

DECLASSIFIED

Authority: NND 760050 (1945-1949)

By: NARA NARA Date: 1976

KYOMON MIWA (20 SEP 1945)

(140600)

0002

Kyomon, Miwa

140600

Enclosure (A)

0003

1400-50-50
(610)-wka

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

13 October 1945.

EXCEPTIONAL MILITARY COURT)

ORDER NUMBER. 9-45) Military Commission Case of
Kyomon Miwa

1. On 20 September 1945, Kyomon Miwa, detained in the Island Command Stockade, Guam, was tried by the Military Commission at Agaña, Guam, by order of the Island Commander, on the following charge and specification:

CHARGE: Assault and Battery. (1 specification - striking a civilian).

FINDINGS: The specification of the charge proved by plea. And that the accused, Kyomon Miwa, is of the charge guilty.

SENTENCE: The Commission, therefore, sentences him, Kyomon Miwa, to be imprisoned for a period of six (6) months.

2. On 12 October 1945, the convening authority took the following action:

"The proceedings, findings, and sentence in the foregoing case of Kyomon Miwa 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."

BY COMMAND OF BRIGADIER GENERAL HERMLE:

J. M. ARTHUR,
Colonel, U. S. Marine Corps,
Chief of Staff,

DISTRIBUTION: "A", "B", and "D".

OFFICIAL

Certified duplicate of Order Number 9-45, in the Military Commission case of Kyomon Miwa.

J. P. Evans
J. P. EVANS,
Capt., USMC,
Adjutant.

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

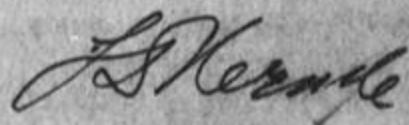
Entire (B)

0004

Case of
Kyomon Miwa
20 September 1945

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

Certified duplicate of the record of proceedings of the Military Commission
in the case of Kyomon Miwa and of the action of the convening authority
thereon.



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

Copy furnished.

140600

0005

1400-65-5
(610)-wica

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.

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

A true copy. Attest:

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

"A"

0006

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 my precept of 20 August 1945, vice Lieutenant
George W. Dean, U. S. Naval Reserve, hereby relieved.

/s/HENRY L. LARSEN,
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,
Lieutenant Colonel, Army of the U.S.,
Judge Advocate.

"B"

0007

1400-65-5
(610)-wka

Serial No. 16353

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

19 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. Captain Russell S. LaPointe, U. S. Marine Corps Reserve, is hereby appointed a member of the Military Commission of which you are senior member, convened by my precept of 20 August 1945, vice Captain Francis J. Campbell, Junior, U. S. Marine Corps Reserve, hereby relieved.

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

Copies to: Captain Russell S. LaPointe, USMCR, 5th Service Depot.
Captain Francis J. Campbell, Jr., USMCR, 5th Service Depot.
Lieutenant Colonel Teller Ammons, AUS, Judge Advocate,
Military Commission, Military Government.
G-1 Section, Island Command.

A true copy. Attest:

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

"C"

0008

1400-65-5
(610)-wka

Serial No. 16199

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

17 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 Edward Stanwood III, U. S. Naval Reserve, is hereby appointed a member of the Military Commission of which you are senior member, convened by my precept of 20 August 1945, vice Lieutenant Commander Joseph F. Walters, U. S. Naval Reserve, hereby relieved, except for such cases, the trial of which has been commenced.

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

Copies to: Lieutenant Commander Joseph F. Walters, USNR, Military
Government.
Lieutenant Edward Stanwood III, 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,
Lieutenant Colonel, Army of the U.S.,
Judge Advocate.

"B"

0009

1400-50-50
(610)-wka

Serial No. 12668

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

20 July 1945.

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

Subject: Charge and specification in the case of Kyomon Miwa, a
detainee of Guam.

1. The subject named man will be tried before the Military Commission, convened by my precept of June 16, 1945, of which you are judge advocate, upon the following charge and specification. 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 AND BATTERY.

Specification

In that Kyomon Miwa, detained in the Island Command Stockade, Guam, did, in or about the month of November 1942, at or near Asan, Guam, wilfully, maliciously, and without justifiable cause, assault, strike, and beat with a club one Maria C. Siguenza, an inhabitant of Guam; the United States then being in a state of war.

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

"E"

0010

1400-50-10
(610)-wka

Serial No.

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

20 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 specification preferred by me against Kyomon Miwa in the following particulars: In the second and third lines of the specification change the words and figures "November 1942" to "April 1943".

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

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

spn

0011

First Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Thursday, 20 September 1945.

The commission met at 9:45 a.m.

Present:

Colonel Walter T. H. Galliford, U.S. Marine Corps,
Major Harry S. Popper, Junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Russell S. LaPointe, U.S. Marine Corps Reserve,
Lieutenant Edward Starwood III, U.S. Naval Reserve,
Captain John W. Perse, 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 Joaquin C. Perez, civilian, as reporter,
and Isabel Perez 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., U.S. Navy,
act as interpreter for him and his counsel. Lieutenant Bakewell and Cris-
tobal 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 modifications,
copies prefixed marked "B", "C" and "D".

The judge advocate did not object to any member.

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 speci-
fication preferred against him on 23 July, 1945.

The judge advocate read a letter from the convening authority, prefixed
marked "F", authorizing and directing him to make a change in the specifica-
tion, 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 specification.

The accused replied in the affirmative, and stated that he objected to
the charge and specification on the ground that the specification did not
show on its face that the accused was at the time of the commission of the
offense an inhabitant of a district or territory under the jurisdiction of
the Military Government of the United States.

The judge advocate made no reply.

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 specification 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 specification on the ground that the accused is a Civilian Internee 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; nor 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. I do, Kyomon Miwa.

Examined by the accused:

3. Q. Have you consulted the records of the Island Command Stockade with regards to the accused?
A. I have.
4. Q. What is the status of the accused?
A. Civilian Internee.
5. Q. Are prisoners of war kept in the same stockade?
A. They are.
6. Q. When did the accused enter the stockade?
A. 6 January 1945.
7. Q. Does your record show the nationality of the accused?
A. It does, Japanese.

Examined by the commission:

8. Q. Then the fact that prisoners of war happen to be confined in the same stockade has nothing to do with their status, is that it?
A. That is right.

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 in bar of trial to the charge and specification 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 specification, original prefixed marked "E", and arraigned the accused as follows:

Q. Kyoumon Miwa, you have heard the charge and specification preferred against you; how say you to the specification of the charge, guilty or not guilty?

A. Guilty.

Q. And to the charge, guilty or not guilty?

A. Guilty.

The accused was duly warned as to the effect of his pleas.

The accused persisted in his pleas.

The prosecution offered no evidence.

The defense offered no evidence.

The trial was finished.

The judge advocate was directed to record the following findings:

The specification of the charge proved by plea.

And that the accused, Kyoumon Miwa, is of the charge guilty.

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

Examined by the judge advocate:

1. Q. Are you the accused in this case?
A. Yes, sir.

Examined by the accused:

2. Q. After this episode to which you have pleaded guilty, did you make a report to anybody?

A. Right after the incident happened I brought the child to the hospital and had it cured. After I brought the child home I went over to the Menseibu Department and reported to the superintendent of teachers that this afternoon a certain incident has happened. So I did the reporting myself.

3. Q. By kid, do you mean the person who was struck?

A. Yes, that was the child I struck.

4. Q. What happened at the Menseibu?

A. After reporting this to the superintendent, he told me that since I had done the thing we can't help it, but from then on, in school hours or in the classroom, he doesn't want anything to happen again as such, and to be sure I don't hurt any more children from then on.

5. Q. Was anything further done to you as a result of this?

A. After the talk with the superintendent I left and went home. Nothing happened that day.

6. Q. On some later date did something happen as a result of this?

A. About seven days later after reporting this to the Menseibu I was summoned by the Army Medical Department. When I arrived I was asked different questions in which the questions were of the punishment of the child concerned. So after the questioning a soldier came over and told me different sorts of things and then told me again that no matter where, beating a child is not the rule or regulation. So right after that he immediately struck my head, and by his striking I received a bad wound on the back of my head in return for the same punishment I gave to the child.

7. Q. As a result of this, did you go to the hospital?

A. As a result of the beating I had on the head, I had to go to the hospital once a day for three weeks.

8. Q. Was this done to you as punishment for striking the child?

A. Yes.

9. Q. Did you have any court trial before this punishment?

A. No, sir.

10. Q. How long have you been in the stockade?

A. About nine months.

11. Q. You are a civilian internee?

A. Yes, sir.

12. Q. Do you ask this commission to be lenient with you because you feel you have been punished by the Japanese for this offense?

A. Since I received the punishment, also on account of the thing I did, I wish the court would put me under consideration.

Cross-examined by the judge advocate:

13. Q. What was your occupation during the time of this incident?

A. School teacher.

Examined by the commission:

14. Q. What was the reason for striking the child?

A. The incident happened outside the schoolroom. We were out in the rice paddies cleaning up the parasites. So during working hours, I told half of the children to go on the right and the other half to the left side.

Work had started already, and I happened to notice that they were not doing their work. Some of them were giggling, some were talking and doing some eating. So for a while they stopped and worked. I told them three or four times to concentrate on their work. So a certain child happened to be close to my side, who doesn't seem to listen to me. I told her twice to stop eating. I think she was eating a mangoe, but she did not take my word. So I hit her on the head lightly, then I asked her whether that would make her listen to my orders. Much to my surprise I saw that her head was bleeding, but I never had any intention of hitting the child's head enough for a wound to appear, but just merely to show her she must obey my rules.

15. Q. How long have you been a school teacher and where did you teach?

A. I have been a school teacher in Japan up until 1943. I have been teaching for 15 years.

16. Q. Is the child you have testified about the same person as Maria C. Siguensa?

A. Yes, sir.

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

The witness made the following statement:

Since beating the child, I feel guilty myself, and through that report I had my head beaten twice as bad, in which I had four stitches to shut up the wound. I was teaching in Umatac before I was transferred to Asan, and I found there were a bunch of good children over at Umatac and never thought the thing could have happened like that at Asan, and also on account of this incident I was immediately transferred to Agana School. That is all I wish to say.

The witness resumed his status as accused.

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:

WALTER T.H. GALLIFORD.
Colonel, U.S. Marine Corps, Senior Member,

HARRY S. POPPER, JUNIOR.
Major, U.S. Marine Corps Reserve, Member,

ROBERT H. GRAY.
Major, U.S. Marine Corps, Member,

QUENTIN L. JOHNSON.
Captain, U.S. Marine Corps Reserve, Member,

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

EDWARD STANWOOD III.
Lieutenant, U.S. Naval Reserve, Member,

JOHN W. PERSSE, JUNIOR.
Captain, U.S. Marine Corps Reserve, Member,

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

The commission then, at 11:30 a.m., adjourned to await call by the senior member.

WALTER T.H. GALLIFORD.
Colonel, U.S. Marine Corps, Senior Member,

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

0017

HEADQUARTERS,
ISLAND COMMAND, GUAM.

11 October 1945.

I hereby acknowledge the receipt of a copy of the record of proceedings
of my trial by Military Commission, held September 20, 1945.

KYOMON MIWA

0018

10/11.

File

1400-65-25
(610)-ska

Serial No.

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

OCT 12 1945

The proceedings, findings, and sentence in the foregoing case of Kyomon Miwa 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.

0019

811 P 22

CONFIDENTIAL
UNCLASSIFIED

Action

Description: JAG record of Proceedings of
Kyomon Miwa Date Rec'd 11 July

Subject: Case against Kyomon Miwa

To:	Name	Initials	Rec'd	Completed
3)	Jennings	WJ	12	12
1)	Gross	PG	11	
2)	Moreland (A)			

Action Due Date: 15 July

Remarks:

Signed, OAS _____

Signed, CNO _____

Serial No. _____

File No. _____
(and remarks)

Delivered By:

24



In reply refer to Initials
and No.

Op22D-FLF
Serial No. 848P22

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



13 JUL 1946

FIRST ENDORSEMENT on
Office of JAG Record of
Proceedings,
MM-MIWA, Kyomon/A17-20
I (5-31-46) vll dated
10 July 1946.



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

Subject: Record of Proceedings of Military Commission
at Guam in the case of Kyomon Miwa.

1. Returned.

W. F. Jennings
W. F. Jennings
By direction.

FINISHED FILE *cat*

0021

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GEN.

AND REFER TO

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

MM-Miwa, Kyomon/A17-20
I (5-31-46) v11

30 JUL 1946

The proceedings, findings and sentence in the foregoing military commission of Kyomon Miwa, a civilian of Guam, 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 (22) for information and return to this office.

JUL 13 1946 PM



O. S. Colclough
O. S. COLCLOUGH
Judge Advocate General of the Navy

7 13 80

RECEIVED
NAVY DEPARTMENT
EXOS - ROUTINE SECTION

11 JUL 1946

0023

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GEN.

AND REFER TO

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

MM-Niwa, Kyomon/A17-20
I (5-31-46) VII

10 JUL 1946

The proceedings, findings and sentence in the foregoing military commission of Kyomon Niwa, a civilian of Guam, 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 (22) for information and return to this office.

O. S. COLCLOUGH
Judge Advocate General of the Navy

7 13 80

0024

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GENERAL

AND REFER TO

MM-Niwa, Kyomon/A17-20
I (5-31-46) v11

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

10 JUL 1946

10 JUL 1946

The proceedings, findings and sentence in the foregoing military commission of Kyomon Niwa, a civilian of Guam, 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 (22) for information and return to this office.

O. S. COLCLOUGH
Judge Advocate General of the Navy

0025

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GENERAL

AND REFER TO

MM-Miwa, Kyomon/A17-20
I (5-31-46) v11

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

20 JUL 1946

The proceedings, findings and sentence in the foregoing military commission of Kyomon Miwa, a civilian of Guam, 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 (22) for information and return to this office.

O. S. COLCLOUGH
Judge Advocate General of the Navy

0026

1400-65
LBR-jam



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

MAY 13 1946

Serial No. 3636

From: The Island Commander.
To : The Judge Advocate General, Navy Department, Washington 25,
D. C.

Subject: Record of proceedings of the Military Commission in the case
of Kyomon Miwa, tried at Agana, Guam.

Reference: (a) Ltr JAG to IsCom, Navy #926, dtd 2May46.

Enclosures: (A) Certified duplicate of record of proceedings in subject
case and action of convening authority thereon.
(B) Certified duplicate of Order Number 9-45, in the Military
Commission case of Kyomon Miwa.

1. Enclosure (A) is forwarded in accordance with request contained
in above reference.

2. Enclosure (B) is also forwarded for reference. No duplicate
of the sentence adjudged in subject case is available on this island.

3. Attention is invited to the fact that Kyomon Miwa has completed
serving his sentence as adjudged, and approved by the convening authority.

7 13 80

L. D. Hermlé
L. D. HERMLE.



0027

1400-65
LBR-jam

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

3636

HEADQUARTERS,
ISLAND COMMAND, GUAM.

MAY 13 1946

Serial No.

From: The Island Commander.
To : The Judge Advocate General, Navy Department, Washington 25,
D. C.

Subjects: Record of proceedings of the Military Commission in the case
of Kyomon Miwa, tried at Agana, Guam.

References: (a) Ltr JAG to IsCom, Navy #926, dtd 2May46.

Enclosures: (A) Certified duplicate of record of proceedings in subject
case and action of convening authority thereon.
(B) Certified duplicate of Order Number 9-45, in the Military
Commission case of Kyomon Miwa.

1. Enclosure (A) is forwarded in accordance with request contained
in above reference.

2. Enclosure (B) is also forwarded for reference. No duplicate
of the sentence adjudged in subject case is available on this island.

3. Attention is invited to the fact that Kyomon Miwa has completed
serving his sentence as adjudged, and approved by the convening authority.

7 13 80

L. D. HERMLE.

0028

1400-65
LBB-jam

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Serial No. 3086

MAY 13 1946

From: The Island Commander.
To : The Judge Advocate General, Navy Department, Washington 25,
D. C.

Subject: Record of proceedings of the Military Commission in the case
of Kyomon Miwa, tried at Agana, Guam.

Reference: (a) Ltr JAG to IsCom, Navy #926, dtd 2May46.

Enclosures: (A) Certified duplicate of record of proceedings in subject
case and action of convening authority thereon.
(B) Certified duplicate of Order Number 9-45, in the Military
Commission case of Kyomon Miwa.

1. Enclosure (A) is forwarded in accordance with request contained
in above reference.

2. Enclosure (B) is also forwarded for reference. No duplicate
of the sentence adjudged in subject case is available on this island.

3. Attention is invited to the fact that Kyomon Miwa has completed
serving his sentence as adjudged, and approved by the convening authority.

7 13 80

L. D. HERMLE.

0029

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GEN.

AND REFER TO

JAG: I: HMF: dmb
Mil. Com. - Niua, Kyomon/
ALY-30

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

2 - MAY 1946

To: The Island Commander, Navy #926.
Subj: Record of proceedings of the Military Commission
in the case of Kyomon Niua, tried at Agaña, Guam.
Ref: (a) JAG ltr JAG: I: PVD: dmb, dated 2 January 1946.
(b) Your despatch 282300Z/April.
Encl: (A) Copy of reference (a).

1. The record of proceedings in the case of the subject named man was received in the Navy Department (Office of the Judge Advocate General) on 9 November 1945 and on 2 January 1946 was returned by mail to the Island Commander, Navy #926, as an enclosure to reference (a).

2. Reference (b) indicated that the subject record of proceedings was not on Guam and a search of the files of the Navy Department failed to disclose further information as to its present whereabouts.

3. It is, therefore, requested that a certified duplicate of the record of proceedings in this case and the action of the convening authority thereon, be forwarded to this office.

O. S. COLCLOUGH
Judge Advocate General of the Navy

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0030

NSS V NPG NR 2741

T A DIVA ARON 252300Z NOV 45 35 01

FM ISCOM GUAM 252300Z /MJ
TO SECNAV

REUR 231345Z NO REPEAT FOR EXAMINE FOUND IN COPY OF RECORD
MILITARY COMMISS ION CASE HYDRAUN RIVA SINCE ORIGINAL RECORD
WA FORWARDED NAVI DEPT IN OCT 1945 X JAN LTR OF 2 JAN 46
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BEST COPY AVAILABLE

N' 'AL COMMUNICATION SYS' 'M

DRAFTED BY	FILE NR.	ROOM NR.	EXT. NR.
Colt J.C. Delpino, USN(Ret)	Mil. Com. - Niwa, Kyomon /	3348	2019
RELEASER BY	DATE		
Colonel J. Snedaker, U.S.M.C.	JAG: I: JCD: dmh	25 April 1946	

Please leave this space clear

FROM: SEONAV (JAG) WASH DC

**TO: THE ISLAND COMMANDER
NAVY #926**

INFO:

(dispatch group) (GCT)
231390

PRECEDENCE

- PRIORITY
- ROUTINE
- DEFERRED
- NIGHT LETTER

UNLESS CLASSIFIED
RESTRICTED
WILL BE CLASSIFIED
PLAIN

Unless otherwise indicated, this dispatch will be transmitted with Deferred Precedence.

TEXT:

**REF JAG LTR OF 2 JAN 1946 X RECORD MILITARY COMMISSION CASE
KYOMON NIWA NOT RETURNED NAVY DEPARTMENT X REQUEST RECORD BE
TRACED X**

0032

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GENERAL

AND REFER TO

JAGVT:PTD:cmh

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



2 Jan. 1946

To: The Island Commander, Navy #925. *4-110 San Francisco*

Subj: Record of Proceedings of the Military Commission
in the case of Eymon Niva, tried at Agaña, Guam.

Ref: (a) Naval Courts and Boards, sec. B-18.

1. The record of proceedings in the case of the subject named man is returned with the request that it be forwarded to the Commander-in-Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Governor of Guam, for his action in accordance with reference (a).

By direction of the Judge Advocate General.

JAMES SHEDDEN
Colonel, U.S.N.C.

Encl:

1. Record of proceedings.

22 4/10

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