

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

Description of contents

- (1) Box no. **3153**
- (2) Folder title/number: **(23)**
250: Military Court

(3) Date: **Jan. 1947**

(4) Subject:

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9032.2, 9036	e

(5) Item description and comment:

Fukuoka

(6) Reproduction: Yes No

(7) Film no. _____ Sheet no. _____

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289
567
FUKUOKA MILITARY GOVERNMENT TEAM
Fukuoka, Kyushu
APO 929

ORM/gf

8 January 1947

SUBJECT: Request for Clarification - Trials

TO : Commanding General, I Corps, APO 301
Attn: Legal Officer, Military Government Section

THROUGH: Command Channels

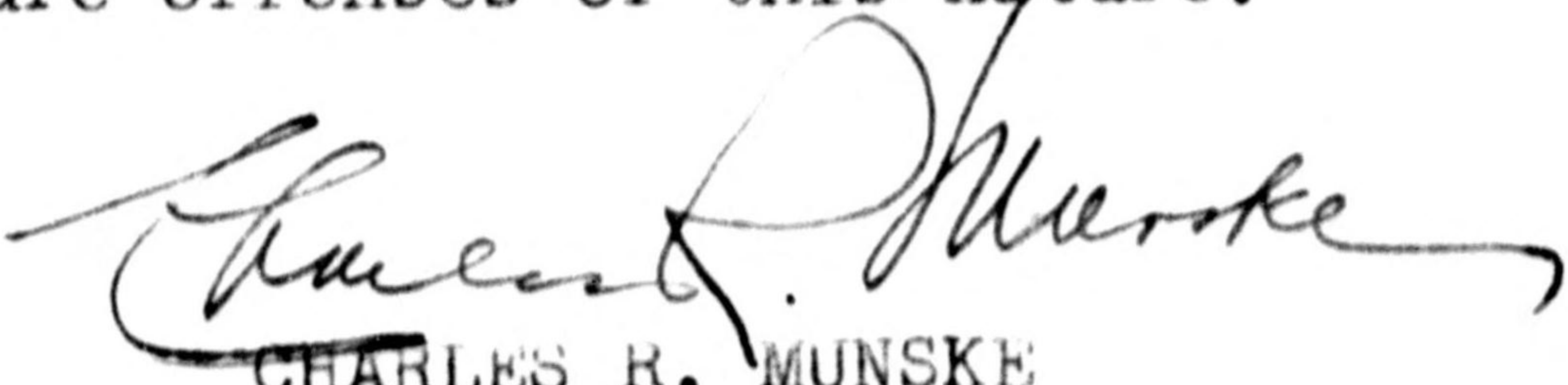
1. It is requested that clarification be made in regard to whether a Japanese should be tried by Japanese courts or Provost Courts in the following case.

2. A Japanese national, employed as an interpreter in an office of the Occupation Troops was asked by the group of interpreters working in the same office to draw their pay. He did this at Japanese paymaster's office using the various chops of the individuals concerned to sign for their pay. After receiving the pay for these people, this man ran off with the total amount. He has since been apprehended by the local Japanese police and is charged with embezzlement.

3. The question which now arises is: Is this man chargeable with a crime committed against the Occupation Forces in that he embezzled funds which were used to pay employees of the Occupation Forces and therefore a reduction in liability of the Japanese Government to the United States Government as reparations; or has he committed a crime of purely a Japanese nature against Japanese.

4. In the former case he would necessarily be tried by a Provost Court, whereas in the latter by a Japanese court.

5. After consulting with the local Provost Court Officer a decision was made to the effect that this was a Japanese court case. However it is now felt that further legal advice is necessary, in order to try this case correctly and also set a precedent for future offenses of this nature.


CHARLES R. MUNSKÉ
Lt. Col., CAC
Commanding

DECLASSIFIED BY: 11003 SECTION 5-102/ANES-101
51060
BASIC: Ltr, Fukuoka Mil Govt Team, subj: "Request for Clarification - Trials", dtd 8 January 1947.

250.41

1st Ind

ERM/cc

KYUSHU MIL GOVT REGION, HQ & HQ DET, APO 929, 10 January 1947

TO: Commanding General, I Corps, APO 301
Attn: Military Government Section

Forw^{ard}ed.

FOR THE COMMANDING OFFICER:

B-416
HQ. I CORPS
AG-015

Charles D. Allen

CHARLES D. ALLEN
Captain, INF
Adjutant

AG 015 - BA

2nd Ind

GA/rr

Hq I Corps, APO 301, 16 JAN 1947

TO: CG, Kyushu Mil Govt Region, APO 929

This is an offense committed by a Japanese against a Japanese and as such is properly triable in a Japanese court.

BY ORDER OF HONORABLE COLONEL:

O. H. Schmidt

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

31428 81271

613
BASIC: Ltr, Fukuoka Mil Govt Team, subj: "Request for Clarification - Trials", dtd 8 January 1947. 1260

250.41

3rd Ind

CDA/md

KYUSHU MIL GOVT REGION, HQ & HQ DET, APO 929, 20 January 1947.

TO: Commanding Officer, Fukuoka Mil Govt Team, APO 929

1. Forwarded for your information.

BY ORDER OF COLONEL COUGHLIN:

Charles D. Allen
CHARLES D. ALLEN
Captain, INF
Adjutant