

775013

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

**Description of contents**

- (1) Box no. 2884
- (2) Folder title/number: (29)  
010 Court
- (3) Date: Jan. 1949 - June 1949

(4) Subject:

Classification	Type of record
9036, 9420	e

- (5) Item description and comment:
  - i) Kinki
  - ii) Includes Contents List

(6) Reproduction:  Yes  No

(7) Film no. Sheet no.

(Compiled by National Diet Library)



775013

SUBJECT	FROM	TO	DATE
Property Confiscated from Japanese Tried in Japanese Court	WMGT	KMGR	5 Jan 49
Excessive Pre-trial Confinement	KMGR	KMGT	11 Jan 49
Surveillance of Japanese Court Action	OMGT	KMGR	7 Feb 49
Cases Tried by Japanese Courts	KMGR	I Corps	14 Feb 49
Letter of Transmittal	KMGT	I Corps	24 Feb 49
Trial by Provost Court of Members of the Communist Party	SMGT	8th Army	25 Feb 49
Offenses Tried by Japanese Courts Under Cabinet Order 165 and Imperial Ordinance 311 as Amended by SCAPIN 1740	HMGT	SCAP	28 Feb 49
Channels for Submitting Report	KMGR	MMGT	10 Mar 49
Cases Tried by Japanese Courts	KMGR	I Corps	11 Mar 49
Letter of Transmittal	KMGT	KMGR	22 Mar 49
Reports on Military Occupation Courts	KMGR	All Teams	14 Apr 49
Letter of Transmittal	HMGT	KMGR	25 Apr 49
Provost Court Charges	I Corps	I Corps	29 Apr 49
Offenses Tried by Japanese Courts Under Cabinet Order 165 and Imperial Ordinance 311 as Amended by SCAPIN 1740	HMGT	SCAP	2 May 49
Military Occupation Courts	I Corps	KMGR	3 May 49
Military Occupation Courts	KMGR	All Teams	6 May 49
Cases Tried by Japanese Courts	SMGT	I Corps	6 May 49
Cases Tried by Japanese Courts	MMGT	I Corps	7 May 49
Letter of Transmittal	KMGT	KMGR	9 May 49
Letter of Transmittal	KMGT	KMGR	26 May 49







775013

KYOTO MILITARY GOVERNMENT TEAM  
APO 301 (Kyoto, Honshu)

GHF/hk

24 June 1949

FOR FILE

*File*

SUBJECT: Letter of Transmittal

TO: Commanding Officer Kinki Military Government Region, APO 25

1. Reference is made to letter Hq Kinki Mil Govt Region, APO 25 dated 14 April 1949, subject, Reports on Military Occupation Courts.
2. Forwarded herewith copies Report Schedule B and Schedule C of revised inclosure 6 of Hq Eighth Army, OD 333, as amended by OD 33/1.

FOR THE COMMANDING OFFICER:

1 Incl:  
As indicated

/s/ Thomas R. Harbin  
THOMAS R. HARBIN  
Capt., Infantry  
Adjutant

015

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 28 June 1949

TO: CG, I Corps, APO 301  
Attn: Judge Advocate

1 Incl:  
n/c

G. M.

*RM*

*KM*



775013

*Courts*

HEADQUARTERS 25TH INFANTRY DIVISION  
APO 25 (Osaka, Henshu)

7765

AG 015 (I) (PC)

17 JUN 1949

SUBJECT: Establishment of Military Occupation Prevest Courts

TO: Commanding Officer  
Kinki Military Government Region  
APO 25

Copies of Memo No 31, Headquarters I Corps, dated 10 June 1949 are transmitted herewith for distribution to Military Government Teams under your jurisdiction.

FOR THE COMMANDING GENERAL,

*G. T. Doyle*  
G. T. DOYLE  
Major, AGD  
Asst Adj Gen

RECORDED



HQ 25 DIV

Incls:  
Memo #31

*Incl w/d and sent to  
Teams for their use +  
to give copies to Jap  
court + Prov. office  
10 copies given to KLCU  
17 June 49. RJS*



775013

HEADQUARTERS  
SHIGA MILITARY GOVERNMENT TEAM  
APO 25, Unit 3, (Otsu, Honshu)

REPORT CONTROL  
SYMBOL ICO-2

319.1

SUBJECT: Cases Tried by Japanese Courts

TO: Commanding General  
I Corps  
APO 301.

Transmitted herewith is report of cases tried by Japanese Court for the month of May 1949, as required by SCAPIN 1740.

1 Incl  
ICO-2 Rpt (in quad)

/s/ E. D. Lucas  
E. D. LUCAS  
Lt Col, CAV  
Commanding

319.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 8 June 1949

TO: CG, I Corps, APO 301  
Attn: Mil Govt Section

1 Incl:  
n/c

G. M.

*file*  
*15*

*12*

*POB*

*km*



775013

KYOTO MILITARY GOVERNMENT TEAM  
APO 301 (Kyoto, Honshu)

CHH/hk

015

7 June 1949

*File*

SUBJECT: Letter of Transmittal

TO: Commanding Officer, Kinki Military Government Region, APO 25  
Attn: Legal & Government Section

*5*

1. Reference is made to SCAPIN 1740, dated 27 June 1947.
2. Forwarded herewith Report of Cases tried by Japanese Courts under Imperial Ordinance 311, in Kyoto Prefecture for the month 31 May 1949.

FOR THE COMMANDING OFFICER:

1 Incl:  
as indicated

/s/ William C. Besnier  
WILLIAM C. BESNIER  
1st Lt., Infantry  
Acting Adjutant

000.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 9 June 1949

TO: CG, I Corps, APO 301  
Attn: Mil Govt Section

*MM*

1 Incl:  
n/c

G. M.

*KM*



775013

KYOTO MILITARY GOVERNMENT TEAM  
APO 301 (Kyoto, Honshu)

CHH/hk

015

7 June 1949

SUBJECT: Letter of Transmittal

TO: Commanding General I Corps, APO 301

1. Reference is made to SCAPIN 1740, dated 27 June 1947.
2. Forwarded herewith Report of Cases tried by Japanese Courts under Imperial Ordinance 311, in Kyoto Prefecture for the month 31 May 1949.

FOR THE COMMANDING OFFICER

1 Incl:  
As indicatedWILLIAM C. BESNIER  
1st Lt., Infantry  
Acting Adjutant

AG 015 - BA

1st Ind

20 Jun 49

MCC/md

Hq I Corps, APO 301,

THRU: CO, Kinki Mil Govt Region, APO 25

TO: CO, Kyoto Mil Govt Team, APO 301

1. Returned without action.
2. It is requested that all correspondence be forwarded through proper command channels.

BY COMMAND OF MAJOR GENERAL COULTER:

1 Incl:  
n/cA. SEIPEL  
Lt Col, AGD  
Asst Adj General



775013

BASIC: Ltr, Kyoto Mil Govt Team, APO 301, subj: "Letter of Transmittal ,  
dtd 7 Jun 49

015

2nd Ind

Hq Kinki Mil Govt Region, APO 25, 21 June 49

TO: CO, Kyoto Mil Govt Team, APO 301

1. Returned for proper address.
2. All correspondence originating in your team, with the exception of certain Military Government reports which are routed directly to Eighth Army, will be routed through this Headquarters.
3. In cases like this unnecessary delay and confusion is caused to all concerned.

BY ORDER OF COLONEL O'MOHUNDRO:

1 Incl:  
n/c

GEORGE MINARIK  
Captain CE  
Adjutant

*Filer*

*min*



775013

REPORTS CONTROL  
SYMBOL ICO-2

HEADQUARTERS  
WAKAYAMA MILITARY GOVERNMENT TEAM  
APO 25

SBL/my

*File*  
*my*

015

6 June 1949

SUBJECT: Report of Cases Tried by Japanese Courts

TO: Commanding Officer  
Kinki Military Government Region  
APO 25

1. Reference, SCAPIN 1740, paragraph 5, 27 June 1947.
2. Submitted herewith is report of Cases Tried by Japanese Courts for the month ending 31 May 1949.

FOR THE COMMANDING OFFICER:

1 Incl.  
As indicated

/s/ Harry C. Miley  
HARRY C. MILEY  
Captain, Inf  
Adjutant

015

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 9 June 1949

TO: CG, I Corps, APO 301  
Attn: Mil Govt Section

*my*  
*km*

1 Incl:  
n/c

G. M.



775013

-6 JUN 17

HEADQUARTERS  
KINKI MIL GOVT REGION  
APO 25 (Osaka, Honshu)

015

4 June 1949

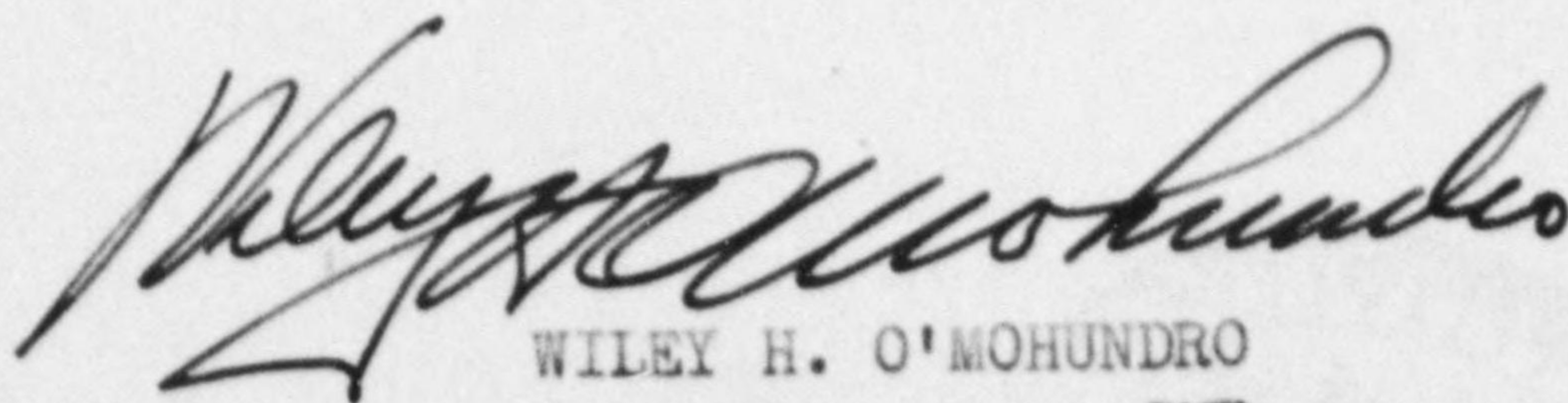
SUBJECT: Notification of Provost Court Action

TO: Commanding General  
25th Infantry Division  
APO 25  
Attn: Judge Advocate

1. The possibility of your headquarters informing military government teams of the final disposition and action on Provost Court cases which were given pre-trial processing by the teams was the subject of a recent conversation between the Staff Judge Advocate your headquarters, and Chief of the Legal-Government Section of this headquarters. This matter has also been discussed with the Legal-Government Sections of the military government teams under this headquarters, and they are all in favor of such procedure.

2. Such notification of final action will aid the military government team in completing their files when acting as court administrator. As the situation now exists, the team loses all contact with the case when it is forwarded to your headquarters. They have no knowledge of final action unless they institute a follow-up or obtain the information from some newspaper or other non-official source. Further, a knowledge of final action in cases already processed would aid the court administrator in making recommendations on future cases of similar character.

3. This headquarters believes there is a genuine need for notification of final Provost Court action to military government teams when they act as local occupation court administrators, and recommends favorable consideration be given the establishment of such procedure at an early date.



WILEY H. O'MOHUNDRO  
Colonel INF  
Commanding



775013

AG 015 (I) (PC) 1st Ind  
SUBJECT: Notification of Provost Court Action.

Headquarters 25th Infantry Division, APO 25,

PO 11 MI 1018

TO: Commanding Officer, Kinki Military Government Region, APO 25.

The request set forth in the basic communication is approved. The President of the General Provost Court has been directed to furnish the information desired informally in each case.

FOR THE COMMANDING GENERAL:

*G. K. Doyle*  
G. K. DOYLE  
Major, AGD  
Asst Adj Gen

RECORDED



HQ 25th IN

*Summarized to M.G. Teams  
in Misc. Comments  
July 1949. A.H.*





775013

NARA MILITARY GOVERNMENT TEAM TM/kn  
APO 25, Unit 4

319.1

4 June 1949

SUBJECT: Monthly Report of Cases Tried by Japanese Courts in Nara Prefecture

TO : Commanding Officer  
Kinki Military Government Region  
APO 25

Reference SCAPIN 1740, transmitted herewith Monthly Report of Cases Tried by Japanese Courts in Nara Prefecture Under Imperial Ordinance 311, 1946 for the Month Ending 31 May 1949.

FOR THE COMMANDING OFFICER:

/s/ William F. Gerard  
Capt Inf  
for JOSEPH W. DONOVAN  
Capt, Inf  
Adjutant

1 Incl:  
as above

000.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 9 June 1949

TO: CG, I Corps, APO 301  
Attn: Mil Govt Section

1 Incl:  
n/c

G. M.

*File*

*ms*

*KH*



775013

Report Control Symbol ICO-2

HYOGO MILITARY GOVERNMENT TEAM  
APO 317

CJ/mk

31 May 1949

SUBJECT: Offenses Tried by Japanese Courts Under Cabinet  
Order 165 and Imperial Ordinance 311 as Amended  
by SCAPIN 1740TO: Supreme Commander for the Allied Powers  
APO 500

In compliance with SCAPIN 1740, GHQ, SCAP dated 27 June 1947, subject: "Amendment to Exercise of Criminal Jurisdiction," the attached Report of cases tried under Cabinet Order 165 and Imperial Ordinance 311, as amended by SCAPIN 1740, is submitted.

FOR THE COMMANDING OFFICER:

Incls:  
As Indicated.LOUIS C. HUTTON  
Major, Cavalry  
Executive Officer

015

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 3 June 1949

TO: CG, I Corps, APO 301  
Attn: MG SectionIncls:  
n/c

G. M.



775013

KYOTO MILITARY GOVERNMENT TEAM  
APO 301 (Kyoto, Honshu)

CHH/hk

*file*  
*[initials]*

26 May 1949

SUBJECT: Letter of Transmittal

TO: Commanding Officer Kinki Military Government Region, APO 25

1. Reference is made to letter Hq Kinki Mil Govt Region, APO 25 dated 14 April 1949, subject, Reports on Military Occupation Courts.
2. Forwarded herewith copies Report Schedule B and Schedule C of revised inclosure 6 of Hq Eighth Army, OD #33, as amended by OD 33/1.

*C/*

FOR THE COMMANDING OFFICER:

1 Incl:  
As indicated

/s/ Harold C. Sheffield  
HAROLD C. SHEFFIELD  
Major QMC  
Executive

319.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 31 May 1949

TO: CG, I Corps, APO 301

Forwarded pursuant to paragraph 6a, Headquarters I Corps Memorandum #17, 1949.

FOR THE COMMANDING OFFICER:

1 Incl:  
n/c

GEORGE MINARIK  
Captain CE  
Adjutant

*157*



775013

Report Control Symbol ICO02

KYOTO MILITARY GOVERNMENT TEAM  
APO 301 (Kyoto, Honshu)

CHH/hk

015

9 May 1949

SUBJECT: Letter of Transmittal

TO: Commanding Officer Kinki Military Government Region,  
APO 25  
Attention: Legal & Government Section

In compliance with Hq I Corps Memorandum No. 100, dated 16 October 1947, submitted herewith copy report of Cases Tried by Japanese Courts (Report Control Symbol ICO-2), for the month of April 1949.

FOR THE COMMANDING OFFICER:

1 Incl:  
As indicated

/s/ Thomas R. Harbin  
THOMAS R. HARBIN  
Capt. INF  
Adjutant

319.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 11 May 1949

TO: CG, I Corps, APO 301  
Attn: JA Section

Attached reports as required by SCAPIN 1740 forwarded herewith.

FOR THE COMMANDING OFFICER:

1 Incl:  
n/c

George Minarik  
Captain CE  
Adjutant



775013

REPORTS CONTROL SYMBOL  
ICO

NARA MILITARY GOVERNMENT TEAM  
APO 25, Unit 4

TM/ao

319.1-(c)

7 May 1949

SUBJECT: Cases Tried by Japanese Courts

THRU : Commanding Officer, Kinki Mil Govt Region, APO 25

TO : Commanding General, I Corps, APO 301

Transmitted herewith Monthly Report of Cases Tried by Japanese Courts, for April 1949 for Nara Prefecture.

FOR THE COMMANDING OFFICER:

1 Incl:  
as above

/s/ Joseph W. Donovan  
JOSEPH W. DONOVAN  
Capt, Inf  
Adjutant

319.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 11 May 1949

TO: CG, I Corps, APO 301 Attn: JA

Report of cases tried in Japanese courts as required by SCAPIN 1740 forwarded herewith.

FOR THE COMMANDING OFFICER:

1 Incl:  
n/c

GEORGE MINARIK  
Captain CE  
Adjutant

*Courts*

*File*

*44*

*RD*

*KM*



775013

HEADQUARTERS  
SHIGA MILITARY GOVERNMENT TEAM  
APO 25, Unit 3. (Otsu, Honshu)

REPORT CONTROL  
SYMBOL ICO-2

EEP/wi

319.1

6 May 1949

SUBJECT: Cases Tried by Japanese Courts

TO: Commanding General, I Corps, APO 301.

Transmitted herewith is report of cases tried by Japanese Court for the month of April 1949, as required by Par 10a (1) Memo No. 100, Hq I Corps, dated 16 October 1947.

1 Incl  
ICO-2 Rpt (in quad)

*E. D. Lucas*  
E. D. LUCAS  
Lt Col, CAV  
Commanding

319.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 9 May 1949

TO: CG, I Corps, APO 301  
Attn: JA Section

Report as required by SCAPIN 1740 forwarded herewith.

FOR THE COMMANDING OFFICER:

1 Incl:  
n/c

*George Minarik*  
GEORGE MINARIK  
Captain CE  
Adjutant

4792.

6587

1481

JA



775013

782

BASIC: Ltr fr Hqs Shiga MGT, APO 25, Unit 3, dtd 6 May 49, subj: "Cases Tried by Japanese Courts"

AG 015 - 0

2nd Ind.

MAY 13 1949

HEADQUARTERS I CORPS, APO 301

TO: Commanding Officer, Kinki Military Government Region, APO 25

Your attention is invited to paragraph 6, Memorandum Number 17, this headquarters, dated 31 March 1949, which requires that such reports be submitted to the headquarters exercising Provost Court jurisdiction over your command.

BY COMMAND OF MAJOR GENERAL COULTER:

*Charles Ramsey*  
Charles Ramsey  
C. W. B. U.S.A.  
Asst. Adj Gen



1 Incl:  
n/c

*file, no further action  
required, still think corps is  
on the wrong track as the reports  
required by SCAPIN 1740 are not  
listed or required by OD 25 w  
memo 17 - ~~AD~~*



775013

HEADQUARTERS  
KINKI MIL GOVT REGION  
APO 25 (Osaka, Honshu)

RFS/km

6 May 1949

015  
250.33

SUBJECT: Military Occupation Courts

TO: All Team Commanders

Attached copy of GHQ SCAP Circular #8, 31 March 1949, will be delivered to the chief public procurator of your prefecture.

BY ORDER OF COLONEL O'MOHUNDRO:

1 Incl:  
Circular

GEORGE MINARIK  
Captain CE  
Adjutant

*File*

*[Handwritten initials]*

*KM*



775013

HEADQUARTERS I CORPS  
APO 301 (Kyoto, Honshu)

LEJ/ys

AG 250.53

SUBJECT: Military Occupation Courts

MAY 31 1949

TO: Commanding Officer  
Kinki Military Government Region  
APO 25

Six (6) copies of SCAP Circular No. 8, 31 March 1949, are inclosed for distribution to chief procurator in each prefecture.

BY COMMAND OF MAJOR GENERAL COULTER:

6 Incls:  
As indicated

*Charlie Ramsey*  
CHARLIE RAMSEY  
C. W. G.  
Asst. Adt Gen  
HQ I CORPS  
RECORDED

4651

PA/243



775013

*Courts*

Report Control Symbol ICO-2

HYOGO MILITARY GOVERNMENT TEAM  
APO 317

CJ/mk

2 May 1949

*File*

SUBJECT: Offenses Tried by Japanese Courts Under Cabinet Order 165 and Imperial Ordinance 311 as amended by SCAPIN 1740

TO: Supreme Commander for the Allied Powers  
APO 500

In compliance with SCAPIN 1740, GHQ, SCAP dated 27 June 1947; subject: "Amendment to Exercise of Criminal Jurisdiction," the attached Report of cases tried under Cabinet Order 165 and Imperial Ordinance 311, as amended by SCAPIN 1740, is submitted.

FOR THE COMMANDING OFFICER:

Incls:  
As Indicated.

LOUIS C. HUTTON  
Major, Cavalry  
Executive Officer

319.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 4 May 1949

TO: CG, I Corps, APO 301

Incls:  
n/c

G. M.

*AS*  
*KM*  
*LS*



775013

HEADQUARTERS I CORPS  
APO 301 (Kyoto, Honshu) 27 Apr 49

AG 015 - 0

SUBJECT: Provost Court Charges

TO: Captain John Blinsky, CMP, Provost Marshal Section,  
Headquarters I Corps, APO 301

1. Charges against Shuku Kin Sen, a Chinese National, dated 16 April 1949, alleging a violation of Japanese Economic Law by wrongful selling 2600 hides without receiving allotment coupons therefore, were received at this headquarters on 19 April 1949.

2. The Criminal Investigation Report and allied papers attached to the charges indicates that the investigation in this case was completed on or about 29 October 1948. In view of what appears to be an unnecessary delay in preparing charges in this case it is desired that an explanation for the delay be made by indorsement hereon.

BY COMMAND OF MAJOR GENERAL COULTER

/s/ William A. Franks  
Major, AGD  
Asst Adj General

1st Ind.

Provost Marshal's Office, Investigation Section, APO 301, 28 April 1949

TO: Commanding General, I Corps, APO 301

In compliance with para 2 above the following information is submitted: That, I, the undersigned, did not investigate the case, but, only signed the charge sheets as requested by O.F.C.A. Therefore, the reason for the delay is not known by this office.

/s/ John Blinsky  
JOHN BLINSKEY  
Captain, CMP,  
Investigation Officer



775013

**BASIC:** Ltr, fr Hq I Corps, dtd 27 Apr 49, subj: "Provost Court Charges"

AG 015 - 0

2nd Ind.

HEADQUARTERS I CORPS, APO 301 May 3 1949

TO: Occupation Force Court Authority, Headquarters I Corps, APO 301

It is desired that information be furnished as to the date of receipt of the evidence in your office and an explanation be made as to the cause of any delay in the preparation of the charges in this case.

BY COMMAND OF MAJOR GENERAL COULTER:

/s/ William A. Franks  
WILLIAM A. FRANKS  
Major, AGD  
Asst Adj General

3d Ind

Headquarters I Corps, Occupation Force Court Authority, APO 301, 3 May 49

TO: Commanding General, I Corps, APO 301

1. The case against Shuku Kin Sen, was received in this office 28 March 1949. At that time an explanation of the delay in forwarding the case was requested of the 22d CID and the following information was obtained:

During the months of October and November last year, several cases wherein Chinese were violating Japanese economic laws were uncovered. At that time General Swing decided that Japanese police should exercise more investigative power in cases of this type and directed the CID to turn their investigation records over to Kyoto Military Government Team. Military Government was to have the Japanese police make their own investigation under Military Government supervision. Seven such cases were handled in this manner. The case in question was released to Kyoto Military Government Team by the 22d CID on 19 November 1948.

2. On 28 March 1949, two of these cases were referred to the Occupation Force Court Authority by Lt. Besnier of the Kyoto Military Government Team. There was no comment to indicate what action had been taken by Military Government during the four months the cases were in their possession other than a verbal remark by Lt. Besnier that he had investigated them and found the situation to be as stated by CID.



775013

**BASIC:** Ltr fr Hq I Corps, dtd 27 Apr 49, subj: "Provost Court Charges"  
3d Ind

3. Following is a record of action taken since receipt of case by Occupation Force Court Authority.

- a. 11 April - to Judge Advocate recommending trial by General Provost Court and requesting a draft to charges.
- b. 13 April - returned from Judge Advocate.
- c. 16 April - charge sheets forwarded to Kyoto Area Provost Marshal for signatures of accuser and summary court officer.
- d. 19 April - returned from Kyoto Provost Marshal.
- e. 19 April - forwarded to Judge Advocate for referral by the Adjutant General for trial by Provost Court.
- f. 28 April - returned from Judge Advocate.
- g. 28 April - forwarded to Prosecution and Defense Counsel.
- h. Trial scheduled to be held 6 May 1949.

/s/ S. P. Coblentz  
S. P. COBLENTZ  
Colonel, Cml C  
Occupation Force Court Authority

AG 015 - 0

4th Ind.

HEADQUARTERS I CORPS, APO 301 May 6 1949

TO: Commanding Officer, Kyoto Military Government Team, APO 301

It is desired that information be furnished as to the date of receipt of the evidence in your office and an explanation be made as to the cause of delay in forwarding such evidence to the Occupation Force Court Authority.

BY COMMAND OF MAJOR GENERAL COULTER:

/s/ Charlie Ramsey  
CHARLIE RAMSEY  
CWO USA  
Asst Adj Gen



775013

**BASIC:** Ltr fr Hq I Corps, dtd 27 Apr 49, subj: "Provost Court Charges"

5th Ind

Headquarters Kyoto Mil Govt Team, APO 301, 9 May 1949

**TO:** Commanding General, I Corps, APO 301

1. Evidence in the case of one Shuku Kin Sen a Chinese National was received in this office on 15 March 1949 after investigation by this office. The case was forwarded to the OCFA on 28 March 1949.

2. This case was turned over to the Economics Investigation Board on 19 November 1948, by the Legal and Government Officer, Kinki Military Government Region. Due to the shortage of personnel and backlog of investigations this case was not completed until 13 March 1949.

**FOR THE COMMANDING OFFICER:**

/s/ Thomas R. Harbin  
Capt, Inf  
Adjutant

AG 015 - 0

6th Ind.

**HEADQUARTERS I CORPS, APO 301, May 13 1949**

**TO :** Commanding Officer, Kyoto Military Government Team, APO 301

Paragraph 1, 5th indorsement indicates that the report of investigation in this case was received in your office on 15 March 1949, but not forwarded until 28 March 1949, a delay of 13 days. It is desired that an explanation for this delay be made and that this communication be returned through the commanding officer, Kinki Military Government Region, for more definite information as to the cause for the delay in requiring completion of the investigation made by his office.

**BY COMMAND OF MAJOR GENERAL COULTER:**

/s/ A. Seipel  
A. SEIPEL  
Lt Col, AGD  
Asst Adj Generl



775013

BASIC: Ltr, Hq I Corps, dtd 27 Apr 49, subj: "Provost Court Charges" *File*

7th Ind

Headquarters Kyoto Mil Govt Team, APO 301, 16 May 1949

TO: Commanding Officer, Kinki Mil Govt Region, APO 25 *u*  
*C*  
*/*

1. Report of investigation was received in this office on 15 March 1949 and turned to the Economics Section for checking and verification before forwarding to OFCA. 1st Lt Besnier, who works with the EIB on cases of this nature was on leave from 12 to 26 March. The case was completed and forwarded on 28 March 1949.

FOR THE COMMANDING OFFICER:

THOMAS R. HARBIN  
Capt. Inf  
Adjutant

015

8th Ind

RFS/km *RM*

Headquarters, Kinki Mil Govt Region, APO 25, 23 May 1949

TO: CG, I Corps, APO 301  
(Attn: MG Section)

1. Preceding correspondence noted and the statements set forth in paragraph 1, 3rd and 5th indorsements, state the situation as understood by this headquarters.

2. Prior to 1 February 1949, personnel of Kinki Mil Govt Region also constituted I Corps MG Section, and early in November 1948, the Chief of the Legal-Government Section attended a conference with a representative of the 22nd CID in the office of the Commanding General. The Commanding General stated that his interpretation of directives from higher headquarters limited the CID and military police to the primary duty of investigating possible illegal activities of occupation personnel and further, that the CID was handicapped by differences in language, business practices and shortage of personnel to investigate violations of law by UN residents in Japan. The Commanding General was interested in the possibility of Military Government assuming this *KM*



BASIC: Ltr, Hq I Corps, AG 015 - 0, subj: "Provost Court Charges"  
dtd 27 Apr 49, 8th Ind

responsibility. It was suggested that military government suffered the same deficiencies as the CID in dealing with UN nationals residing in Japan, and further, that Headquarters Eighth Army had ruled that military government was not to be a criminal investigating or prosecuting organization; to do so would seriously impair the mission of military government.

3. The next avenue of approach to the problem was the possibility of using Japanese agencies for investigation and marshalling of evidence as was legally possible under Eighth Army Circular 6, 1948, as amended by Circular 59, 1948. It was therefore agreed that the Japanese police and EIB investigators would be used, subject to their limitations in arrests, searches and seizures. When the Japanese authorities had carried the case as far as they could, they were to come to the Occupation Court Authority or military government for obtaining warrants, etc., and upon completion of the investigation, the data would be turned over to the occupation forces for prosecution.

4. Consequently, 25 or 30 cases in various stages of investigation were turned over to the MG Section by the 21st and 22nd CID units. These were checked, and at a conference between Lt. Harbin of the Kyoto Mil Govt Team, Chief of Kinki Legal-Government Division, Japanese police and EIB, the majority of cases were turned over to the Japanese authorities. Other cases involving records and documents seized from UN nationals by occupation force warrants were returned to the CID unit. It was deemed unwise to give the Japanese authorities evidence which had been seized by occupation force warrant and for which the occupation forces was responsible.

5. A recent survey indicated an average of approximately 200 cases for investigation and prosecution in the hands of each procurator and assistant procurator in this area. The situation within EIB is equally difficult, as relatively few investigators are currently carrying on a number of complex investigations involving Japanese and foreign nationals who are carrying on alleged economic law violations. The investigation and preparation of cases for trial of UN nationals residing in Japan continues to be an unsatisfactory situation, which with other factors, has prompted recommendations to higher headquarters that all persons residing in Japan (not including members of the occupation forces or persons accredited to GHQ SCAP) be subject to Japanese judicial process, subject to similar safeguards accorded Koreans under paragraph 2 of Operational Directive 27, 1946.



775013

BASIC: Ltr, Hq I Corps, AG 015 - 0, subj: "Provost Court Charges"  
dtd 27 Apr 49, 8th Ind

6. Every effort will be made to keep to a minimum the time consumed in reviewing the Japanese investigation and preparation of charge sheets to prevent the recurrence of undue delays.

FOR THE COMMANDING OFFICER:

GEORGE MINARIK  
Captain CE  
Adjutant



775013

KYOTO MILITARY GOVERNMENT TEAM  
APO 301 (Kyoto, Honshu)

CHH/hk

25 April 1949

*copy*

SUBJECT: Letter of Transmittal

TO: Commanding Officer, Kinki Military Government Region, APO 25

1. Reference is made to Letter Hq Kinki Mil Govt Region, APO 25, dated 14 April 1949, subject, Reports on Military Occupation Courts.

2. Forwarded herewith 3 copies of Schedule B and Schedule C of revised inclosure 6 of Hq 8th Army, OD #33, as amended by Od 33/1.

FOR THE COMMANDING OFFICER:

1 Incl:  
As indicated  
(3 copies)

/s/ Harold G. Sheffield  
HAROLD G. SHEFFIELD  
Major QMC  
Executive

319.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 28 APR 1949

TO: CG, I Corps, APO 301  
ATTN: Judge Advocate

1. Report on Monthly Occupation Court Statistics (RCS QLS-01) for Kyoto, as required by Operational Directive 33/1, 1948, are forwarded pursuant to paragraph 6a Memorandum No. 17, Hq I Corps, dated 31 March 1949.

2. The reports from other prefectures of Kinki Military Government Region have been sent to Commanding General, 25th Infantry Division, APO 25.

FOR THE COMMANDING OFFICER:

1 Incl:  
n/c

GEORGE MINARIK  
Captain CE

Adjutant



775013

HEADQUARTERS  
KINKI MIL GOVT REGION  
APO 25 (Osaka, Honshu)

015  
014

14 April 1949

SUBJECT: Reports on Military Occupation Courts

TO : All Team Commanders

1. References:
  - a. Hq 8th Army, OD #33, 1948, as amended by OD 33/1;
  - b. Hq I Corps, Memorandum 17, 1949;
  - c. Kinki MGR, TOK 144, 30 Mar 49.
2. Prefectural military government teams, except as set out in par 4, will execute 3 copies of Schedule B and Schedule C of revised inclosure 6 to reference 1 a above (RCS QLS-01) and forward all 3 copies to this headquarters to arrive not later than the 27th day of the month.
3. Negative Reports will be submitted.
4. Modification in reporting procedures:
  - a. Hyogo MG Team -- no reports required.
  - b. Osaka MG Team -- no reports required.
5. This headquarters will forward the reports to the proper command having provost court jurisdiction.

BY ORDER OF COLONEL O'MOHUNDRO:

GEORGE MINARIK  
Captain CE  
Adjutant

MB  
C

43  
FILE



775013

KYOTO MILITARY GOVERNMENT TEAM  
APO 301 (Kyoto, Honshu)

GHH/hk

22 March 1949

SUBJECT: Letter of Transmittal

TO: CO, Kinki Military Government Region, APO 25

In compliance with letter Headquarters I Corps, dated 4 December 1948 subject: Military Occupation Forces Courts Reports, the inclosed reports on Confined Prisoners serving sentence (Report Schedule C) and on Persons under investigation or awaiting trial (Report Schedule B), for the period 21 February to 20 March 1949, inclusive, are submitted.

FOR THE COMMANDING OFFICER:

2 Incls:  
As indicated.

/s/ Thomas R. Harbin  
THOMAS R. HARBIN  
1st Lt., Infantry  
Adjutant

319.1

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 30 MAR 1949

TO: CG, I Corps, APO 301  
Attn: Judge Advocate

1. Transmitted herewith is information copy of report requested by letter referenced in basic communication.

2. The original copy of the report has been sent to Commanding General, 25th Infantry Division, Attention Judge Advocate.

FOR THE COMMANDING OFFICER:

2 Incls:  
n/c

GEORGE MINARIK  
Captain, CE  
Adjutant



775013

Report Control Symbol ICO-2

HEADQUARTERS  
KINKI MILITARY GOVERNMENT REGION  
APO 25

015 10

11 March 1949

SUBJECT: Cases Tried by Japanese Courts

RFS/jw

TO: Commanding General  
Hq I Corps  
APO 301

1. In compliance with Hq I Corps Memorandum No. 100 dated 16 October 1947, submitted herewith report of Cases tried by Japanese Courts ( Report Control Symbol ICO-2), for the month of February 1949.

2. Reports are not Required from Hyogo and Osaka MG Teams, Nara MG Team submitted their report direct. Steps have been taken to have them submit their reports through Command Channels.

FOR THE COMMANDING GENERAL

3 Incls  
As Indicated

HARRY H. JACKSON  
1st Lt. Infantry  
Asst ADJ

*[Handwritten initials]*

*[Handwritten initials]*



775013

HEADQUARTERS  
KINKI MIL GOVT REGION  
APO 25 (Osaka, Honshu)

RFS/km

10 March 1949

015

SUBJECT: Channels for Submitting Reports

TO: Commanding Officer  
Nara Mil Govt Team  
APO 25

1. Reference is made to paragraphs 10a (1) and 10c (1) of Memorandum 100, Establishment of Military Occupation Provost Courts, Headquarters I Corps, dated 16 October 1947.
2. Request that reports required by the above referenced directive be sent through this headquarters now that Kinki Mil Govt Region is a separate headquarters.
3. Reports as required by Ltr, Hq I Corps, file AG 014 - BA, subject: "Military Occupation Forces Courts Report", dated 4 December 1948, will continue to be sent direct to Commanding General, 25th Infantry Division, Attention: Staff, Judge Advocate, APO 25.

BY ORDER OF COLONEL O'MOHUNDRO:

HARRY H. JACKSON  
1st Lt., INF  
Asst Adjutant

7

KM



775013

015

HYOGO MILITARY GOVERNMENT TEAM  
APO 317

CJ/mk

28 February 1949

SUBJECT: Offenses Tried by Japanese Courts Under Cabinet  
Order 165 and Imperial Ordinance 311 as amended  
by SCAPIN 1740

TO: Supreme Commander for the Allied Powers  
APO 500

In compliance with SCAPIN 1740, GHQ, SCAP dated 27 June  
1947, subject: "Amendment to Exercise of Criminal Jurisdiction",  
the attached Report of cases tried under Cabinet Order 165  
and Imperial Ordinance 311, as amended by SCAPIN 1740, is  
submitted.

FOR THE COMMANDING OFFICER:

Incls:  
As indicated.

LOUIS C. HUTTON  
Major, Cavalry  
Executive Officer

PS

015

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25,

2 MAR 1949

TO: CG, I Corps, APO 301

1 Incl:  
Rpt of Cases

H. H. J.

KM



775013

015  
HEADQUARTERS  
SHIGA MILITARY GOVERNMENT TEAM  
APO 25, Unit 3. (Otsu, Honshu)

EEP/w1

25 February 1949

SUBJECT: Trial by Provost Court of Members of the Communist Party.

THRU: Commanding Officer, Kinki Military Government Region,  
APO 25

TO: The Commanding General, Eighth Army, APO 343.

1. The conduct of the election campaign for the 23 January 1949 election in Shiga Prefecture, by the Japan Communist Party, followed the same lines as it did throughout Japan. Obvious lies, half-truths, and even, on occasion, the truth was used by them in making their point. This was and is aimed at creating a situation contrary to the letter and spirit of SCAPIN 16.

2. Although it is difficult to prepare a specification in such a case and a trial judge advocate would find it difficult to present, it is believed that a triable violation of SCAPIN 16 does exist.

3. Permission is hereby requested, under the provisions of paragraph 4 c (7) (f) and paragraph 13 c of Operational Directive Number 33, Headquarters Eighth Army, dated 14 May 1948, to try the case hereto attached as inclosure number 2.

2 Incl;  
1. OD No. 33  
2. Charge Sheet w/5 Incls.

E. D. LUCAS  
Lt Col, CAV  
Commanding



775013

BASIC: Ltr, Hq Shiga Mil Govt Team, APO 25 Unit 3, subj: "Trial by  
Provost Court of Members of the Communist Party", dtd 25 Feb 49.

015

1st Ind

RFS/sy

Hq Kinki Mil Govt Region, APO 25, 3 Mar 49

TO: CO, Shiga Mil Govt Team, APO 25, Unit 3

1. The permission requested in basic letter is given to the Provost Court and not to military government units. It is therefore desired that Provost Charge Sheets be prepared and submitted to the Provost Court of the tactical forces serving your prefecture. If permission from the Commanding General, Eighth Army is required, said permission should be sought through tactical command channels.

2. This headquarters will assist in preparation of the charge sheets and drafting of the specification if it is so desired.

BY ORDER OF COLONEL O'MOHUNDRO:

HARRY H. JACKSON  
1st Lt            Inf  
Asst Adjutant

2 Incls:  
n/c

12/3  
RFS

57



775013

015-

KYOTO MILITARY GOVERNMENT TEAM  
APO 301 (Kyoto, Honshu)

CHH/cs.

24 February 1949

SUBJECT: Letter of Transmittal

THRU: CO, Kinki Military Government Region, APO 25

TO: Commanding General, I Corps, APO 301

*File*  
*MR*  
*UH*

In compliance with letter Headquarters I Corps, dated 4 December 1948 subject: Military Occupation Forces Courts Reports, the inclosed reports on Confined Prisoners serving sentence (Report Schedule C) and on Persons Under investigation or awaiting trial (Report Schedule B), for the period 21 January to 20 February 1949, inclusive, are submitted.

FOR THE COMMANDING OFFICER:

/s/ Thomas R. Harbin  
THOMAS R. HARBIN  
1st Lt. Infantry  
Adjutant

2 Incls:  
As indicated

015

1st Ind

RFS/km

Hq Kinki Mil Govt Region, APO 25, 28 FEB 1949

TO: CG, I Corps, APO 301

Information copy forwarded as required by directives listed in basic letter.

FOR THE COMMANDING OFFICER:

2 Incls:  
n/c

HARRY H. JACKSON  
1st Lt, INF  
Asst Adjutant

*RM*



775013

Report Control Symbol ICO-2

HEADQUARTERS  
KINKI MIL GOVT REGION  
APO 25 (Osaka, Honshu)

RFS/km

~~191.1~~

14 FEB 1949

SUBJECT: Cases Tried by Japanese Courts

MG  
RB

TO: Commanding General  
I Corps  
APO 301

In compliance with paragraph 1Ca (1) Memorandum #100, Headquarters I Corps, dated 16 October 1947, transmitted herewith are Reports of Cases Tried by Japanese Courts, for Kyoto, Hyogo, Shiga, Nara, and Wakayama.

FOR THE COMMANDING OFFICER:

5 Incls:  
As Indicated

GEORGE MINARIK  
Capt., CE  
Adjutant

KM



775013

HEADQUARTERS  
OSAKA MILITARY GOVERNMENT TEAM  
APO 25

WEH/sk  
7 February 1949

015

SUBJECT: Surveillance of Japanese Court Action

TO : Commanding Officer  
Kinki Mil Govt Region  
APO 25

1. Reference is made to letter, Wakayama Mil Gov't Team, Subj: "Surveillance of Japanese Court Action", dated 1 September 1948, which requested notification of the final decision of the Osaka High Court in the income tax violation case of KAWANO, Wahei.

2. On 31 January 1949, the Osaka High Court's decision was a drastic reduction in the sentence of ¥716,000 as rendered by Wakayama District Court to eight thousand (~~¥8,000~~) yen.

FOR THE COMMANDING OFFICER:

16000

*Marion W. Vickers*  
MARION W VICKERS  
Captain, Infantry  
Asst Adjutant

*1. File  
(Special Report) L G/c/l. 16 Feb 49.  
This info has been commented on  
Wakayama in 6 Jan 49  
RA*



Summary of Court Trial of KawanoFirst Instance      Wakayama District Court

1. In that KAWANO Wahei did, in the 1947 fiscal year, fail to file a final return for a income of ¥1,042,032 with Wakayama Taxation office, thereby evading a tax of ¥483,804.

2. In that KAWANO Wahei did, in November and December 1947, fail to withhold a tax of ¥5,520 from salaries of ¥32,000 paid to his eight employees.

## a. Decision:

The Wakayama District Court sentences the accused to pay a fine of ¥700,000 of the specification (1), 19 July 1948. The court sentences the accused to pay a fine of ¥16,000 of the specification (2), 19 July, 1948.

## b. Reason:

The accused and his defense counsel insist:

"Because the houses relating to this criminal case were offered to the Occupation Forces by order of the Japanese Government, the government's payment for the said houses is not a rental but reparations to the accused. Therefore the payment does not become the object of income tax. And even if the payment was made as rental, the accused is not liable to file a tax return because he publicly rent the houses to the Japanese Government. The houses were offered for the use of the Occupation Forces by order of the Government, against the accused's will."

However, the court can admit that a release for the houses has been concluded between the prefectural governor and the accused. Therefore it is evident that the money paid to the accused in accordance with this release is purely a rental. Even if the said houses were offered for the use of the occupation, it is doubt less that the said money is not a kind of reparations, but an object of income tax, since the release has been legally concluded, and the assertion is groundless that because the houses were rent publicly to the Japanese government, the accused is not liable to file a return for the money accrued to him.

## 2. Second, the accused persist:

"I received ¥1,042,031 as rentals for the houses of this



case in the year 1947. However, I paid ¥1,415,650 as expenses for repairs, renewals and others of the said houses. Therefor these expenses should be deducted from the rentals concerned."

The court, however, cannot admit that these repairing costs and others are "necessary expenditures to be deducted from gross receipts", prescribed by the Income Tax Law. Even though such necessary expenditures were paid by the accused, he is liable to file a return in order that such expenditures may be assessed by the tax office. Therefor the court interpret that the accused himself cannot deduct such expenditures from his receipt.

3. The accused admits at the public trial that he failed to file a tax return, then well knowing that he was liable to do so. Judging from various statements made by the accused in the courtroom, it can be admitted that he had no intent to pay a income tax for the above mentioned receipts. No one can affirm the accused's assertion that he believed he was not liable to pay a income tax or to file an income return.

Furthermore, about March 1948 the accused pretended as if the house of this case were the property of his wife, and he gave his consent to estimating the rents from the house only at ¥150,000. In view of this fact, the court detect the accused's intent to evade a tax by an act of fraud or other unjust means. Therefor the court interprets that the above mentioned acts of the accused comes under the provision of Article 69 and Article 26, paragraph 1, item 1 of the Income Tax Law.

Meanwhile, the fact that he failed to withhold a tax from salaries comes under the provisions of Article 38, paragraph 1, and Article 69, paragraph 2 of the same law.



Summary of Court Trial of KawanoSecond Instance      Osaka High Court

1. In that KAWANO Wahei did, in November and December, fail to withhold a tax of ¥5,520 from salaries of ¥32,000 paid to Ogawa Masao and seven others.

Of the specification this Osaka High Court find guilty and sentences the accused to pay a fine of ¥16,000. The above mentioned act of the accused come under Article 69, paragraph 2 and Article 38, paragraph 1, item 4.

In case where the accused is unable to make full payment of the fine, he shall be detained in a labor house and one day of detention shall be counted as ¥2,000 of the fine.

2. In that the accused did, in the 1947 fiscal year, evade an income tax of ¥483,804, notwithstanding that he received ¥1,042,032 as a rent.

Of specification (2) the court finds the accused not guilty.

The accused was found guilty on the charge of not filing a final return with the Wakayama Taxation Office by 31 January 1948, as prescribed by Article 26 of the Income Tax Law, thereby evading a tax of ¥483,804.

According the statements of the accused and chief Liason Officer of Kencho made during the course of the trial at this court, it can be admitted that the accused received from Kencho an amount of ¥1,042,032 as rental during 1947 fiscal year.

Futhermore, the accused himself admitted that he failed to file a final income tax return for the rental by the end of January 1948.

However, according to Article 26, paragraph 1 of Income Tax Law an individual coming under Article 1 of same law shall file a return in case where his income exceeds a certain amount.

Also Article 46 (2) provides that in case an individual deemed liable to file a final return, the Government shall, on the basis of its own investigation, determine the income, income tax or others.

Therefor a tax payer whose income tax has been determined by the government must pay a penalty tax in addition to the tax concerned or a tax in deficit.

However, the mere fact that the accused did not file a final return within the term of time fixed by law does not constitute an offense relating to Income Tax Law because the formation of the offense mentioned in Article 69 paragraph 1 must be accompanied by the fact that a taxpayer has evaded an income tax by an act of fraud or other unjust means. According to all the records of this criminal case, the court cannot find enough proof of guilt to admit that the accused has committed such



act of fraud or others.

Furthermore, the reason why the accused failed to file a return for the income accrued to him is because he thought large amount of expenses paid for repairs, and others should be deducted from the said income. Accordingly the accused believed that he was not liable to file a tax return.

So the court cannot also find enough evidence to admit the fact that the accused did fail to file a final return, well knowing that he was liable to do so.

Judging from the statements of the accused and two witnesses from Wakayama Tax office, the court can admit the following fact.

That is after the term of time for filing a tax return expired, the Tax office detected that the accused and his family members had failed to file a a tax return. Therefor the tax office as a result of investigation determined the income of the accused as ¥150,000 and that of his wife as ¥300,000.

The court cannot find any fact that the accused did intentionally use his wife's name for the said ¥300,000 income nor the court can admit any proof that the accused made a false reply to the questions by the tax official concerned or he interfered with necessary investigation made by them.

In conclusion the court find not guilty of specification (2) because there is no proof of guilt.



775013

015

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

RFS/km

000.5

11 JAN 1949 6461 NAF I

M6

SUBJECT: Excessive Pre-trial Confinement

TO : Commanding Officer  
Kyoto Mil Govt Team  
APO 301, U. S. Army

1. Reference is made to Operational Directive 43, 1947, pertaining to pre-trial confinement.
2. Unofficial information has been received that Taguri, Toshio a Japanese national, has been confined without trial in Yamashina Prison approximately 85 days.
3. Request investigation and report to this headquarters whether subject Japanese national is confined in violation of Operational Directive 43.

BY ORDER OF COLONEL BURNS:

CO	
EXEC	<i>OR 1</i>
ADM. Q	
ADM. ASST	
ASST. ADM.	
SEC.	
CLERK	
RECORDS	
TRAINING	
INSPECTION	
LEGAL	
CHIEF OF STAFF	
ADJUTANT	

J. E. ENGLEHARDT  
Capt., AGD  
Adjutant

KM  
RR



775013

015

FILE UNDER NO. 015

INDEX SHEET  
SYNOPSIS

Property Confiscated from Japanese Tried in Japanese Court

FROM: WMG

TO : KMGR

DATE: 5 Jan 49

DOCUMENT FILED UNDER NO. 386.