

MORIMASA OSHIMA.

THE FINDING.

The Commission, in closed session and upon secret written ballot, with 2/3 of the members present when the vote was taken concurring in each finding of guilty, finds the Accused

MORIMASA OSHIMA

Of Spec 1. of the Charge	GUILTY., with the exception of the words, "whereby he suffered a physical collapse, thereby contributing to his death". and of the excepted words NOT GUILTY.
Of Spec 2. of the Charge	GUILTY., with the exception of the words, "thereby contributing to his death". and of the excepted words NOT GUILTY.
Of Spec 3. of the Charge	GUILTY.
Of Spec 4. of the Charge	GUILTY.
Of Spec 5. of the Charge	GUILTY.
Of Spec 6. of the Charge	GUILTY.
AND OF THE CHARGE	GUILTY.

GENERAL HEADQUARTERS
 FAR EAST COMMAND
 APO 500



CIRCULAR)
 :
 NO....26)

10 March 1947

PREVENTION OF BLACK MARKET ACTIVITIES

1. Rescission. Except as to offenses committed prior to the effective date hereof, Circular 39, General Headquarters, United States Army Forces, Pacific, 23 April 1946, is rescinded.

2. Effective date. The provisions of this circular are effective beginning 12 March 1947.

3. Purpose. This circular is intended to inform persons subject to military law within or in transit to or from the occupied area of Japan, including but not restricted to military personnel, civilian employees of the War Department, and dependents, of the necessity for avoiding participation, direct or indirect, in black market activities; and the rules to be observed by them in respect to dealing in supplies transported to Japan for the use of American personnel.

4. Definitions. The several words and phrases underscored and carried in quotation marks at the beginning of each lettered subparagraph of this paragraph, for the purpose of this circular, will be deemed to have the meanings set forth in such subparagraphs, respectively:

a. "American personnel". All persons of whatever nationality who are subject to military law as defined in Article of War 2.

b. "Authorized personnel". All persons who are authorized by law or regulation to make purchases at Army sales stores, commissaries or exchanges.

c. "Unauthorized personnel". All persons not defined in subparagraphs "a" and "b".

d. "American goods". Any goods, wares, merchandise or other personal property of any kind which either:

(1) are of American origin, growth, production or manufacture;

(2) are or have been sold, issued or disposed of, or intended for issue, sale or disposition by or through agencies, governmental or otherwise, for the use of American personnel or authorized personnel, including, but not restricted to, property pertaining to or secured through or from Army sales stores, commissaries, post exchanges, ships stores, clubs for officers, enlisted men and War Department civilian personnel, and

NOTE: This printed circular replaces mimeographed Circular 26, 10 March 1947.

the American Red Cross;

- (3) are in transit to or from or have been transported to Japan from or through the United States by or for American personnel, by means of Government Transportation; or
- (4) bear either on the container, unit or otherwise, a trade mark, trade name, producer's, manufacturer's or distributor's name, brand, revenue stamp, free of tax stamp, label or other mark, or stamp or device of any kind indicating it to be American growth, origin, production or manufacture, or intended for use or consumption by American personnel or authorized personnel.

e. "To Trade". To enter into, carry on, complete, or perform any contract, agreement, or obligation; to buy, sell, loan, extend credit, trade in, deal in, exchange, transmit, transfer, assign, dispose of or receive; or to have any form of business or commercial communication or intercourse.

f. "Government Transportation". Any means of transportation operated or furnished by or on behalf of the United States Government or her Allies, or operated under contract with the United States Government.

g. "Reasonable Value".

- (1) The current price or value of the same or similar articles, if any, sold by or through Army sales stores, commissaries, exchanges or other Government agencies;
- (2) the transfer value of the same or similar articles, if any, fixed or determined by the Commanding General, Eighth Army or by his authority; or
- (3) where neither (1) nor (2) is applicable, a price or consideration not in excess of the original purchase price of the article or that paid by the seller, whichever is the lesser.

h. "At a Profit". For any price or consideration in excess of reasonable value.

5. Acts prohibited. Except as authorized by law, regulation, competent order or directive, the following acts by American personnel are prohibited:

a. Trading in American goods with other than American personnel or authorized personnel.

b. Trading in American goods with American personnel or authorized personnel with knowledge or reasonable cause to believe that such goods or any part thereof will become a

subject of trade with other than American personnel or authorized personnel.

c. Trading in American goods at a profit. Nothing herein shall be construed to prevent the trading by American personnel with other American personnel or authorized personnel at a price or consideration not at a profit.

d. Possession of American goods in excess of an amount reasonably necessary for his own personal use.

e. Shipment, causing to be shipped, or preparation for shipment out of Japan any American goods except the following:

- (1) Articles not of American origin, growth, production or manufacture, for example, silks, pearls, cloisonne and other objects of oriental origin, shipped bona fide as gifts or for his own personal or household use.
- (2) Personal property intended for the personal or household use of personnel under official orders transferring them out of the theater.
- (3) Used items of personal clothing worn or formerly worn by Army officers, warrant officers or civilians, which said items are no longer authorized or necessary for wear in the theater.
- (4) Photographic prints and exposed films.
- (5) Cameras, watches, radios, electric razors, and other items of personal property reasonably necessary for use by the sender, and which are being returned to a business concern in the United States for repair purposes only.
- (6) Exceptions authorized in writing by General Headquarters, Far East Command.

f. Making or causing to be made a false statement or certificate as to:

- (1) The contents of any parcel, box or container prepared for shipment into, within or out of Japan.
- (2) The cost or source of funds used in the acquisition of any property prepared for shipment into, within or out of Japan.

g. Use of any Government transportation to transport American goods or cause American goods to be transported into or within Japan for commercial purposes or into or within this theater in excess of an amount reasonably necessary for

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personal use.

h. Attempting, conspiring or entering into any agreement or conspiracy to violate any of the provisions of this circular.

6. Acts Permitted. The donation, as charity, to other than American personnel of articles of wearing apparel and other items by those welfare agencies which are authorized to operate by this General Headquarters or by the headquarters of a major subordinate command.

7. Administrative Action. Irrespective of any disciplinary action taken or the outcome of any trial for violation of any provision hereof, appropriate commanders may, for violations of this circular, administratively revoke or curtail the privileges of any offender to buy at Army sales stores, commissaries, exchanges or other Government agencies. Such administrative action may not be pleaded in bar of trial or other disciplinary punishment.

8. Action by Major Commands. a. The Commanding General, Eighth Army will be responsible for the enforcement of this circular insofar as it pertains to persons subject to military law within or in transit to or from the occupied area of Japan, except in those areas or installations under military command of the Commanding Generals, Far East Air Forces, United States Army, and Headquarters and Service Group, General Headquarters, and under naval command of Commander, Naval Forces Far East. The Commanding Generals, Far East Air Forces, United States Army, and Headquarters and Service Group, General Headquarters, will be responsible for the enforcement of this circular within installations under their command in the occupied area of Japan.

b. The Commanding Generals, United States Army Forces in Korea; Philippines-Ryukyus Command; Marianas-Bonins Command; and Commander Naval Forces Far East will publish and enforce within areas of their respective commands regulations similar hereto, which are of such scope and in such form as may be adapted to the requirements of their local conditions. In those areas and installations under his military command, the Commanding General, Far East Air Forces, United States Army, will be responsible for the enforcement of such applicable regulations as are published by the Commanding Generals, United States Army Forces in Korea, Philippines-Ryukyus Command and Marianas-Bonins Command in the areas to which said regulations pertain.

c. Copies of all regulations published pursuant to the provisions of this circular will be forwarded without delay to General Headquarters, Far East Command.

9. Dissemination of Information. Commanders referred to in paragraph 8 above will give this circular where applicable, or regulations published in accordance with this circular, widespread publicity and will cause the provisions of such

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publication to be made known to all military and civilian personnel who now are or hereafter become members of, or serve with their commands.
AG 383.8 (8 Mar 47)GA

BY COMMAND OF GENERAL MacARTHUR:

PAUL J. MUELLER,
Major General, General Staff Corps,
Chief of Staff.

OFFICIAL:

JOHN B. COOLEY,
Colonel, AGD,
Adjutant General.