ranging from six months to a year and a half, as shown on the attached inclosure. Some of the above-mentioned Formosans have certificates of Chinese nationality; the remainder have applied for such certificates, but up until the present time, have not obtained them. The Osaka representative of the Chinese Mission in Japan, Mr. Liu, advised this office that all of the said applicants would receive certificates of Chinese nationality, and attributed the delay in securing the said certificates to unwarranted delays in the Tokyo Office of the Chinese Mission.

2. Under the provisions of Memorandum #80, I Corps, dated 20 July 1946, and its amendments, it is the responsibility of Military Government to prepare charge sheets on the above-mentioned cases and forward them to a proper court for trial. All of the records and testimony in the above-mentioned cases are recorded in Japanese, but are in the process of being translated. The delay in starting on the translations as well as the delay in reporting the confinement of the above-mentioned Formosans to Military Government, resulted from confusion in the minds of Japanese officials concerning their responsibility in the said cases. This headquarters is using every expedient at its command in order to hasten the disposition of the above-mentioned cases.

3. All of the Formosans in question are charged with serious crimes such as murder, attempted murder, armed robbery, and extortion coupled with armed intimidation, punishment for which, under the Japanese Criminal Code, varies from ten years' confinement to the death sentence. Most of the cases referred to arose from activities of the Formosans

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Ltr, Hq Osaka Mil Govt Team, subject: "Trial of Formosans Having Chinese Nationality", dated 28 July 1947.

between the time of the surrender of Japan and the early part of 1946, when lawlessness and confusion existed throughout all Japan, and prior to the time when the occupation was sufficiently firmly established to adequately control the aforesaid lawlessness and confusion. This headquarters has discussed a part of the aforesaid cases with Japanese judges and procurators, and has received some translations of available evidence in eight or ten of the said cases. It is the present opinion of this section that in the cases so far reviewed, there is not sufficient admissible evidence available upon which a military commission could base a conviction. Inasmuch as the charges involved in the said cases are serious and inasmuch as it is the opinion of this section that a just disposition of said cases would require the release of the accused, it is desired to advise higher authority concerning the existence of the situation prior to taking any positive action leading to the release of said Formosans.

4. Your advice and assistance in the foregoing matter is required.

FOR THE COMMANDING OFFICER:

1 Incl:  
List of Formosans  
detained.

*Edward B. Millett*  
EDWARD B. MILLETT  
Major, F. A.  
Adjutant



	Name of accused	Offence	Date confined.	Date Released	Registration certificate
1	(Kwa Cho-rin	Violation of the Food Control Law and the Price Control Ordinance	Oct. 28, 1946	Nov. 19, 1946	Possess
2	(Rai Bun-kei		"	"	"
3	Jyo Heki-no	Murder, attempted murder while committing robbery and robbery	July, 23, 1946	-	"
	○ Ko Shu-yu	Robbery inflicting bodily injury	Feb. 12, 1947	-	under process of issuance
5	(Ri Man-po	Robbery	Aug. 31, 1946	-	possess
6	(Ko Sho-zan	"			"
7	Kwaku Mu-hyu	Violation of the Price Control Ordinance	Not detained		"
8	So Cho-kyo	"	"		unknown
9	(Ryu Toku-un	Extortion, Fraud	Oct. 23, 1946	-	possessed
10	(Ko Tetsu-koku	Attempted Robbery	July. 4, 1946	-	"
11	(Ryu Rin-hon	"	"	-	"
12	(Chin Shu-kin	"	"	-	"
13	(Sai Zen-ze	"	"	-	"
14	(Chin Kin-shin	Violation of the Food Control Law and the Price Control Ordinance	Oct. 28, 1946	Nov. 15, 1946	" bail
15	(Ryu Toku-gaku	"	"	"	"
16	(Rai Sei-chi	"	"	"	"



Name of accused	Offence	Date confined	Date Released	Registration certificate
17 (Chin Cho-shi	Extortion and Fraud	Oct. 21, 1946	-	possessed
18 (Oh Kei-do	"	"	-	"
19 (Kwaku Sui-baku	"	"	-	"
20 (Go Ten-to	"	"	-	"
21 (Sai Ei-yu	Robbery inflicting bodily injury, Robbery, Theft	July, 13, 1946		possess
22 (Ryu Hei-kwo	"	"	-	"
23 (On En-ken	Theft	"	Dec. 2, 1946 bail	"
24 (Ryo Gaku-zen	Robbery	May. 4, 1946	June. 1, 1946 (suspention of execution on account of illness)	"
25 Seki Ken-sei	Theft, Fraud, Preventing an Official from performing duties.	Oct. 10, 1946	Dec. 12, 1946	" (absconded out) on bail
26 Sai Zi	Violation of the Price Control Ordinance	Not detained		"

There is a Japanese accomplice, suit against him is now pending in Osaka District court



Name of accused	Offence	Date confined	Date Released	Registration certificate
27 (Cho Nei-ga	Attempted murder while committing robbery and Robbery	Aug. 2, 1946	-	possess
28 (Gan Gyoku-ryu	"	"	-	underprocess of issuance
29 (Ri Kin-wa	"	"	"	"
30 (Oh Kin-kwa	"	"	Apr. 12, 1946 deported	possess (Deported for the another crime by Provost Ct.)
31 (Cho Sei-zan	"	"	-	"
32 (Gi Tan-sei	"	"	-	underprocess of issuance
33 (Chin Gyoku-ki	Attempted murder while committing robbery, Robbery attempted Extortion	"	-	"
34 (Rin Sei-kwan	Robbery, obstructing official function by assault inflicting bodily injury	Aug. 7, 1946	-	"
35 (Cho Cho-shu	Robbery	Aug. 2, 1946	-	X possess dated June 15
36 Sha Tei-ki	Extortion	Sept. 13, 1946	-	possess
37 (On To-sho	Robbery inflicting bodily injury	June. 29, 1946	-	X underprocess X of issuance
38 (Jyo Sei-zan	"	"	-	"
39 Sho Jun-ka	Buying stolen goods and Fraud	July. 8, 1946	Aug. 3, 1946 bail	underprocess of issuance



Name of accused	Offence	Date confined	Date Released	Registration certificate
40 (Go Sei-ha	Extortion	Not detained	-	underprocess of issuance
41 (Shi No-kyo	Extortion, Fraud	Aug. 5, 1946	Aug. 30, 1946 bail	possess
42 Oh Rai-hatsu	Robbery inflicting bodily injury and preparation for robbery	Jan. 17, 1947	April 17, 1947 bail	underprocess of issuance
43 Chin Man-sho	Preventing Official from performing duties	Jan. 22, 1946	-	"
44 (Kwa Hei-rin	Robbery	Dec. 19, 1946	-	underprocess of issuance
45 (Ren Moku-zai	"	"	-	}
46 (Shu Mei-huku	"	"	-	
47 (Oh Sun-sho	"	Dec. 20, 1946	-	
48 (Oh Gaku-yu	"	"	-	
49 (Ko Shin-fu	"	"	-	
50 (Shu Kin-shi	"	Dec. 19, 1946	-	possess
51 (Sha A-shin	"	Dec. 20, 1946	-	"
52 (Shu Gaku-kun	"	Dec. 19, 1946	-	"
53 (Ryu Ka-mei	"	Dec. 20, 1946	-	"
54 (Ryo Toku-shin	Extortion	Aug. 2, 1946	Feb. 14, 1947	possess
55 (Haku Ko-yen	"	Aug. 2, 1946	bail -	"



Name of accused	Offense	Date confined	Date Released	Registration certificate
56 (Yo Toku-wa	Extortion, violation of the Food Control Law and Price Control Ordinance	Nov. 1, 1946	Dec. 26, 1946	possess
57 (Kyo Nei-ken	Extortion	"	"	underprocess of issuance
58 (Chin Zui-ko	"	"	"	possess
(Aho Ren-hatsu	"	"	"	"
60 Ro Kin-shi	Murder	April 2, 1946	Aug. 29, 1946	underprocess of issuance
61 (Ko En-sen	Violation of laws relating to the punishment for violence in group or habitual violence and others.	March 20, 1946	April 4, 1946 bail	possess
62 (Go Ten-Fuku	"	"	"	unknown
63 Ko Sei-baku	Extortion, violation of special provisions for depositing the Bank of Japan notes Imperial Ordinance No. 90, 1946 (article II. Per. 2)	Aug. 6, 1946	Oct. 11, 1946 bail	possess
64 Sen Nichi-Kin	Violation of Regulation of Controlling Fire arms, Explosive powders and other Dangerous articles.	Jan. 19, 1946	Sept. 27, 1946 bail	"
65 Ryo Gaku-yu	Violation of the Tobacco Monopoly Law	Not detained	-	"



	Name of accused	Offence	Date confined	Date Released	Registration certificate
66	Rin Toku-oh	Murder, and attempted murder	July. 13, 1946	Dec. 27, 1946	underprocess of issuance
67	Ko Kin-eki	Robbery, Theft, Fraud	Jan. 7, 1947	-	"
68	Bu Don-yu	Robbery.	Feb. 12, 1947		"
69	Kwaku Sho-sai	Extortion, Fraud	Dec. 13, 1946	June. 1947 escaped from Detention House	possess (absconded)
70	Chin An-no	Housebreaking and Robbery	Sept. 26, 1946	Jan. 29, 1947 bail	unknown
71	Yo Shin-eki	Violation of the Poisonous Food and Drinks Regulative Ordinance	Aug. 27, 1946	Oct. 11, 1946 bail	not (absconded out on bail)
72	Oh Shu-zin	Extortion	Nov. 5, 1946	Dec. 21, 1946 bail	not
73	Sai Ten-ki	Robbery	Feb. 18, 1946	March, 19, 1946 bail	not
74	Chin Ki-sei	"	Feb. 1, 1946	March, 11, 1946	possess (absconded out on bail)
75	Rin U-sen	Murder	Jan. 20, 1946	Feb. 26, 1946	underprocess of issuance
76	Ryu Sho-shi	Robbery	June. 24, 1946	Aug. 11, 1946 escaped from the Detention House	not
77	Cho Ten-tei	Violation of laws relating to the punishment for violence in group or habitual violence and others.	Not detained		possess (absconded)



Name of accused	Offence	Date confined	Date Released	Registration certificate
78 Yo Fuku-zin	Violation of laws relating to the punishment for violence in group or habitual violence and others	July. 18, 1946	Aug. 11, 1946 escaped from the Detention House	possess (absconded)
79 (Sho Ren-fan	Theft	April. 6, 1946	July. 2, 1946 bail	under process of issuance (absconded)
80 (Cho Ren-san	"	"	June. 20, 1946 bail	"
81 (Cho Toku-fu	Robbery, Preventing Officials from performing duties.	Jan. 20, 1946	June. 5, 1946 bail	possess (absconded)
82 (Ko Ka-jyn	"	"	March. 18, 1946 escaped from the Detention House	under process of issuance
83 (Chin Sho-ho	"	"	April. 11, 1946 bail	" (absconded)
84 (Cho Sei-go	"	"	March. 22, 1946 bail	possess (absconded)
85 (Ri Ryo-rin	"	Jan. 20, 1946	Feb. 26, 1946 bail	under process of issuance (absconded)
86 (Yo An-kyo	"	"	June. 7, 1946 bail	"
87 (Ri Shin-sei	"	"	"	"
88 (Ri Do-ka	"	"	"	possess (absconded)
89 (Ko Ken-shin	"	"	"	unknown (absconded)



Name of accused	Offence	Date confined	Date Released	Registration certificate
90 ( Ri Kon-san	Robbery	Oct. 15, 1946	-	possess
91 ( Kyo Taku-ko	"	Oct. 14, 1946	-	" (case document is not yet returned to this court from Supreme Court).

July 17, 1947  
 K. Yamasaki  
 Judge, Chief of  
 the Liaison Office of  
 the Osaka High Court.

note. Cho Cho-shun, On To-sho, and Jyo:sei-gan have received the registration certificates dated June 15, 1947. The Court has been informed by the director of Osaka Detention House to that effect today.

July 24, 1947.



HEADQUARTERS I CORPS  
APO 301 (Kyoto, Honshu)  
MILITARY GOVERNMENT SECTION

9 August 1947

MEMORANDUM TO COL DEVINE:

When General Mullins called at about 1000, 8 August 1947, he was attempting to reach Col Partridge. I explained that Col Partridge had returned to the U.S. and Col Devine was the new Corps Military Government Officer. I said Col Devine was at a meeting and I would be glad to call him, but General Mullins immediately went into the subject matter (with which I was unfamiliar) stating at one time that "Military Government had been fooling or messing around with this matter for 6 or 8 months with no conclusive action". He then described briefly what he had in mind -- considerable trouble was being caused by Formosans because of their controversial citizenship status in connection with provost courts. He referred to a radio which he had seen and which he said they had waited for but turned out to be no solution to the long standing problem. I said that I would turn the matter over to Lt Col Atwood, our Legal Officer, who would be able to talk more authoritatively on the matter. General Mullins said that we should contact the JA Section of his headquarters.

*WHG*  
WILLIAM H. GILTNER  
Captain, CAC

*WR*



HEADQUARTERS  
OSAKA MILITARY GOVERNMENT TEAM  
APO 25

JBS/co

11 August 1947

SUBJECT: Formosans Accused of Crimes in Osaka Prefecture

TO: Commanding Officer  
Kinki Military Government Region  
APO 301

1. On 28 July 1947 this headquarters made a report to the Commanding General, I Corps, APO 301, Attn: Mil Govt Sec, subject: Trial of Formosans Having Chinese Nationality. Said letter reviewed the circumstances concerning the confinement of 45 Formosans for periods ranging from 6 months to 1½ years, as well as an estimate of the evidence available against them, and requested the advice and assistance of Corps in the matter, a copy of which letter is attached hereto, and marked Inclosure #1.

2. Information concerning the detention of said Formosans was obtained by this headquarters as a result of an investigation initiated by this headquarters on or about 6 June 1947. A copy of the information obtained in said investigation is attached hereto, and marked Inclosure #2.

3. On 4 August 1947, the legal section, this headquarters, received a telephone communication from Colonel Chuck, JA of I Corps, to the following effect:

a. The legal section, Osaka Military Government Team, should review the evidence available against the subject Formosans as expeditiously as possible. If said legal section believed there was sufficient evidence against said Formosans, charge sheets should be prepared and forwarded to the proper court along with the available evidence. If said legal section believed there was not sufficient evidence against subject Formosans to warrant trial, said section to order the release of said Formosans.

b. A letter should be written to the Commanding General, Eighth Army, through channels, requesting the advice of said Headquarters concerning the status of Formosans possessing temporary certificates of Chinese nationality as issued by Mr. Liu, Osaka representative of the Chinese Mission in Japan.

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Ltr, HQ OMG Team, APO 25, subj: "Formosans Accused of Crimes in Osaka Prefecture" dtd 11 Aug 47.

4. This headquarters immediately started to review the evidence against said Formosans, and to date eleven (11) of the accused have been referred to Lt. Col. Ancram, JA, 25th Division, for forwarding to a military commission or forwarded to the Provost Court #1, 25th Division, for trial.

5. The request for advice from Eighth Army concerning the status of the Formosans as referred to in Paragraph 3, h, above, was sent from this headquarters dated 8 August 1947, a copy of which is attached hereto, and marked Inclosure #3. No reply to said letter has been received to date.

6. On 7 August 1947 this section received a copy of a telegram from the Commanding General, Eighth Army, dated 7 August 1947, from JA, 25th Division, concerning the status of Chinese nationals, which telegram does not clarify the status of Formosans. A copy of said telegram is attached hereto, and marked Inclosure #4.

7. Information was received by this headquarters from Mr. Honda, chief of the Osaka Detention House, dated 8 August 1947, to the effect that while the arrest in said cases were made by the Japanese police, confinement orders in most cases were issued to the Detention House by Major Rivers, Provost Court Judge, 25th Division. A copy of said report is attached hereto, and marked Inclosure #5. It is the opinion of this section that under the provisions of Memorandum #80, I Corps, dated 20 July 1946, Paragraph 2, c, (1), the responsibility for investigation and preference of charges in the said Formosan cases, belongs to the 25th Division, a copy of which paragraph is attached hereto, and marked Inclosure #6.

*Malcolm E. Craig*

MALCOLM E. CRAIG  
Colonel, Inf  
Commanding

6 Incls:

1. Cpy ltr to Corps, dtd 20 Jul 47.
2. Cpy list of Formosans detained.
3. Cpy ltr to 8th Army, dtd 8 Aug 47.
4. Cpy telegram.
5. Cpy report from Detention House.
6. Extract from Memo #80.



C O P Y

HEADQUARTERS  
OSAKA MILITARY GOVERNMENT TEAM  
APO 25

JBS/co

8 August 1947

SUBJECT: Certificates of Chinese Nationality

THROUGH Channels

TO: Commanding General  
Eighth Army  
APO 343

1. Under the provisions of Operational Directive No. 29, Headquarters Eighth Army, dated 11 March 1946, and its amendments, allied nationals are not subject to the jurisdiction of Japanese criminal courts. Formosans possessing certificates of Chinese nationality issued by the Chinese Mission in Tokyo are therefore tried for all violations in a military occupation court.

2. Recently it has come to the attention of this headquarters that Mr. Liu, Osaka representative of the Chinese Mission, has been issuing temporary certificates of Chinese nationality to Formosans, pending the approval of their applications, and issuance of certificates of Chinese nationality, by the Chinese Mission in Tokyo.

3. Your advice is requested by this headquarters as to the status of the Formosans possessing the temporary certificates of Chinese nationality, in respect to their confinement and trial for violations of Japanese Criminal Code.

FOR THE COMMANDING OFFICER:

EDWARD B. MILLETT  
Major, F. A.  
Adjutant

C O P Y

INCL. #3



OSAKA DETENTION HOUSE  
OSAKA

8 August 1947

TO: Mr. Sullivan  
Legal Section  
Osaka Military Government Team

In response to your enquiry of 8 August 1947, we report that all of the Formosans who are confined in the Detention House on orders from occupational forces, are confined pursuant to detention orders signed by Major Rivers, Judge of Provost Court #1.

SEIICHI HONDA  
Chief  
Osaka Detention House

INCL. #5



E X T R A C T

HEADQUARTERS I CORPS  
APO 301 (Kyoto, Honshu)

MEMORANDUM:  
NUMBER 80

20 July 1946

MILITARY OCCUPATION COURTS PROCEDURE

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- 2. c. (1) All arrests which are brought directly to the attention of tactical units by the Japanese, although contrary to the procedure prescribed in paragraph 2 b above, are followed by prompt investigation and charges preferred where warranted.

X X X X X

BY COMMAND OF MAJOR GENERAL WOODRUFF:

HUGH CORT  
Colonel, GSC  
Chief of Staff

E X T R A C T

INCL. #6



C O P Y

Rec'd J.A. 7 Aug 47

FROM: CG 8TH ARMY  
DTG: 060215/Z  
TO: CG I CORPS  
INFO: CG 25TH INF DIV  
CITE: DX 80371 YJ

FOLLOWING A CITE Z 1645 FROM SUPREME COMMANDER FOR THE ALLIED POWERS IS QUOTED FOR YOUR INFORMATION AND ACTION

\*1. CHINESE MISSION REPORTS THAT LEGAL OFFICER OF OSAKA MILITARY GOVERNMENT TEAM BELIEVES THAT CERTAIN CHINESE NATIONAL, WHO HAVE ILLEGALLY ENTERED JAPAN AND ARE WITHOUT CHINESE REGISTRATION CERTIFICATES, CANNOT BE RECOGNIZED AS UNITED NATIONS NATIONALS, AND , CONSEQUENTLY, SHOULD BE DELIVERED TO A JAPANESE COURT FOR TRIAL.

2. REQUEST YOU INFORM OSAKA MILITARY GOVERNMENT THAT POSSESSION OF CHINESE REGISTRATION CERTIFICATES IS NOT A PREREQUISITE TO TRIAL BY AN OCCUPATION COURT IN CASES OF CHINESE NATIONALS. A CHINESE NATIONAL, WHETHER HE POSSESS A CERTIFICATE OR NOT, IS A UNITED NATIONS NATIONAL AND TRIABLE ONLY IN AN OCCUPATION COURT. CONSEQUENTLY, CHINESE NATIONALS ILLEGALLY ENTERING JAPAN, AND WHO DO NOT POSSESS REGISTRATION CERTIFICATES MUST BE TRIED BY OCCUPATION COURTS SINCE THE JAPANESE ARE WITHOUT CRIMINAL JURISDICTION. IF THERE IS DOUBT REGARDING NATIONALITY OF THE PERSONS IN QUESTION, SUGGEST WRITTEN EVIDENCE BE OBTAINED FROM THE OSAKA BRANCH, CHINESE MISSION.

3. DESIRE INFORMATION ON ACTION TAKEN IN ORDER TO REPLY TO CHINESE MISSION."

EICHEL BERGER

ACTION: JA

IF-2123

C O P Y

INCL. #4



HEADQUARTERS I CORPS

FILE:

SUBJECT:

TO: (Number each note)		Office, Initials, and Date
C/S	<p>1. The following proposed indorsement to <u>Eighth Army</u> is submitted for your information and approval:</p> <p style="text-align: center;">1st Ind</p> <p>1. Forwarded for your information.</p> <p>2. This headquarters has advised the Osaka Mil Govt Team to take the following action:</p> <p style="padding-left: 40px;">a. Release those in whose cases it appears that there is insufficient evidence to reasonably substantiate a conviction.</p> <p style="padding-left: 40px;">b. Prefer charges with the least practicable delay in the remaining cases.</p>	<p style="text-align: right;"><i>JGD</i> JGD 4 Aug 47 MG</p>
J.A.	<p style="text-align: center;"><i>For Comment &amp; Recommendation</i></p>	<p style="text-align: right;"><i>RAB C/S</i> 7 aug</p>
C/S	<p>1. I do not concur in sending basic communication to 8th Army by indorsement. This is a matter uncovered by the Osaka Military Government Team. They have by this letter informed us about it and we have given them the answer by telephone. Sending it to 8th Army would accomplish nothing. Eighth Army is well aware that there are many instances of confinement without trial coming to light and is only interested in a quick remedy of the situation.</p> <p>2. Recommend basic communication be returned to Osaka Military Government Team with the following indorsement:</p> <p style="text-align: center;">1st Ind</p> <p style="text-align: center;">This will confirm telephone instructions given to you to:</p> <p style="padding-left: 40px;">a. Release those in whose cases it appears that there is insufficient</p>	

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(If additional space is required, use reverse side)

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TO: (Number each note)		Office, Initials, and Date
	<p>evidence to reasonably substantiate a conviction.</p> <p>b. Prefer charges with the least practicable delay in the remaining cases.</p>	<p><i>[Signature]</i> H.C.C. 8 Aug 47/JA</p>
<p><u>M.G.</u></p>	<p>Note JAs remarks above. Do you concur?</p>	<p><i>[Signature]</i> C/S 9 aug</p>
<p>C/S</p>	<p>Recommend that correspondence be returned to Escher with JAs proposed endorsement, but that Army be informed of the existing situation in a special report. If you concur we will draft report to 5th Army. I concur. D.S.</p>	<p><i>[Signature]</i> 13 Aug 47</p>



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HEADQUARTERS  
PROVOST MARSHAL'S OFFICE  
CAMP HACHINOHE

17 July 1947

Subject: Mitigation of Provost Court Sentences

To : Commanding Officer, Osaka Military Government Team

1. Request recommendations of your Headquarters as to the propriety of mitigation in the provost court case hereto attached.

2. Request investigation be conducted concerning state of health and means of support of dependents and that information and recommendations concerning said mitigation be forwarded to this office with attached letters.

JOHN E. FITZGERALD  
1st Lt. Inf  
Provost Marshal



B/L, Hq, Provost Marshal's Office, Camp Hachinohe, subj:  
Mitigation of Provost Court Sentences, to: CO, Osaka  
MGT, dtd 17 Jul 47

1st Ind.

EBM/dp

MG

Headquarters, Osaks Mil Govt Team, APO 25, 26 Aug 47

To: Commanding Officer, Hq & Hq Det., Kinki Mil Govt Region,  
APO 301

1. The following information is referred to your office  
for consideration:

- a. Name - Yamata Iwao
- b. Address - 198 Kokubu-Cho, Tennoji-ky, Osaka
- c. Age - 27
- d. Family - Wife (Japanese), 1 child, 3 years old
- e. Occupation - Teacher of Korean Primary School
- f. Income - Approximately ¥1,000.00 per month
- g. Arrested at Aomori and tried and found guilty of  
possession of Occupation Force goods on 9 December 1946.  
Sentenced to one (1) year at hard labor and fined ¥5,000.00

2. Investigation made by this office indicates that the  
goods found in his possession were for his own use rather than  
for resale, and that he had to purchase his supplies at the  
cheapest possible price, due to his low income. He has been  
vouched for by his neighbors as being an upstanding citizen,  
as is well liked by Japanese and Koreans alike.

3. As his fine and imprisonment are causing undue hard-  
ships for his family, it is requested that his petition for  
review of sentence be favorably considered.

FOR THE COMMANDING OFFICER:

*015*  
AG 250.53 - BA

2nd Ind.

EDWARD B. MILLETT  
Major, FA  
Adjutant

GLA/lha

Hqs I Corps, APO 301 2 SEP 1947

TO: CG, Eighth Army, APO 343

2 Incls:  
n/c

C. R.





775013

*015 Counts*

HEADQUARTERS  
KINKI MIL GOVT REGION  
APO 301 (Kyoto, Honshu)

GBG/jyn

014

25 APR 1947

SUBJECT: Bunzu Minba

TO : Commanding Officer  
Fukui Military Government Team  
APO 713

*WMS*

*File*

Confirming telephone conversation this date, the following telegram is quoted for your information and guidance:

"WE HAVE NO JAPANESE BY THE NAME OF KIMURA OR IMURA BUNZU REPRESENTING US PD HOWEVER CMA BUNZU IMURA HAS REPORTED TO THIS OFFICE AS A WITNESS INTERVIEWED FOR MOTOO MINBA CASE PD VERY COOPERATIVE AND WAS REQUESTED OF HIM TO OBTAIN FURTHER EVIDENCE STRICTLY ON HIS OWN PD FND FICHELBERGER"

*WMS*

BY ORDER OF COLONEL PARTRIDGE:

WILLIAM H. GILTNER  
Capt., CAC  
Administrative Officer

*WMS*

44503

*JYN*