DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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

Description of contents

(1) Box no. 2880

(2) Folder title/number: (6)
250.53 Provost Courts

(3) Date: May 1948 - Nov. 1949

(4) Subject:

Classification	Type of record
9036	e

(5) Item description and comment:

i) Shizuoka
ii) Includes Contents List

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

(Compiled by *National Diet Library*)

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

	DATE	A.	
27	20 MAR	SMGT	MONTHLY REPORT
28	31 MAR	SMGT	RELEASE OF PRISONER BY PROVOST COURT
29	4 APR 49	SMGT	CASE TRIABLE BY PROVAST COURT
30	15 FEB 49	YOKOHAMA COMMAND	RETURN OF FACT SHEET YPC 3874
31	19 FEB 49	1ST CAV BRIG	NON PROSECUTION OF YPC NO. 3874
32	4 APR 49	SMGT	CASES TRIABLE BY PROVAST COURT
33	8 APR 49	SMGT	" " " " "
34	20 APR 49	SMGT	REPORT OF PROVAST COURT PRISONERS
35	23 APR 49	8TH ARMY	MILITARY OCCUPATION COURTS
36	5 MAY 49	SMGT	CASES TRIED BY PROVAST COURT
37	18 APR 49	IX CORPS	APPOINTMENT OF PROVAST COURTS
38	10 MAY 49	IX CORPS	RETURN OF CHARGE SHEETS + RECORD OF TRIAL
39	27 OCT 49	IX CORPS	VISIT OF PROVOST COURT OFFICERS
40	20 MAY 49	SMGT	MONTHLY REPORT
41	26 MAY 49	SMGT	TRANS OF FINE
42	26 MAY 49	8TH ARMY	DEPORTATION OF KOREANS
43	2 Jun 49	S.M.G.T.	Status of Unpaid Fines
44	31 May 49	S.M.G.T.	Appointment of Provost Courts
45	2 Jun 49	S.M.G.T.	Trans of Fine - Chong Ryl Kyoto
46	2 Jun 49	S.M.G.T.	Trans, of Provost Court Work Sheets
47	7 July 49	SCAT	Trans. of Fine - Ryu Gum Hee
48	20 Oct 49	SCAT	Provost Court Prisoners
49	20 Sept 49	SCAT	Provost Court Prisoners
50	20 Sept 49	SCAT	Provost Court Prisoners
51	21 Nov 49	SCAT	Provost Court Prisoners

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

	DATE		
1	11 May 48	S.M.G.T.	Approval to Refer Case Involving Jap. Nat. for Trial - 1st Ind 8 Jun 48
2	13 May 48	S.M.G.T.	Provost Court Jurisdiction and Procedures-1st Ind 8 Jun 48
3	22 May 48	S.M.G.T.	Action of Provost Court Cases - 1st Ind
4	9 Jun 48	S.M.G.T.	Request for Action on Provost court Case
5	15 Jun 48	S.M.G.T.	Results of Provost Court Action
6	21 Jun 48	S.M.G.T.	Status of Provost Court Cases
7	2 Jul	IX Corps	Operational Memorandum #66
8	23 Jun 48	IX Corps	Appointment of Provost Court
9	16 Sept 48	S.M.G.T.	Return of Provost Court Charges
10	16 Nov 48	S.M.G.T.	Provost Court Jurisdiction in Izu Peninsula Area
11	6 Dec 48	S.M.G.T.	Appointment of Provost Court
12	18 Nov 48	IX Corps	Trans of Charge Sheets
13	7 Dec 48	S.M.G.T.	Procedure to Follow C.D. 33/1
14	7 Dec 48	8th Army	Prohibition on Prosecution of Jap Physicians
15	13 Dec 48	S.M.G.T.	Request for Trial By Probost Court
16	17 Dec 48	S.M.G.T.	Request to Despose fo Provost Case
17	27 Dec 48	S.M.G.T.	Report on Provost Court Prisoners
18	22 Jan 49	S.M.G.T.	Report on Provost Court Prisoners
19	23 Jan 49	IX Corps	Record of Trial by Provost Court
20	28 Jan 49	S.M.G.T.	Appointment of Provost Courts for Shizuoka Prefecture
21	16 Jan 49	S.M.G.T.	Report of Provost Court Prisoners
22	3 Mar 49	S.M.G.T.	Cases Triable by Provost Court
23	25 Feb 49	8th Army	Criminal Juristiction in Juvinal Cases
24	9 Mar 49	IX Corps	Monthly Report Forms
25	14 Mar 49	IX Corps	Case of RYU, Gan Mei (Chinese National)
26	14 Mar 49	IX Corps	" " Yamada, Yoshigoro

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

C File
DK
64 13

QLS-01 Nov. 20, 1949

SUBJECT: Monthly Report

THRU : Commanding Officer, Headquarters Shizuoka Military Government Team, APO 1007

TO : Commanding General, Hq IX Corps, APO 309 (Attention Provost Court Officer)

1. There were No Occupation Provost Court prisoners confined in Shizuoka Prison as of the 20th November 1949.

2. The following named prisoners have completed one-third of their sentence as of 20 November 1949, and action as indicated is recommended

NAME	RECOMMENDATION
None.	

*

(*Attach additional sheets if necessary)

H. Kojin
WARDEN
Shizuoka PRISON

QLS-01 1st Ind

Commanding Officer, Shizuoka Military Government Team, APO 1007, 21 Nov. 1949

TO: Commanding General, Hq IX Corps, APO 309
ATTN: Provost Court Officer

The above report from the Warden of [redacted] prison, [redacted], Japan, covering the period as indicated, is submitted in compliance with instructions contained in Par 11, OD 25, dtd 9 May 1949.

FOR THE COMMANDING OFFICER:

[redacted]
[redacted] USA
Adjutant

51

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

350.53

20 Oct. 1949

QLS-01

SUBJECT: Monthly Report

THRU : Commanding Officer, Headquarters Shizuoka Military Government Team, APO 1007

TO : Commanding General, Hq IX Corps, APO 309
(Attention Provost Court Officer)

1. There were no Occupation Provost Court prisoners confined in Shizuoka Prison as of the 20th Oct. 1949.

2. The following named prisoners have completed one-third of their sentence as of 20 1949, and action as indicated is recommended

NAME	RECOMMENDATION
- None -	- None -

*
(*Attach additional sheets if necessary)

Haruo Aoyu
WARDEN
Shizuoka PRISON

QLS-01 1st Ind

Commanding Officer, Shizuoka Military Government Team, APO 1007, [redacted] 1949

TO: Commanding General, Hq IX Corps, APO 309
ATTN: Provost Court Officer

The above report from the Warden of [redacted] prison, [redacted], Japan, covering the period as indicated, is submitted in compliance with instructions contained in Par 11, OD 25, dtd 9 May 1949.

FOR THE COMMANDING OFFICER:

[redacted]
[redacted] USA
Adjutant

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

C-File

QLS-01

Sept. 20, 1949

SUBJECT: Monthly Report

THRU : Commanding Officer, Headquarters Shizuoka Military Government Team, APO 1007

TO : Commanding General, Hq IX Corps, APO 309 (Attention Provost Court Officer)

1. There were None Occupation Provost Court prisoners confined in Shizuoka Prison as of the 20th Sept. 1949.

2. The following named prisoners have completed one-third of their sentence as of 20 September 1949, and action as indicated is recommended

NAME	RECOMMENDATION
None	

*
(*Attach additional sheets if necessary)

Head of Shizuoka Prison
WARDEN
/Haruo, Ogiu PRISON

QLS-01 1st Ind

Commanding Officer, Shizuoka Military Government Team, APO 1007, 21 Sep 49 1949

TO: Commanding General, Hq IX Corps, APO 309
ATTN: Provost Court Officer

The above report from the Warden of Shizuoka prison, Shizuoka, Honshu, Japan, covering the period as indicated, is submitted in compliance with instructions contained in Par 11, OD 25, dtd 9 May 1949.

FOR THE COMMANDING OFFICER:

ROBERT F. BARBOUR
WOJG USA
Adjutant

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

QLS-01

August 20 1949

SUBJECT: Monthly Report

THRU : Commanding Officer, Headquarters Shizuoka Military Government Team, APO 1007

TO : Commanding General, Hq IX Corps, APO 309 (Attention Provost Court Officer)

1. There were no Occupation Provost Court prisoners confined in Shizuoka Prison as of the 20th August 1949.

2. The following named prisoners have completed one-third of their sentence as of 20th August 1949, and action as indicated is recommended

NAME	RECOMMENDATION
None	

*

(*Attach additional sheets if necessary)

WARDEN

/Haruo, Ogiu

Shizuoka PRISON

QLS-01 1st Ind

Commanding Officer, Shizuoka Military Government Team, APO 1007, 22 Aug 49
1949

TO: Commanding General, Hq IX Corps, APO 309
ATTN: Provost Court Officer

The above report from the Warden of Shizuoka prison, Shizuoka, Honshu, Japan, covering the period as indicated, is submitted in compliance with instructions contained in Par 11, OD 25, dtd 9 May 1949.

FOR THE COMMANDING OFFICER:

[redacted]
WOJG USA
Adjutant

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

QLS-01 July 20, 1949

SUBJECT: Monthly Report

THRU : Commanding Officer, Headquarters Shizuoka Military Government Team, ARO 1007

TO : Commanding General, Hq IX Corps, APO 309
(Attention Provost Court Officer)

1. There were non Occupation Provost Court prisoners confined in Shizuoka Prison as of the 20th July 1949.

2. The following named prisoners have completed one-third of their sentence as of 20th July 1949, and action as indicated is recommended

NAME	RECOMMENDATION
	None

*
(*Attach additional sheets if necessary)

H. Aoki
WARDEN
Shizuoka PRISON

QLS-01 1st Ind

Commanding Officer, Shizuoka Military Government Team, APO 1007, 20 July 49
1949

TO: Commanding General, Hq IX Corps, APO 309
ATTN: Provost Court Officer

The above report from the Warden of Shizuoka prison, Shizuoka, Honshu, Japan, covering the period as indicated, is submitted in compliance with instructions contained in Par 11, OD 25, dtd 9 May 1949.

FOR THE COMMANDING OFFICER:

[redacted]
1LT USA
Adjutant

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

C-
FILE -
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DFB

HEADQUARTERS
SHIZUOKA CIVIL AFFAIRS TEAM
APO 1007

7 July 1949

SUBJECT: "Transmittal of Fine in the Case of Ryu Gan Mei (Chinese) P.C. #19 (1949)"

TO: Commanding General
IX Corps
APO 309
ATTN: President Provost Court

1. Transmitted herewith the fine assessed against Ryu Gan Mei (Chinese) in Provost Court case #19 (1949) in the amount of Eighteen Thousand (18,000) yen.

2. Request acknowledgement of receipt by endorsement hereon.

FOR THE COMMANDING OFFICER:

ROBERT F. HARBOUR
WOJG USA
Adjutant

47

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53 (A) (B)

C. FILE
DK
RJK
DLL

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

2 June 1949

SUBJECT: "Transmittal of Provost Court Work Sheets"

TO: Commanding General
IX Corps
APO 309
ATTN: President Provost Court

Enclosed herewith are three copies of work sheets and summary of expected testimony in the case of ONO, Tadashi.

FOR THE COMMANDING OFFICER:

1 Incl
Work Charge Sheet (3)

ANDREW E. FARRELL
Major, Cav.
Adjutant

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

350.03

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

LEGAL	/
E & L	
E	
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P W	
C I	
DET.CO	
CENTRAL FILE	✓

2 June 1949

SUBJECT: "Transmittal of Fine in the Case of Cheng Rei Kyoku (Chinese) P.C. #20 (1949)"

TO: Commanding General
IX Corps
APO 309
ATTN: President Provost Court

1. Transmitted herewith the fine assessed against Cheng Rei Kyoku (Chinese) in Provost Court case #20 (1949) in the amount of Eighteen Thousand (18,000) yen.

2. Request acknowledgement of receipt by endorsement hereon.

FOR THE COMMANDING OFFICER:

Andrew E. Farrell
ANDREW E. FARRELL
Major, Cav.
Adjutant

Ind

HQ IX CORPS PROVOST COURT, APO 309, TO: C. O. SHIZUOKA M. G. TEAM
6 June 1949

1. Receipt requested in Par 2 - Basic Communication - attached hereto.

2. Hand receipt #165 enclosed herewith for transmission to CHENG REI KYOKU, the accused who paid above mentioned fine.

Francis H. A. McKeon
FRANCIS H. A. McKEON
LT. COLONEL INF
PROVOST COURT OFFICER

EFFECTUATED

45

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

25253

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RHK

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

23 May 1949

SUBJECT: "Appointment of Provost Court"

TO: Commanding General
IX Corps
APO 309
ATTN: President, Provost Court

1. Reference is made to Ltr, IX Corps Hq, File AG 250.53 (PC), 18 April 1949, Subject: "Appointment of Provost Court".

2. In accordance with reference above, the following recommendations for Provost Court at Shimuoka Prefecture are submitted.

LT. COL. A. N. AHMANN,	O-136236	Local Occupation Force Court Authority
1ST LT. JOHN L. GAYHART,	O-1061697	Defense Counsel
MOSES BURG,	DAC	Member
THOMAS T. REININGER,	DAC	Member
M/Sgt William A. Nestor	RA-7071210	Ass't Prosecutor

FOR THE COMMANDING OFFICER:

ANDREW E. FARRELL
Major, Cav.
Adjutant

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

C FILE
DK
J.A.C.
RTR
CBQ

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

2 June 1949

SUBJECT: "Status of Unpaid Fines"

TO: Commanding General
IX Corps
APO 309
ATTN: President Provost Court

As requested by Captain William A. Warlick, Prosecutor, IX Corps Provost Court, the following information is submitted:

YAMADA, Yoshigoro	#18 (1949)	90,000 ¥ Paid
Cheng Rei Kyoku	#20 (1949)	18,000 ¥ Paid
Setsu Ten Rai	#21 (1949)	72,000 ¥ UNPAID
Ryu Gan Nei	#19 (1949)	18,000 ¥ UNPAID

FOR THE COMMANDING OFFICER:

ANDREW E. FARRELL
Major, Cav.
Adjutant

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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

LEGAL	/
E & L	
C E	
P H	
P W	
C I	
DET CO	
CENTRAL FILE	✓

AGYO 250.53

26 MAY 1949

SUBJECT: Deportation of Koreans by Order of Occupation Courts

TO: Commanding Officer
Shizuoka Military Government Team
APO 1007

The attached correspondence is forwarded for information and compliance.

BY COMMAND OF LIEUTENANT GENERAL WALKER:

CHARLES A. HULL
Captain AGD
Asst. Adj. Gen.

1 Incl
Ltr AGYO 250.53, 4 Mar 49, subj: Deportation of Koreans by Order of Occupation Courts w/1st Ind

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

C File
DK
RHR

SHIZUOKA MILITARY GOVERNMENT TEAM
LEGAL-GOVERNMENT SECTION
APO 1007

26 May 1949

SUBJECT: "Transmittal of 90,000 yen fine, Levied in IX Corps Provost Court Case #17(1949)"

TO: Commanding General, IX Corps
APO 309
ATTN: Provost Court

1. Transmitted herewith is the amount of Ninety Thousand (90,000) yen, levied by the IX Corp Provost Court in the case of the Supreme Commander for the Allied Powers vs YAMADA, Yoshigoro (Provost Court Case #17 (1949)).

2. Request acknowledgement by indorsement hereon of receipt of the above stated amount.

STUART L. GALLIHAN
Capt. USAF
Legal Officer

1st Ind

HQ. SHIZUOKA MILITARY GOVERNMENT TEAM, APO 1007, 25 May 1949.

TO: Commanding General, IX Corps, APO 309
ATTN: Provost Court

1. Forwarded.

2. Attention invited to par 2, basic communication.

FOR THE COMMANDING OFFICER:

CARL C. CULLISON
Capt CAC
Adjutant

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

C File
E21

QLS-01

May 20, 1949

SUBJECT: Monthly Report

THRU : Commanding Officer, Headquarters Shizuoka Military Government Team, APO 1007

TO : Commanding General, Hq IX Corps, APO 309
(Attention Provost Court Officer)

1. There were 1 Occupation Provost Court prisoners confined in SHIZUOKA Prison as of the 20th May 1949.

2. The following named prisoners have completed one-third of their sentence as of 20 May 1949, and action as indicated is recommended

NAME	RECOMMENDATION
KURABE, Tomio	Ditto to last report

*

(*Attach additional sheets if necessary)

Haruo Ogiu
WARDEN
Shizuoka PRISON

QLS-01 1st Ind

Commanding Officer, Shizuoka Military Government Team, APO 1007, [redacted] 1949

TO: Commanding General, Hq IX Corps, APO 309
ATTN: Provost Court Officer

The above report from the Warden of [redacted] prison, [redacted], Japan, covering the period as indicated, is submitted in compliance with instructions contained in Par 11, OD 25, dtd 9 May 1949.

FOR THE COMMANDING OFFICER:

Carl C Gallison
CARL C. GALLISON
Captain, CAC
Adjutant

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

~~210.6~~ (27 Oct 48) 1st Ind JMW/ehb
BASIC: Visit of Provost Court Officer and Prosecutor

HEADQUARTERS TOHOKU MIL GOVT REGION, APO 309, 29 October 1948

TO: Commanding General, IX Corps, APO 309

HBD

AG 210.6 (D) (27 Oct 48) 2nd Ind JMW/ehb

HEADQUARTERS IX CORPS, APO 309

TO: Commanding Officer, Shiruoka Mil Govt Team, APO 1007

RDF

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HEADQUARTERS IX CORPS
Office of the Commanding General
APO 309

27 Oct 1948

AG 210.6

SUBJECT: Visit of Provost Court Officer and Prosecutor

THRU: Commanding Officer Tohoku Military Government Region

TO: Commanding Officer Shizuoka Military Government Team,
APO 1007

1. The IX Corps Provost Court Officer, Lt Col H.R. Turner, the IX Corps Provost Court Prosecutor, Capt W.A. Warlick and the Provost Court interpreter 2nd Lt H.I. Pitchford will visit your Headquarters on 9th November 1948 for the purpose of conferring on Provost Court matters and interviewing IX Corps Provost Court prisoners in Japanese prisons in your prefecture. Quarters and Rations will not be required.

BY COMMAND OF MAJOR GENERAL MILEY:

James E Torgerson
JAMES E TORGERSON
Capt., CAV
Actg Asst Adj Gen

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

HEADQUARTERS IX CORPS
Provost Court
APO 309

10 May 1949

LEGAL	✓
E & L	
C E	
P H	
P W	
C I	
DET.CO	
CENTRAL FILE	✓

SUBJECT: Return of Charge Sheets and Record of Trial

TO : Commanding Officer
Shizuoka M G Team
APO 1007
ATTN: Legal Officer

Returned herewith are the completed records of trial in the case of YAMADA Yoshigoro(Docket No. 17(1949) and in the case of MIZOROGI Misako(Docket No.18(1949).

2 Incls
Records of trial
as listed above.

FRANCIES H. A. McKEON
LT COL INF
PROVOST COURT OFFICER

RECEIVED
H Q
MAY 31 1949
HEADQUARTERS

38

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

VIII A2

HEADQUARTERS IX CORPS
Office of the Commanding General
APO 309

18 APR 1949

AG 250.53 (PC)

SUBJECT: Appointment of Provost Courts

TO : See Distribution

1. Recommendations of officers assigned to your command for appointment to provost court duties within your area of jurisdiction will be furnished this headquarters direct, with information copy to intermediate headquarters, (ATTN: Provost Court Officer) showing name, rank, branch, and ASN together with recommended position, i.e; Court Member, Assistant Prosecutor, Defense Counsel, or Acting Assistant Adjutant General.

2. Care will be exercised, so far as possible, to avoid appointment of officers who may be relieved from such appointment in the near future.

BY COMMAND OF MAJOR GENERAL HOBBS:

Robert J. Burns
ROBERT J. BURNS
1st Lt AGD
Asst. Adj. Gen.

DISTRIBUTION:

1- Commanding Officer, Tohoku M G Region, APO 309
1- Commanding Officer, Kanto M G Region, APO 201
1- Commanding Officer, Akita M G Team, APO 7 Unit 4
1- Commanding Officer, Fukushima M G Team, APO 547
1- Commanding Officer, Iwate M G Team, APO 7 Unit 3
1- Commanding Officer, Chiba M G Team, APO 181
1- Commanding Officer, Ibaraki M G Team, APO 181
1- Commanding Officer, Nagano M G Team, APO 181
1- Commanding Officer, Niigata M G Team, APO 547
1- Commanding Officer, Tochigi M G Team, APO 201
1- Commanding Officer, Yamanashi M G Team, APO 201
✓1- Commanding Officer, Shizuoka M G Team, APO 1007

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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250.53

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

5 May 1949

SUBJECT: "Record of Trial for Cases Tried by Provost Court"

TO: Commanding General
Headquarters, IX Corps
APO 309
ATTN: Provost Court Section

Transmitted herewith record of trial for cases as listed in inclosures.

FOR THE COMMANDING OFFICER:

3 Incls:
1. RYU GAN MEI (4)
2. CHENG MEI KYOKU (4)
3. SETSU TEN BAI (4)

ANDREW R. FARRELL
Major, Cav
Adjutant

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

23 APR 1948

AGMGL 250.53

SUBJECT: Military Occupation Courts

TO: Commanding Officer
Shizuoka Military Government Team
APO 1007

Copy of SCAP Circular No. 8, 31 March 1949, is inclosed for issuance to the chief procurator in your prefecture. Distribution has previously been made to the Legal and Government Officer on your team.

BY COMMAND OF LIEUTENANT GENERAL WALKER:

1 Incl
As indicated

J. A. O'BRIEN
CWO USA
Asst Adj Gen

22 APR 1949
MAIL ROOM
DECLASSIFIED

35

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

C File
EM
D6
AGO

QLS-01 20 April, 1949

SUBJECT: Monthly Report

THRU : Commanding Officer, Headquarters Shizuoka Military Government Team, APO 1007.

TO : Commanding General, Hq IX Corps, APO 309
(Attention: Provost Court Officer)

1. There were one (1) Occupation Provost Court prisoners confined in Shizuoka prison as of the 20 April, 1949.

2. The following named prisoners have completed one-third of their sentence as of 20 April, 1949, and action as indicated is recommended:

NAME	RECOMMENDATION
KURABE, Tomio	See attached sheet.

* _____ _____

(* Attach additional sheets if necessary)

Haruo Ogui
WARDEN
Shizuoka PRISON

QLS-OI Ist Ind

Commanding Officer, SHizuoka M G Team, APO 1007, 21 Apr, 1949

TO: Commanding General, Hq IX Corps, APO 309
(Attention: Provost Court Officer)

The above report from the warden of SHIZUOKA prison, Shizuoka, Japan, covering the period as indicated, is submitted in compliance with instructions contained in Par 12, OD 33/1, dtd 12 Nov 1948.

FOR THE COMMANDING OFFICER:

ANDREW E. FARRELL
Major, Cav
Adjutant

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

R-E-C-O-M-M-E-N-D-A-T-I-O-N

KURABE, Tomio is serving his sentence in this prison, but he has not been working since he entered the prison due to Meniére's disease. Recently his illness has become worse, and he falls down by fit frequently when he stands up, therefore is obliged to lay down.

And moreover as he has a poor appetite he has been eating the bread meals, and it is considered that the restoration of his health is very difficult.

In Japan, a prisoner, who is in this condition and one-third of his sentence has been served, can be authorized the release on parole by Art. 16 of Parole Examination Rule.

His gaurdians are good and his conduct is ordinary and moreover it is considered that he will not commit another offence.

Therefore, we beg your authorization for the release of the subject prisoner on parole.

-end/5

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

FILE COPY

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

8 April 1949

SUBJECT: "Case Triable by Provost Court"

TO: Commanding General
Headquarters, IX Corps
APO 309
ATIN: Provost Court Section

Transmitted herewith work charge sheets for case of Cheng Rei Kyoko, Chinese National.

FOR THE COMMANDING OFFICER:

2 Incls:
1. Work Charge Sheets (3)
2. Summary of Evidence(3)

ANDREW E. FARRELL
Major, Cav
Adjutant

1st Ind

Hq IX Corps, Provost Court Section, APO 309, 11 April 1949

TO: Commanding Officer, Shizuoka M G Team, APO 1007
ATTN: Legal Officer

1. Returned herewith are work charge sheets in the case of Cheng Rei Kyoko.

2. The Staff Judge Advocate made the following recommendations: Specifications appear O K under the summary of evidence. The charge, however, is not clear-it should refer to the official laws or regulations. I do not have the laws in question so assure that the specifications state a violation. OK to proceed. Signed LEVINES.

2 Incls
n/e

WILLIAM A WARLICK
Capt. FA
Prosecutor

RECEIVED
H Q
SHIZUOKA MILITARY TEAM
APR 8 A 7 0

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

25.53

FILE COPY

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

4 April 1949

SUBJECT: "Case Triable by Provost Court"

TO: Commanding General
Headquarters, IX Corps
APO 309
ATTN: Provost Court Section

Transmitted herewith work charge sheets for case of Setsu Ten Rai, Chinese National.

FOR THE COMMANDING OFFICER:

2 Incls:
1. Work Charge Sheets (3)
2. Translation of Books of Accused (1)

ANDREW R. PARNELL
Major, Cav
Adjutant

1st End

IX Corps Provost Court, Hq IX Corps, APO 309, 7 April 1949

TO: Commanding Officer, Shizuoka M G Team, APO 1007

1. Transmitted herewith are work charge sheets in the case of Setsu Ten Rai, Chinese National.

2. It is recommended by the Staff Judge Advocate, IX Corps, that the wording of Specification 1 of Charge I be amended to read: In that, Setsu Ten Rai, a Chinese National, did, at Hamamatsu City, Japan, wilfully, feloniously and unlawfully, purchase and resell cotton textiles in the amounts and on the dates specified in the attached Bill of Particulars.

3. The Chinese Mission has been notified that the Chinese Cases pending in Shizuoka Prefecture will be tried during the week beginning 25 April 1949.

2 Incls
n/c

WILLIAM A WARLICK
Capt, FA

32
1

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

FILE COPY

LEGAL /
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250,53

AFFE G-2 1st Ind
(19 Feb 49)
SUBJECT: "Non Prosecution of YPC No. 3874 (TSUNETARO YASUI)

HEADQUARTERS 1ST CAVALRY DIVISION, Camp Drake (Tokyo) Japan, APO 201,

16 MAR 1949

TO: Commanding General, IX Corps, APO 309
ATTENTION: AC of S, G-2

1. Forwarded for your information.

2. The explanation given by the Japanese Procurator, Y. OBATA for non prosecution of this case does not seem adequate. On the date of the incident, 31 October 1948, neither the Japanese National flag or the Japanese Naval flag (with the sun rays) were permitted to be flown.

FOR THE COMMANDING GENERAL:

FRANK J CABUGNO
1st Lt AGD
Asst Adj Gen

1 Incl:
n/c

31

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HEADQUARTERS 1ST CAVALRY BRIGADE
APO 201 Unit 1

19 February 1949

SUBJECT: Non Prosecution of YPC No. 3874
(Tsunetaro Yasui)

TO : Commanding General, 1st Cavalry Division, APO 201
(ATTN: G-2)

1. Attached is Yokohama Provost Court Case No. 3674 (Tsunetaro Yasui) and allied papers as per telephone conversation 17 February 1949.

2. The flags in question were paper battle flags and not Japanese National flags. Verification can be obtained from the 95th Light Tank Co and S-2 1st Cavalry Brigade. Unfortunately, the flags as evidence were lost by the YPC during the processing of the case.

3. We forward this case for such action as you may deem advisable.

JERRY E ROUSE
Maj, 1st Cav Brig
S-2

Incls: YPC No. 3874

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

FILE COPY

250.53

YOKOHAMA PROVOST COURT
YOKOHAMA COMMAND
APO 503

15 February 1949

SUBJECT: Return of Fact Sheet YPC 3874 (Tsunetaro YASUI)

TO : Hq 1st Cavalry Brigade,
APO - 201 - 1

1. Inclosed herewith are fact sheet allied papers and letter dated 14 February 1949 from Public Prosecutor, Chief Yokohama District Public Procurator's Office to Lt. Col. Cartwright.

2. After reviewing recommendation by Japanese Court, we feel that no action should be taken against the suspect and consider this case closed.

L. J. CARTWRIGHT, LT. COL., INF.
Provost Court Authority
Kanagawa Prefecture

JOHN F. FRITZ
BY MAJOR, AGD
ADM. OFFICER.

30

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

257.53

C. File
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HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

4 April 1949

SUBJECT: "Case Triable by Provost Court"

TO: Commanding General
Headquarters, IX Corps
APO 309
ATTN: Provost Court Section

Transmitted herewith work charge sheets for case of Setsu Ten Rai, Chinese National.

FOR THE COMMANDING OFFICER:

2 Incls:
1. Work Charge Sheets (3)
2. Translation of Books of Accused (1)

ANDREW E. FARRELL
Major, Cav
Adjutant

29

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

31 March 1949

SUBJECT: "Release of Prisoner Sentenced by Provost Court"

TO: Commanding General
IX Corps
APO 309
ATTN: Provost Court Section

Transmitted herewith, release papers on Nageichiro Sano for your information.

FOR THE COMMANDING OFFICER:

2 Incls:
1. Report of Release (2)
2. Commitment Paper (1)

ANDREW R. FARRELL
Major, Cav
Adjutant

2/8

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53 00 00

C file
E71
S.E.

QLS-01 20 March 1949

SUBJECT: Monthly Report

THRU : Commanding Officer, Headquarters Shizuoka
Military Government Team, APO 1007.

TO : Commanding General, Hq IX Corps, APO 309
(Attention: Provost Court Officer)

1. There were 2 Occupation Provost Court prisoners confined in Shizuoka prison as of the 20 March 1949.

2. The following named prisoners have completed one-third of their sentence as of 20 March 1949, and action as indicated is recommended:

NAME	RECOMMENDATION
Sano, Magoichiro	As of 9th January 1949, one thirbd of term has been passed. The application of probation of remaining term was submitted on 17 January 1949
Tomio, Kurabe	(one-third of term not yet complete)

*

(* Attach additional sheets if necessary)

Shizuoka Prison
WARDEN
Haruo, Ogiu PRISON

QLS-OI 1st Ind

Commanding Officer, Shizuoka M G Team, APO 1007, 24 Mar 1949

TO: Commanding General, Hq IX Corps, APO 309
(Attention: Provost Court Officer)

The above report from the warden of SHIZUOKA prison, Shizuoka, Japan, covering the period as indicated, is submitted in compliance with instructions contained in Par 12, OD 33/1, dtd 12 Nov 1949.

FOR THE COMMANDING OFFICER:

ANDREW E. FARRELL
Major, Cav
Adjutant

27

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HEADQUARTERS IX CORPS
Office of the Commanding General
APO 309

14 MAR 1949

AG 250.53 (J)

SUBJECT: Case of YAMADA YOSHIGORO, Japanese National.
Triable by Provost Court

TO: Shizuoka Military Government Team, APO 1077

1. The work sheet and associated papers in this case have been withdrawn from basic communication Headquarters Shizuoka Military Government Team, 3 March 1949, to the Commanding General, Headquarters IX Corps.

2. The work charge sheet in this case has been studied, together with summary of evidence submitted. A proposed draft of charge and specification is attached.

3. You will prepare charge in final form and serve on the accused and bring the case to trial at the earliest practicable date.

BY COMMAND OF MAJOR GENERAL HOBBS:

1 Incl
Ch Sheet with a/p
(in trip)

R. M. BREESE
Major, AGD
Asst Adj Gen

27

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HEADQUARTERS IX CORPS
Office of the Commanding General
APO 309

14 MAR 1949

AG 250.53 (J)

SUBJECT: Case of RYU Gan Mei (Chinese National) triable by Provost Court

TO: Commanding Officer
Shizuoka Military Government Team
APO 1077

1. The work sheet and associated papers in this case have been withdrawn from basic communication Headquarters Shizuoka Military Government Team, 3 March 1949, to the Commanding General, Headquarters IX Corps.

2. Draft of charges submitted appear in proper form except for Charge 2, Violation of the 261st Article of the Japanese Criminal Code. The specification should itemize the property damaged.

3. These charges will be drafted in final form and served on the accused. Every effort should be made to have the case ready for trial at the earliest practicable date.

BY COMMAND OF MAJOR GENERAL HOBBS:

1 Incl
Ch sheet with a/p
(in trip)

R. M. BREESE
Major, AGD
Asst Adj Gen

26

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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HEADQUARTERS IX CORPS
Provost Court Section
APO 309

LEGAL 1
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P W
9 March 1949
DET.CO
CENTRAL FILE

Incls to Legal
FSK

SUBJECT: Monthly Report Forms

TO : Commanding Officer
Shizuoka MG Team
APO 1007
ATTN: Legal Officer

Furnished herewith, for your convenience, are copies of a suggested Form to be used in submitting reports required by CO 33/1, Hq Eighth Army, Par 12. These Forms to be distributed to wardens of prisons within your jurisdiction.

1 Incl
QLS-01 Form
(12 copies)

W.A. WARLICK
Capt, FA
Prosecutor

25

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

LEGAL
E. & I.
C. I.
P. H.
P. W.
DET. CO
CENTRAL FILE

AG 250.53 (J) (25 Feb 49) 1st Ind
SUBJECT: Criminal Jurisdiction: Treatment of Juveniles Who Commit Acts Prejudicial to the Objectives of the Occupation.

HEADQUARTERS IX CORPS, APO 309, 1 March 1949

TO: See Distribution.

Your attention is invited to basic and enlosures thereto.

BY COMMAND OF MAJOR GENERAL DEVINE:

Robert J. Burns
ROBERT J. BURNS
1st Lt. AGD
Asst. Adj. Gen.

1 Incl:
n/c

DISTRIBUTION:

Provost Court IX Corps, APO 309	5
CG, 7th Infantry Division, APO 7	10
CG, 1st Cavalry Division, APO 201	10
Kanto Mil Govt Region, APO 201	2
Tohoku Mil Govt Region, APO 309	2

2 Each: To CO:

Akita Mil Govt Team, APO 7 Unit 2
Iwate Mil Govt Team, APO 547
Fukushima Mil Govt Team, APO 547
Niigata Mil Govt Team, APO 547
Nagano Mil Govt Team, APO 201
Tochigi Mil Govt Team, APO 201
Ibaraki Mil Govt Team, APO 181
Chiba Mil Govt Team, APO 181
Yamanashi Mil Govt Team, APO 181
Shizuoka Mil Govt Team, APO 1007

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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

AGYO 250.53 25 Feb 49

SUBJECT: Criminal Jurisdiction: Treatment of Juveniles who Commit Acts Prejudicial to the Objectives of the Occupation.

TO : Commanding General
IX Corps
APO 309

The attached letter from the Supreme Commander for the Allied Powers, AG 015(21 Feb 49)LS-IJ, dated 21 February 1949, subject: "Criminal Jurisdiction: Treatment of Juveniles Who Commit Acts Prejudicial to the Objectives of the Occupation," is forwarded for your information and guidance.

BY COMMAND OF LIEUTENANT GENERAL WALKER:

/s/ W. H. Dickerson
W. H. DICKERSON
C.W.O., U.S.
Asst Adj Gen

1 Incl
Ltr fr SCAP, AG 015
(21 Feb 49)LS-IJ, dtd
21 Feb 1949.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

GENERAL HEAD QUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 015 (21 Feb 49)LS-LJ 21 February 1949

SUBJECT: Criminal Jurisdiction: Treatment of Juveniles Who Commit Acts Prejudicial to the Objectives of the Occupation.

TO : Commanding General
Eighth Army
APO 343

1. Reference is made to the following directives and laws:

a. Memorandum for the Imperial Japanese Government, AG 015(19 Feb 46)LS, (SCAPIN.756), Subject: "Exercise of Criminal Jurisdiction", Para. 3.

b. Imperial Ordinance No. 311, 15 July 1946, Article 2.

c. Operational Directive 33, Hq Eighth Army, 14 May 1948, Para. 13 f.

d. Law for Amendment to the Juvenile Law (Law No. 168 of 1948), Articles 42, 45 and 55.

2. Officials of the Japanese Supreme Court and the Attorney General's Office recently requested clarification of a possible conflict between the terms of Imperial Ordinance 311 and the Law for Amendment to the Juvenile Law. This apparent conflict arises in cases in which juveniles (persons less than 20 years of age) commit acts prejudicial to the objectives of the Occupation. Interpretation and explanation have been made to the Japanese authorities, as follows:

a. Imperial Ordinance 311 of 1946 is regarded as superior to ordinary Japanese Legislation, since it is an Ordinance under the Potsdam Declaration.

b. When a juvenile commits an act prejudicial to the

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

objectives of the Occupation, SCAPIN 756 and Imperial Ordinance 311 require the procurator to indict and prosecute this crime, taking away from the procurator his discretionary power of indictment which exists normally under Japanese Law.

c. However, Operational Directive 33, Headquarters Eighth Army, establishes a procedure by which the procurator may present cases which he believes should not be prosecuted for consideration of the local Occupation Force court authority, and obtain permission to waive prosecution. If permission to waive prosecution is granted, the normal provisions of Japanese law will apply. In the case of a juvenile, this means that, according to Article 42 of the Juvenile Law, the procurator must send to the Family Court all cases in which a juvenile is involved and the procurator believes that there is suspicion of a crime. The Family Court may then proceed with the case in that court, or may transfer the case back to the procurator for trial in a regular court under the provisions of Article 45 of that law.

If, on the other hand, permission to waive prosecution is not granted by the local Occupation Force court authority, the procurator must indict the juvenile. It should be noted, however, that if a juvenile is prosecuted in a regular criminal court, the judge of that court may refer the case to a Family Court, if it deems proper upon investigation to subject the accused juvenile to the dispositions which can be made by the Family Court, by virture of Article 55 of that Law. These dispositions by the Family Court are similar to those which may be made by a Provost Court under the provisions of O.D. 33, Hq. Eighth Army, para. 7b(2).

3. The Attorney General's Office and Supreme Court will issue regulations informing the procurators and the courts of the above.

BY COMMAND OF GENERAL MacARTHUR:

/s/ J W Williams

J W WILLIAMS
Major, A G D
Asst Adj Gen

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

3 March 1949

SUBJECT: "Cases Triable by Provost Court"

TO: Commanding General
Headquarters, IX Corps
APO 309
ATTN: Provost Court Section

Transmitted herewith work charge sheets for cases as listed in inclosures.

FOR THE COMMANDING OFFICER:

3 Incls:
1. Work Charge Sheet, MIZOROGI, Misako(3)
2. Work Charge Sheet, RYO, Gan Mei(3)
3. Work Charge Sheet, YAMADA, Yoshigoro(3)

/s/ Andrew E. Farrell
/t/ ANDREW E. FARRELL
Major, Cav.
Adjutant

AG 250.53 (PC) 1st Ind
HEADQUARTERS IX CORPS, APO 309, 21 March 1949

TO: Commanding Officer, Shizuoka MG Team, APO 1007
ATTN: Legal Officer

Returned herewith are work Charge Sheets in the case of Misako, Mitzorogi together with the recommendations of the Staff Judge Advocate.

BY COMMAND OF MAJOR GENERAL HOBBS:

2 Incls:
Withdrawn 2 Incls-2 and 3
Added 1 incl
4. Recommendations of Staff JA

/s/ Robert J. Burns
/t/ ROBERT J. BURNS
1st Lt AGD
Asst. Adj. Gen.

22

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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E.H.
RLK
ALG

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

16 February 1949

SUBJECT: "Report of Provost Court Prisoners"

TO: Commanding General
IX Corps
APO 309
ATTN: Provost Court Section

1. Reference is made to paragraph 12 b 2, Operational Directive 33, Eighth Army, 14 May 1948 as amended.

2. In compliance with reference 1 above, transmitted herewith subject report for the month of January 1949.

FOR THE COMMANDING OFFICER:

1 Incl:
Report of Provost
Court Prisoners (3)

ANDREW E. FARRELL
Major, Cav
Adjutant

21

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

28 January 1949

SUBJECT: "Appointment of Provost Courts for Shizuoka Prefecture"

TO: Commanding General
IX Corps
APO 309
ATTN: Provost Court Section

1. Reference is made to the following:

a. Paragraph 1 and 2, SO 180, Hq IX Corps dated 31 August 1948.

b. Paragraph 2 SO 187, Hq IX Corps, dated 11 September 1948.

2. It is requested that so much of paragraph 1 of reference 1 a, above, as pertains to members of this team be rescinded and the following names substituted therefor:

DETAIL FOR THE COURT

CAPT CARL C CULLISON 0262738, CAC, Shizuoka Mil Gov't Team
1ST LT WILLIAM K VAUGHAN 027333, Cav, Shizuoka Mil Gov't Team
1ST LT JOHN L GAYHART 01061699, Inf, Shizuoka Mil Gov't Team
1ST LT HAROLD WHORTON 01060583, CAC, Shizuoka Mil Gov't Team
CAPT STUART L CALLIHAN AO581480, USAF, Shizuoka Mil Gov't Team
Assistant Prosecutor
CAPT HAROLD E JOHNSON 0249030, Cml, Shizuoka Mil Gov't Team
Defense Counsel

3. Request the following named officer be appointed Acting Assistant Adjutant General of your headquarters for the purpose only of referring charges for trial within this prefecture to Provost Courts appointed by Headquarters IX Corps vice Major MARVIN A. ROSS, 01170541, FA, Shizuoka Mil Gov't Team, relieved:

MAJOR ANDREW E. FARRELL, 0188655, Cav, Shizuoka Mil Gov't Team

4. Request so much of paragraph 2, SO 187, your headquarters, dated 11 Sept 1948 as pertains to 1st Lt. William K. Vaughan, 027333,

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

BASIC: Ltr, Hq Shizuoka Mil Gov't Team, APO 1007, 28 January 1949,
Subj: "Appointment of Provost Courts for Shizuoka Prefecture"
(Cont'd)

Cav, Shizuoka Mil Gov't Team, be rescinded and the following name substituted therefor:

CAPT STUART L CALLIHAN, AO581480, USAF, Shizuoka Mil Gov't Team, Assistant Prosecutor

5. Request that so much of paragraph 1, SO 180, your headquarters, dated 31 August 1948 as pertains to 1st Lt. Harold Wharton, 01060685, CAC, Shizuoka Mil Gov't Team, be rescinded and the following name substituted therefor:

CAPT HAROLD E JOHNSON 0249030, Cml, Shizuoka Mil Gov't Team
Defense Counsel

FOR THE COMMANDING OFFICER:

ANDREW R. FARRELL
Major, Cav
Adjutant

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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FILE COPY

HEADQUARTERS IX CORPS
PROVOST COURT
APO 309

23 January 1949

SUBJECT: Record of trial by Provost Court

TO: Commanding Officer, Shizuoka M G Team, APO 1007
(Attention: Legal and Government Officer)

1. Enclosed is a record of trial in the case of Suzumu MATSUKI.

2. Action in this case was taken by the Commanding General, IX Corps, on 20 January 1949.

William A. Warlick
WILLIAM A. WARLICK
Capt FA
IX Corps, Prosecutor

DECLASSIFIED

19

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Provost Court Enter
CASE NO. 49 (1948)
(Same as Docket No.)

MG

CHARGE SHEET

Shizuoka City, Honshu, Japan, 20 September 19 48
Place Date

Name, etc, of accused Susumu MATSUKI, Japanese National

Age 40 41 M.A.N. Home Address 714 Kitatanabe-cho Higashisumiyoshi-ku, Osaka, Japan

Data as to family and dependents Wife and two children

Data as to witnesses, etc. Saburo Harada - Kyoto Japan, Koji Tsujikawa - Osaka Japan
(Give names, addresses, and note it for accused, list documentary evidence and note where each item can be found.)

Data as to restraint of accused ~~Not Confined~~ Confined OSAKA City Jail; 31 Aug. 1947 to 29 Oct. 1947.

Charge: ~~Violation~~ Wrongfully assist another to falsely impersonate Occupation Force Official. ~~(Violation of the security of the occupation forces)~~ W.A.F.

Specification 1.

In that Susumu MATSUKI, a Japanese National, did at Atami City, Japan, on or about 17 March 1947, falsely, wrongfully, and fraudently represent that Tomio Kurabe, a Japanese National, was an American General and a member of the Occupation Forces by stating to Koji Tsujikawa words to the effect that the said Tomio Kurabe was Brigadier General Thomas Richman, Vice Chief of the Natural Resources Bureau of SCAP and was the highest advisor of Economics and Science for GHQ, SCAP, with disregard as to whether or not said statements were, in fact, ~~true~~ not true.

Specification 2.

In that Susumu MATSUKI, a Japanese National, did at Yokohama Japan, on or about 13 July 1947, falsely, wrongfully, and fraudently represent that Tomio Kurabe, a Japanese National, was an American General and a member of the Occupation Forces by stating to Koji Tsujikawa words to the effect that the said Tomio Kurabe was Brigadier General Thomas Richman, Vice Chief of the Natural Resources Bureau of SCAP and was the highest advisor of Economics and Science for GHQ, SCAP, with disregard as to whether or not said statements were, in fact, not true.

(Additional sheets, if necessary, for charges and specifications will be attached to inside of this form so as to make reading of charges and specifications continuous.)

8A FORM NO. 29

MG

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HERE attach TOP of PAGES of additional sheets of charges and specifications

Charges Served:
25 Sept 1948
William K Vaughan
WILLIAM K. VAUGHAN
1st Lt., Asst Prosecutor

(Signature of Accuser) Harold J Stauter
HAROLD J. STAUTER
Major, [illegible]
(Grade, organization, or branch)

AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 20th day of September 19 48, and made oath that he is the person subject to military or naval law and that he personally signed the foregoing charges and specifications, and further that he* has personal knowledge of the matters set forth in specifications hereof and* has investigated the matters set forth in specifications herein, and that the same are true in fact, to the best of his knowledge and belief.

Note: — AT (*) strike out words not applicable.

(Signature) Marvin A. Ross
(Grade and organization)
MARVIN A. ROSS, Major, FA
Adjutant, Shizuoka Military Government Team, APO 1007
(Official character, as summary court, notary public, etc.)

REFERENCE FOR TRIAL

Headquarters IX CORPS, Shizuoka City, Honshu, Japan
(Place)
20 September, 19 48

Referred for trial to Lt. Col Turner, Capt Sullivan Capt Callihan
(Grade, name, and organization of Provost Court)
General Provost Court appointed by paragraph 1

Special Orders No. 180, Headquarters IX Corps
21 August, 19 48

By COMMAND of MAJOR GENERAL RYDER
(Command or order) (Grade and name of commanding officer)

Marvin A Ross
MARVIN A. ROSS, Major, FA Adjutant.

Date of Arraignment 30 September 1948 Date of trial 30 September 1948 and 1 and 11 October 1948

PLEAS AND FINDINGS

Specifications and Charges	Pleas	Findings
To the specification	NOT GUILTY	GUILTY
To the Charge	NOT GUILTY	GUILTY

NOTE: Change the words "General" "Brig General" to read "COLONEL"
Change the word "Bureau" to read "SECTION"
Change the letters "SCAP" to read "GHQ"

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

SUMMARY OF EVIDENCE

(Attach Additional sheets, if needed)

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

SENTENCE

Date, and Sentence: 11 October 1948; To be confined at hard labor for 18 months and pay a fine of 25,650 yen. The last 1/3 (or 6 months) of the confinement is suspended during good behavior. The first three (3) weeks of confinement is suspended, to be credited to suspended portion of sentence. The 60 days Pre-trial confinement in OSAKA City jail to be credited confinement portion of sentence. Confinement in lieu of fine not paid will be at the rate of 200 yen per day. Date of confinement is 1 November 1948.

Was fine, if imposed, paid to Provost Court? YES - 25,650 YEN.

Remarks:

(Sign) H. R. Turner
(Type) H. R. TURNER, Lt. Col. CMP (inf) GENERAL. Provost Court PRESIDENT

Type—Rank—Branch

ACTION BY REVIEWING AUTHORITY

Place, Date, 19

(Signature, grade, and organization)

Headquarters IX Corps APO 309 5 November, 19 48
(Place and date)

(Action of reviewing authority)

In the foregoing case of Susumu Mitsuki, the sentence is vacated and the case is referred to the Provost Court heretofore exercising jurisdiction, which will reconvene for the purpose of permitting the accused to present additional evidence in his own behalf and for such further proceedings as may be necessary in the premises. It is further ordered that the fine already paid be held pending final disposition of the case.

/s/ W. M. Miley, Commanding
(Signature, grade, and organization) W. M. MILEY
Major General, U. S. Army
Commanding

(For use after action in fowarding copies)

CERTIFIED TRUE COPY:

GEORGE E LEVINGS
Lt Col JAGD
Asst St Judge Advocate

Eighth Army Printing Plant, Kamiseki
4614

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

RECORD OF TRIAL

BY

GENERAL PROVOST COURT

Proceedings in the trial of

Susumu MATSUKI, Japanese, 714 Kitatanabe-cho, Osaka, Japan. (and
Tomio KURABE, Japanese, See also Case Number 50)

(NAME NATIONALITY ADDRESS)

by the IX Corps Provost Court appointed by paragraph 1 of Special Orders Number 180 Headquarters IX Corps, Dated 31 August 19 48.

HEADQUARTERS IX CORPS
APO 309

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Hqs IX Corps

APO 309

18 October 1948

The court met pursuant to the orders appointing it at 2100 hours 30 Sept. 1948, all the personnel of the court being present except as follows:

Major Harold J. Krauter (accuser) Excused VOCG

1st Lt. William E. Vaughan (Absent TDY) Excused VOCG

The accused and counsel introduced by him, viz 1st Lt. Harold Wharton, (Mr. Takajiro Eguchi, Japanese Attorney retained by accused KURABE) were present.

The following members of the court were excused and withdrew for the reasons stated opposite their respective names:

NONE.

The accused having been explained his rights (Par 5 OD 33 Hq 8th Army dtd 14 May 1948) and given full opportunity to exercise his rights as to challenge, the members of the court and the personnel of the prosecution were sworn.

The accused was then arraigned upon the charge (s) and specifications attached..

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

The accused then pleaded as follows:

To the specification of the Charge: NOT GUILTY
To the Charge: NOT GUILTY

The Prosecutor made no opening statement (o[redacted]

[redacted]:

The following named witnessess for the prosecution were sworn and testified in substance as follows:

Koji TSUJIKAWA, Japanese National, Secretary of Towa Machinery Co. Osaka City, Japan.

That;

1. **He first met the accused KURABE on 17 March 1947 at the Atami Hotel in Atami City, the accused MATSUKI introduced him to KURABE.**

2. **MATSUKI introduced KURABE as "THOMAS RICHMAN, the highest advisor of Economics Section and Natural Resource Section of the Occupation Headquarters", at the time and place referred to above.**

3. **Later on the same date the accused KURABE stated; "I am from Headquarters Natural Resources Section. I am also acting as highest advisor of Economics Section. My rank is acting Colonel." and; "I am Thomas Richman."**

4. **Since MATSUKI had previously informed him that KURABE was from the Occupation Force Headquarters He (Tsujikawa) thought only of SCAP.**

(Defense)

1. **The accused KURABE was wearing a Japanese Kimono when he (Tsujikawa) met him(Kurabe).**

2. **MATSUKI explained that KURABE was third generation Japanese and although his American name was RICHMAN he also used the name KURABE at times.**

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Koji TSUJIKAWA, (Con't)

(Prosecution)

1. On one occasion at the Atami Hotel he gave 30,000 yen to MATSUKI to give to KURABE when MATSUKI asked for it by saying; "Since it will be necessary to remain in Japan a little longer in order to release iron plates to your company, expense money is needed."

PROSECUTION RESTS

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

The defense counsel made no opening statement ([redacted]:

The following named witnesses for the defense were sworn and testified in substance as follows:

NONE

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

[redacted]

[redacted]

[redacted] the accused stated that he desired to remain silent.

THE DEFENSE RESTED:

Neither the prosecution nor the defense having anything further to offer, the court was closed and, upon secret written ballot, two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds the accused:

Of the specification of the charge; GUILTY

Of the charge; GUILTY

The court was opened and the Prosecutor stated, in the presence of the accused and his counsel, that he had no evidence of previous convictions to submit ([redacted]).

The prosecutor then read the data as to age, family, address as shown on the attached charge sheet.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

By direction of the Reviewing Authority (see "Action by Reviewing Authority" on page four of original charge sheet, attached, dated 5 November 1948) the case of Susumu MATSUKI was reopened at Shizuoka, Honshu, Japan, at 1400 hours on 6 December 1948 for the purpose of permitting the accused to present additional evidence in his own behalf and for such further proceedings as may be necessary in the premises.

The accused, having had his rights (Par 5 OD 23, Hq 8th Army dtd 14 May 1948) read and explained to him, stated to the Court at this time that he desired to present as individual counsel, Mr Y. Yamamoto of the Japanese Bar, and to retain the services of the appointed counsel, Lt. Whorton.

- -

The following witnesses for the defense were then sworn and testified in substance as follows;

Kingo ITO , Japanese National, Apiarist

That;

1. The introduction between Tsujikawa and Kurabe was made by Mr Harada, the accused only brought these two persons together.

2. He did not hear anyone mention what position Mr. Kurabe Held during the meetings which he (Ito) attended on 17 March 1947.

- -

AT THIS TIME, THE DEFENSE, HAVING TWO OTHER WITNESSES TO CALL WHO WERE NOT PRESENT, REQUESTED A CONTINUANCE OF TEN DAYS. THE PROSECUTION OBJECTED TO SUCH CONTINUANCE, HOWEVER THE COURT, IN CLOSED SESSION DECIDED THAT, AND ANNOUNCED IN OPEN COURT THAT THE CASE WOULD BE CONTINUED ON 15 DECEMBER 1948.

The Court again opened on 15 December 1948, the accused, his Counsel, all members of the Court and of the Prosecution being present, the following witnesses for the defense were sworn and testified in sustance as follows;

- -

Koji TSUJIKAWA, Japanese National Secretary of a Gas Lamp Mfg. Co., Osaka City, Japan

That;

1. During a conversation with accused he (Accused) stated "A person who is acting chief of the Natural Resources Section, GHQ and the highest advisor of Economic & Scientific Section is Tomio KURABE, whose American name is Thomas Richman, and his rank is that of Acting Colonel, He is the main person to see in getting the iron plates released."

2. The previous testimony concerning the financial dealings with the accused should be made clear in the manner in which the money was passed. The accused was having difficulty with a hotel bill and asked him (Tsujikawa) to make a personal loan which was granted in the amount of 10,000 Yen. Previous to this however, He (Tsujikawa) had given 20000 Yen directly to KURABE.

- -

Saburo HARADA

That:

1. He first heard from MATSUKI that KURABE was Thomas Richman and the highest advisor of Economics & Science Section, GHQ .

2. Later MATSUKI said, "KURABE is an acting chief of Natural Resources section, and his rank is an ~~action~~ ACTING Colonel"

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Susumu MATSUKI ,(Accused).
(Verbatim Sworn Statement)

My name is MATSUKI Susumu. My address is #714 Kita-Tanabe-cho, Higashisumiyoshi Ward, Osaka City. My occupation is the head of the Nissan Chemical Research Institute. I am the accused in this case. I first met KURABE in June 1946. I met KURABE through the introduction of YOSHIDA Kenji and ITO Kingo. I was not introduced to KURABE from my own wishes. I wish to put it this way, KURABE was introduced to me by YOSHIDA and ITO.
During this interview KURABE made the following statements to me, "I am serving in the Natural Resources Section of GHQ as an advisor and I hold the rating of Lt. Colonel or Colonel and was also serving in the Legal Section of Eighth Army." There were many things mentioned during this interview. YOSHIDA said, "KURABE's family are of Japanese nationality, but KURABE is an American citizen. KURABE is called Thomas J. Richman in the Headquarters." YOSHIDA and ITO jointly said, "KURABE is a member of the standing committee in the Nippon Public Opinion Investigation Society operated by Mr YOSHIDA, and KURABE is making efforts for the investigation of Japanese opinion." KURABE said, "I am serving in GHQ, but am engaged in this work with informal approval. I speak nine foreign languages fluently and understand conditions abroad very well." YOSHIDA and ITO jointly said, "KURABE loves Japan very much, and is very interested in the rehabilitation of Japan since the termination of the war."
KURABE said, "I am in charge of the field in the Occupation Forces handling economics in the rehabilation of Japan." ITO said, "I am sure KURABE will be able to help you in the future, so please take advantage of this opportunity to ask the assistance of Mr KURABE."
The above is the contents of the conversation that took place during the two days. I first met KURABE, YOSHIDA and ITO in the early part of June 1946 in a hotel called MINAGUCHIEN in Atami.
As a result of above conversations I thought KURABE to be a very important person in the relationship between the United States and Japan, and made up my mind to appeal to him to help the Japanese in the many conditions they were suffering from since the termination of the war. I placed three propositions before him; to wit;

1. At that time the crop condition in Japan was terrible due to the lack of fertilizer. All the fertilizer came in through the courtesy of America from abroad. I felt that the rehabilitation of Japan should be done through the efforts of the Japanese. Fortunately there were deposits of sea -gull droppings in Kagoshima Prefecture. This is good for fertilizer, so instead of relying entirely on the courtesy of America I thought it would be well it this deposit could be dug up by the Japanese and furnished to the Agricultural Association.

2. Upon the recommandation of YOSHIDA and KURABE I joined the society, because in Japan public opinion is very necessary in politics, economics, an other cultural fields.

3. Because I believed that the rehabilitation of Japan must be done through the earnestness and faithfulness of the Japanese, I wished to do my best in the scientific field and called upon all the scientists in Japan to establish a Nippon Natural Resources Institute, and to dig out undiscovered natural resources and spur the industrial world. I wished to solicit the assistance of KURABE in the mediations with GHQ.

I asked his assistance in the sea-gull dropping's plan and the natural resources plan.
KURABE agreed with me wholly, and praised the earnestness of us toward the rehabilitation of Japan, and promised that he would do his best to see that our wishes came true.
The way he would assist us was in securing the necessary orders from

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

GHQ. Fortunately, KURABE is a high ranking official of GHQ and it will be easy for him to make the arrangements. KURABE will explain to GHQ that there are some Japanese who are really earnest for the rehabilitation of Japan.
I met TSUJIKAWA Koji for the first time on 17 March 1947, I had never heard of him before that time. I was introduced to him in my room by HARADA Saburo during my stay in Atami at the Shin Atami sc on 17 March 1947. No appointment had been made. KURABE came to the hotel in the afternoon. I was sort of expecting him(KURABE) but did not know he would come at this time. Then TSUJIKAWA came to meet KURABE and ask him about the progress on the iron plate release deal which they had previously discussed. Due to the fact that the date metioned by KURABE was past due TSUJIKAWA came to Atami representing the dealers and upon meeting KURABE explain the conditions of the dealers and to ask for release directly to TSUJIKAWA not passing it through HARADA. It was probably around 1500 hours to the best of my memory, TSUJIKAWA met KURABE. I introduced these two. We four, TSUJIKAWA, HARADA, ITO and I went into the room and I introduced KURABE to TSUJIKAWA saying, "This is Mr KURABE of whom you have heard before." And to KURABE," This is Mr TSUJIKAWA representing the dealers in Osaka, who came to talk about the iron plate release deal with Mr KURABE." I introduced them in this order. In the morning when the three first came to my room asking for KURABE I told them to meet KURABE directly and ask KURABE until they were convinced. So when we met KURABE in the afternoon I was true to my word and the conversation took place between KURABE and TSUJIKAWA. I tried to arrange to leave it that way. Mr TSUJIKAWA took the opportunity and started talking to KURABE. The meetings were held twice, at 1500 in the afternoon and at 2100 at night. I was constantly with KURABE and TSUJIKAWA. In the night after everybody had relaxed, KURABE took out a can of pineapple of the Occupation Forces and treated TSUJIKAWA. During this time TSUJIKAWA asked KURABE about his status and KURABE replied that he was treated as an officer, that he was vice chief of Natural Resources Section, that he was the highest advisor of ESS, and that his American name was Thomas Richman. I never doubted what KURABE said during that 24 hour period. I found out about the mesrepresentation of KURABE on 25 August 1947. On the 24th of August 1947 I received a call from ITO Kingo in Tokyo. ITO stated that he had become suspicious of KURABE and suggested that MATSUKI, ITO, and I go visit KURABE and ask him directly. I was surprised and the day following, the 25th, we, ITO and I went to visit KURABE. I asked KURABE for the truth concerning his status. KURABE replied. "If , accomplish the things you asked of me isn't that all right?" KURABE also said, "I will disclose my status to you after , have accomplished it." I was greatly disappointed and knew that he was misrepresenting for the first time. As an individual and as a social person I could not forgive KURABE's attitude. We were compelled to leave. The "things I was asked to do---" in KURABE's words meant the establishment of the Nippon Natural Resources Institute, and the iron plate that KURABE had promised TSUJIKAWA. I did not know that I was to be arrested until the 30 August 1947. I have gained no profit from KURABE, I have lost 400,000 Yen in money and my social credit, and my family and myself were reduced to poverty both physically and mentlly. I still believe that I was the victim. I was sorry for the condition of Japan, and wished to encourage the Japanese faith and earnestness in their efforts to make Japan a country that would meet the expectations of the world. This case occurred because since the termination of the war all of the leading persons in social life did not have the courage to stand up. My desire was to spur them and also to produce and furnish the industry world of Japan with an incentive to meet the expectations of th world. I never thought that I would be brought here to be shamed alive. The Nippon Public Opinion Investigation Society was established by the efforts of Brig General KYDE of G-1, GHQ SCAP. Consequently it had a very close connection with GHQ. The standing director, YOSHIDA had a free railway pass under the certification of the Occupation Forces.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

The results of the investigations were reported to GHQ, and were broadcast throughout Japan. YOSHIDA Kenji was the standing director of the Society and KURABE was a member of the standing committee. That KURABE was a high ranking official of GHQ, and was engaged in this work with the informal approval of GHQ, I had heard from both KURABE and YOSHIDA, and from publications of the Society. KURABE was taking a lower position than YOSHIDA because he was engaged in the work as an individual and not under his official title so I had no doubts about it. I have met KURABE's family four or five times during the period from the latter part of 1946 to December 1947, but I knew nothing about their ages. I understood that KURABE was an American citizen but that his family was Japanese due to the fact that KURABE reclaimed his citizenship after the termination of the war. KURABE did not appear well accustomed to Japanese customs. The point I asked KURABE was that in the past the Japanese were operating the sea-gull droppings recovery on a small scale and I asked his assistance in obtaining equipment to make it possible to operate on a large scale. No matter how hard a Japanese tried, due to the various control laws it was virtually impossible to obtain anything. When I explained this bottleneck to KURABE he said, "Fortunately I have travelled all over Japan under the orders of GHQ, and I know where I can locate some surplus civil engineering equipment and I will try to have GHQ release this equipment to you." Fortunately, I had three ships in my possession and this solved the transportation problem. KURABE said, "If the transportation problem can be solved by sea transport the rest is very easy." My company was in no competion with TSUJIKAWA. I never knew of his existence. The day I met him at my hotel room was the first time I heard his name. I believe that TSUJIKAWA came to see me because KURABE was working on the Nippon Natural Resources Research Institute and that if TSUJIKAWA and HARADA came to MATSUKI's place in Atami they would be able to get in touch with KURABE. KURABE had constantly warned HARADA and my self that it was embarrassing for him when someone called at his office or residence suddenly. However, it was not necessary for HARADA to go through me to meet KURABE because the two men were well acquainted. Also according to what KURABE said to HARADA and was retold in Osaka by HARADA, the release of the iron plate was too late. They believed that if they worked through some other way it might be possible to step it up. So they came to Atami there ITO and MATSUKI were located. I received a letter from KURABE with no address. I did not deem it necessary to keep it so I gave it to HARADA. ~~On 17 March I did not meet KURABE beforehand.~~ The maid came to notify us of KURABE's arrival so we all went together to meet him.

I read, speak and understand English to a certain extent, but I would rather say that I don't. My occupation in June 1946 was Head of the Nissan Chemical Research Institute and president of the Tokyo Industry Co. My occupation on March 17, 1947, was representative of the above mentioned company and Institute. My address is in Osaka. I did not receive any communication whatsoever about KURABE coming to the hotel on 17 March 1947. I only expected him because it was customary for him to come to Atami once a week, so that is the reason I stated that I was expecting him.

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THE DEFENSE RESTED:

Neither the prosecution nor the defense having anything further to offer, the court was closed and, upon secret written ballot, two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds the accused:

Of the Specification : Guilty
Of the Charge : Guilty

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

SUMMARY OF EVIDENCE

(Attach Additional sheets, if needed)

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

SENTENCE

Date, and Sentence 16 December 1948. To be confined at hard labor at such place as the reviewing authority may direct for Six (6) months. The last Four (4) months of the confinement portion of this sentence is suspended during good behavior. The Two (2) months pre-trial confinement is credited to this sentence.

Was fine, if imposed, paid to Provost Court? None.

Remarks None.

(Sign) H. R. Turner

(Type) H. R. TURNER. LT COL. CMP (INF) GENERAL PRESIDENT Provost Court

Type—Rank—Branch

ACTION BY REVIEWING AUTHORITY

Place _____, Date _____, 19 ____

(Signature, grade, and organization)

Headquarters IX Corps, APO 309 (Place and date) 20 January, 19 49

(Action of reviewing authority)

In the foregoing case of Susumu Matsuki, the sentence is approved and will be duly executed.

/s/ William C. Chase
(Signature, grade, and organization)

WILLIAM C. CHASE
Major General, U. S. Army
Commanding

(For use after action in fowarding copies)

CERTIFIED TRUE COPY:

GEORGE E. IEVINGS
Lt Colonel JAGD
Assistant Staff Judge Advocate

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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E.H.

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

22 January 1949

SUBJECT: "Report of Provost Court Prisoners"

TO: Commanding General
IX Corps
APO 309
ATTN: Provost Court Section

1. Reference is made to paragraph 12b(2), Operational Directive 33, Eighth Army, 14 May 1948 as amended.

2. In compliance with reference 1 above, transmitted herewith subject report for the month of December 1948.

FOR THE COMMANDING OFFICER:

1 Incl:
Report of Provost
Court Prisoners (3)

ANDREW R. FARRELL
Major, Cav
Adjutant

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

27 December 1948

SUBJECT: "Report of Provost Court Prisoners"

TO: Commanding General
IX Corps
APO 309
ATTN: Provost Court Section

1. Reference is made to paragraph 12b2, Operational Directive 33, Eighth Army, 14 May 1948 as amended.

2. In compliance with reference 1 above, transmitted herewith subject report for the month of November 1948.

FOR THE COMMANDING OFFICER:

1 Incl
Report of Provost
Court Prisoners (3)

MARVIN A. ROSS
Major, FA
Adjutant

17

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

LEGAL VIII A 2 1
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GENERAL FILE

Ltr, Hqs Shizuoka Mil Govt Team, APO 1007, 27 December 1948, Subject: "Request to Dispose of Certain Cases, Referable to Provost Court, by Agreement Between Accused and Prosecutor"

2. Inasmuch as the action suggested in 1a and b above, sets a precedent in this area, request written confirmation as to the legality of such settlements.

VIII A 2

FOR THE COMMANDING OFFICER:

Marvin A. Ross
Provost Court
1st Lt

MARVIN A. ROSS
Major, FA
Adjutant

AGYJ 250.53
(27 Dec 1948)

1st Ind

17 JAN 1949

Hq, Eighth Army, APO 343

TO: Commanding Officer, Shizuoka Military Government Team, APO 1007

1. It is concluded from the facts set forth in paragraph 1a of the basic communication that title to the impounded cotton textiles is in Tokusho Chin. It is further concluded that, if Tokusho Chin voluntarily relinquishes title to the textiles, no possible innocent parties in the transaction will be prejudiced thereby. It is suggested that, if a signed waiver to the property is obtained from Tokusho Chin, the property then be turned over to the appropriate Japanese agency for distribution through normal rationing channels.

2. In the case referred to in paragraph 1b, it is suggested that the indigenous currency be turned over to the appropriate Japanese court authority and a receipt obtained for the currency. If prosecution of the provost court case is later deemed appropriate, while desirable, it is not essential that the currency be introduced into evidence if there are witnesses available who could testify to the manner in which the currency was acquired, a description of the currency and the disposition that was made of the currency.

BY COMMAND OF LIEUTENANT GENERAL WALKER:

W.H. Dickerson

W.H. DICKERSON
CWO, USA
ASST ADJ GEN

16

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

27 December 1948

SUBJECT: "Request to Dispose of Certain Cases, Referable to Provost Court, by Agreement Between Accused and Prosecutor"

9099

TO: Commanding General
Eighth Army
APO 343
ATTN: Military Government

1. This headquarters has been granted verbal permission by Lt. Col. Howard R. Turner, President of the General Provost Court appointed per Special Order #180, 31 August 1948, Headquarters IX Corps, APO 309, to settle, "out of court" the following two cases.

a. The case of Chin, Tokusho (Chinese):
It is alleged that on 8 January 1947, Chin, Tokusho violated the Japanese Commerce and Industry Ministry Ordinance #41, 1 October 1946, by unlawfully ordering certain cotton weavers to manufacture 5,600 yards of cotton cloth. Of this amount, approximately 2200 yards were confiscated by the police and held as evidence for possible Provost Court Trial. For reasons unknown to this headquarters the case was never tried. "Out of court" settlement suggested by Lt. Col. Turner is that the accused sign a statement relinquishing all claim to the goods and the goods be turned over to the proper section of the Japanese Government. Reason for such settlement is that the case is almost two years old.

b. The case of 89,000 yen:
On or about 29 April 1947, this headquarters, ordered the arrest of one, Ryo Shu Mei (Chinese) for alleged purchase of stolen goods. The Japanese Police also arrested two Koreans, Rin Mata-hen and Kyo Ji-Ko who were alleged to have sold certain goods to Ryo Shu Mei for 89,000 yen. The 89,000 yen was given to the custody of the Legal Section, Shizuoka Military Government Team as possible evidence against Ryo Shu Mei. The two Koreans were tried for and convicted of theft by the Japanese court, but appealed. While free on bail, awaiting appeal, the two Koreans escaped. Suggested "out of court" settlement is to return the 89,000 yen to the Procurator's office for necessary action under Japanese Law. This would eventually put it in the National Treasury.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

TO WHOM IT MAY CONCERN:

I, TAKABAYASHI, Shigeru, Prosecution Official of the Shizuoka District Procuratorial Office, Hamamatsu Branch, do, hereby, state and declare that I have, in the name of and for the Government of Japan, this ninth day of February nineteen firty-nine, received from Stuart L. Callihan, Captain USAF, Legal-Government Officer, Shizuoka Military Team, the sum of eighty-nine thousand yen (89,000 yen) official currency of the government of Japan. The afore stated amount was confiscated by the Japanese police from two Japanese Nationals (Korean race) Rin Nata-hen and Kyo Ji-Ko, alleged sellers of stolen goods in the Provost Court case of Chinese National, Kyo Shu Mei.

TAKABAYASHI, Shigeru
Prosecution Official

Witness: Ethel R. Whorton
ETHEL R. WHORTON, WAC
Clerk, Legal-Gov't Office

Witness:
HIRANO, KIYOSHI
Interpreter, Legal-Gov't Section

Authority Reference:

AGYJ 250.53 - 1st Ind, Hq Eighth Army, APO 343, 17 Jan 1949.
L-G File VIII A 2

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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WITHDRAWAL NOTICE

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation RG 331 Box 2880 Folder: Provost Court

Date 13 DEC. 1948

From MARVIN A. ROSS

To Commanding Gen, BTL Army, APO 343

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

1b.

FOIA 6
Authority

1/18/06
Date

MJS
NNGR

GENERAL SERVICES ADMINISTRATION

GSA FORM 7117 (2-72)

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

Restricted

LEGAL	12
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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Commanding General
APO 343

FILE COPY

AGYJ 250.53 7 December 1948

SUBJECT: Prohibition on Prosecution of Japanese Physicians in Occupation Courts.

TO: See Distribution.

1. The Supreme Commander for the Allied Powers has directed that no Japanese physician be tried by occupation force courts for giving medical treatment to occupation force personnel since such treatment is not considered to be an act prejudicial to the security of the occupation forces, but that "such action as the Japanese Government desires to take to prosecute such individuals is of no interest to the occupation forces." In this connection, it is noted that the Supreme Commander has informally advised the Ministry of Welfare of the Japanese Government to issue instructions to Japanese physicians not to treat occupation personnel except in an emergency.

2. It is desired that each of you take necessary action to insure that each local occupation force court authority and/or each military government team under your command is duly informed of this decision of the Supreme Commander to the end that charges not be preferred against Japanese physicians for treating occupation personnel.

3. If, in an unusual case, the circumstances indicate the advisability of trial by an occupation court because of the mistreatment of a member of the occupation forces by a Japanese physician, the matter will be referred to this headquarters for decision before charges are preferred.

4. It is desired that the necessary action herein directed be accomplished without publicity.

BY COMMAND OF LIEUTENANT GENERAL WALKER:

J. W. Donnell
J. W. DONNELL
Colonel, AGD
Adjutant General

Restricted 14

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

RESTRICTED

AGYJ 250.53 Subj: Prohibition on Prosecution of Japanese Physicians in Occ Cts.

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50-CG, IX Corps
4-CG, 1st Cav Div
4-CG, 11th A/B
4-CG, 24th Inf Div
4-CG, 25th Inf Div
4-CG, Kobe Base
4-CG, Yokohama Command
12-GOC, BCOF
4-CO, Tokyo MG Team
4-CO, Kanagawa MG Team
4-CO, Shizuoka MG Team
12-CO, Chugoku MG Region
10-CO, Shikoku MG Region

OFFICIAL HOLD

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DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

7 December 1948

SUBJECT: "Procedure to Follow Under Operational Directive 33/1, 12 November 1948

TO: Commanding General
IX Corps
APO 309
ATTN: Provost Court

1. Reference is made to par 4(a)6, Eighth Army Operational Directive Number 33/1, 12 November 1948.

2. Cited reference states that General Provost Courts are authorized to impose sentences, "placing 'off-limits', padlocking or otherwise closing, for a period not to exceed one year, of property irrespective of value where there is continuing unlawful traffic in intoxicating liquor, narcotics, prostitution, or criminal activity prejudicing the security of the Occupation Forces."

3. In cases where local occupation authorities deem it necessary to close or padlock certain property, should formal charges be filed against the owner or other responsible person, or may the local occupation authority petition the court for such padlocking or closing?

4. Request this headquarters be advised as to proper procedure to be followed to avail itself of cited reference.

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

13

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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COPY

HEADQUARTERS IX CORPS
Office of the Commanding General
APO 309

18 November 1948

AG 250.53 (PC)

SUBJECT: Transmittal of Charge Sheets

TO : Commanding Officer, Shizuoka Military Government Team,
APO 1007
ATTN: Legal Section

1. Enclosed herewith are Charge Sheets with reference to Provost Court cases #45, and #50. One copy to accompany prisoner to place of confinement, one copy for your file and reference.

2. Further request this office be notified as to date of arrival of prisoner to designated place of confinement.

BY COMMAND OF MAJOR GENERAL RYDER:

/s/ Francis C. Park
/t/ FRANCIS C. PARK
CWO, USA
ASST, ADJ. GEN.

Incls:
2 Charge Sheets #45
1 Charge Sheet #50

1st Ind

HQ, SHIZUOKA MILITARY GOVERNMENT TEAM, APO 1007, 7 December 1948

TO: Commanding General, IX Corps, APO 309

1. KURABE, Tomio, was committed to Shizuoka Prison on 25 October 1948.

2. NAGOICHIRO, Sano, was committed to Shizuoka Prison on 30 November 1948.

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

Incls:
Withdrawn

12

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

6 December 1948

C-File
MAR

SUBJECT: "Appointment of Provost Courts for Shizuoka Prefecture"

TO: Commanding General
IX Corps
APO 309

1. Reference is made to the following:

a. Paragraph 1 and 2, SO 180, Hq IX Corps dated 31 August 1948.

b. Paragraph 2 SO 187, Hq IX Corps, dated 11 September 1948.

2. It is requested that so much of paragraph 1 of reference 1 a. above, as pertains to members of this team be rescinded and the following names substituted therefor:

DETAIL FOR THE COURT

Capt. CARL C. CULLISON, 0262738, CAC, Shizuoka Mil Gov't Team
1st Lt. WILLIAM K. VAUGHAN, 027333, Cav, Shizuoka Mil Gov't Team
1st Lt. JOHN L. GAYHART, 01061699, Inf, Shizuoka Mil Gov't Team
Capt. STUART L. CALLIHAN, A0581480, USAF, Shizuoka Mil Gov't Team
Assistant Prosecutor
1st Lt. HAROLD WHORTON, 01060683, CAC, Shizuoka Mil Gov't Team
Defense Counsel

3. Request the following named officer be appointed Acting Assistant Adjutant General of your headquarters for the purpose only of referring charges for trial within this prefecture to Provost Courts appointed by Headquarters IX Corps vice Major MARVIN A. ROSS, 01170541, FA, Shizuoka Mil Gov't Team, relieved:

Major ANDREW E. FARRELL, 0188655, Cav, Shizuoka Mil Gov't Team

4. Request so much of paragraph 2, SO 187, your headquarters, dated 11 Sept 1948 as pertains to 1st Lt. William K. Vaughan, 027333,

11

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

BASIC: Ltr, Hq Shizuoka Mil Gov't Team, APO 1007, 6 Dec 1948, Subj: "Appointment of Provost Courts for Shizuoka Prefecture" (Cont'd)

Cav, Shizuoka Mil Gov't Team, be rescinded and the following name substituted therefor:

Capt. STUART L. CALLIHAN, AO581480, USAF, Shizuoka Mil Gov't Team, Assistant Prosecutor

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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C-File
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MAR

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

16 November 1948

SUBJECT: "Provost Court Jurisdiction, Izu Peninsula Area"

TO: Commanding General
IX Corps
APO 309
ATTN: Provost Court

1. Reference is made to Par 2 Operational Memorandum No. 66/1, Headquarters IX Corps, dated 30 August 1948 and Par 8, Letter Order (Restriction in Area, Izu Peninsula) Headquarters Eighth Army, dated 3 September 1947.

2. The apparent misunderstanding between the Shizuoka Military Government Team and the 95th Light Tank Co., Atami M.P. Detachment, APO 503, concerning Provost Court jurisdiction in the Izu Peninsula Area, has been discussed previously with Lt. Col. Howard R. Turner, president of Provost Court appointed by Special Order No. 160, dated 31 August 1948, Headquarters IX Corps.

3. Subject misunderstanding causes confusion and delay in handling offenses committed in the Izu Peninsula Area.

4. Enclosed are two "Arrest Fact Sheets" received as information copies by this headquarters on 12 November 1948, indicating that original Fact Sheet was sent to Yokohama Provost Court.

FOR THE COMMANDING OFFICER:

2 Incls:
As indicated.

MARVIN A. ROSS
Major, FA
Adjutant

10

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

16 September 1948

SUBJECT: "Return of Provost Court Charges Concerning Lu Hsian Sheng"

TO: Commanding General
1st Cavalry Brigade
APO 201 (Unit 1)

1. Reference is made to letter this Headquarters, dated 23 April 1948, subject: "Charges Requiring Action by Provost Court".

2. Upon the suggestion received from the Judge Advocate General, IX Corps, it is requested that the charge sheet with exhibits A & B attached concerning one LU HSIAN SHENG, attached as inclosure two to reference letter, be returned to this Headquarters for trial.

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

#9

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

C. File

AG 250.53

BASIC: Ltr fr Hq IX Corps, APO 309, dtd 23 June 48, subject: Appointment of Provost Court

War

2d Ind

Hq Shizuoka Mil Govt Team, APO 1007, 17 Aug 48

THRU: Commanding General, IX Corps, APO 309

TO: Commanding General, Eighth Army, APO 343
ATTN: Military Government Section

1. In compliance with paragraph 4, basic communication, the following officer's names are hereby submitted:

a. Three officers to be appointed Members of General Provost Court:

(1) HAROLD J. KRAUTER, O-214677, Major, Infantry,
date of rank: 21 May 1943

(2) CARL G. GULLISON, O-262738, Capt, CAC,
date of rank: 6 July 1942

(3) STUART L. CALLIHAN, AO-581480, AF Res,
date of rank: 6 August 1945

b. One officer to be appointed Assistant Prosecutor:

(1) WILLIAM K. VAUGHAN, O-27333, 1st Lt, Cavalry,
date of rank: 27 November 1946

c. One officer to be appointed Defense Counsel for General Provost Courts.

(1) HAROLD (NMI) WHORTON, O-1060683, 1st Lt, CAC,
date of rank: 7 November 1945

d. One officer to be appointed Assistant Adjutant General for the purpose only of referring charges to trial.

(1) MARVIN A. ROSS, O-1170541, Major, FA,
date of rank: 18 December 1946.

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

4

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HEADQUARTERS IX CORPS
Office of the Commanding General
APO 309

23 June 1948

AG 250.53 (J)

SUBJECT: Appointment of Provost Court.

THRU : Commanding General, Eighth Army, APO 343.
(Attn: Judge Advocate)

TO : Commanding Officer, Shizuoka Military Government Team, APO 1007.

1. Reference: Operational Directive Number 33, Headquarters Eighth Army, dated 14 May 1948.

2. It is planned to establish and maintain a General Provost Court in Shizuoka Prefecture, under the previsions of Operational Directive Number 33, dated 14 May 1948, in the same manner as is done in nine other prefectures in the occupational court jurisdiction of IX Corps.

3. The Provost Court Officer of this headquarters is appointed Special Provost Court to try all cases referred to trial by Special Provost Court in all prefectures and he is also appointed President of each General Provost Court.

4. Request you furnish this headquarters with the names of officers of your unit, together with their rank, serial number, branch of service and date of rank, to be appointed by this headquarters for the purposes in Shizuoka Prefecture set forth below:

a. Three officers junior to the rank of Lt. Colonel, to be appointed members of General Provost Court, only two of whom need sit at any one trial.

b. One officer to be appointed Assistant Prosecuter for the purpose of prosecuting cases before Special and General Provost Courts.

c. One officer to be appointed Defense Counsel for General Provost Courts cases.

d. One officer to be appointed Assistant Adjutant General of this headquarters for the purpose only of referring charges to trial.

FOR THE COMMANDING GENERAL:

/s/ Frank H. Smith
/t/ FRANK H. SMITH
Capt. AGD
Ass't ADJ. GEN.

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

BASIC: Ltr fr Hq IX Corps, APO 309, dtd 23 June 48, subject: Appointment of Provost Court

AGYJ 250.53 1st Ind

HEADQUARTERS EIGHTH ARMY, APO 343

TO: Commanding Officer, Shizuoka Military Government Team, APO 1007

1. It is believed desirable to establish a General Provost Court in Shizuoka Prefecture under the command of the Commanding General, IX Corps, in order to expedite the trial of provost court cases arising in Shizuoka Prefecture.

2. The names of the officers and other information requested in paragraph 4 of the basic communication should be forwarded through this headquarters to the Commanding General, IX Corps.

BY COMMAND OF LIEUTENANT GENERAL EICHELBERGER:

/s/ Frank E. Smith
/t/ FRANK E. SMITH
Capt. AGD
Ass't Adj. Gen

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HEADQUARTERS IX CORPS
Office of the Commanding General
APO 309

2 JUL 1948

AG 250.53 (J)

SUBJECT: Operational Memorandum #66

TO : Commanding Officer
Shizuoka Military Government Team
APO 1007

1. Forwarded for your information since not included in the distribution.

2. Your attention is called to paragraph 6c, designating you as local Occupation Force Court Authority for Shizuoka Prefecture.

3. Acknowledge receipt of inclosed memorandum by indorsement hereon.

BY COMMAND OF MAJOR GENERAL RYDER:

S. P. CARIANO
CAPT, AGD
Asst Adj Gen

1 Incl:
OM # 66, Hq IX Corps
dtd 1 Jul 48 (2 copies)

2nd Ind

Hqs Shizuoka Mil Govt Team, APO 1007, 6 July 1948

TO: CG, Hqs IX Corps, APO 309

Receipt acknowledged.

FOR THE COMMANDING OFFICER:

RECEIVED
H. Q.

MARVIN A. ROSS
Major, FA
Adjutant

#7

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

21 June 1948

SUBJECT: "Status of Provost Court Cases"

TO: Commanding General
1st Cavalry Brigade
APO 201, Unit 1
ATTN: Provost Court Officer

1. Reference is made to the following:

a. Ltr, this headquarters, 10 May 1948, subject: "Transmittal of Charge Sheet", (Charge sheet and allied papers pertaining to AN TEIKYOKU, a Korean national).

b. Ltr, this headquarters, 12 May 1948, subject: "Transmittal of Charge Sheet", (Charge sheet and allied papers pertaining to KINSHIGYO, alias KANAYA, RYUTETSU,. a Korean national).

c. Ltr, this headquarters, 11 June 1948, subject: "Transmittal of Charge Sheet", (Charge sheet and allied papers pertaining to MAGOICHIRO SANO, a Japanese national).

d. Ltr, this headquarters, 9 June 1948, subject: "Request for Action on Provost Court Case.

2. Cases referred to in above references have been referred to Provost Court for action. To date no word has been received of action to be taken.

3. Special attention is invited to case referred to in par. 1.a and d above, as this person has been held in confinement awaiting trial for over sixty (60) days.

4. Request information as to the status of these cases at the earliest possible date.

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

#6

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

15 June 1948

SUBJECT: "Results of Provost Court Action"

THRU: Liaison Office
Shizuoka Prefecture

TO: Shizuoka Prefectural Police Troop Commander
Shizuoka Prefectural MMP Headquarters

1. The following cases, referred to Provost Court on 9 September 1947, dismissed after the accused had been reprimanded:

Police Ent No	Name
165 (47)	Chin Reikyoku
172 (47)	Ryu Asei
177 (47)	Chin Tokusho
204 (47)	Jo Shiken

2. All property confiscated in the above cases and still in the hands of the police will be returned or disposed of in accordance with Japanese laws and regulations.

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

#5

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

250.53

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

9 June 1948

SUBJECT: "Request for Action on Provost Court Case"

TO: Commanding General
1st Cavalry Brigade
APO 201, Unit 1
ATTN: Provost Court Officer

1. Reference is made to letter this headquarters, 10 May 1948, Subject: "Transmittal of Charge Sheet", (Charge sheet and allied papers pertaining to AN TEIKYONU, Korean National).

2. AN TEIKYONU has been confined in Mori-machi Police Station in Shizuoka Prefecture since 21 April 1948 awaiting provost court action. She is a mother of three children and is still nursing the youngest. As yet, this headquarters has received no information of any action taken by the court.

3. Request provost court action on the reference case at earliest possible date.

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

998 I 112

BASIC: Ltr Headquarters Shizuoda MGT, APO 1007, dtd 22 May 1948, Subject: Action of Provost Court Cases.

AG ~~015 (I)~~ 250.53 2nd Ind FWP/jc

HEADQUARTERS, 24TH INFANTRY REGIMENT, PROVOST COURT NO 2, 3 June 1948.

THRU: Commanding General,
Headquarters, 25th Infantry Division
APO 25.

TO : Shizuoka Military Government Team, APO 1007.

Cases referred to in basic letter were dismissed after the accused had been reprimanded. Your headquarters was notified of this action per telephone conversation by the Prosecution of Provost Court No 2 at that time.

Frank W. Porter Jr.
FRANK W. PORTER JR.,
1st Lt., Infantry
Provost Court No 2.

AG 015 (I) 3rd Ind

Headquarters 25th Infantry Division, APO 25 9 JUN 1948

TO: Shizuoka Military Government Team, APO 1007

Forwarded.

FOR THE COMMANDING GENERAL:

G. K. Doyle
G. K. DOYLE
Capt. AGD
Asst Adj Gen

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DET.CO	
CENIRAL FILE	

#3

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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File
MAR

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

22 May 1948

SUBJECT: "Action on Provost Court Cases"

THRU: Commanding General
Headquarters 25th Infantry Division
APO 25

TO: Commanding Officer
Headquarters 24th Infantry,
APO 25, Unit 2
ATTN: Provost Court No.2

1. Reference is made to letter, this headquarters, 9 September 1947, subject: "Provost Court Charges Sheet".

2. Four cases against Chinese Nationals were referred to your court by reference letter above. To date, no information has been received as to action taken on reference cases.

3. Request that this headquarters be informed of action taken on cases referred in reference letter above in order that records may be brought up to date and evidence on hand at this headquarters may be properly disposed of.

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

#3

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

99

BASIC: Ltr Headquarters Shizuoka MGT, APO 1007, dtd 22 May 1948,
Subject: Action of Provost Court Cases

AG 015 (I) 1st Ind

Headquarters 25th Infantry Division, APO 25 28 MAY 1948

TO: Major Earl T Houk, Hqs 24th Inf, Provost Court No 2, APO 25, Unit 2

For compliance with basic communication.

BY COMMAND OF BRIGADIER GENERAL BROWN:

Robert W. Craven

ROBERT W. CRAVEN
Jr Colonel, AGD
Adjutant General

#3

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

FILE COPY

BASIC: Ltr fr CO, Shizuoka MG Team, APO 1007, dtd 13 May 48, subj: Provost Court Jurisdiction and Procedures

AG 250.53 (YJ) 1st Ind

HEADQUARTERS EIGHTH ARMY, APO 343 8 JUN 1948

TO: Commanding Officer, Shizuoka Military Government Team, APO 1007

1. Provost Court cases originated by Shizuoka Military Government Team may be referred directly to the 1st Cavalry Division.

2. Procedures for forwarding of charges in cases to be tried in Military Occupation Courts are contained in Operational Directive No. 33, this headquarters, 14 May 1948.

3. Cases involving United Nations Nationals will be referred to the 1st Cavalry Division Military Occupation Court as provided in Operational Directive No. 33.

BY COMMAND OF LIEUTENANT GENERAL EICHELBERGER:

8

A. R. HAMILTON
Major, A.G.D.
Asst Adj Gen

#2

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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010

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

13 May 1948

SUBJECT: "Provost Court Jurisdiction and Procedures"

TO: Commanding General
Headquarters Eighth Army
APO 343
ATTN: Military Government Section

1. Reference is made to General Order Number 23, Hq Eighth Army, 23 April 1948, "Attachment of Unit for Court-Martial Jurisdiction".

2. In compliance with verbal instructions Military Government Section, Eighth Army and Commanding General, 1st Cavalry Brigade this headquarters refers cases triable by Military Occupation Courts to the 1st Cavalry Brigade Courts. To date no written instructions, as to procedures in handling such cases, have been received by this headquarters.

3. By authority of reference cited in paragraph 1 above, this headquarters is attached to 1st Cavalry Division for Court-Martial jurisdiction. However, whether or not the order means to include Military Occupation Court jurisdiction is not clear.

4. In order that this headquarters may process cases triable by Military Occupation Courts in accordance with existing procedures and expeditiously, it is desired that this headquarters be supplied with the following information:

a. Status of this headquarters in regards to Provost Court jurisdiction.

b. Information on the procedures to be adhered to in the preparation and forwarding of charges in cases to be tried by Military Occupation Courts.

c. Handling of United Nations Nationals.

FOR THE COMMANDING OFFICER:

MARVIN A. ROSS
Major, FA
Adjutant

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

FILE COPY

BASIC: Ltr fr Hq Shizuoka MG Team, APO 1007, dtd 11 May 48,
subj: Approval to Refer Case Involving Japanese
National for Trial by Provost Court

AG 250.53 (YJ) 1st Ind 8 JUN 1948

HEADQUARTERS EIGHTH ARMY, APO 343

TO: Commanding Officer, Shizuoka Military Government Team,
APO 1007

1. The conduct indicated in the basic letter is deemed an act prejudicial to the security of the Occupation Forces, rather than an act prejudicial to the objectives of the Occupation.

2. Under provisions of current directives, par 4 c (2), Operational Directive 29, Headquarters Eighth Army, 11 March 1946, or if after 1 June 1948, par 4 (7) f, Operational Directive 33, Headquarters Eighth Army, 14 May 1948, approval of Commanding General, Eighth Army, is not necessary for reference of indicated offense for trial by provost court.

BY COMMAND OF LIEUTENANT GENERAL EICHELBERGER:

2 Incls
n/c

TED R. BLACKWELL
Captain, AGD
Asst Adjutant General

#1

DECLASSIFIED E.O. 12065 SECTION 3-402/NNDG NO. 775013

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C. Seba
Mok

HEADQUARTERS
SHIZUOKA MILITARY GOVERNMENT TEAM
APO 1007

11 May 1948

SUBJECT: "Approval to Refer Case Involving Japanese National for Trial by Provost Court"

TO: Commanding General
Headquarters Eighth Army
APO 343
ATTN: Military Government Section

1. Reference is made to Operational Directive 29/4, Headquarters Eighth Army, dated 18 August 1947.

2. In accordance with authority referenced in Par 1, above, approval is requested to have SANO, Magoichiro, a Japanese national, tried by Provost Court.

3. The acceptance of a bribe by SANO, Magoichiro, employed as a translator by the Shizuoka Military Government Team, APO 1007, is an act prejudicial to the objectives of the occupation.

4. Two statements are attached as inclosures to substantiate the acceptance of a bribe by SANO, Magoichiro.

FOR THE COMMANDING OFFICER:

2 Incls
1. Kashiwaga, Tadao
2. Kashiwaga, Nobuo

MARVIN A. ROSS
Major, FA
Adjutant