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By: NARA NARA Date: 1976

AKIYOSHI HOSOKAWA (12 SEP 1945)

(144574)

0333

Case of  
Akiyoshi Hosokawa  
12 September 1945

RECORD OF PROCEEDINGS  
of a  
MILITARY COMMISSION  
convened at  
Agana, Guam  
by order of  
The Island Commander



Copy furnished.

144574

0334

Akiyoshi Hosokawa

Trial by military commission at Agana, Guam, 12 September 1945.

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0335

1400-65-5  
(610)-ska

Serial No. 14526

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

20 August 1945.

From: The Island Commander.  
To: Colonel Walter T. H. GALLIFORD, U. S. Marine Corps.  
Subject: Precept convening Military Commission of Guam.  
Reference: (a) Proclamation No. 4, Military Government of Guam.

1. Pursuant to the authority vested in me by Fleet Admiral Chester W. Nimitz, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Governor of Guam, a Military Commission is hereby ordered to convene at Agana, Guam, on the 20th day of August 1945, or as soon thereafter as practicable, for the trial of such persons as may legally be brought before it.

2. The Commission will be constituted as follows:

Colonel Walter T. H. GALLIFORD, U. S. Marine Corps, senior member,  
Major Harry S. POPPER, Junior, U. S. Marine Corps Reserve,  
Major Robert H. GRAY, U. S. Marine Corps,  
Captain Francis J. CAMPBELL, Junior, U. S. Marine Corps Reserve,  
Captain Quentin L. JOHNSON, U. S. Marine Corps Reserve,  
Captain John W. PERSSE, Junior, U. S. Marine Corps Reserve,  
Lieutenant George W. DEAN, U. S. Naval Reserve, members,  
any five of whom are empowered to act, and of  
Lieutenant Colonel Teller AMMONS, Army of the United States,  
judge advocate.

3. This commission is hereby authorized and directed to take up such cases, if any, as may be now pending before the military commission of which Colonel Walter T. H. GALLIFORD, U. S. Marine Corps, is senior member, convened by my precept of July 21, 1945, except such cases the trial of which may have been commenced.

4. The commission shall be competent to try all offenses within the jurisdiction of the Exceptional Military Courts, including offenses in violation of the Penal Code of Guam, and to impose any lawful punishment.

5. Power of adjournment is inherent in the commission, and adjourned sessions may be held at such times and such places as the commission may determine.

6. You will inform the members and judge advocate that they will continue on Military Commission duty under their previous orders.

HENRY L. LARSEN,  
Major General, U. S. Marine Corps,  
The Island Commander.

A true copy. Attest:

*Teller Ammons*  
TELLER AMMONS,  
Lieutenant Colonel, Army of the U.S.,  
Judge Advocate.

0336

1400-65-5  
(610)-wka

Serial No. 15723

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.,  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

8 September 1945.

From: The Island Commander.  
To: Colonel Walter T. H. Galliford, U. S. Marine Corps, Senior  
Member, Military Commission of Guam.  
Subject: Change in membership of Commission.

1. Lieutenant Commander Joseph F. Walters, U. S. Naval Reserve,  
is hereby appointed a member of the Military Commission of which you are  
senior member, convened by me precept of 20 August 1945, vice Lieutenant  
George W. Dean, U. S. Naval Reserve, hereby relieved.

HENRY L. LARSEN,  
Major General, U. S. Marine Corps,  
The Island Commander.

-----  
Copies to: Lieutenant Commander Joseph F. Walters, USNR, Military  
Government  
Lieutenant George W. Dean, USNR, Military Government  
Lieutenant Colonel Teller Ammons, AUS, Judge Advocate, Military  
Commission, Military Government  
G-1 Section, Island Command.  
-----

A true copy. Attest:

*Teller Ammons*  
TELLER AMMONS,  
Lieutenant Colonel, Army of the U.S.,  
Judge advocate.

0337

Fifty-second Defense Battalion,  
Fleet Marine Force, Pacific,  
C/O Fleet Post Office,  
San Francisco, California

September 12, 1945.

**From:** Lieutenant Charles T. Ricker, Medical Corps, U. S. Navy  
Reserve.  
**To:** Major General Henry L. Larsen, U. S. Marine Corps, Island  
Commander.  
**Via:** Colonel Walter T. H. Galliford, U. S. Marine Corps,  
President, Military Commission of Guam.  
**Subject:** Sickness of member of military commission.  
**Reference:** Naval Courts and Boards, section 377.

1. In accordance with reference, I have to report that on  
11 September, 1945, I found Major Harry S. Popper, junior, U. S. Marine  
Corps Reserve, sick and unfit for duty. I estimate that his illness  
will continue for an indefinite period.

/s/ CHARLES T. RICKER.

A true copy. Attest:

*Teller Ammons*

TELLER AMMONS,  
Lieutenant Colonel, Army of the U. S.,  
Judge Advocate.

0338

1400-30-65  
(610)-wka

Serial No. 15871

*Col Ammons*  
In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.,  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

12 September 1945.

From: The Island Commander.  
To : Lieutenant Colonel Teller Ammons, Army of the  
United States, Judge Advocate, Military  
Commission of Guam.

Subject: Authorizing correction in specification.

1. You are hereby authorized and directed to change the charge and specifications preferred by me against Akiyoshi Hosakawa, in the following particular: In the seventh line of the first specification of the charge change the word "Lizma" to "Lizama".

2. You will cause the copy for the accused to be corrected accordingly.

*Henry L. Larsen*  
HENRY L. LARSEN,  
Major General, U. S. Marine Corps,  
The Island Commander.

-----

"D"

0339

1400-30-65  
(610)-gwh

Serial No. 7627

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.,  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

April 26, 1945

From: The Island Commander.  
To : Lieutenant Colonel Teller Ammons, Army of the United  
States, Judge Advocate, Military Commission of Guam.  
Subject: Charge and specifications in the case of  
Akiyoshi Hosakawa.

1. The above-named man will be tried before the Military Commission, convened by my precept of April 13, 1945, of which you are judge advocate, upon the following charge and specifications. You will notify the senior member of the Commission accordingly, inform the accused of the date set for his trial, and summon all witnesses, both for the prosecution and the defense. You will carefully comply with the procedure set forth in Section 2, Article IV, of Proclamation No. 4, dated 29 August 1944.

CHARGE

ASSAULT & BATTERY

Specification 1

In that Akiyoshi Hosakawa, detained in the Island Command Stockade, Guam, while serving as a member of the Japanese occupational police force and a member of the Japanese military government organization in Guam, did, on or about June 17, 1944, in or near Agana, Guam, wilfully, maliciously, and without justifiable cause, assault, strike and beat with an ironwood club, three feet long and one and one-half inches in diameter, and with his fists, one Manuel Q. Liza, an inhabitant of Guam; the United States then being in a state of war. 7.a

Specification 2

In that Akiyoshi Hosakawa, detained in the Island Command Stockade, Guam, while serving as a member of the Japanese occupational police force and a member of the Japanese military government organization in Guam, did, on or about June 17, 1944, in or near Agana, Guam, wilfully, maliciously, and without justifiable cause, assault, strike and beat with a bull whip one Joaquin Santos Salas, an inhabitant of Guam; the United States then being in a state of war.

*Henry L. Larsen*  
HENRY L. LARSEN,  
Major General, U. S. Marine Corps,  
The Island Commander.

"g"

0340



1400-65-5  
(610)-wka

Serial No. 15916

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.,  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

13 September 1945.

From: The Island Commander.  
To: Colonel Walter T. H. Galliford, U. S. Marine Corps,  
Senior Member, Military Commission of Guam.

Subject: Relief of member of Commission.

1. Captain Francis J. Campbell, Junior, U. S. Marine Corps Reserve, is hereby relieved as a member of the Military Commission of which you are senior member, convened by my precept of 20 August 1945, during the trial of the case of Akiyoshi Hosakawa.

/s/HENRY L. LARSEN,  
Major General, U. S. Marine Corps,  
The Island Commander.

-----  
Copies to: Captain Francis J. Campbell, Junior, U. S. Marine Corps Reserve, 5th Service Depot.  
Lieutenant Colonel Teller Ammons, Army of the United States, judge advocate, Military Commission, Military Government, G-1 Section, Island Command, Guam.  
-----

A true copy. Attest:

*Teller Ammons*  
TELLER AMMONS,  
Lieutenant Colonel, Army of the U. S.,  
Judge Advocate.

0341

First Day

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

Wednesday, 12 September 1945.

The commission met at 9:30 a.m.

Present:

Colonel Walter T. H. Galliford, U. S. Marine Corps,  
Major Robert H. Gray, U. S. Marine Corps,  
Lieutenant Commander Joseph F. Walters, U. S. Naval Reserve,  
Captain Francis J. Campbell, Junior, U. S. Marine Corps Reserve,  
Captain Quentin L. Johnson, U. S. Marine Corps Reserve,  
Captain John W. Persee, Junior, U.S. Marine Corps Reserve, members, and  
Lieutenant Colonel Teller Ammons, Army of the United States, judge advocate.

Corporal Thomas R. Brown, U.S. Marine Corps Reserve, entered with the accused and reported as provost marshal.

The judge advocate introduced Vicente B. Bamba, civilian, as reporter, and Isabel Peres Zafra, civilian, as interpreter.

The accused requested that Lieutenant Henry P. Bakewell, U.S. Naval Reserve, act as his counsel, and that Jorge U. Cristobal, CStd., USN, act as interpreter for the accused and his counsel. Lieutenant Bakewell and Cristobal took seat as counsel for the accused.

The judge advocate submitted the precept, copy prefixed marked "A", to the accused for his information and inspection, and read modification, copy prefixed, marked "B".

The judge advocate read a letter from Lieutenant Charles T. Ricker, MC, U.S. Naval Reserve, explaining the absence of Major Harry S. Pepper, Junior, U. S. Marine Corps Reserve.

The accused did not object to any member.

The judge advocate, each member, the reporter and the interpreter were duly sworn.

The accused stated that he had received a copy of the charge and specifications preferred against him on 20 July, 1945.

The judge advocate read a letter from the convening authority, prefixed marked "D", authorizing and directing him to make a change in the first specification, and stated that the same had been made both in the original and in the copy in the possession of the accused.

The judge advocate asked the accused if he had any objection to make to the charge and specifications.

The accused replied in the affirmative, and stated that he objected to the charge and specifications on the ground that the specifications did not show that the accused was at the time of the commission of the offense an inhabitant of a district or territory under the military government of the United States.

The judge advocate replied.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection of the accused was overruled, and that the commission found the charge and specifications in due form and technically correct.

The accused stated that he was ready for trial.

No witnesses not otherwise connected with the trial were present.

The accused made a plea in bar of trial to the charge and specifications on the ground that the accused is a prisoner of war and is entitled to the protection of the Geneva Prisoner of War Convention; and that there is no information before this commission that any protecting power has been notified of the time and place of trial and of the charge against the accused; or given any right to have a representative present at the trial.

In support of his plea, the accused desired to call a witness.

A witness in behalf of the accused entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, rank and present station.  
A. Carl F. Gannon, First Lieutenant, U.S. Army, Camp Commander, Island Command stockade.

2. Q. If you recognize the accused, state as whom.  
A. Hosokawa, Akiyoshi.

Examined by the accused:

3. Q. Do you have with you the official record of the accused?  
A. I do.

4. Q. According to your record, what is the status of the accused?  
A. The accused is a prisoner of war.

5. Q. And what date did the accused become a prisoner of war?  
A. 20 February, 1944.

6. Q. Has he been such since that time?  
A. He has.

7. Q. Does it show the nationality of the accused?  
A. It does.

8. Q. What is his nationality?  
A. Japanese.

9. Q. Does it indicate his status prior to his capture?  
A. Yes. He is a sergeant major, Guam Military Police, attached to the 29th Infantry Division.

Examined by the commission:

10. Q. What is the status of the accused with the Japanese government?  
A. Sergeant Major, Guam Military Police, 29th Infantry Division.

11. Q. Is that Infantry Division in the Imperial Japanese Army?

A. Yes.

Neither the accused, the judge advocate, nor the commission desired further to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The judge advocate stated that he had no evidence to introduce in reply to the plea of the accused.

The commission announced that the plea of the accused was overruled.

The judge advocate asked the accused if he had any further plea to offer.

The accused replied in the affirmative, and made a plea to the jurisdiction of the commission on the ground that proclamation No. 4 of the Military Government of Guam of which the commission may take judicial notice, expressly states that military commissions do not have jurisdiction over prisoners of war.

The accused requested that the testimony given in support of the previous plea be considered as testimony in support of this plea.

The commission announced that the request was granted.

The judge advocate did not desire to reply.

The commission announced that the plea of the accused was overruled.

The judge advocate asked the accused if he had any further plea to offer.

The accused replied in the affirmative, and made a plea in bar of trial to the charge and specifications on the ground that the charge was not preferred against him within one year from the date of commission of the alleged offense as required by the Penal Code of Guam.

The judge advocate did not desire to reply.

The commission announced that the plea of the accused was overruled.

The judge advocate asked the accused if he had any further plea to offer.

The accused replied in the negative.

The judge advocate read the letter containing the charge and specifications, original prefixed marked "E", and arraigned the accused as follows:

Q. Akiyoshi Hosokawa, you have heard the charge and specifications preferred against you; how say you to the first specification of the charge, guilty or not guilty?

A. Not guilty.

Q. To the second specification of the charge, guilty or not guilty?

A. Not guilty.

Q. To the charge, guilty or not guilty?

A. Not guilty.

The prosecution began.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.  
A. Manuel Q. Lisana, a resident of Piti, and gardener at the 76th C.B's.
2. Q. If you recognize the accused, state as whom.  
A. I do not know his name; I know him by sight.
3. Q. Were you on Guam during the Japanese occupation?  
A. Yes.
4. Q. Did you see the accused on Guam during the Japanese occupation?  
A. Yes.
5. Q. Was there anything unusual that happened between you and the accused during the Japanese occupation?  
A. Yes, the accused beat me.
6. Q. State in detail what he beat you with.  
A. Sometime in June 7, 1944 I was summoned to a place known as the Kempetai in those days. When I got to that place I was asked if I knew Jesus C. Salas. After that I was asked about a rifle. When I told them I had no rifle the accused, five other Japanese, and a Saipanese started beating me.
7. Q. Did the accused beat you at any time?  
A. Yes.
8. Q. What did he beat you with?  
A. The accused beat me with an ironwood stick, 3 feet long and about 1 1/2 inches in circumference.
9. Q. Is that on June 7, 1944.  
A. Yes.
10. Q. Where was that?  
A. At Agana, Guam.
11. Q. Did any other thing unusual happen between you and the accused?  
A. After the accused punished me, he had me taken over to the jail.
12. Q. When was the next time you saw him?  
A. I saw the accused at the same place, the Kempetai, the next day.
13. Q. What date of the month was that?  
A. June 8.
14. Q. Did anything happen at that time?  
A. Yes. On that day the accused started whipping me with an automobile fan belt and then started hitting my head with a book and also he hit me with his closed fist.
15. Q. And when was the next time you saw the accused?  
A. The next time I saw the accused was on June 9 at the Kempetai.

*on or about 17 June!*

The accused moved to strike the last answer of the witness on the ground that the specification alleged the beating to have taken place on the 17th of June and not on the 9th of June.

The commission announced that the motion was overruled.

16. Q. What happened on June 9?

A. On that date I was taken from the jail to the Kempetai headquarters and the accused again asked me where Vicente Lisama's gun was.

17. Q. Did anything else happen?

A. After I told him that there was no gun, the accused threatened me with a sword and tried to use it on me. At that time I was kneeling and the accused started stepping on my thighs.

18. Q. Did he step on your thighs?

A. Yes, he was hopping on my thighs.

19. Q. When was the next time you saw the accused?

A. After I was punished I was taken to the jail until June 10. I was taken to the Kempetai headquarters, and that was the last time I saw the accused.

20. Q. Did anything unusual happen on June 10?

A. The accused started slapping me after he asked me about a certain man by the name of Tweed.

21. Q. How many times did he slap you?

A. I do not remember how many times he did it so many times.

22. Q. How was he threatening you with the sword on June 9?

A. The accused took his sword and tried to cut me with it because he wanted me to say that my father had a gun.

23. Q. Did he hold his sword in his hand?

A. Yes.

24. Q. On June 8 was there any Guamanian present at the time you told us about what happened in the instance between you and the accused?

A. Yes. On that date when I was taken again to the Kempetai I found Joaquin Salas bound to the legs of a table.

25. Q. Was Joaquin Salas present at the time you were being beaten by the accused?

A. Yes. Joaquin Salas was there and it was in his presence that the accused beat me.

Cross-examined by the accused:

26. Q. Did the episodes about which you testified take place in a house?

A. It happened in a room just as one entered a building.

27. Q. Was there a table in the room?

A. Yes, the accused was sitting on that table.

28. Q. And was there a desk in the corner of that room?

A. I noticed another desk in that room on one side.

29. Q. Was there a Japanese lieutenant sitting on that desk?

A. Yes. That was a higher man, I believe, than the accused.

30. Q. You do not understand Japanese do you?  
A. I do not.
31. Q. You would not know what that lieutenant might have said?  
A. That is right.
32. Q. Did he take any part in the proceedings?  
A. No, he did not take any part.
33. Q. Do you remember whether he said anything?  
A. Yes, he said something but I did not understand.
34. Q. Do you remember at one time another lieutenant came to use a telephone on the desk?  
A. I do not quite remember.
35. Q. You said the last time you saw the accused was on the 10th of June?  
A. Yes, that is right.
36. Q. Have you seen the accused between that time and today?  
A. No, sir, just this time.
37. Q. Did you make a complaint to the United States authorities about this matter?  
A. No, sir, I did not.
38. Q. How many other people were in the room at the time of these beatings?  
A. On June 7, besides the accused there were four Japanese and a Saipanese.
39. Q. Did anybody else other than the accused strike you?  
A. Yes, the others that were with the accused on the 7th of June participated in the beating.
40. Q. Did anybody else participate any of the other times?  
A. No, sir, only the accused.
41. Q. Are you positive that it was the accused and not the others that beat you?  
A. I am positive that it was the accused.
42. Q. Did you have your back turned to him?  
A. I did not have my back turned towards him; I was face to face with him.
43. Q. How did you fix these dates that you are so positive about them?  
A. I am very sure of these dates since I was put in jail and I remembered the day as well as the date when I stayed until the 13th of June when the palace was bombed, and from the concussion of that bombing, the jail was destroyed. At that time I managed to escape.

Neither the judge advocate, the accused, nor the commission desired further to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.  
A. Joaquin Santos Salas, resident of Piti, cook at the civilian hospital.

2. Q. If you recognize the accused, state as whom.  
A. I do not know his name; I only know him by sight.
3. Q. Were you on Guam during the Japanese occupation?  
A. Yes.
4. Q. Did you see the accused on Guam during the Japanese occupation?  
A. Yes.
5. Q. Do you know Manuel Q. Lizama?  
A. Yes.
6. Q. Did you see him on Guam during the Japanese occupation?  
A. Yes.
7. Q. State if anything unusual happened between the accused and Manuel Q. Lizama.  
A. Yes.
8. Q. What date?  
A. June 8, 1944.
9. Q. Where was it?  
A. At Agana.
10. Q. State what it was.  
A. I was at the Kempetai headquarters at the time and was bound to the legs of the table. Manuel Lizama entered and they were questioning him, but I did not understand what they were talking about. After that I saw Manuel Lizama being beaten.
11. Q. Who was beating Manuel Lizama?  
A. The accused.
12. Q. You mean Manuel Lizama was being beaten by the accused?  
A. Yes.
13. Q. What was the accused beating Manuel Lizama with?  
A. The accused used a bull whip and a fan belt.
14. Q. Did anything unusual happen between you and the accused at any time?  
A. Yes, the accused beat me too.
15. Q. What date was that?  
A. I am not sure of the month but it was on the 8th when the accused beat me.
16. Q. Was that the same day that you saw the accused beat Manuel Lizama?  
A. Yes.
17. Q. What did the accused beat you with?  
A. The accused used a bull whip and a fan belt.
18. Q. Do you remember what month the palace was bombed?  
A. I do not recall the month but it was the same month that I was in jail.
- Cross-examined by the accused:
19. Q. Was there a table in the room where this occurred?  
A. Yes.



20. Q. Was there a telephone on the table?  
A. I did not notice that.
21. Q. Was there a desk in a corner in the room?  
A. I do not recall whether there was another table beside where they tied me to.
22. Q. Do you recall whether there was a Japanese lieutenant in the room?  
A. I do not know whether there was a lieutenant or not. There were four people in the room, three Japanese and a Saipanese.
23. Q. Do you recall another Japanese officer coming into the room while this episode was going on?  
A. I do not recall that.
24. Q. Are you sure it was the accused and not one of the other Japanese that beat you?  
A. The accused struck me as well as a Saipanese and another Japanese. The three of them participated in the beating.
25. Q. How are you certain that it was the accused that used the bull whip?  
A. The accused whipped me with the fan belt; the other Japanese used the bull whip.
- Examined by the commission:
26. Q. Explain what you meant by fan belt?  
A. It was a leather belt.
27. Q. Was it the type used in automobiles, a power plant, or something like that?  
A. I do not know what it was used for but it was commonly called a fan belt.
28. Q. How long was it?  
A. About three feet long.
29. Q. Were you beaten by the Japanese at any other time during the Japanese occupation?  
A. Yes.
30. Q. About how many times?  
A. On several occasions, I was punished by the Japanese at Piti for not reporting to work.
31. Q. Who were those that punished at those times?  
A. I do not remember their names but they were Japanese.
32. Q. Was it anything similar to the occurrence you testified about that happened to you during the Japanese occupation?  
A. No, sir.
33. Q. And this was the only time that you were ever tied up to a table?  
A. Yes.
34. Q. Why do you remember the date and not the month?  
A. Because that was the date when I was put in jail.
35. Q. How near was that date to the first American plane bombing of this Island?

A. I was put in jail on the 8th, and on the 11th I escaped when the jail broke down after a bomb fell at a certain place.

36. Q. What is your age?  
A. 18 years.

Neither the judge advocate, the accused, nor the commission desired further to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The prosecution rested.

The commission then, at 11:25 a.m. took a recess until 1:15 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the reporter, the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

The defense began.

The judge advocate introduced Jorge U. Cristobal, CStd. U.S.Navy, as interpreter, relieving Mrs. Isabel P. Zafra.

The interpreter was duly sworn.

The accused was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. State your name.  
A. Akiyoshi Hosokawa.
2. Q. What is your rate?  
A. Sergeant Major.
3. Q. In what army?  
A. Military police, army.
4. Q. Japanese army?  
A. Yes.
5. Q. Where are you living now?  
A. At present I am staying in the Island Command stockade.
6. Q. Are you the accused in this case?  
A. Yes.

Examined by the accused:

7. Q. When did you first come to Guam?  
A. April 20, 1944.
8. Q. What organization were you in?  
A. I was attached to occupational division headquarters.

9. Q. Do you remember an episode involving Manuel Lizama?  
A. I remember the episode.
10. Q. And do you remember an episode involving Joaquin Salas?  
A. Yes, I know.
11. Q. Where did that take place?  
A. At the military police headquarters.
12. Q. Was anybody else present at that time?  
A. I do not clearly remember whether there was anybody else but I remember a corporal by the name of Suzuki Mischow who was present.
13. Q. Was anybody else present in the room?  
A. The military police commanding officer was present also.
14. Q. What was his rank?  
A. A lieutenant.
15. Q. Manuel Lizama testified to an episode on several different days, do you remember that?  
A. Yes. As far as I remember and heard this morning, that was the episode that happened.
16. Q. Did the lieutenant say or do anything?  
A. He gave the orders.
17. Q. What were the orders?  
A. The orders that I received from the lieutenant in charge of the military police were that to question these fellows, and also to stress punishment if necessary if you find them telling a false statement.
18. Q. Do you remember striking Lizama?  
A. I remember very clearly whipping Lizama with a fan belt two or three times, and I also remember slapping him a couple of times. At other times I do not remember punishing him with anything else.
19. Q. Do you remember striking Salas?  
A. As far as I know and remember, I never touched Salas nor punished him.
20. Q. What were you questioning Lizama and Salas about?  
A. The question I asked Salas was where did he hide the pistol. He said he hid it somewhere where he could get it; so we sent Salas to take the pistol, and when he returned with the pistol it was an obsolete one and it was broken.
21. Q. And what was Lizama being questioned about?  
A. Whether he was hiding a rifle.
22. Q. Did the lieutenant give you any orders in regard to the use of force?  
A. Yes, we received orders from the lieutenant. Since I was just an enlisted man I took orders from the officers, especially the officer in charge.
23. Q. Did the orders you received from the lieutenant say anything about the use of force against these persons?  
A. The orders I received from the lieutenant were to punish them and to threaten them if I knew they were lying.
24. Q. State whether you obeyed the orders of the lieutenant.  
A. According to orders, I obeyed them.

Cross-examined by the judge advocate:

25. Q. What was the name of the officer in charge who gave you the orders?  
A. Tosin Koda.
26. Q. Was he an officer in the Kempetai?  
A. Yes, he was.
27. Q. Where is he now?  
A. I do not know.
28. Q. Did you punish Lisama and threaten him before or after you knew he was telling a lie?  
A. I did not punish or threaten Lisama before he answered my questions.
29. Q. Then you punished him after he answered your questions?  
A. When I knew that he was telling a lie I punished him after he answered, but when I knew that he was telling the truth I did not punish him.
30. Q. And who was to decide whether he was telling the truth or not?  
A. The only way we knew that the prisoner was telling a lie was when we asked the father of Lisama whether there was a rifle being hidden in which Manuel Lisama said there was none. So then we knew that he was telling a lie.
31. Q. Was the father of Manuel Lisama present when you were investigating him?  
A. At that time he was present but we asked them separately.
32. Q. Was Joaquin Salas present at the time when you investigated Lisama?  
A. He was not.
33. Q. Did this officer order you to make the decision as to whether Lisama told the truth or not?  
A. Yes.
34. Q. Then after you decided if Lisama was telling the truth or not was it within your discretion as to whether you would punish him or not?  
A. Since I received orders from the lieutenant I did the punishment in accordance with the way the man answered.
35. Q. Is it right that it was up to you to decide just what punishment you should make?  
A. I was given orders to do this punishment; that is, when a man in my judgement was telling a lie I used my punishment, but the orders as to punishment and threats came from the lieutenant.
36. Q. At the time you were questioning Salas, was he tied to a table?  
A. Yes. The reason why he was tied to a table was that when we first brought him in he escaped, then we called him in again. The lieutenant gave us the orders to tie him up so that he could not escape.
37. Q. How long did you question Salas?  
A. I do not remember.
38. Q. How many were present at the time you were questioning him?  
A. There were five of us present during the time he was questioned.
39. Q. How was he tied to the table, hands and feet or just the hands?  
A. Just the hands.

40. Q. Were you questioning him in a room?  
A. In the room where we had our office.
41. Q. Was the door locked in that room at the time you were questioning him?  
A. I think the door was open.
42. Q. There were five of you in the room at the time; who tied Salas to the table so he could not get away?  
A. I do not completely remember, but I was not the one who tied him to the table.
43. Q. But he was tied to the table, was he not?  
A. Yes.
44. Q. Were any of those present armed?  
A. I do not remember about the rest but I was holding a belt.
45. Q. What kind of belt?  
A. It was a regular trouser belt.
46. Q. What were you holding the belt for?  
A. The reason why I carried that belt was because I was a member of the military police and we had to wear a belt.
47. Q. Did you carry the belt in your hand or did you wear it?  
A. Sometimes I left the belt on the table and sometimes I held it in my hand.
48. Q. Why did you hold it in your hand?  
A. The only time I carried the belt in my hand was when punishment was needed.
49. Q. And what did you punish Lizama with?  
A. I either used the belt or my hands.
50. Q. Did Lizama need punishing in accordance with your decision?  
A. The reason why we punished Lizama was that when we told him to get the rifle he started first to cry, then he said he had hidden the rifle, and when we brought him over to the place where he hid the rifle he said that the rifle was burned. Therefore, we found out that he was telling a lie and we punished him.
51. Q. Did you take part in that punishment?  
A. Yes.
52. Q. Why did you have the strap in your hand when Salas was tied to the table?  
A. At that time Salas was tied to one leg of the table and Lizama was standing just opposite to the next leg.
53. Q. Did Salas cry or did Lizama cry?  
A. At that time none of the two cried.
54. Q. Which one was punished before he cried, Salas or Lizama?  
A. I remember clearly that none of the two cried.

Examined by the commission:

55. Q. Do you have anything further you wish to state in relation to the charge in this case?

A. Yes. As far as the punishment and orders are concerned, I have to take orders from my superior officer, especially my commanding officer. I felt sorry for those people who had been punished according to the orders of the Kempetai commanding officer. Also since I was in the army those punishments were such that I cannot help, since I received orders and did as the orders said.

Neither the accused, the judge advocate, nor the commission desired further to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as accused.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name.  
A. Kenichi Isii.
2. Q. State your rank.  
A. First lieutenant, Japanese army.
3. Q. Nationality?  
A. Japanese.
4. Q. Where are you living now?  
A. In the stockade.
5. Q. If you recognize the accused, state as whom.  
A. I know him as Hosokawa, sergeant major.

Examined by the accused:

6. Q. Do you know the charges against the accused?  
A. Yes, I know.
7. Q. Were you present during the incident in the charge?  
A. As far as I remember, since it was a year ago, I think I was present only once, and that was on the 8th of June.
8. Q. What did you do?  
A. At that time, since our telephone was out of order, I went to the Kempetai police to use their telephone.
9. Q. While there did you talk to anybody?  
A. Yes, I talked to the military police commanding officer.
10. Q. Was Hosokawa there at that time?  
A. Yes, he was present.
11. Q. Was the commanding officer of Hosokawa present?  
A. Yes.
12. Q. Did you hear the lieutenant say anything to Hosokawa?  
A. At that time after I telephoned I went over to the commanding officer of the military police and asked him what was the case, so he explained everything to me. After the explanation he called Hosokawa, and he gave him the orders to punish the two people if they were found telling a lie. That was what I heard told to Hosokawa by the commanding officer of the Kempetai.

13. Q. How many people were there?

A. It was quite some time since that happened but I think there were five.

14. Q. Were either of these persons struck while you were there?

A. Yes, I was present when Hosokawa was whipping somebody.

15. Q. Do you know whether any official military order had been issued with regard to questioning natives?

A. Since I do not have anything to do with the civilians I do not know.

Cross-examined by the judge advocate:

16. Q. How many Guamanians did you see in the Kempetai headquarters that day on the 8th of June.

A. I do not exactly know whether there was one or two, but I think there were two.

17. Q. What were the two of them doing?

A. I do not quite remember whether Hosokawa was questioning both at the same time or one at a time but I remember they were in there for questioning.

18. Q. Were they sitting down on the table?

A. They were both in front, standing up.

19. Q. Was either one of them tied to a table?

A. I do not know.

20. Q. Did you leave the room before the Guamanians did?

A. I do not know.

21. Q. Did you leave the room before Hosokawa did?

A. I left the building before Hosokawa. At that time Hosokawa was right in the office.

22. Q. And was he talking to the Guamanians when you left?

A. I do not know.

23. Q. Did you at any time that day see a strap in Hosokawa's hands?

A. At the time when I saw Hosokawa punishing he did not use anything but his own hand.

Examined by the commission:

24. Q. When you testified in this case referring to Hosokawa, did you mean the accused every time you mentioned that name?

A. Without mistake, this is the same Hosokawa.

25. Q. Do you have anything further you wish to state in relation to the charge in this case?

A. Yes. At the time Hosokawa was making the punishment I saw him with my two eyes slapping one of the men four or five times, also I saw him whip one of them a couple of times.

Neither the accused, the judge advocate, nor the commission desired further to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name.  
A. Sato Seihaichi.
2. Q. And your rank?  
A. Army major.
3. Q. Japanese army?  
A. Yes.
4. Q. Nationality?  
A. Japanese.
5. Q. And where are you living now?  
A. Island Command stockade.
6. Q. If you recognize the accused, state as whom.  
A. Sergeant major Hosokawa.

Examined by the accused:

7. Q. In your position with the army, did you know of your own knowledge of official orders which were issued?  
A. Yes.
8. Q. Do you know of your own knowledge whether there was an order with regard to questioning civilians about firearms?  
A. Yes.
9. Q. Who issued the orders?  
A. The division commander issued those orders.
10. Q. Was it written or verbal?  
A. I do not know.
11. Q. Do you know of your own knowledge what official orders were issued with regard to methods of questioning natives?  
A. Yes.
12. Q. What was the order?  
A. The orders were that since the Guamanians had come under the influence of the Americans, these people should forget the American ways. Now should there be objectors to this rule we will see that they were straightened out if needed.
13. Q. Was there any specific order relative to questioning natives about firearms?  
A. Yes.
14. Q. What was the order?  
A. The order was that they do not have any firearms, and if they have they should bring them over to the military police headquarters.
15. Q. Were natives asked if they did have firearms?  
A. I do not know. There was a written order and also the commissioners of the districts were to give notation to the civilians in a way which they would understand.



16. Q. Was there any order with regard to using force in asking questions?  
A. That was never an order.

17. Q. Do you know of any order authorizing the use of force in asking questions?  
A. That we have even in Japan or any other place in which you have to get something out of somebody; you have to talk to him in a manner which could be referred to as force.

18. Q. Is slapping a person permitted?  
A. No, not in the Japanese way. In questioning, force may be used when you find that somebody was telling a lie.

19. Q. Then they may slap?  
A. I do not know about foreign punishment, but in Japan they used that. Almost all Japanese have received and have done such punishment.

Cross-examined by the judge advocate:

20. Q. Who decides when the person being questioned is telling the truth or not?

A. I do not know, but the one usually giving the questions and thinking and knowing that the accused is telling a lie then that was the time when he is either slapped or punished.

21. Q. And he used his own discretion as to slapping or punishing?  
A. At his own will.

22. Q. Did you ever see this order?  
A. I have never seen any such order.

23. Q. Was any order given to you in regard to civilians?  
A. I have never received such orders.

24. Q. Did you ever issue any orders in regard to civilians?  
A. I have never given out any such orders; I do not have anything to do in issuing orders.

25. Q. Were you ever present or did you hear at any time any orders given in regard to the punishment that was given?  
A. I have heard of it.

26. Q. Were you present?  
A. I just heard it; I was not present.

27. Q. Do you know of your own knowledge if there were any orders either written or verbal in regard to the punishment of civilians?  
A. I have never seen any order; I just heard it.

28. Q. Do you know of your own knowledge?  
A. No, sir.

Examined by the commission:

29. Q. During the presence of the witness on Guam as an official of the Imperial Japanese army, did he ever have any official connection with the administration of the Island of Guam?  
A. None.

Neither the accused, the judge advocate, nor the commission desired to further examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The defense rested.

The commission then, at 3:45 p.m., adjourned until 9:00 a.m. tomorrow, Thursday, 13 September, 1945.

Second Day

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

Thursday, 13 September 1945.

The commission met at 9:30 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,  
Major Robert H. Gray, U.S. Marine Corps,  
Lieutenant Commander Joseph F. Walters, U.S. Naval Reserve,  
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,  
Captain John W. Persse, Junior, U.S. Marine Corps Reserve, members, and  
Lieutenant Colonel Teller Ammons, Army of the United States, judge advocate,  
Vicente B. Bamba, civilian, reporter.  
Jorge U. Cristobal, CStd., U.S. Navy, interpreter.  
The accused and his counsel.

The record of proceedings of the first day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

The judge advocate read a letter from the convening authority, copy prefixed marked "F", explaining the absence of Captain Francis J. Campbell, Junior, U.S. Marine Corps Reserve.

The accused read the translation of a written statement in his defense, appended marked "T(1)". Original statement appended, marked "T(2)".

The judge advocate made the following opening argument:

You gentlemen will recall there were two witnesses for the prosecution. One was Manuel Q. Lizama, who testified that the accused had beaten him on the 7th, 8th, 9th and 10th of June 1944. The other witness, Joaquin S. Salas, testified that he saw the accused beat Lizama on the 8th of June, 1944. The accused admitted that he had a leather strap in his hand at the time Salas was arrested. The accused denied beating Salas but Lizama had seen Salas on the 8th of June in the presence of accused Salas was tied to a table. The accused said that Salas was tied to the table so that he would not get away. There were five Japanese in the room with the boy Salas, 18 years of age at that time, and those Japanese were undoubtedly armed. The accused appeared to have known at first which one cried during the questioning or before, but then finally he said that neither of them cried. Accused was confused as far as Salas was concerned.

The accused is being tried for assault and battery, and under the Penal Code of Guam, assault is punishable by fine not exceeding two hundred dollars or by imprisonment not exceeding six months, or both. Battery is punishable by fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both.

The accused made the following argument:

May it please the commission, I wish to be brief and to the point. The facts in this case are not complicated. To a considerable degree there is no dispute. The accused conceded in his testimony that he struck Lizama. He denied that he beat him with an ironwood club; he said it was a belt. In the case of Salas, the accused denies that he struck Salas. Salas admitted himself that it was not the accused who struck him with a bull whip but that somebody else did. He claims that the accused hit him with a belt. I wish to point out that it appears from the testimony that there were a number of Japanese in the room. Also this incident happened well over a year ago, and it seems to me that it is very clear that there is a reasonable doubt. There is considerable doubt whether the accused had any affirmative part in the assault and battery of Salas. I believe Salas is honestly testifying to the best of his recollection, but even the judge advocate pointed out that he is a young man, and also this happened quite some time ago. I wish to invite the commission's attention to the War Department's Basic Field Manual, Rules of Land Warfare, section 347, defining the principal offenses by armed forces including "ill-treatment of inhabitants in occupied territory." The very next sentence of the section reads: "Individuals of the armed forces will not be punished for these offenses in case they are committed under the orders or sanction of their government or commanders." Now the accused testified that his commanding officer, a lieutenant, was present. The accused understands that he was ordered to do what he did. Certainly there is no dispute that what he did was sanctioned by his commanding officer who was there speaking to him right there in the room. Lizama admitted that the lieutenant was present at the time. Lizama frankly testified that there was a superior officer of the accused present. Lizama, of course, did not understand Japanese or what was said. It seems to me that the accused was ordered to do what he did, and it was so understood by the accused. Certainly, it was under the sanction and authority of the superior officer of the accused. I wish to invite the commission's attention to court martial order No. 4 of 1935, pages 14 and 15, pointing out the extent to which one may question an order, and that an army may not be a debating society. Major Sato, a witness for the defense, testified that the methods of questioning in use here are not uncommon among Japanese. The question is one of a not too refined third degree, a method, as a matter of fact, quite widely known in civilized countries. This is not a question of sympathy for the accused or lack of it. It is not a question of approval or disapproval of the methods used. It is not a question of what feelings the accused had or should have had. It is a question of the situation as it faced him. He had no alternative other than to do what he was ordered to do. Certainly there was the sanction of his superior officer as referred to in the Rules of Land Warfare, which are also quoted in Hackworth's International Law, vol. 6, page 260. Since he acted with the sanction of his superior officer, the accused cannot be found guilty of any crime.

The judge advocate made the following closing argument:

Counsel for the accused stated that as the alleged assault had happened some time ago the witness Salas might be mistaken. I think it would be more likely that the accused is the one whose memory failed in regard to this incident. The impression of being beaten by a person would remain longer with the victim than the person who gave the beating. Testimony shows that the accused did have a strap in his hand at the time of the alleged assault, and that is what Salas, the victim, said he was beaten with. Whether it was part of the

uniform for a member of the Japanese army or one attached to it, to carry a strap in his hand, I do not know, but Salas testified that he was beaten with a strap. Assuming that the accused was under orders to assault the victims and that it was an old Japanese custom to permit these assaults, that is no excuse. The one who gave the order is as guilty as the accused if there was a violation of the Penal Code of Guam. Acts of the accused cannot be higher than the right of the man who gave the order. The accused is being tried for violation of the Penal Code of Guam, which prohibits assault and battery under penalty. If the accused committed assault or battery or both on the complaining witnesses, Salas and Lisama, then he did so in violation of the law and could have been tried immediately after that time. The accused appeared to be the one who determined when he would assault his victim. There is nothing in the Penal Code of Guam which permits any person under any circumstances to commit assault and battery upon his fellow men. As a matter of mitigation the accused might have asked for clemency as the acts committed against the victims were in his defense, but this the accused did not contend, and under the testimony there was no indication that such a defense could be made. Both of the victims were civilians, and there is no law in any civilized country which would permit of such cruelty by the accused.

The accused requested permission to make an additional argument.

The commission announced that the request was granted.

The accused made the following additional argument:

I would like to quote one paragraph from the court martial order which I cited, which quotes McCall v. McDowell as follows:

"Between an order plainly legal and one palpably otherwise ----- there is a wide middle ground, where the ultimate legality and propriety of orders depends or may depend upon circumstances and conditions, of which it cannot be expected that the inferior is informed or advised. In such cases, justice to the subordinate demands, and the necessities and efficiency of the public service require, that the order of the superior should protect the inferior; leaving the responsibility where it properly belongs ---- upon the officer who gave the command."

I believe this is a situation where the accused could not be expected to be informed or advised as to the Penal Code of Guam.

The judge advocate desired to make no further argument.

The trial was finished.

The commission was cleared.

The judge advocate was recalled and directed to record the following findings:

The first specification of the charge proved in part, proved except the word and figures, "June 17", which word and figures are not proved, and for which the commission substitutes the words, "in or about the month of June", which words are proved.

The second specification of the charge proved in part, proved except the word and figures, "June 17th", which word and figures are not proved, and for which the commission substitutes the word and figure, "June 8", which word and figure are proved; and proved in part except the words, "bull whip", which words are not proved, and for which the commission substitutes the words, "fan belt", which words are proved.

And that the accused, Akiyoshi Hosakawa, is of the charge guilty.

The commission was opened, and all parties to the trial entered.

The judge advocate stated that he had no record of previous conviction.

The commission was cleared.

The judge advocate was recalled and directed to record the sentence of the commission as follows:

*The Commission, therefore, sentences him, Akiyoshi Hosakawa, to be imprisoned for a period of Teller (12) months.*

*W. T. H. Galliford*

WALTER T. H. GALLIFORD,

Colonel, U.S. Marine Corps, Senior Member,

*Robert H. Gray*

ROBERT H. GRAY,

Major, U.S. Marine Corps, Member,

*Joseph F. Walters*

JOSEPH F. WALTERS,

Lieutenant Commander, U.S. Naval Reserve, Member,

FRANCIS J. CAMPBELL, JUNIOR,

Captain, U.S. Marine Corps Reserve, Member,

*Quentin L. Johnson*

QUENTIN L. JOHNSON,

Captain, U.S. Marine Corps Reserve, Member,

*John W. Persse, Junior*

JOHN W. PERSSE, JUNIOR,

Captain, U.S. Marine Corps Reserve, Member,

*Teller Ammons*

TELLER AMMONS,

Lieutenant Colonel, Army of the U.S., Judge Advocate.

The commission then, at 11:00 a.m., adjourned to await call by the senior member.

*W. T. H. Galliford*

WALTER T. H. GALLIFORD

Colonel, U.S. Marine Corps, Senior Member,

*Teller Ammons*

TELLER AMMONS,

Lieutenant Colonel, Army of the U.S., Judge Advocate.

0363

Translation of HOSOKAWA's Statement:

Written Statement

Because I am an Army military policeman,  
I must absolutely obey the orders of my  
commander. In account of this, I beat the  
native, Manuel Tajama. This was an evil thing  
and I will not do things like the above in  
the future, please forgive me this time.

(Signed) HOSOKAWA, Akiyoshi  
September 12, 1945.

"T(1)"

0364

始末書

私に陸軍の人、憲兵に  
アラスカに絶對に隊長、  
命令の守りたるに於て、  
故に島民にアラスカに  
アラスカに此の事、  
一事にシテ

今後石、様々事に致し  
て、今度、御訂下

細川明義

昭和二十年九月十日



HEADQUARTERS,  
ISLAND COMMAND, GUAM.

October 12, 1945.

I hereby acknowledge the receipt of a copy of the record of proceedings  
of my trial by Military Commission, held September 12 to 13, 1945.

羽 義 湘 川  
AKIYOSHI HOSOKAWA

0366

1400-65-25  
(610)-wka

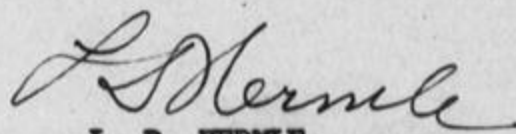
Serial No.

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.,  
San Francisco, Calif.

OCT 16 1945

The proceedings, findings, and sentence in the foregoing case of Akiyoshi Hosakawa are approved.

The Island Command Stockade, Guam, is designated as the place for the execution of so much of the sentence as relates to confinement.



L. D. HERMLE,  
Brigadier General, U. S. Marine Corps,  
The Island Commander.

-----  
Copies to: ComMarianas  
Legal Advisory Unit.  
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0367



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
WASHINGTON 25, D. C.

MR. Hosokawa, Akiyoshi/A17-20  
I (S-1-46) dmb

The proceedings, findings, and sentence in the foregoing military commission of Akiyoshi Hosokawa, and the action of the convening authority thereon, in the opinion of the Judge Advocate General, are legal.

Referred to the Chief of Naval Operations, CNO, Op22, for information and return to this office.

O. S. COLCLOUGH  
Judge Advocate General of the Navy

0368



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
WASHINGTON 25, D. C.

Mr. Hosokawa, Akiyoshi/A17-20  
I (S-1-46) dnb

The proceedings, findings, and sentence in the foregoing military commission of Akiyoshi Hosokawa, and the action of the convening authority thereon, in the opinion of the Judge Advocate General, are legal.

Referred to the Chief of Naval Operations, CNO, Op22, for information and return to this office.

O. S. COLCLOUGH  
Judge Advocate General of the Navy

0369

Cincpac File  
AL7-25

UNITED STATES PACIFIC FLEET  
AND PACIFIC OCEAN AREAS  
Headquarters of the Commander in Chief

Serial - 1217

c/o Fleet Post Office,  
San Francisco, California.

23 JAN 1946

In reviewing the record of proceedings in the foregoing case it is noted that the accused was tried before a Military Commission, an Exceptional Military Court convened by a precept dated 20 August 1945. The order for trial which contained the charge and specifications was dated 26 April 1945. In this connection attention is invited to the precepts respectively dated 13 April 1945, 16 June 1945 and 21 July 1945. Copies of these precepts are attached to this action and show that the commission convened by the precept dated 20 August 1945 was authorized and directed to take up this case as one which was then pending before a previous commission. Further the accused affirmatively stated that he had no objection to any member of the commission which tried him.

The proceedings, findings and sentence in the foregoing case of Akiyoshi Hosakawa, Japanese military, and the action of the convening authority, are approved.

*R. A. Spruance*

R. A. SPRUANCE,  
Admiral, U.S. Navy,  
Commander in Chief,  
United States Pacific Fleet  
and Pacific Ocean Areas  
and Military Governor, Guam.

To: Judge Advocate General.

Re: Record of Proceedings of Military Commission - Case of  
Akoyoshi Hosakawa.

Copy to:  
IsCom GUAM  
Com MARIANAS

0370

1400-65-5  
(610)-mka

Serial No. 14526

In reply address:  
The Island Commander,  
Navy #926, 8/0 F.P.O.  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM,

20 August 1945.

From: The Island Commander.  
To: Colonel Walter T. H. GALLIFORD, U. S. Marine Corps.  
Subject: Precept convening Military Commission of Guam.  
Reference: (a) Proclamation No. 4, Military Government of Guam.

1. Pursuant to the authority vested in me by Fleet Admiral Chester W. Nimitz, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Governor of Guam, a military Commission is hereby ordered to convene at Agana, Guam, on the 20th day of August 1945, or as soon thereafter as practicable, for the trial of such persons as may legally be brought before it.

2. The commission will be constituted as follows:

Colonel Walter T. H. GALLIFORD, U. S. Marine Corps, senior member,  
Major Harry S. POPPER, Junior, U. S. Marine Corps Reserve,  
Major Robert H. GRAY, U. S. Marine Corps,  
Captain Francis J. CAMPBELL, Junior, U. S. Marine Corps Reserve,  
Captain Quentin L. JOHNSON, U. S. Marine Corps Reserve,  
Captain John W. PHEESE, Junior, U. S. Marine Corps Reserve,  
Lieutenant George W. DEAN, U. S. Naval Reserve, members,  
any five of whom are empowered to act, and of  
Lieutenant Colonel Teller AMMONS, Army of the United States, judge  
advocate.

3. This commission is hereby authorized and directed to take up such cases, if any, as may be now pending before the military commission of which Colonel Walter T. H. GALLIFORD, U. S. Marine Corps, is senior member, convened by my precept of July 21, 1945, except such cases the trial of which may have been commenced.

4. The commission shall be competent to try all offenses within the jurisdiction of the Exceptional Military Courts, including offenses in violation of the Penal Code of Guam, and to impose any lawful punishment.

5. Power of adjournment is inherent in the commission, and adjourned sessions may be held at such times and such places as the commission may determine.

6. You will inform the members and judge advocate that they will continue on Military Commission duty under their previous orders.

/s/HENRY L. LARSEN,  
HENRY L. LARSEN,  
Major General, U. S. Marine Corps,  
The Island Commander.

COPY

0371

BEST COPY AVAILABLE

1400-50  
(610)-wka  
Serial No. 12664

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.,  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

21 July 1945.

From: The Island Commander.  
To : Colonel Walter T. H. Galliford, U.S. Marine Corps.  
Subject: Precept convening Military Commission of Guam.  
Reference: (a) Proclamation No. 4, Military Government of Guam.

1. Pursuant to the authority vested in me by Fleet Admiral Chester W. Nimitz, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Governor of Guam, a Military Commission is hereby ordered to convene at Agaña, Guam, on the 23rd day of July 1945, or as soon thereafter as practicable, for the trial of such persons as may legally be brought before it.

2. The Commission will be constituted as follows:

Colonel Walter T.H. Galliford, U.S. Marine Corps, senior member,  
Major Foster H. Krug, U.S. Marine Corps Reserve,  
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,  
Lieutenant Joseph B. O'Connell, U.S. Naval Reserve,  
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,  
Captain Alfred J. Dickinson, Junior, U.S. Marine Corps Reserve,  
Lieutenant George W. Dean, U.S. Naval Reserve, Members  
any five of whom are empowered to act, and of  
Lieutenant Colonel Teller Ammons, Army of the United States,  
Judge advocate.

3. This commission is hereby authorized and directed to take up such cases, if any, as may be now pending before the military commission of which Colonel Walter T. H. Galliford, U.S. Marine Corps, is senior member, convened by my precept of June 16, 1945, except such cases the trial of which may have been commenced.

4. This commission shall be competent to try all offenses within the jurisdiction of the Exceptional Military Courts, including offenses in violation of the Penal Code of Guam, and to impose any lawful punishment.

5. Power of adjournment is inherent in the commission, and adjourned sessions may be held at such times and such places as the commission may determine.

6. You will inform the members and judge advocate that they will continue on Military Commission duty under their previous orders.

/s/ HENRY L. LARSEN,  
Major General, U.S. Marine Corps,  
The Island Commander.

0372

1400-50  
(610)-wka

Serial No. 10450

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.  
San Francisco, Calif.

HEADQUARTERS  
ISLAND COMMAND, GUAM.

16 June 1945.

**From:** The Island Commander.  
**To :** Colonel Walter T. H. GALLIFORD, U. S. Marine Corps.  
**Subject:** Precept convening Military Commission of Guam.  
**Reference:** (a) Proclamation No. 4, Military Government of Guam.

1. Pursuant to the authority vested in me by Fleet Admiral Chester W. Nimitz, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Government of Guam, a Military Commission is hereby ordered to convene at Agana, Guam, on the 18th day of June 1945, or as soon thereafter as practicable, for the trial of such persons as may legally be brought before it.

2. The commission will be constituted as follows:

Colonel Walter T. H. GALLIFORD, U. S. Marine Corps,  
Senior member,  
Major Foster H. KRUG, U. S. Marine Corps Reserve,  
Major Samuel A. GARDNER, U. S. Marine Corps Reserve,  
Lieutenant Roland GRIMM, U. S. Naval Reserve,  
Captain Quentin L. JOHNSON, U. S. Marine Corps Reserve,  
Captain Alfred J. DICKINSON, Junior, U. S. Marine Corps Reserve,  
Lieutenant George W. DEAN, U. S. Naval Reserve, members,  
any five of whom are empowered to act, and of  
Lieutenant Colonel Teller AMMONS, Army of the United States, judge advocate.

3. This commission is hereby authorized and directed to take up such cases, if any, as may be now pending before the military commission of which Colonel Walter T. H. GALLIFORD, U.S. Marine Corps, is senior member, convened by my precept of April 13, 1945, except such cases the trial of which may have been commenced.

4. This commission shall be competent to try all offenses within the jurisdiction of the Exceptional Military Courts, including offenses in violation of the Penal Code of Guam, and to impose any lawful punishment.

5. Power of adjournment is inherent in the commission and adjourned sessions may be held at such times and such places as the commission may determine.

6. You will inform the members and judge advocate that they will continue on Military Commission duty under their previous orders.

HENRY L. LARSEN,  
Major General, U. S. Marine Corps,  
The Island Commander.

0373



1400-30-65  
(610)-jam

Serial No. 6995

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.,  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

April 13, 1945.

From: The Island Commander.  
To: Colonel Walter T. H. Galliford, U. S. Marine Corps.  
Subject: Precept convening Military Commission of Guam.  
Reference: (a) Proclamation No. 4, Military Government of Guam.

1. Pursuant to the authority vested in me by Admiral of the Fleet Chester W. Nimitz, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Governor of Guam, a Military Commission is hereby ordered to convene at Agaña, Guam, on the 16th day of April, 1945, or as soon thereafter as practicable, for the trial of such persons as may legally be brought before it.

2. The commission will be constituted as follows:

Colonel Walter T. H. Galliford, U. S. Marine Corps, senior member,  
Lieutenant Colonel George E. Congdon, U. S. Marine Corps Reserve,  
Major Foster H. Krug, U. S. Marine Corps Reserve,  
Major Richard P. Rice, U. S. Marine Corps Reserve,  
Major Samuel A. Gardner, U. S. Marine Corps Reserve,  
Lieutenant Commander Avery W. Thompson, U. S. Naval Reserve,  
Lieutenant Commander Ralph L. Coffelt, U. S. Naval Reserve, members,  
any five of whom are empowered to act, and of  
Lieutenant Colonel Teller Ammons, Army of the United States, judge  
advocate.

3. This commission is hereby authorized and directed to take up such cases, if any, as may be now pending before the military commission of which Colonel Walter T. H. Galliford, U. S. Marine Corps, is senior member, convened by my precept of January 19, 1945, except such cases the trial of which may have been commenced.

4. This commission shall be competent to try all offenses within the jurisdiction of the Exceptional Military Courts, including offenses in violation of the Penal Code of Guam, and to impose any lawful punishment.

5. Power of adjournment is inherent in the commission, and adjourned sessions may be held at such times and such places as the commission may determine.

6. You will inform the members and judge advocate that they will continue on Military Commission duty under their previous orders.

ROBERT BLAKE,  
Brigadier General, U. S. Marine Corps,  
The Island Commander.

COPY

0374

1400-30-65  
(610)-jmm

Serial No. 6995

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.,  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

April 13, 1945.

From: The Island Commander.  
To: Colonel Walter T. H. Galliford, U. S. Marine Corps.  
Subject: Precept convening Military Commission of Guam.  
Reference: (a) Proclamation No. 4, Military Government of Guam.

1. Pursuant to the authority vested in me by Admiral of the Fleet Chester W. Nimitz, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Governor of Guam, a Military Commission is hereby ordered to convene at Agaña, Guam, on the 16th day of April, 1945, or as soon thereafter as practicable, for the trial of such persons as may legally be brought before it.

2. The commission will be constituted as follows:

Colonel Walter T. H. Galliford, U. S. Marine Corps, senior member,  
Lieutenant Colonel George E. Congdon, U. S. Marine Corps Reserve,  
Major Foster H. Krug, U. S. Marine Corps Reserve,  
Major Richard P. Rice, U. S. Marine Corps Reserve,  
Major Samuel A. Gardner, U. S. Marine Corps Reserve,  
Lieutenant Commander Avery W. Thompson, U. S. Naval Reserve,  
Lieutenant Commander Ralph L. Coffelt, U. S. Naval Reserve, members,  
any five of whom are empowered to act, and of  
Lieutenant Colonel Teller Ammons, Army of the United States, judge  
advocate.

3. This commission is hereby authorized and directed to take up such cases, if any, as may be now pending before the military commission of which Colonel Walter T. H. Galliford, U. S. Marine Corps, is senior member, convened by my precept of January 19, 1945, except such cases the trial of which may have been commenced.

4. This commission shall be competent to try all offenses within the jurisdiction of the Exceptional Military Courts, including offenses in violation of the Penal Code of Guam, and to impose any lawful punishment.

5. Power of adjournment is inherent in the commission, and adjourned sessions may be held at such times and such places as the commission may determine.

6. You will inform the members and judge advocate that they will continue on Military Commission duty under their previous orders.

ROBERT BLAKE,  
Brigadier General, U. S. Marine Corps,  
The Island Commander.

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ALY-25

UNITED STATES PACIFIC FLEET  
AND PACIFIC OCEAN AREAS  
Headquarters of the Commander in Chief

Serial 1217

c/o Fleet Post Office,  
San Francisco, California.

23 JAN 1946

In reviewing the record of proceedings in the foregoing case it is noted that the accused was tried before a Military Commission, an Exceptional Military Court convened by a precept dated 20 August 1945. The order for trial which contained the charge and specifications was dated 26 April 1945. In this connection attention is invited to the precepts respectively dated 13 April 1945, 16 June 1945 and 21 July 1945. Copies of these precepts are attached to this action and show that the commission convened by the precept dated 20 August 1945 was authorized and directed to take up this case as one which was then pending before a previous commission. Further the accused affirmatively stated that he had no objection to any member of the commission which tried him.

The proceedings, findings and sentence in the foregoing case of Akiyoshi Hosokawa, Japanese military, and the action of the convening authority, are approved.

R. A. SPENCE,  
Admiral, U.S. Navy,  
Commander in Chief,  
United States Pacific Fleet  
and Pacific Ocean Areas  
and Military Governor, Guam.

To: Judge Advocate General.

Re: Record of Proceedings of Military Commission - Case of  
Akiyoshi Hosokawa.

Copy to:  
1cCen GUAM  
Cen MARIANAS

0376

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100-65  
(60)-422

Serial No.

19738

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

In reply address  
The Island Commander,  
Naval Station, c/o P.O.,  
San Francisco, Calif.

NOV 14 1945

From: The Island Commander.  
To: The Secretary of the Navy (Office of the Judge Advocate  
General).  
Via: The Commander in Chief, U. S. Pacific Fleet and Pacific  
Ocean Areas.

Subject: Records of proceedings of Military Commission.

Enclosures (A) Samuel W. Shinohara, case of.  
(B) Akiyoshi Hasekura, case of.  
(C) Kenzo Kawachi, case of.  
(D) Jose C. Cabrera, case of.  
(E) Hirose Ogawa, case of.  
(F) Koju Shaji and Kiyoshi Takahashi, case of.  
(G) Domingo A. Quintanilla, case of.  
(H) Ltr. IsCom to SecNav, serial 19311, dtd. 5Nov45.

1. The enclosures are forwarded for information and such  
action as may be deemed appropriate.

2. These enclosures were previously forwarded via official  
channels on the dates set forth below but were returned to this command  
on November 5, 1945 by messenger with oral instructions to omit Commander  
Marianas from the routing and only to send a copy to that command for  
information.

Date forwarded to Commander.

Enclosure (A)	October 13, 1945.
Enclosure (B)	October 18, 1945.
Enclosure (C)	October 25, 1945.
Enclosure (D)	October 25, 1945.
Enclosure (E)	October 29, 1945.
Enclosure (F)	October 30, 1945.
Enclosure (G)	November 2, 1945.
Enclosure (H)	November 5, 1945.

L. B. KIMBLE.

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0377

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1400-65-25  
(610)-jgs

Serial No. 18289

In reply address:  
The Island Commander,  
Navy #926, C/O F.P.O.,  
San Francisco, Calif.

HEADQUARTERS,  
ISLAND COMMAND, GUAM.

October 18, 1945.

From: The Island Commander.  
To : The Secretary of the Navy (Office of the Judge Advocate  
General).  
Via : (1) Commander Marianas.  
(2) CinePas.

Subject: Record of proceedings of Military Commission, case of  
Akiyoshi Hosokawa.

Enclosure: (A) Record of proceedings.

1. Enclosure (A) is forwarded for information and such  
action as may be deemed appropriate.

L. D. HERMLE,  
Brigadier General, U. S. Marine Corps,  
The Island Commander.

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0378

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NAVY DEPARTMENT  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
Washington 25, D. C.

Op 223-233-  
Serial No. 60422

13 May 1946

**FIRST MEMORANDUM** on  
Office of JAG Record of Proceedings, MM-Sabrosa, Jose G./A17-20  
I (5-14-46) con; MM-Hosokawa, Akiyoshi/A17-20 I (5-1-46) sub;  
MM-Ogawa, Hirose/A17-20 I (5-1-46) sub and MM-Kawachi, Kanse/A17-  
20 I (5-1-46) sub dated 7 May 1946.

**From:** Chief of Naval Operations.  
**To:** Judge Advocate General.

**Subject:** Record of Proceedings of Military Commission at  
Agaña, Guam in the cases of SABROSA, Jose G.;  
HOSOKAWA, Akiyoshi; OGAWA, Hirose and KAWACHI,  
Kanse.

1. Returned.

/s/

V. F. JENNINGS,  
By direction

FINISHED FILE

0379



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
WASHINGTON 25, D. C.

MM-Hosokawa, Akiyoshi/A17-20  
I (5-1-46) dmb

1 MAY 1946

The proceedings, findings, and sentence in the foregoing military commission of Akiyoshi Hosokawa, and the action of the convening authority thereon, in the opinion of the Judge Advocate General, are legal.

Referred to the Chief of Naval Operations, CNO, Op22, for information and return to this office.

O. S. COLCLOUGH  
Judge Advocate General of the Navy

FINISHED FILE

0380