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Authority: NND 760050 (1945-1949)

By: NARA **NARA Date:** 1976

TADAO IGAWA

(8 FEB 1946)

(158039)

0675

ORIGINAL FOR
THE SECRETARY OF THE NAVY
(OFFICE OF THE JUDGE ADVOCATE GENERAL)

RECEIVED
26 JUN 1947

OFFICE OF JUDGE
ADVOCATE GENERAL
G.C.M. SECTION

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158039

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ENCLOSURE (4)

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

Serial - 4623

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


20 APR 1946

The record of proceedings in the foregoing case of Tadao IGAWA, shows that the accused was tried before a Military Commission, properly convened by the Island Commander Guam as an exceptional military court by precept dated January 26, 1946. The order for trial, containing the charge and specification, was issued January 29, 1946, and a copy thereof was delivered to the accused 2 February 1946. The accused made no objection to any member of the commission.

The accused took the stand and admitted executing Vicente Lizama whose murder was alleged in the specification. In defense, he pleaded that his act was done pursuant to the order of his commanding officer. The command of a superior neither justifies nor excuses an unlawful act (Clark and Marshall, The Law of Crime, 4th ed., sec. 71, n.310; CMO 212, 1919, 5; CMO 4, 1929, 19).

Subject to the above remarks, the proceedings, findings and sentence in the foregoing case of Takao IGAWA, and the action of the convening authority thereon, are approved.

Prior to the execution of the death sentence adjudged in this case the record is, in conformity with section D-14, Naval Courts and Boards 1937, respectfully referred to the Secretary of the Navy.


J. H. TOWERS,
Admiral, U.S. Navy,
Commander in Chief,
United States Pacific Fleet
and Pacific Ocean Areas,
and Military Governor
of the Pacific Ocean Areas.

To: Judge Advocate General.

Re: Record of proceedings of a military commission in the case of Tadao IGAWA.

Copy to:
IsComGUAM

0678

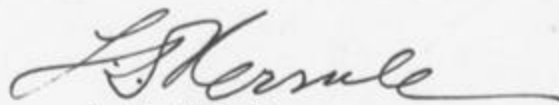
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(502)-jam

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

MAR 21 1946

The proceedings, finding, and sentence of the military commission in the foregoing case of Tadao Igawa, an inhabitant of Guam, are approved, and prior to the execution of the sentence, in conformity with section D-14, Naval Courts and Boards 1937, the record is respectfully referred to the Secretary of the Navy.



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

0679

Case of
Tadao Igawa
February 8, 1946

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

Copy furnished:
Tadao Igawa

0680

Tadao Igawa
Trial by Military Commission
in the
Municipality of Agana, Guam

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TESTIMONY

Name of Witness	Direct and Redirect	Cross and Recross	Commission
Prosecution			
Jose P. Villagomez, civilian	11,16	17	---
Vicente Q. Lizama, civilian	17,19	18,19	19
Soledad Lizama Concepcion, civilian	20,22	22	22
Pedro S. Leon Guerrero, civilian	22,23	23,24	24
Nicolas T. Sablan, civilian	24,27	27,28	28
Walton W. Hall, 2nd Lt., USMCR	28,29		---
Calvin W. Dunbar, Sgt., USMCR	29,30	30	---
Defense			
Akiooshi Hosokawa, Sgt.Maj., Imp.Jap.Army	31,32 33,34 38	34,37 39	---
Accused	39,40 41	41,42	42,43

EXHIBITS

Exhibit	Character of	Admitted in Evidence
1	Confession of accused in English	28
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0681

1400-65-5
(602)-RBR-jam

Serial No. 1084

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

HEADQUARTERS,
ISLAND COMMAND, GUAM

26 January 1946.

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 28th day of January, 1946, 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 William P. Carey, U. S. Marine Corps Reserve,
Lieutenant Colonel Donovan D. Sult, U. S. Marine Corps,
Major Paul A. Rebola, U. S. Marine Corps Reserve,
Lieutenant Commander James H. Grover, U. S. Naval Reserve,
Lieutenant Commander Joseph L. Wolf, U. S. Naval Reserve,
Captain Robert J. Loesch, U. S. Marine Corps, members, any five of whom are empowered to act, and of
Lieutenant, junior grade, William A. Buckles, U. S. Naval Reserve, judge advocate.

3. 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.

4. 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.

A true copy. Attest:

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

William A. Buckles
WILLIAM A. BUCKLES,
Lieutenant, junior grade, U.S. Naval Reserve,
judge advocate.

"A"

0682

1400-65-5
(602)-jam

Serial No. 1442

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

7 February 1946.

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

Subject: Change in membership of Commission.

1. Lieutenant Colonel Samuel S. Yeaton, U.S. Marine Corps,
is hereby appointed a member of the Military Commission of which you are
senior member, convened by my precept of 26 January 1946, vice Major Paul
A. Robola, 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: Lieutenant Colonel Samuel S. Yeaton, USMC, 1st Base
Troops, IsCom.
Lt(jg) William A. Buckles, USNR, Judge Advocate,
MilGov.
CO, 2nd MP Bn.
G-1 Section, IsCom.

A true copy. Attest:

William A. Buckles
William A. Buckles,
Lieutenant, junior grade, U.S. Naval Reserve,
judge advocate.

"B"

0683

1400-65-10
(602)-RBR-jam

Serial No. 1083

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

JAN 29 1946

From: The Island Commander.
To : Lieutenant, Junior Grade, William A. Buckles, U. S. Naval
Reserve, Judge Advocate, Military Commission of Guam.
Subject: Charge and specification in the case of Tadao Igawa, an
inhabitant of Guam.

1. The above-named man will be tried before the Military Commission 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

MURDER

Specification

In that Tadao Igawa, an inhabitant of Guam, and subject to the military government thereof, did, in or about the month of June, 1944, at or near Sinajana, Guam, wilfully, feloniously, with premeditation and malice aforethought, and without justifiable cause, strike one Vicente Lizama, an inhabitant of Guam, with a sharp sword, and did therein and thereby, then and there, decapitate the said Vicente Lizama, as a consequence of which the said Vicente Lizama then and there died.

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

0684

FIRST DAY

HEADQUARTERS,
Island Command, Guam.

Friday, 8 February, 1946.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Lieutenant Colonel William P. Carey, U.S. Marine Corps Reserve,
Lieutenant Colonel Donovan D. Sult, U.S. Marine Corps,
Lieutenant Colonel Samuel S. Yeaton, U.S. Marine Corps,
Lieutenant Commander James H. Grover, U.S. Naval Reserve,
Lieutenant Commander Joseph L. Wolf, U.S. Naval Reserve,
Captain Robert J. Loesch, U.S. Marine Corps, members, and
Lieutenant, junior grade, William A. Buckles, U.S. Naval Reserve,
judge advocate.

Corporal Santiago T. Aguon, Guam Police Force, entered with the accused and reported as provost marshal.

The judge advocate introduced Vicente B. Bamba, civilian, as reporter, and Jorge U. Cristobal, Cstd, U.S. Navy, as interpreter.

The accused requested that Second Lieutenant Edmund S. Carpenter, U.S. Marine Corps Reserve, and Sergeant Calvin W. Dunbar, U.S. Marine Corps Reserve, act as his counsel, the latter as interpreter for him and his counsel. Lieutenant Carpenter and Sergeant Dunbar took seat as counsel for the accused.

The judge advocate read the precept and modification thereof, copies prefixed marked "A" and "B".

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 specification preferred against him on 2 February, 1946.

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

The accused replied in the negative.

The commission was cleared.

The commission was opened and all parties to the trial entered. The commission announced that the commission found the charge and specification in due form and technically correct.

The accused stated that he was ready for trial.

0685

No witnesses not otherwise connected with the trial were present.

The accused made a plea to the jurisdiction of the commission on the ground that the accused is a prisoner of war and was at the time of the alleged offense a member of the Japanese Imperial armed forces and is therefore not subject to the commission's jurisdiction.

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

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

Examined by the judge advocate:

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

Examined by the accused:

2. Q. Where were you born?
A. In Japan.
3. Q. When did you come to Guam?
A. September, 1942.
4. Q. Why did you come here?
A. I came here under orders of the navy for official business.
5. Q. Did you come here alone or with a group?
A. I came here with somebody else, some of us came earlier than the rest.
6. Q. Did you come here on a troop ship?
A. Yes.
7. Q. Were the others you came with under the same orders?

The judge advocate objected to this question on the ground that it was calling for an answer from the witness who was not in a position to have such information within his personal knowledge.

The commission announced that the objection was sustained.

8. Q. Were you attached to any unit when you arrived on Guam?
A. I was attached to the Kaigon Kebetai (Naval Intelligence Police) under the head of Sugamoto.
9. Q. Did you pledge yourself to follow the orders of Sugamoto?

The judge advocate objected to the question on the ground that it was irrelevant.

The accused replied.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection was not sustained.

The question was repeated.

A. Yes.

10. Q. Who fed you?

A. The navy.

11. Q. Who clothed you?

A. The navy.

12. Q. Where did you live?

A. Official residence rendered by the navy.

13. Q. Was that a barracks?

A. It could be considered as barracks. Its only difference was that not all servicemen were put in.

14. Q. Did you wear any uniform?

A. Yes, I wore assorted uniforms.

15. Q. Did you wear any insignia?

A. Yes, I wore an anchor insignia on my cap and my rating was attached on the collar.

16. Q. Who did you receive orders from?

A. What orders?

17. Q. Any orders?

A. At times I received orders from Captain Sugamoto.

18. Q. Who is Captain Sugamoto?

A. He was the commander of the Naval Garrison Forces, Guam.

19. Q. If you would disobey orders who would have punished you?

The judge advocate objected to the question on the ground that it was hypothetically stated.

The accused replied.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection was sustained.

The accused requested a postponement of the trial until Monday, 11 February, 1946 at 9:00 a.m.

The request was granted.

The witness resumed his status as accused.

The commission then, at 10:30 a.m., adjourned, until 9:00 a.m. Monday, 11 February, 1946.

SECOND DAY

HEADQUARTERS,
Island Command, Guam.

Monday, 11 February, 1946.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Lieutenant Colonel William P. Carey, U.S. Marine Corps Reserve,
Lieutenant Colonel Donovan D. Sult, U.S. Marine Corps,
Lieutenant Colonel Samuel S. Yeaton, U.S. Marine Corps,
Lieutenant Commander James H. Grover, U.S. Naval Reserve,
Lieutenant Commander Joseph L. Wolf, U.S. Naval Reserve,
Captain Robert J. Loesch, U.S. Marine Corps, members, and
Lieutenant, junior grade, William A. Buckles, U.S. Naval Reserve,
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.

Tadao Igawa, the witness under examination when the adjournment was taken, resumed the stand. He was warned that the oath previously taken was still binding, and continued his testimony.

Examined by the accused:

20. Q. Who administered punishment to the members of your organization?
A. By military court martial.
21. Q. Did you want to come to Guam?
A. I did not, but since I was in the military armed forces I was ordered to come to Guam.

Cross-examined by the judge advocate:

22. Q. Who ordered you to come to Guam?
A. I received orders from the navy, but there was a certain organization called the South Sea Island government and when I was brought up before it by the navy I was then ordered to come to Guam.
23. Q. Where did you enter the naval service?
A. In Tinian.
24. Q. Who ordered you to go from Japan to Tinian?

The accused objected to the question on the ground that the question as propounded was whether or not he was in the naval service at the time of the offense, and we are only interested in the time he entered the naval service.

The judge advocate replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. Upon the orders of the South Sea Island government.

25. Q. Did you wear the naval uniform from Japan to Tinian?

A. At the time I arrived in Tinian I was just wearing regular civilian clothing because I was working for the South Sea Island Government. I received naval uniform and clothes when I arrived on Guam.

26. Q. How did you enter the naval service?

A. Orders from the navy.

27. Q. Was it by selective service?

A. Yes.

28. Q. What were your duties after you entered Guam?

A. I worked for the naval civil affairs.

29. Q. Did you have a military rating?

A. Yes.

30. Q. What was that rate?

A. Police inspector.

31. Q. What was your pay?

A. One hundred sixty-eight yen a month.

32. Q. At the time of your surrender, did you carry a certificate of identification?

A. I had one until the bombings when I lost it. I never had any ever since.

33. Q. You did not have a certificate of identification at the time of your surrender?

A. None.

34. Q. Were you in uniform at the time of your surrender to the American armed forces?

A. I was wearing full naval uniform.

35. Q. What date did you surrender?

A. Last year in the month of December.

Examined by the commission:

36. Q. What is the Japanese name for South Sea Island government?

A. Nanyocho.

37. Q. In Tinian and Saipan you worked for that government?

A. Yes.

38. Q. What were your duties?

A. Working for the police department.

39. Q. Were you a policeman?

A. Yes.

40. Q. Then you came to Guam from Tinian and Saipan?

A. Yes.

41. Q. At Guam you were still a policeman, is that correct?

A. I was of the same rating but I was working as a police inspector.

42. Q. Is police inspector a policeman?
A. Yes.
43. Q. In Saipan and Tinian did you take orders from a civilian outfit?
A. Yes.
44. Q. When you came to Guam did you take your orders from the Imperial Japanese Navy?
A. Yes.
45. Q. And your duties in Saipan, Tinian and Guam were the same?
A. Police work, practically the same.
46. Q. Were you present on this Island when the American forces attacked it?
A. Yes, I was present.
47. Q. When the Americans landed what did you do; in other words were you a sailor or a policeman?
A. A policeman.
48. Q. What did you do during the operation; were you still a policeman, navy man, or did you fight?
A. At the time I was up at Herota, that was a little bit further than Sinajana, I was one of the personnel who helped Japanese women and children escape or hide.
49. Q. And your entire services in the Imperial Japanese Navy was spent on Guam as a policeman, is that correct?
A. Yes.

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

The witness said that he had nothing further to state.

The witness resumed his status as accused.

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. Robert H. Kenerly, second lieutenant, U.S. Marine Corps Reserve, officer-in-charge, Island Command Stockade.
2. Q. If you recognize the accused, state as whom.
A. Igawa, is the last name.

Examined by the accused:

3. Q. What are your present duties?
A. Officer-in-charge, Island Command Stockade, Guam.
4. Q. Is the accused, Igawa, now detained in the Island Command Stockade?
A. Yes.

5. Q. Under what classifications are the prisoners of the Island Command Stockade listed?

A. Under two classifications: military prisoners of war and civilian internees.

6. Q. Under what classification is the accused, Igawa, listed?

The judge advocate objected to the question on the ground that it was not the best evidence; that the record itself should be produced, if available.

The accused replied.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection was not sustained.

The question was repeated.

A. Military prisoner of war.

Cross-examined by the judge advocate:

7. Q. On what date did the accused surrender?

A. We have that on record at the stockade. I do not know as to my own knowledge right now.

8. Q. Can you give us the approximate date of surrender?

A. December, 1945.

9. Q. Was the man in uniform when he surrendered?

A. I was not in command at the time; I do not know.

10. Q. Who was in command at the time?

A. It was either First Lieutenant Hodgins or Second Lieutenant Shaw. You see the command had changed about three different times.

11. Q. Does the record show that the man was in uniform at the time he surrendered?

A. I am not sure.

12. Q. Is the record in question kept as an official record of the United States Government?

A. It is true.

13. Q. Is the officer-in-charge of the Island Command Stockade compelled to keep this record in accordance with his duties?

A. When prisoners of war were brought in they were processed in the Island Command Stockade and those records were kept.

14. Q. And on what basis is the man determined to be a prisoner of war?

A. That is done by G-2 section.

15. Q. Then you don't know?

A. Right.

16. Q. How do you know how this man is listed?

A. Because I have seen the record.

17. Q. You have that in your custody?
A. In the G-2 section.
18. Q. At the stockade?
A. Yes.
19. Q. Did you look at the record when you came down here?
A. Yes.
20. Q. When did you look at the record?
A. This morning.
21. Q. Tell us what the record shows?
A. He was always carried as a military prisoner of war, civilian, attached to the navy.
22. Q. Repeat that to the commission.
A. Military prisoner of war, civilian, attached to the navy.

Examined by the commission:

23. Q. Were you not present when this Japanese was brought in for confinement?
A. No, sir, I was not present when this man was brought in.
24. Q. Are you familiar with the procedure in processing individuals?
A. I am not.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

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. Walton W. Hall, second lieutenant, U.S. Marine Corps Reserve, Assistant G-2, Island Command.
2. Q. If you recognize the accused, state as whom.
A. Yes, he is Tadao Igawa.

Examined by the accused:

3. Q. What were your present duties?
A. Assistant G-2, Island Command.
4. Q. Did you make a personal investigation on the case of Tadao Igawa?
A. Yes.
5. Q. You have testified that you made a personal investigation in the case of the accused; was a report made on the life history of the accused?

The judge advocate objected to the question on the ground that it was incompetent, irrelevant and immaterial.

The accused replied.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection was not sustained.

The question was repeated.

A. Yes.

6. Q. Is that a true copy that you are now holding in your hand?

A. Yes.

The witness was duly warned.

The commission then, at 10:52 a.m., adjourned until 9:00 a.m. tomorrow, 12 February, 1946.

THIRD DAY

HEADQUARTERS,
Island Command, Guam.

Tuesday, 12 February, 1946.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Lieutenant Colonel William P. Carey, U.S. Marine Corps Reserve,
Lieutenant Colonel Donovan D. Sult, U.S. Marine Corps,
Lieutenant Colonel Samuel S. Yeaton, U.S. Marine Corps,
Lieutenant Commander James H. Grover, U.S. Naval Reserve,
Lieutenant Commander Joseph L. Wolf, U.S. Naval Reserve,
Captain Robert J. Loesch, U.S. Marine Corps, members, and
Lieutenant, junior grade, William A. Buckles, U.S. Naval Reserve,
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 second day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

Walton W. Hall, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Examined by the accused:

7. Q. Lieutenant Hall, who carried on the questioning in which you obtained the information in the first part of your report?

The judge advocate objected to the question on the ground that the report had not been introduced into evidence and that the question therefore was incompetent, irrelevant and immaterial, and had no bearing whatsoever in this case.

The accused replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. Sergeant Dunbar.

Examined by the commission:

8. Q. Mr. Hall, tell the commission in a few words, just what the procedure was when carrying on this investigation; under whose orders; or was it just official routine matter, if you know?

A. This procedure of investigation was routine official matter. Sergeant Dunbar and myself got the information from the accused. I went around also to different civilian witnesses with a Guamanian interpreter to interview and get testimony concerning him.

9. Q. What was Sergeant Dunbar's capacity in connection with this investigation?

A. As G-2 language section interpreter, and that is the only way in which we could talk to the accused.

10. Q. Sergeant Dunbar is the one that actually talked to the accused, is that correct?

A. Correct.

11. Q. As a Japanese interpreter?

A. Yes.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

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

Examined by the judge advocate:

1. Q. State your name, rate and present station.

A. Calvin W. Dunbar, sergeant, U.S. Marine Corps Reserve, G-2 language section, Island Command, Guam.

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

A. Tadao Igawa.

Examined by the accused:

3. Q. Did you question the accused at the time of his surrender?

A. Yes.

4. Q. At that time did he tell you when he entered the naval service?

The judge advocate objected to the question on the ground that what the accused might have told the witness would be considered as a self serving declaration and would not be admissible in evidence.

The accused replied.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection was not sustained.

The question was repeated.

A. On 11 August, 1942.

5. Q. To what unit did he say he was assigned?

A. He was assigned to civil affairs, Guam.

6. Q. When did he say he arrived at this station?

A. 9 September, 1942.

7. Q. When did he say the American airraids began on this Island?

A. 11 June, 1944.

8. Q. What did he say happened to the civil affairs police force when the airraids began?

A. The civil affairs police force was attached to the army police under First Lieutenant Koda.

Cross-examined by the judge advocate:

9. Q. All you know of your own knowledge about this case is what the accused told you, is that correct?

A. Yes.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The accused made no argument in support of his plea.

The judge advocate made an argument in reply to the plea of the accused, a brief of which is appended marked "D(1)", "D(2)" and "D(3)".

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 "C", and arraigned the accused as follows:

Q. Tadao Igawa, you have heard the charge and specification preferred against you; how say you to the 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. Jose P. Villagomez, civil jail, prisoner.

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

A. Igawa.

3. Q. Do you know Vicente Lizama?
A. Yes.
4. Q. Describe the physical characteristics or appearance of Vicente Lizama?
A. He was rather healthy in spite of his age.
5. Q. How old was he?
A. According to my estimation he was close to sixty years old.
6. Q. What color was his hair?
A. Gray.
7. Q. How tall was he?
A. About five feet tall.
8. Q. How tall was he in comparison to the judge advocate?
A. He was shorter than the judge advocate.
9. Q. Did he have any unusual characteristics about his face?
A. I did not notice.
10. Q. Do you know where he lived?
A. Yes.
11. Q. Were you ever at his place?
A. No.
12. Q. Were you ever at his house?
A. Yes, just once at the time when we were supposed to pick him up.
13. Q. You went to his house to arrest him?
A. Yes, the accused and I went over to his house to arrest him.
14. Q. Tell the circumstances under which you went to the home of Vicente Lizama?
A. In the month of June, 1944, orders were given to the civil affairs police by the Kempetai that all policemen were to report to the Kempetai headquarters every evening. From the tenth of June, 1944 up all policemen were given orders by the Kempetai to search for Vicente Lizama, Vicente Baza and another person whose name I do not know. On the fourteenth of June we rode on a truck and proceeded to Yona.
15. Q. Is this when you went to search for Vicente Lizama?
A. Yes.
16. Q. Was Vicente Lizama's residence located near Yona?
A. It was quite a distance away.
17. Q. Who went with you to the house of Vicente Lizama?
A. Antonio R. Camacho, Igawa, a member of the Kempetai, one Guamanian, and myself.
18. Q. This party went to the residence of Vicente Lizama, is that correct?
A. Yes.
19. Q. At what time did you arrive at the home of Vicente Lizama; what time of day?
A. It wasn't day; it was night time and exactly 12:00 o'clock midnight.
20. Q. Who did you talk to at the house of Vicente Lizama?
A. I first talked to the old man, Vicente Lizama.

21. Q. Did you talk to anybody else at the house?
A. We told the members of the family that we were going to take the old man.
22. Q. Whom did you talk to at this time?
A. The wife and daughter.
23. Q. What did you tell them?
A. We just told them that we were going to take the father, Vicente Lizama.
24. Q. Did you tell them that you were going to arrest him for the Japanese?
A. Yes.
25. Q. Did you tell him what you were going to do with him?
A. No.
26. Q. Was there any light in the house of Vicente Lizama while you were talking with the members of the family?
A. Yes.
27. Q. Was there any conversation between the members of the family and the accused?
A. No, sir.
28. Q. Was there any conversation between the accused and Vicente Lizama?
A. Yes, they had a conversation, but I did not quite notice what the conversation was.
29. Q. Did you recall any conversation of the accused at the time of arrest?
A. The only thing I heard was when he told me to tie Lizama up.
30. Q. Vicente Lizama was tied upon the orders of the accused?
A. Yes.
31. Q. How was he tied; demonstrate that to the commission.
A. He was standing with his hands tied in the back (demonstrating).
32. Q. With what was he tied?
A. Rope.
33. Q. Who tied him?
A. I did. I was ordered to do it.
34. Q. By whom?
A. Igawa.
35. Q. You did not enter into any conversation with any members of the family yourself?
A. No, sir.
36. Q. Would you recognize any members of the family if you see them?
A. Yes.
37. Q. After you left the ranch of Vicente Lizama where did you take him?
A. After we left the ranch we took Lizama to Sudo's residence at Yona.
38. Q. How did you take him over there?

A. We took him out of his home with his hands tied in the back. After walking 200 yards and heading for a mountain I said to Igawa, "Do you think it is possible to unbind Lizama's hands?" Igawa said, "Be sure he doesn't run away." I said, "No, he wouldn't." I then untied his hands and let him walk.

39. Q. How far did you have to walk to reach your destination?
A. I do not know the distance but it took us three hours.

40. Q. What happened after you arrived there; what did you do?
A. Upon arrival at Sudo's residence we found Vicente Baza. We left Lizama and Baza with the accused after I asked him to let us look after Shimada and Nicolas Sablan.

41. Q. Did you come back to Sudo's residence then?
A. Yes.

42. Q. Then where did you go?
A. The party and the two prisoners rode on the truck to the Kempetai headquarters at Sinajana.

43. Q. At what time did you arrive at the Kempetai headquarters at Sinajana?
A. About twenty minutes past 10:00 o'clock in the morning.

44. Q. Tell the commission what happened after you arrived at the Kempetai headquarters; what did you do?
A. After we delivered the prisoners to the Kempetai headquarters, the Kempetai officials told us to leave for our afternoon meal. Before we left they told us to report right back at 5:00 o'clock that afternoon.

45. Q. You and the accused took the prisoners to the headquarters, is that correct?

The accused objected to the question on the ground that it was leading.

The commission announced that the objection was sustained.

46. Q. What did you do with the prisoners after you got to Sinajana?
A. We just brought them in to the Kempetai headquarters.

47. Q. Who do you mean by we?
A. Myself, Igawa, Shimada, Nicolas Sablan, Antonio R. Camacho and a certain member of the Kempetai.

48. Q. To whom were the prisoners delivered?
A. A certain individual named Hosokawa.

49. Q. Did you hear any instructions given to the accused at that time?
A. I did not hear any.

50. Q. Did you leave the Kempetai headquarters then?
A. Yes.

51. Q. Do you know if Igawa left the Kempetai headquarters at that time?
A. I am not sure but I think he stayed for the afternoon meal with the rest of the Kempetai officials at Sinajana.

52. Q. Where did you go when you left the Kempetai headquarters?
A. I went right straight to Didigue where my wife was.

53. Q. Approximately what time did you leave Kempetai headquarters?
A. It was close to 11:00 a.m.
54. Q. What time did you return to Kempetai headquarters?
A. 5:00 o'clock in the afternoon.
55. Q. Tell the commission what transpired upon your return to the Kempetai headquarters?
A. On my arrival at the Kempetai headquarters I found Vicente Lizama and Vicente Baza both tied to a certain camachile tree. A Japanese by the name of Kowachi told us to take shovels and picks and after we got them, ordered us to follow him along the road.
56. Q. If you know, how long was Vicente Lizama tied to the camachile tree?
A. I cannot tell because when I left he was not then tied.
57. Q. How were they tied; demonstrate to the commission the manner in which they were tied to the tree.
A. Both hands in the back and tied to the tree (demonstrating).
58. Q. What did they use to tie Vicente Lizama?
A. A piece of string commonly used by the Japanese for tying persons.
59. Q. Who was Kowachi?
A. He was of the same status as the accused, a police inspector.
60. Q. To whom did Kowachi give orders to take picks and shovels and follow him?
A. To the four interpreters: Antonio R. Camacho, Nicolas C. Sablan, Antonio Cabrera and myself.
61. Q. Did you hear anybody in the Kempetai headquarters give orders to the accused?
A. No.
62. Q. Were the prisoners, Lizama and Baza, fed at the Kempetai headquarters?
A. I do not know.
63. Q. Where did you go with the party after you were ordered to take picks and shovels and leave the Kempetai headquarters?
A. We went to a certain spot called Fonte.
64. Q. Name the persons in the group that left the Kempetai headquarters for Fonte?
A. Igawa, Shimada, Kobayashi, Hosokawa, Nicolas Sablan, Antonio Camacho and myself.
65. Q. Can you recall any conversation among the men in this party relative to what you were going to do?
A. I do not recall.
66. Q. At the Kempetai headquarters did they tell you to get picks and shovels?
A. Yes.
67. Q. Did you know where you are going?
A. I did not know yet at that time.
68. Q. Do you recall any conversation in this group while enroute to Fonte?
A. No, sir.
69. Q. Tell the commission in your own words what happened after you arrived at Fonte?

A. Kowachi gave us the word to commence digging two graves immediately upon arrival. The grave in which Antonio Camacho and myself dug, Vicente Baza was made to kneel, and the one which Nicolas Sablan and Kowachi dug, Lizama was made to kneel also. After Lizama was forced to kneel, Igawa, the accused, proceeded and chopped Lizama's head off.

70. Q. Tell the commission exactly what happened; what position was Lizama in?

A. He was facing north as the grave was running north to south.

71. Q. Which grave was running north to south?

A. Lizama's; and Baza's grave was running east to west.

72. Q. Were Lizama's hands tied while he was kneeling before the grave?

A. To the best of my recollection he was not bound.

73. Q. Was he blindfolded?

A. No, sir.

74. Q. Who gave the order for the decapitation?

A. I do not know.

75. Q. What was used to perform the execution?

A. A long sword.

76. Q. Did the accused have the long sword in his hands?

A. Yes, sir.

77. Q. Demonstrate to the commission the motion that you saw at the time the accused decapitated Vicente Lizama?

A. The accused used both hands in holding the sword (demonstrating).

78. Q. Both hands?

A. Yes, sir.

79. Q. How many times did the accused strike Lizama with his sword?

A. The sword went right through in one stroke.

80. Q. Was the head completely severed from the body?

A. Yes, sir.

81. Q. Did the body fall into the grave after the execution?

A. Yes, sir.

82. Q. Was the body rearranged before it was covered up?

A. I did not notice.

83. Q. Who covered up the body of Vicente Lizama?

A. Kowachi, Nicolas, and Kamitani.

84. Q. How long were you there from the time of the execution until after the body was covered up?

A. We left as soon as both bodies were covered up.

85. Q. Was a grave marker put up?

A. The only mark we had was a coconut tree and a mango tree.

86. Q. Was any grave marker put up for those two deceased there?

A. Yes, I marked Vicente Baza's grave with a wooden cross.

Cross-examined by the accused:

87. Q. Why were you sent to apprehend Vicente Baza and Vicente Lizama?
A. Two persons were sent, namely, Shimada and Igawa, the accused, to arrest him. I was merely there as an interpreter.
88. Q. Why were these two men arrested?
A. I do not know.

Neither the judge advocate, the accused, nor the commission desired further to examine the 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. Vicenta Q. Lizama, Piti, Guam, laundress.
2. Q. If you recognize the accused, state as whom.
A. I do not know him.
3. Q. Do you know Vicente Lizama?
A. Yes.
4. Q. In what capacity do you know him?
A. He was my husband.
5. Q. How old was Vicente Lizama?
A. He was born on January 1, 1885.
6. Q. Describe Vicente Lizama to the commission?
A. He was healthy, well built, and about the same height as I am.
7. Q. Any unusual characteristics about his face, eyes, nose and mouth?
A. None.
8. Q. When was the last time you saw Vicente Lizama?
A. July 14, 1944.
9. Q. Tell us what happened the night he was arrested?
A. The day previous to the arrest, Vicente Lizama was in prison at the civil affairs jail. Lizama, the next day escaped from the jail during its bombing by the American planes and went directly to Taihagan where we were. At 12:00 o'clock that night Villagomez and a group of men called in from the main door and said, "I don't want any light in the house because we are with the policemen." Right there in the dark Villagomez tied Vicente Lizama's hands behind his back. Since my husband was only wearing shorts I asked the arresting party to allow him to change his shorts to a cleaner pair. They untied his hands and after he was dressed he was again tied.
10. Q. Did you recognize anyone in the arresting party?
A. No.
11. Q. Where was the deceased arrested?
A. At Taihagan.

12. Q. Was that the last time you saw your husband alive?
A. Yes.
13. Q. On or about October, 1945 did you attend the exhumation of his body?
A. Yes.
14. Q. Where was the exhumation conducted?
A. Fonte.
15. Q. Who was present at the exhumation?
A. There were eight members of the family present.
16. Q. Was there anything found in the grave whereby you could recognize the identity of the remains so discovered?
A. There was false teeth. My daughter took the false teeth while we were taking the bones from the grave.
17. Q. Did you recognize that false teeth as belonging to Vicente Lizama?
A. Yes, and the pieces of cloth also.
18. Q. By what method did you recognize the pieces of cloth?
A. It was exactly the remains of the same cloth which he wore when he was arrested.
19. Q. What happened to the remains after the exhumation?
A. We had it reburied in the Anigua cemetery.

Cross-examined by the accused:

20. Q. You have testified that your husband escaped from the Agana jail and from the bombing attack and was a fugitive from justice at the time he was apprehended; do you know of your own knowledge why he was confined?
A. He was suspected of being a spy for being a long time in the U.S. Naval service and that because he had a gun. The gun, however, was turned over to the Japanese during the early occupation.
21. Q. The night that your husband was apprehended, did you know that he was a fugitive from justice?
A. I did not know.
22. Q. Did your husband make any attempts to hide or defend himself after he escaped from the Agana jail?
A. No, and he told me this: "I do not have to hide because I have done nothing wrong."

23. Q. Did your husband tell you that the authorities had released him?

A. No, sir.

24. Q. If your husband had done nothing to fear as he said, then why, if you know of your own knowledge, was he afraid to remain in jail to stand trial?

The judge advocate objected to the question on the ground that it called for a conclusion of the witness.

The commission announced that the objection was sustained.

Examined by the commission:

25. Q. Were you conducted to the grave site at Fonte for the express purpose of identifying the remains of your deceased husband?

A. Yes, sir.

26. Q. The last time you saw your husband alive was sometime in the month of July, 1944 at midnight, is that correct?

A. Yes, sir.

27. Q. Do you know what happened to him from then on?

A. I do not know.

28. Q. Were you ever informed by any Japanese authority that your husband had been executed?

A. No, sir.

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

The witness said that she had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:10 a.m., adjourned until 9:00 a.m. tomorrow, 13 February, 1946.

FOURTH DAY

HEADQUARTERS,
Island Command, Guam.

Wednesday, 13 February, 1946.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Lieutenant Colonel William P. Carey, U.S. Marine Corps Reserve,
Lieutenant Colonel Donovan D. Sult, U.S. Marine Corps,
Lieutenant Colonel Samuel S. Yeaton, U.S. Marine Corps,
Lieutenant Commander James H. Grover, U.S. Naval Reserve,
Lieutenant Commander Joseph L. Wolf, U.S. Naval Reserve,
Captain Robert J. Loesch, U.S. Marine Corps, members, and
Lieutenant, junior grade, William A. Buckles, U.S. Naval Reserve,
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 third day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.
A. Soledad Lizama Concepcion, a resident of Piti, Guam, household.
2. Q. If you recognize the accused, state as whom?
A. I do not know him.
3. Q. Did you know Vicente Lizama?
A. Yes. He was my father.

4. Q. Describe Vicente Lizama please.
A. His height was not very tall; quite perfect in health and very well built physically.
5. Q. What was his occupation?
A. He was an ex-serviceman.
6. Q. When was the last time you saw Vicente Lizama?
A. When he came and visited me down at Atantano near Piti where I was living with my husband. Two or three days after his visit I heard that he was arrested by the Japanese.
7. Q. Were you present at the uncovering of a grave near Fonte in October, 1945?
A. Yes.
8. Q. Tell us who was present at the opening of this grave besides yourself?
A. Maria, Jose, Ana, Joaquin, Nicolas Sablan, Juan Fejeran and my mother. There were ten of us in that party.
9. Q. Were they all members of the family?
A. All were members of my family except Nicolas Sablan and policeman Juan Fejeran.
10. Q. What did you see when the grave was uncovered?
A. As soon as the grave was uncovered I found one gold tooth, one false one, and the remains of his clothing.
11. Q. Tell the commission everything you saw when the grave was uncovered?
A. We first found the skull, next the upper limbs, then the back bones and the lower limbs, and a pair of home made sandals.
12. Q. Did you recognize the identity of those remains?
A. I recognized the false tooth, the gold tooth and the initials written on the sandals which the deceased was wearing.
13. Q. What initials were on the sandals?
A. The letters, "V.L."
14. Q. You recognized the sandals as belonging to your father?
A. I recognized the sandals because I was the one who gave them to my father.
15. Q. Where are those sandals now?
A. We left them in the grave.
16. Q. Did you recognize the teeth of the deceased?
A. Yes. One was false and the other was gold tooth.
17. Q. Do you have those teeth now?
A. I took them at the time the grave was uncovered but I do not recall where they are now.

18. Q. Did you positively identify those teeth as belonging to your father?

A. Yes.

19. Q. And the sandals too?

A. Yes.

Cross-examined by the accused:

20. Q. How long was your father a serviceman?

A. 25 years.

21. Q. Did you know, of your own knowledge, why your father was arrested?

A. No.

22. Q. Didn't you know that your father had escaped from jail?

The judge advocate objected to the question on the ground that it was improper cross-examination.

The commission announced that the objection was sustained.

Examined by the commission:

23. Q. At the time to which you have been testifying as to the exhuming of the remains of this grave in October, 1945, did you examine any other remains in any other grave at the same time?

A. No, sir.

24. Q. Are you positive that the remains found in this grave to which you have testified were the remains of your father, Vicente Lizama?

A. Yes, sir.

25. Q. What eventually happened to the remains, if you know?

A. They were transferred to Anigua cemetery.

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

The witness said that she 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. Pedro S. Leon Guerrero, civil jail, prisoner.

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

A. Igawa, Tadao.

3. Q. Were you on Guam in 1944?

A. Yes.

4. Q. Where were you employed?

A. I was working for the Japanese at the police department.

5. Q. What were your official capacities in the police department?

A. I was an interpreter and at the same time working in the police record office where all reports and other records were received from the outlying districts.

6. Q. In your capacity in the record office, did you have access to the records showing the people who were arrested?

A. I was well familiar with those records at that time but I cannot recall them now.

7. Q. Do you know where those records are now?

A. Since the American reoccupation I have never seen them. They were probably lost.

8. Q. How long did you work for the Japanese in this particular capacity?

A. About two years. I had this position upon my arrival on Guam.

9. Q. Did you know Vicente Lizama?

A. Yes.

10. Q. Do you recall, of your own knowledge, when Vicente Lizama was arrested by the Japanese?

A. To the best of my recollection it was in the early part of June, 1944.

11. Q. Do you know, of your own knowledge, why he was arrested?

A. Vicente Lizama was brought in by the military police. We had a record card in which his name and the person who brought him in were shown. As to what and why he was brought in it was not mentioned in that card.

12. Q. No reason for his arrest was given, is that correct?

A. Yes.

13. Q. How long was he confined in jail until he escaped?

A. About a week's time.

14. Q. Do you know if Lizama was ever given a trial?

A. Never heard of it.

15. Q. In your position as record clerk or whatever your official duties were, would you have known if Lizama was given a trial?

A. According to all reports submitted there was never any official court martial for this man.

16. Q. Was there any trial of any kind given this man?

A. None, to the best of my recollection.

Cross-examined by the accused:

17. Q. Are you a Japanese or Chamorro?

A. Chamorro.

18. Q. Were you ever a member of the Imperial Japanese Navy?

A. No, sir.

19. Q. In your own words, will you tell the members of the commission the conditions existing on Guam at the time the deceased Lizama escaped from the Agana jail?

The judge advocate objected to the question on the ground that it was improper cross-examination.

The accused replied.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection was not sustained.

The question was repeated.

A. During the bombing of the Island those prisoners arrested by the military police were out of the jurisdiction of the civil affairs police, and all reports relative to them went directly to the head of the civil affairs police.

20. Q. Just what were the preparations and the existing conditions on the Island at the time?

A. To the best of my knowledge when the jail was bombed all arrested persons and convicted ones escaped including those prisoners arrested by the military police. The civil affairs police force did not have jurisdiction over those escaped military police prisoners.

Examined by the commission:

21. Q. You have stated that the deceased Lizama was in the Agana jail for about a week, is that correct?

A. Yes.

22. Q. During that week were any of the prisoners in the Agana jail tried for any offense before a court of any kind?

A. No, sir.

Neither the judge advocate, the accused, nor the commission desired further to examine the 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. Nicolas T. Sablan, civil jail, prisoner.

2. Q. If you recognize the accused, state as whom?

A. Igawa, Tadao.

3. Q. Did you know Vicente Lizama?

A. Yes.

4. Q. Did you see him on Guam during the month of June or July, 1944?

A. Yes.

5. Q. Did you see the accused on Guam during the month of June or July, 1944?

A. Yes.

6. Q. What if anything unusual occurred between Vicente Lizama and the accused?

A. In the month of July, 1944, Igawa, Tadao was the one who decapitated Vicente Lizama.

7. Q. What was your first connection in this matter relative to the arrest and execution of Lizama?

A. I was not present when Lizama was arrested but I was at Sudo's residence in Yona when he was brought in.

8. Q. Did the accused and Lizama go to the Kempetai headquarters?

A. Yes.

9. Q. Tell us what happened at the time when Vicente Lizama was delivered to the Kempetai headquarters at Sinajana?

A. At about 10:30 a.m., we arrived at the Kempetai headquarters in Sinajana. They brought in Vicente Lizama and we waited outside. At about noon of the same day, Kowachi ordered us to get some picks and shovels. Directly after that they told us to follow them to a place called Fonte.

10. Q. Did you talk to the accused from the time Lizama was brought in to the Kempetai headquarters to the time you left for Fonte?

A. No, sir.

11. Q. Did you hear anybody talk to the accused?

A. No.

12. Q. To whom did Kowachi give orders to obtain picks and shovels and to go to Fonte?

A. Myself, Villagomez, Antonio Camacho, Vicente Camacho and Antonio R. Camacho, all interpreters.

13. Q. In addition to those five interpreters, who also went to Fonte?

A. Hirata, Igawa, Kowachi, Kamitani, Hosokawa, Kato and Kobayashi. They were all attached to the police department.

14. Q. Did you hear any conversation made by the accused while enroute from the Kempetai headquarters to Fonte?

A. No, sir.

15. Q. Did the accused have a sword at the time he left the Kempetai headquarters at Sinajana to Fonte?

A. Yes.

16. Q. At any time, either at Sinajana or Fonte, did you hear anybody give the accused an order to perform the execution?

A. I didn't hear any.

17. Q. Tell us what happened, in your own words, at Fonte?

A. Myself, Kowachi and Igawa dug a grave.

18. Q. For whom?

A. Vicente Lizama.

19. Q. After you dug the grave then what happened?

A. There were two graves dug at the time we reached Fonte. One for Vicente Baza and the other for Vicente Lizama. Vicente Baza's head was decapitated first and immediately after that Vicente Lizama's head was decapitated also.

20. Q. Do you know your directions at the scene of the execution?
A. Yes, sir.
21. Q. Tell the commission the direction in which the graves were laid out in relation to each other?
A. Between the two graves was a coconut tree and the graves were about two meters apart. Vicente Baza's grave was laid out north and south and Vicente Lizama's was east and west.
22. Q. Vicente Lizama's grave was east and west?
A. Yes.
23. Q. Tell exactly what you saw?
A. At the east and west grave, the man was made to kneel facing east, and on the south and north grave, the man was made to kneel and face north.
24. Q. Tell the commission just how the man knelt at the west end of the grave facing east; demonstrate to the commission.
A. It was like this position (demonstrating).
25. Q. Were his hands tied?
A. No, sir.
26. Q. Was he blindfolded?
A. I did not recall.
27. Q. Did he say any last words?
A. Before he was made to kneel Lizama said these words: "Farewell, Saipanese, and we will meet in front of God."
28. Q. Who gave the order for the execution, if you know?
A. I do not know.
29. Q. How many times did the accused strike the deceased Vicente Lizama?
A. Once.
30. Q. Did he have both hands on the sword, if you remember?
A. Both hands, yes, sir.
31. Q. Demonstrate to the commission just what you saw?
A. He used both hands in holding the sword in this position (demonstrating). He made just one stroke.
32. Q. One stroke?
A. Yes, sir.
33. Q. Was the head completely severed from the body?
A. Completely cut off.
34. Q. Did the head fall into the grave?
A. Directly inside the grave.
35. Q. Did the body fall into the grave?
A. Yes, sir.
36. Q. Can you describe the clothing the deceased was wearing at the time of the execution?
A. He was wearing navy dungarees, blue denim shirt and pants.
37. Q. What kind of shoes did the deceased have on?

A. Home made sandals.

38. Q. Was the body straighten out before it was buried?
A. Yes.

39. Q. Did you help in covering up the grave?
A. Yes.

40. Q. What did you do then?
A. We left directly.

41. Q. Have you been to the scene of the execution since the time you have just described to the commission?
A. Yes.

42. Q. Tell the commission the circumstances under which you returned there.

A. The family of Vicente Lizama came to the police department and asked for my assistance in showing them the grave of their deceased father. At about 9:00 or 10:00 o'clock in the morning of a certain day in the month of October, 1945 we took off for Fonte. Upon arrival I showed them the grave and they commenced uncovering it. They picked up all the bones, washed them and placed them in a coffin.

43. Q. Who was present besides yourself and members of the family?
A. The members of the family, one policeman and myself.

44. Q. Do you know the identity of the remains that you saw taken out of the grave and put in the coffin?
A. I am not sure about the identity of the bones but I am sure of the position of the grave.

45. Q. Did you recognize the clothing that you already described that the man was wearing at the time he was executed?
A. Yes, sir.

46. Q. Did you recognize the sandals you mentioned just a moment ago?
A. Yes, sir.

47. Q. While you were on Guam during the Japanese occupation did you witness any other execution besides the ones you have just described?

The accused objected to the question on the ground that it was irrelevant and immaterial.

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 was sustained.

Cross-examined by the accused:

48. Q. Was Hosokawa present at the time of the execution?
A. Yes.

49. Q. What rank did Hosokawa have at that time?
A. Sergeant Major.

50. Q. Was Hosokawa the senior non-commissioned officer present at the time of the execution?

A. Yes.

Examined by the commission:

51. Q. To what branch of the service did Hosokawa belong?

A. Army.

52. Q. Did he have anything to do with the police department?

A. Yes, sir.

53. Q. In what capacity?

A. I do not know.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

Walton W. Hall, second lieutenant, U.S. Marine Corps Reserve, a witness for the defense, was recalled as a witness for the prosecution and warned that the oath previously taken was still binding.

Examined by the judge advocate:

1. Q. I hand you a sheet of paper and ask you if you can identify it?

A. Yes, I recognize it.

2. Q. Will you please identify it to the commission?

A. This was a statement made by the accused, Igawa, translated by Sergeant Dunbar which was read to the accused by Sergeant Dunbar in Japanese. I was present when it was explained to him. Both Sergeant Dunbar and myself witnessed it when he signed it.

3. Q. At the time the accused made the statement, Mr. Hall, did you explain to him that he was making it voluntarily and didn't have to unless he wanted it?

A. It was explained to him very explicitly.

4. Q. Under the circumstances, Mr. Hall, was it stated to him that he signed the statement voluntarily without any duress, force or promise?

A. Every word was explained to him. Also no duress or force was exerted from him to make the statement and he signed it voluntarily.

The written statement was submitted to the accused and to the commission, and by the judge advocate offered in evidence. There being no objection, it was so received, and is appended marked Exhibit "1".

5. Q. Mr. Hall, will you describe this statement that has been introduced into evidence; did the accused admit in the statement that he did perform an execution upon a native of Guam during the month of June or July, 1944?

A. Yes.

6. Q. Can you give us the circumstances surrounding the confession that he gave you at that time?

A. I do not understand the question.

7. Q. Do you know if the accused ever denied participating in the execution at the time he was questioned?

A. I only know through what Sergeant Dunbar told me that he had never denied having performed the execution.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The judge advocate requested a postponement of the trial until Thursday, 14 February, 1946, at 9:00 a.m.

The request was granted.

The commission then, at 11:10 a.m., adjourned until 9:00 a.m. tomorrow, Thursday, 14 February, 1946.

FIFTH DAY

HEADQUARTERS,
Island Command, Guam.

Thursday, 14 February, 1946.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Lieutenant Colonel William P. Carey, U.S. Marine Corps Reserve,
Lieutenant Colonel Donovan D. Sult, U.S. Marine Corps,
Lieutenant Colonel Samuel S. Yeaton, U.S. Marine Corps,
Lieutenant Commander James H. Grover, U.S. Naval Reserve,
Lieutenant Commander Joseph L. Wolf, U.S. Naval Reserve,
Captain Robert J. Loesch, U.S. Marine Corps, members, and
Lieutenant, junior grade, William A. Buckles, U.S. Naval Reserve,
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 fourth day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

Calvin W. Dunbar, sergeant, U.S. Marine Corps Reserve, a witness for the defense, was recalled as a witness for the prosecution and warned that the oath previously taken was still binding.

Examined by the judge advocate:

1. Q. What is your official capacity at the Island Command Stockade?
A. Interpreter.
2. Q. Japanese language?
A. Yes, sir.
3. Q. Can you read the Japanese characters and speak the Japanese language?
A. Yes, sir.
4. Q. I hand you two sheets of paper marked Exhibit "2" for purpose of identification; can you identify them?
A. Yes, this is the statement made in Japanese by Tadao Igawa.
5. Q. Who wrote the statement?
A. Tadao Igawa.
6. Q. Did you see him write it?
A. Yes, sir.
7. Q. Explain to the commission under what circumstances the accused Igawa wrote the statement; in other words did you ask him to write it?
A. He wrote it at his own free will.
8. Q. Was there any promise of leniency made to him?
A. No, sir.
9. Q. Was the accused threatened in any way whatsoever?
A. No, sir.
10. Q. Was any force or duress used to induce him to make a statement?
A. No, sir.
11. Q. Any promise of reward made to him?
A. No, sir.

The written statement in Japanese was submitted to the accused and to the commission and by the judge advocate offered in evidence. There being no objection, it was so received, and is appended marked Exhibit "2".

12. Q. Now I ask you to look at Exhibit "1" and tell the commission if it is the exact translation of the Japanese statement, appended marked Exhibit "2".
A. Yes, sir.
13. Q. Who made the translation?
A. I did.

Cross-examined by the accused:

14. Q. Will you read the English translation of that statement?
A. Yes, sir.

The witness read the statement which was previously introduced into evidence, appended marked Exhibit "1".

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The prosecution rested.

The defense began.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.
A. Akiooshi Hosokawa, sergeant major, Japanese Army, Island Command Stockade.

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

Examined by the accused:

3. Q. Where were you born?
A. I was born in Japan.
4. Q. When did you arrive on Guam?
A. In the middle part of April, 1944.
5. Q. What unit were you a member of while you were on Guam?
A. 29th Division.
6. Q. Who was your immediate superior officer?
A. First Lieutenant Koda.
7. Q. Was First Lieutenant Koda also known as First Lieutenant Eda?
A. He had two different names but that is one and the same person.
8. Q. Who was First Lieutenant Koda's superior officer in command?
A. Lieutenant General Takoshima.
9. Q. Of which unit was Takoshima the commanding officer?

The judge advocate objected to the question on the ground that it called for a conclusion of the witness.

The accused made no reply.

The commission announced that the objection was not sustained.

The question was repeated.

A. He was the commanding general of the 29th Division.

10. Q. Did you know Igawa, the accused, in June, 1944?
A. Yes.
11. Q. What unit was Igawa in when you first knew him?
A. He was attached to the garrison forces.
12. Q. What happened to the unit which Igawa was attached to in June, 1944?

The judge advocate objected to the question on the ground that it called for a conclusion of the witness.

The accused made no reply.

The commission announced that the objection was sustained.

13. Q. What was the status of the unit to which Igawa was attached to in June, 1944?

The judge advocate objected to the question on the ground that it called for a conclusion of the witness.

The accused made no reply.

The commission announced that the objection was not sustained.

The question was repeated.

A. During the month of July, 1944, there was an order from the commanding general of the 29th Division to the Kebetai in which Igawa was attached which stated that all orders given by the commanding general must be carried out.

The judge advocate moved to strike the last answer of the witness on the ground that it was not responsive.

The accused made no reply.

The commission announced that the motion was sustained.

14. Q. Explain the organization of the naval garrison forces on Guam and this army division in June, 1944?

The judge advocate objected to the question on the ground that it called for a conclusion of the witness and that the witness had not been qualified as an expert on matters of organization.

The accused replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. I do not know anything about the naval garrison forces.

15. Q. Did any reorganization take place between First Lieutenant Eda's organization and the unit to which the accused was attached?

The judge advocate objected to the question on the ground that it called for a conclusion of the witness.

The accused made no reply.

The commission announced that the objection was not sustained.

The question was repeated.

A. There were changes made.

16. Q. What were those changes?

A. During the month of June, 1944 an order was issued by the division general, Takoshima, ordering the commander of the garrison forces to transfer some of their policemen to the military police unit.

17. Q. June or July?

A. June.

18. Q. Do you know who was Igawa's commanding officer in June, 1944?

A. I definitely forgot his name.

19. Q. Who was the commanding officer of the accused after the reorganization?

The judge advocate objected to the question on the ground that it was incompetent, irrelevant and immaterial.

The accused replied.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection was not sustained.

The question was repeated.

A. First Lieutenant Koda.

20. Q. Do you know Vicente Lizama?

A. Yes, I know him.

21. Q. When did you see him?

A. The first time I saw him was when he was brought in to the Kempetai headquarters by Igawa.

22. Q. Were you present at the execution of Vicente Lizama?

A. Yes, sir.

23. Q. Who executed Vicente Lizama?

A. Igawa.

24. Q. Do you know, of your own knowledge, why Igawa executed Vicente Lizama?

The judge advocate objected to the question on the ground that it was incompetent, irrelevant and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. The reason why Igawa beheaded Vicente Lizama was that he was ordered by the unit commander, Koda.

25. Q. Were you present in the presence of the accused when he was ordered by First Lieutenant Koda to execute Vicente Lizama?

A. I was present.

26. Q. Who was also present?

A. There were five of us in all.

27. Q. Do you recall what First Lieutenant Koda's words were when he ordered the accused to execute Vicente Lizama?

A. Koda received orders from the commanding general Takoshima and he said that Igawa was to be given the opportunity to behead Vicente Lizama.

28. Q. Were you present at the execution?

A. Yes, I was.

At this stage of the proceedings the witness was advised of his privilege to refuse to answer any question which might tend to degrade or incriminate him.

29. Q. What kind of clothing did the accused Igawa wear at the time of the execution?

The judge advocate objected to the question on the ground that it was incompetent, irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was not sustained.

The question was repeated.

A. Japanese naval uniform.

30. Q. What preparations were made for the execution?

A. We just dug the grave and asked the deceased if he had anything to say. He said, "I would like to have a cigarette." That is all.

31. Q. What did the accused use to execute Vicente Lizama?

A. The sword which Igawa brought.

32. Q. Do you know whose sword it was?

The judge advocate objected to the question on the ground that it was incompetent, irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was not sustained.

The question was repeated.

A. Yes, it belonged to Igawa.

33. Q. What was done after the execution; what steps were taken?

A. After the execution was done the grave was covered up, there was a little prayer, and then we left.

Cross-examined by the judge advocate:

34. Q. Who was Lieutenant Koda?

A. He was the unit commander.

35. Q. Of what?

A. Unit commander of the military police.

36. Q. Where was he stationed?

A. In the vicinity of Sinajana.

37. Q. Was he your commanding officer?
A. Yes.
38. Q. How long were you assigned under him?
A. Since after our departure from Japan in the first part of April, 1944.
39. Q. What were your official duties under Koda?
A. It all depends upon what orders I received.
40. Q. If you know, what were Igawa's orders under Koda?
A. Igawa also received orders from Koda and did according to the orders.
41. Q. Were you at the Kempetai headquarters when Igawa brought Lizama in?
A. Yes.
42. Q. Approximately what time did Igawa and Lizama arrive at the headquarters?
A. About 8:00 or 9:00 o'clock in the morning.
43. Q. Were you on duty at the time?
A. At the moment Igawa and Lizama entered the headquarters I was reading my papers.
44. Q. Were you inside the office?
A. Yes.
45. Q. To whom did Igawa report when he came inside the building with Lizama?
A. To the unit commander, Koda.
46. Q. What was the conversation between Lieutenant Koda and Igawa at that time?
A. At the moment Igawa brought Lizama in he reported to unit commander Koda, then after that Igawa left the prisoner in care of Suzuki and went away.
47. Q. Did you hear any conversation between Lieutenant Koda and Igawa?
A. Yes, I listened to their conversation every now and then.
48. Q. What did Koda say to Igawa at that time?
A. I heard Koda gave the word to Igawa that he received orders from the commanding general that Igawa was to behead Lizama.
49. Q. Did Koda say that the general specified Igawa to perform the execution?
A. According to the commanding general that was what he said to Igawa.
50. Q. Just what did he say to Igawa, can you remember the exact words?
A. I definitely heard Koda give the word to Igawa that he received orders from the commanding general to give the privilege to Igawa to execute the person.
51. Q. Did you hear Koda ask Igawa where the native was found?
A. I didn't hear that.
52. Q. Were you at the headquarters the rest of the day?
A. There were bombings going on at the time and I just cannot remember exactly whether I was there or not the rest of the day.

53. Q. Do you know what happened to the prisoner after Igawa delivered him to Lieutenant Koda?
A. Igawa left the prisoner to Suzuki.
54. Q. What was the prisoner's name?
A. The name I know is Vicente.
55. Q. Weren't there more than one prisoner brought in by Igawa at that time?
A. Just Vicente alone.
56. Q. Igawa brought in just one prisoner?
A. Yes, sir.
57. Q. And that prisoner was turned over to Suzuki?
A. Yes, sir.
58. Q. What happened to the prisoner after Suzuki took him?
A. As far as I know he was taken outside.
59. Q. Do you know what happened to him after he was taken outside?
A. I do not know what happened to him.
60. Q. What happened to Igawa after Suzuki took the prisoner outside?
A. I believe he left.
61. Q. Did he go outside the building or did he leave the area?
A. I do not exactly know how far he left the building or where he went, but I know that after he received the orders he left the building.
62. Q. Did you hear the answer that Igawa gave Koda at the time Koda told Igawa that he was to perform the execution?
A. I did not know whether he answered or not.
63. Q. Did you hear any other conversation between Koda and Igawa during that entire day?
A. I didn't hear any.
64. Q. Was Lizama or the prisoner brought back inside the building during the day?
A. I do not know.
65. Q. Did you see the prisoner tied to a tree?
A. When Suzuki brought out Lizama I did not see what happened to him.
66. Q. Did you see the prisoner tied to a tree at or near Sinajana military police headquarters that day?
A. I do not exactly know whether he was tied to a tree but I saw that he was rather close to a tree.
67. Q. What time of day was he tied to a tree?
- The accused objected to the question on the ground that the witness had not testified that the prisoner was tied to a tree.
- The judge advocate made no reply.
- The commission announced that the objection was sustained.
68. Q. What time did you see the prisoner by this tree?
A. After he was brought out. It was about 20 or 30 minutes.

69. Q. Do you mean that the prisoner was standing close to a tree within the 20 or 30 minutes after Suzuki took him outside?

A. Right. About 20 or 30 minutes after the prisoner was brought out I saw Lizama sitting close to a tree.

70. Q. At what time did Igawa get back to the headquarters, if you know?
A. About 4:00 o'clock in the afternoon.

71. Q. Tell us what happened after Igawa came back relative to the circumstances leading up to the execution of Lizama?

A. After Igawa returned and a little bit later after that the members of the party started coming in and they assembled.

72. Q. Where did they go then?

A. Right after that we went to a certain spot and then Vicente Lizama was executed.

73. Q. Was Lieutenant Koda at the scene of the execution?

A. He did not go.

74. Q. Who was in charge of the execution party?

A. No one was in charge after we left. We all received orders from Koda to go to a certain spot and we took off at the same time.

75. Q. Who gave the order to decapitate?

A. Koda.

76. Q. Who gave the order to decapitate at the scene of the execution?

A. There wasn't any order given at the scene of the decapitation.

77. Q. No orders were given at the scene of decapitation at all, is that correct?

A. None.

78. Q. Did you engage in any conversation with the accused from the time he returned to the Kempetai headquarters until the time he returned from the scene of the execution?

A. There was no conversation between us.

79. Q. Did you hear the accused make any remarks that he had objected to perform the execution?

A. Since it was an order from the general he had to behead him.

80. Q. Did you hear the accused make any statement that would indicate that he objected to perform the execution of Lizama?

A. As to what Igawa said I did not hear any.

The witness was duly warned.

The commission then, at 11:15 a.m., adjourned until 9:00 a.m. tomorrow, Friday, 15 February, 1946.

SIXTH DAY

HEADQUARTERS,
Island Command, Guam.

Friday, 15 February, 1946.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Lieutenant Colonel William P. Carey, U.S. Marine Corps Reserve,
Lieutenant Colonel Donovan D. Sult, U.S. Marine Corps,
Lieutenant Colonel Samuel S. Yeaton, U.S. Marine Corps,
Lieutenant Commander James H. Grover, U.S. Naval Reserve,
Lieutenant Commander Joseph L. Wolf, U.S. Naval Reserve,
Captain Robert J. Loesch, U.S. Marine Corps, members, and
Lieutenant, junior grade, William A. Buckles, U.S. Naval Reserve,
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 fifth day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

Akioshi Hosokawa, the witness under cross-examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Reexamined by the accused:

81. Q. Do you recall Koda's exact words to the accused when he ordered him to execute Vicente Lizama in your presence?

The judge advocate objected to the question on the ground that it was repetitious.

The accused replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. The order as quoted by me according to what I heard was this:
"There was an order given from the division general that the native Lizama was to be executed and Igawa was to behead him."

82. Q. What the execution party returned to headquarters and reported the order carried out, what did Koda do?

A. According to what I remember after we had reported the execution, we gave him the regular respects and there was nothing special that he mentioned. He was rather sad that we did the execution.

83. Q. What did Koda do after you reported the completion of the execution?

A. He left and I am sure that he went to the 29th Division headquarters where Takoshima was.

84. Q. What duties did your unit perform during the invasion?
A. Which invasion?

85. Q. The American invasion.
A. We gathered all civilians and placed them in a safe place.

Recross-examined by the judge advocate:

86. Q. After the party had returned to the headquarters from the scene of the execution and reported to Koda, did Koda ask you who performed the execution?

A. After we left the scene of the execution we reported to Koda. Igawa, the accused, came into the Kempetai headquarters and put in his regular respects, salute, and he told Koda that he had done the execution.

The accused requested permission to submit a written translation of the answers to Q.27 and Q.50 in the witness's own hand writing and in his own language.

The commission announced that the request was granted.

At the direction of the commission, the witness wrote out the answers in his own language, appended marked "E".

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The accused, at his own request, took the stand. He was warned that the oath previously taken was still binding.

Examined by the judge advocate:

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

Examined by the accused:

2. Q. In June of 1944 did you execute Vicente Lizama?
A. I have forgotten the name of the person but I think that was the man I killed.

3. Q. Why did you do it?

The judge advocate objected to the question on the ground that it was incompetent, irrelevant and immaterial.

The accused made no reply.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection was not sustained.

The question was repeated.

A. The reason why I did it was because I was ordered.

4. Q. Who ordered you to do it?
A. Unit commander Koda of the military police.

5. Q. Did you recall Koda's exact words when he ordered you to execute this man?
A. Lizama was to be executed and that was the order from the division general. Since the execution was going to take place according to military orders, I was to execute him.

6. Q. Did you want to do it?

The judge advocate objected to the question on the ground that it was incompetent, irrelevant and immaterial.

The accused replied.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objection was not sustained.

The question was repeated.

A. I did not wish nor want to do it.

7. Q. Then why did you do it?
A. Because I was ordered. I had to obey the order.

8. Q. Do you know what would have happened if you had refused to obey the order?

The judge advocate objected to the question on the ground that it called for a conclusion of the witness.

The accused replied.

The commission announced that the objection was sustained.

9. Q. Did you believe at that time that the execution was legal?

The judge advocate objected to the question on the ground that it was a hypothetical question and called for a conclusion of the witness.

The accused replied.

The commission announced that the objection was sustained.

10. Q. Was there any doubt in your mind as to the legality of this execution?
A. It was my belief that it was a legal execution.

11. Q. What led you to believe that it was a legal execution?
A. The reason why I believed it was a legal execution was because it was a general's order, and I was told also by our company commander.

12. Q. Did this execution conform with the legal requirements of the Japanese military law?

The judge advocate objected to the question on the ground that it called for a conclusion of the witness.

The accused made no reply.

The commission announced that the objection was sustained.

13. Q. What clothing did you wear at the time of the execution?
A. Imperial Japanese Navy uniform.

14. Q. What insignia did you wear at the time of the execution?
A. On my cap the usual navy anchor insignia and on both sides of my collar my rating was attached, which was a star and underneath it one anchor.

15. Q. What instrument did you use to execute the prisoner?
A. A sword.

16. Q. Whose sword was it?
A. It belonged to the navy but I borrowed it.

Cross-examined by the judge advocate:

17. Q. You made the statement which is in evidence that Koda told you that the native was to be executed for strategic reasons, what do you mean by strategic reasons?

A. What I meant by strategic reasons was that the things Lizama did during the war was considered going against the rules of war that we had.

18. Q. Who was in the room when Koda told you this?
A. I believe Hosokawa was present. As to the other room, I do not know.

19. Q. Did Koda thank you for making the arrest of Lizama?
A. Yes, Koda told me words like, o.k., or words to that effect.

20. Q. Did he tell you it was a good arrest for a police inspector to make?
A. I believe he was rather happy about it.

21. Q. Did he tell you to execute the prisoner as a reward for what you did?

The accused objected to the question on the ground that it was misleading.

The judge advocate replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. No, he did not say that.

22. Q. At the time Koda told you that you were going to perform the execution, what did you say to Koda?

A. All I said was: "Ha," meaning yes.

23. Q. Did you sharpen the sword the day before the execution?

A. As usual and just before the execution, I took a white piece of paper and wiped the blade of the sword.

24. Q. What was the purpose of that?
A. For the mere purpose of cleaning it.

25. Q. You have testified that you wore a particular uniform that day; what color was that uniform?

A. The color of khaki.

26. Q. Did you wear the same uniform that day as you usually wear?

A. Yes.

Examined by the commission:

27. Q. You stated that you did not want to execute the native Lizama, is that correct?

A. Yes, sir.

28. Q. What was your objection in executing the native named Lizama?

A. Since this was the first execution I had known I never heard of any objection or anything said of not doing the thing as told.

29. Q. What was your objection in executing the native Lizama?

A. Not that I wanted to decapitate the native but the orders came from the higher authorities and I had to do it.

30. Q. Why did you object to it?

A. I never wanted to decapitate any human being as I know it is a very sad thing, but since it was an order from the higher authorities, I had to do it.

31. Q. Then your objection was for personal reasons, is that correct?

A. Yes, sir.

32. Q. Did you tell anybody that you objected to it?

A. I did not mention that to anybody. It was only my personal feelings.

33. Q. Why was the sword used in the execution?

A. Because the unit commander told me to use the sword.

34. Q. When did he tell you to use the sword?

A. The morning after I presented the prisoner to Koda and I went out to attend to nature's call, Hosokawa, at about 8:00 or 9:00 o'clock called me and said that Koda wanted to talk to me. That was the time when Koda told me that I was going to use my sword.

35. Q. What were the words that Koda used regarding the sword for the execution?

A. What Koda told me was this: "Since it was going to be an execution, I want you to use your own sword."

36. Q. I believe there was another native executed at the same time and at the same spot, is that correct?

A. Yes.

37. Q. Do you know what instructions Koda issued in regard to that individual?

A. I do not know.

38. Q. Then you have no knowledge of anything that happened that day except what happened to the deceased Lizama, is that correct?

A. That is right. The members of the police force and the unit commander never said anything about the other person.

39. Q. And according to your story about this individual Koda, you were to execute Lizama, is that correct?

A. That is right.

40. Q. Who was your superior in the non-commissioned rank or petty officer; in other words, somebody that was not an officer?

A. Hosokawa was directly the first non-commissioned officer next to First Lieutenant Koda.

41. Q. Was he the individual from whom you normally received your orders?

A. I do not remember ever having received orders from Hosokawa.

42. Q. And normally in the course of business you dealt directly with First Lieutenant Koda, is that correct?

A. Yes.

43. Q. Then you were in daily business intercourse with First Lieutenant Koda, is that correct?

A. Yes, sir.

44. Q. However you did not protest to Koda over the execution of which you objected to, is that correct?

A. I did not make any objection to Koda since I knew it was the general's order.

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

The witness said that he had nothing further to state.

The witness resumed his status as accused.

The defense rested.

The judge advocate requested a postponement of the trial until Monday, 18 February, 1946, at 9:00 a.m.

The request was granted.

The commission then, at 11:15 a.m., adjourned until 9:00 a.m. Monday, 18 February, 1946.

SEVENTH DAY

HEADQUARTERS,
Island Command, Guam.

Monday, 18 February, 1946.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Lieutenant Colonel William P. Carey, U.S. Marine Corps Reserve,
Lieutenant Colonel Donovan D. Sult, U.S. Marine Corps,
Lieutenant Colonel Samuel S. Yeaton, U.S. Marine Corps,
Lieutenant Commander James H. Grover, U.S. Naval Reserve,
Lieutenant Commander Joseph L. Wolf, U.S. Naval Reserve,
Captain Robert J. Loesch, U.S. Marine Corps, members, and
Lieutenant, junior grade, William A. Buckles, U.S. Naval Reserve,
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 sixth day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

The accused read a written statement in his defense, the statement together with its translation are appended marked "F".

The judge advocate read his written opening argument, appended marked "G(1)", "G(2)", "G(3)", "G(4)", "G(5)", "G(6)", "G(7)" and "G(8)".

The accused read a written argument, appended marked "H(1)", "H(2)", "H(3)", "H(4)", "H(5)" and "H(6)".

The judge advocate made the following closing argument:

In the first instance the accused cited War Department Rules of Land Warfare as authority for a subordinate to carry out the order of his superior officer without question. It is true that the above authority does provide that individuals of the armed forces will not be punished for certain offenses in case they are committed under the order or sanction of their government or commanders, however, this authority is not applicable to the case at bar because the authority does not include murder, rape or infamous crimes.

The accused advanced the proposition that he did not know whether or not the deceased had received a legal trial. The prosecution proved by a preponderance of the evidence that the deceased did not have a trial before his arrest and incarceration by the Japanese or after his arrest by the accused while awaiting execution. It is immaterial if the accused did not know the execution was illegal. The prosecution had proved the execution was illegal and that the accused either knew or should have known that the execution could have been decreed as a result of a fair and impartial trial.

It was further brought out in the argument of the accused that we do not know the Japanese military regulations and therefore are not in a position to judge or determine the legality of the conduct of the accused in the light of all of the circumstances.

I believe it is immaterial what the Japanese military regulations are and if the accused performed the execution in self-defense the evidence of the defense fails to prove it. We are not trying the accused under the laws or regulations of the Japanese military forces. The following authority is quoted in support of the position taken by the prosecution in regard to the argument of the accused that he was acting under orders. Clark's Criminal Law (Hornbook Series) 2nd ed. (1902) Sec.39, P.91-93; reads as follows:

"It is no excuse for the commission of a crime that it was done under the command of another. The authority of an agent cannot rise higher than its source. If the act commanded is a crime, it would be such if done by another pursuant to command. Thus, a command by a superior officer does not excuse an inferior, either in the army or the navy, or in civil life, for committing a criminal act."

The above authority also pointed out that nothing short of being placed in fear of death would justify the commission of a homicide.

"The court charged that the fear of having houses burned or goods spoiled was no excuse but that the only force that would excuse was force upon the person, and present fear of death, and that this force must have continued all the time the prisoner remained with the rebels. Fear of injury to property or it seems of anything short of death will not excuse. Nor, apparently, is duress an excuse for taking life."

In conclusion the prosecution would like to point out that inasmuch as the accused is being tried before a Military Commission comprised of military men who are familiar with military rules and regulations it would appear that the accused has offered a mighty poor defense in saying that the only reason he performed the execution is because he was ordered to do so. It is almost an assumption on the part of the accused that the Commission would know nothing about military rules or regulations. In the light of the foregoing remarks the prosecution firmly believes the Commission will be justified in finding the accused guilty as charged.

The trial was finished.

The commission was cleared.

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

The specification of the charge proved.

And that the accused, Tadao Igawa, 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
Tadeso Igawa, an inhabitant of Guam, to be hanged by the
neck until dead, two-thirds of the members concurring*

W. H. Galliford

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

William P. Carey

WILLIAM P. CAREY,
Lieutenant Colonel, U.S. Marine Corps Reserve, Member,

Donovan D. Solt

DONOVAN D. SOLT,
Lieutenant Colonel, U.S. Marine Corps, Member,

Samuel S. Yeaton

SAMUEL S. YEATON,
Lieutenant Colonel, U.S. Marine Corps, Member,

James H. Grover

JAMES H. GROVER,
Lieutenant Commander, U.S. Naval Reserve, Member,

Joseph L. Wolf

JOSEPH L. WOLF,
Lieutenant Commander, U.S. Naval Reserve, Member,

Robert J. Loesch

ROBERT J. LOESCH,
Captain, U.S. Marine Corps, Member,

William A. Buckles

WILLIAM A. BUCKLES,
Lieutenant, junior grade, U.S. Naval Reserve,
judge advocate.

The commission then, at 11:20 a.m., adjourned to await call by the senior member.

W. H. Galliford

WALTER T. H. GALLIFORD,

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

William A. Buckles

WILLIAM A. BUCKLES,

Lieutenant, junior grade, U.S. Naval Reserve, judge advocate

Argument of Judge Advocate in reply to
the plea in bar of the Accused.

In answer to the plea in bar made by the accused that the accused is a prisoner of war, is a member of the Imperial Japanese Navy and as such is entitled to all the rights of a prisoner of war as prescribed by the Geneva Convention of 27 July, 1929, Articles 60 and 81, the prosecution quotes the following authority that it is immaterial whether the accused is a member of the military forces or whether the accused is a civilian internee. In presenting the following authority the prosecution does not admit that the accused is a member of the Japanese Navy and is therefore a prisoner of war as distinguished from a civilian internee.

The authority to be quoted shows that civilian internees and prisoners of war are entitled to the same treatment. The real distinction to be made is the status of the accused at the time of the commission of the alleged crime. The evidence adduced by the accused in support of his plea in bar shows the accused was taken into custody during the Christmas Season of 1945. The alleged crime was committed on or about June 1944. Clearly the accused was not a prisoner at the time of the commission of the crime and therefore Articles 60 and 81 of the Geneva Convention of 27 July, 1929, do not apply.

The particular point in question, as to whether or not the accused can be tried without regard to his status as a prisoner of war was passed upon by the Judge Advocate General and his opinion is set forth in JAG Ltr:III:RJD:ey of 24 April 1945 as follows:

"From the point of view of the trial it is believed the distinction as between civilian internees and prisoners of war has no importance. The terms of the Geneva Prisoner of War Convention seems to indicate that civilian internees are entitled to the same rights accorded prisoners of war.

"This point of view is clearly expressed by Oppenheim. The United States in 1942 agreed to treat interned Japanese Civilians 'at least as fairly as prisoners of war'.

"Crimes committed while they are interned as civilian or imprisoned as prisoners of war, the subject group are to be treated as prisoners of war and treated in accordance with the provisions of the Geneva Convention, i.e. by court martial with proper notification to the protecting power.

"D(1)"

0732

"For crimes committed prior to reconquest of Guam the subject group should be tried as common criminals by the Exceptional Military Courts created by Proclamation IV of the Military Governor of Guam and the Geneva Convention does not apply".

In an opinion for the Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Governor of Guam, relative to trying prisoners of war in an Exceptional Military Court, John D. Murphy, Captain, U.S. Navy, War Crimes Officer, Pacific Ocean Areas states as follows:

"The question as to the application of the Geneva Convention has been given considerable study because of the possible far reaching effect of denying any right or protection to which the accused might be entitled under the convention. If the accused had committed an offense while imprisoned as a prisoner of war, the Geneva Convention would unquestionably apply for his trial for such offense. But since he is charged with committing an offense prior to obtaining prisoner of war status he does not have a prisoner of war status relative to trial for his criminal acts committed prior to his being captured. The reason is that when he violates the criminal laws of the particular place or laws of war, he immediately subjects himself to be taken into custody, detained, tried as a common prisoner and punished by the sentence of a court of competent jurisdiction all in accordance with the laws when he has violated."

The accused stated that he was attacking the jurisdiction of this court by his plea in bar and has made no distinction between a plea in bar and a plea to the jurisdiction of the court. Therefore it is believed proper at this time to point out to the court wherein this court derives its jurisdiction to try the accused.

The commission will note that the specification of the charge preferred against the accused refers to the accused as an inhabitant of Guam and the accused is being tried as an inhabitant of Guam for the violation of Section 189 of the Penal Code of Guam.

That this Military Commission is legally constituted and has jurisdiction to try the accused the attention of the Commission is invited to Section 33 of the Code of Civil Procedure of Guam which reads as follows:

"33. Courts of Justice in General -

The following are the courts of justice in Guam:

..... 5. Such special courts as the Governor in his discretion may appoint."

"D(2)"

0733

This Commission was established by Proclamation Number IV, Article I, by the Military Governor of Guam on 21 August, 1944.

In view of the foregoing it is submitted to the Commission that the plea in bar should be denied because it is immaterial whether the accused is a member of the military or is a civilian and therefore this Commission has jurisdiction over the accused irrespective and regardless of his military or civilian status.

William A. Buckles
WILLIAM A. BUCKLES,

Lieutenant, junior grade, U.S. Naval Reserve
Judge Advocate.

"D(3)"

0734

ト上

高島司、團長ヨリ、作戰命令ニ依リ
リサーマヲ井川ハ死刑ニスベシ

0.27

"5"

0735

リサーマハ高田司園長ヨリノ
作戦命令ニ依リ死刑ヲ執
行スル命令ガアツタ
井リハ井リノ軍一カテ
死刑ヲ執行ナヤ

"E"

Q. 50

0736

STATEMENT OF THE ACCUSED

I acted according to the order of my superior and believed it was rightful. In my mind this is not murder. There was no personal feeling whatsoever against the man. I don't believe this becomes a crime. I also am a human being. I also have blood and tears but in my position under the order of my superior it was only my duty.

/s/ Tadao Igawa

0737

Judge Advocate's written opening argument

In a criminal prosecution it is essential that the prosecution bring before the Commission sufficient evidence to prove beyond a reasonable doubt each and every essential allegation in the specification. If proof beyond a reasonable doubt of each and every essential allegation in the specification is adduced by competent evidence then it is the duty of the Commission to convict the accused of the crime charged against him.

With this thought in mind let us look at the essential allegations in the specification. In the first instance an allegation is made that the accused is an inhabitant of Guam. The accused said so himself, stating that he came to Guam in September 1942. It is unimportant why he came to Guam. The evidence is clear that he actually did come to Guam and was therefore subject to the laws of Guam. The question of jurisdiction of the Commission has been settled by the Commission in ruling on the accused's plea in bar and it is not believed necessary to dwell on that point at this time. The next essential allegation of the specification states the time and place that the crime was committed. The allegation, "did in or about the month of June, 1944," does not attempt to state the exact day the crime was committed. It almost goes without saying that it is not necessary to prove the exact date of the execution. All of the evidence considered together, both the evidence of the prosecution and the defense definitely and conclusively proved and established that the execution occurred in the month of June, 1944. The same argument is true concerning the place of the execution. I don't believe a criminal prosecution ever failed because of lack of proof of the exact date of the commission of the offense or of the lack of proof of the exact spot where the actual offense was committed.

The next essential allegation in the specification is the words, wilfully, feloniously, with premeditation and malice aforethought. Now let us consider these words, arrive at what is meant by them and then consider a moment to see if the evidence does actually prove this essential allegation of the specification. First, the word wilful, according to Webster is defined as follows:

"1. Self determined; 2. intentional;
Example as wilful murder."

In Chadman's Legal Dictionary, wilful is defined as follows:

"Voluntary, intentional. An act is wilful when done with knowledge and desire on the part of the person doing it."

I submit to the Commission that this execution was committed by the accused as an intentional, voluntary and wilful act. The testimony of Hosokawa showed that the accused was given the privilege or opportunity to do the act. There is no evidence that the accused made any objection whatsoever when this privilege was accorded him from his superior officer. There is no evidence whatsoever in the record to show a direct order was given to the accused to perform the execution, except the testimony of the accused.

"G(1)"

0738

Next the word feloniously is an important word. What does feloniously mean as used here? It means contrary to the law or against the law. Now I don't think that this word calls for much discussion. The accused is being tried for murder as set forth in Section 189 of the Penal Code of Guam. The Penal Code of Guam was in full force and effect at the time of the killing of Lizama. I believe that has been definitely established. There is sufficient authority on this point. If the Commission desires the authority the prosecution will furnish it, but will dispense with reading it now as that fact has not been questioned or placed in issue in these proceedings.

We pass now to premeditation. Chadman's Legal Dictionary defines the word "premeditate" in the following language:

"To think in advance; to plan or design."

Premeditation is defined as:

"A design or intent formed to commit a crime or to do some other thing before it is done."

Now the evidence shows that Igawa did the following things after being notified by Lieutenant Koda that Vicente Lizama was to be executed:

(a) He went home to rest after working all night in apprehending the deceased and returning him to Sinajana Kempetai Headquarters;

(b) He attired himself in a naval uniform which he was wearing at the time of the execution;

(c) He wore a sword on his person for the purpose of having it available for the execution;

(d) He returned to the Sinajana Kempetai Headquarters for the purpose of retaking the deceased into his custody in order that he might perform the execution;

(e) He journeyed to the scene of the execution with the prisoner in his custody with the express purpose in mind of performing the execution upon arriving at a certain spot;

(f) He cleaned the blade of his sword prior to performing the execution having in mind at the time of the cleaning of the sword the decapitation of the deceased.

"G(2)"

0739

All of the above clearly shows premeditation on the part of the accused. He was thinking in advance and was carrying out a plan or design to kill the deceased which the prosecution contends is murder.

Malice aforethought according to the legal dictionary is:

"Intention to kill, previous to committing the act, or previous design or purpose."

I believe the same argument applies to malice aforethought that has just been advanced for premeditation. The accused intended to kill Lizama from the moment of the conversation with Lieutenant Koda the morning of the day of the execution. Webster defines malice as:

"Enmity of heart or ill will."

I believe such ill will on the part of the accused has been clearly manifested in this case.

Could any civilized man, as we know a civilized man, draw back a large sword with both hands and then viciously, brutally, cruelly, with one powerful and crashing blow slash down on the helpless and defenseless figure before him with such force and violence as to completely sever the head from the body, without having enmity of heart? To me, Members of the Commission, such a cruel and dastardly act indicates malice aforethought, enmity and ill will.

The next essential allegation as contained in the specification is "without justifiable cause". No justifiable cause existed for the murder of the deceased because the prosecution has shown that there was a serious doubt whether the accused was actually ordered to execute the deceased. Even if the accused did construe the words of Lieutenant Koda to be an order for the execution, nevertheless there is ample authority for the proposition that it is impossible to give a legal order to do an illegal act. The prosecution has further shown that the deceased was not given a trial or a hearing of any kind by the Japanese before he was executed. In fact the evidence shows that there were no charges ever preferred against the deceased by the Japanese. The evidence further shows that the deceased made a statement to his wife, "I have done nothing and have no reason to hide."

The rest of the specification has been proved by the prosecution. Two eye witnesses saw the accused execute Vicente Lizama and testified that Vicente Lizama was in fact decapitated. These witnesses testified that the head was completely severed from the body. In addition to the testimony of the eye witnesses the accused testifying in his behalf stated he did decapitate the deceased in the manner set forth in the specification.

"G(3)"

0740

The accused testified in his own behalf that he was ordered to commit the execution. However there was no evidence introduced by the accused to corroborate his testimony. He is trying to create the impression that he was bound to act as he did. That he had no alternative; that he did it to save his own hide so to speak. However the evidence does not bear out any such fact. Actually the evidence points in the opposite direction, namely, that he was to be honored by his superior officers, that he had made a good arrest; that it was a good piece of work; that he was to be highly commended for working all night and as a reward for his good piece of work he, the accused, would be allowed the privilege of carrying out the execution. The evidence which bears out this contention of the prosecution is the testimony of Hosokawa who was the Chief Petty Officer present and who was next in line in the chain of command to Lieutenant Koda. He is the only witness that was present at the time of the conversation between Lieutenant Koda and the accused that has been brought before this commission. This witness, Hosokawa, testified upon cross examination that the accused was given the privilege or opportunity to commit the execution. Hosokawa told what he thought actually happened and that point is worthy of consideration at this time. The Commission is asked to consider carefully questions 27 and 50 and the answers thereto in the testimony of Hosokawa. Question 27 was put to the witness in the following words:

"Do you recall what First Lieutenant Koda's words were when he ordered the accused to execute Lizama?"

Answer:

"Koda received orders from the commanding general Takashima and he said that Igawa was to be given the opportunity to behead Vicente Lizama."

Again let us look at the next answer of the witness relative to the same point. Question 50:

"Just what did he say to Igawa, can you remember the exact words?"

Answer:

"I definitely heard Koda give the word to Igawa that he received orders from the commanding general to give the privilege to Igawa to execute the person."

If the Commission will recall the witness was asked to repeat his answer to this question and then he was asked if that answer was correct and he said it was correct.

"G(4)"

Now the Commission can readily see that there is no direct evidence tending to show the accused was actually ordered to commit the act with the exception of the accused's own testimony, but there is not one iota of evidence to show that the accused made any objection whatsoever to Lieutenant Koda regardless of whether Lieutenant Koda ordered him to commit the execution or not. There is not one iota of evidence to show that the accused had any qualms whatsoever in performing the execution. It appears that if the accused had any misgivings, scruples or qualms against killing Lizama he would have said so at the time. He did testify that he believed it was wrong to kill the deceased and said he thought it was a sad thing and went further to say that his objections were purely personal. Hence it appears all the more likely that he was not ordered to kill the deceased but was merely given the privilege of doing so. He says he did not want to do it because he knew it was a sad thing to kill a person, but he thought the execution was a legal execution. Now he has placed himself in a position of saying that he knew it was wrong to kill Lizama but he made no objection to any one whatsoever. Now the Commission can see that his act is just that much more reprehensible because he in fact knew he was doing a great wrong. The deceased was executed in 15 to 17 hours after the arrest was made by the accused. The accused knew or should have known that the execution was not a legal execution.

In considering the essential allegations of the specification as above pointed out the Commission is now asked to consider the Penal Code of Guam with the thought in mind of determining whether or not the specification as stated actually amounts to murder in the first degree.

"Section 187: Murder is the unlawful killing of a human being, with malice aforethought.

"Section 188: Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied, when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

"Section 189 - Degrees of Murder: All murder which is perpetrated by means of poison, or lying in wait, torture or by any other kind of willful, deliberate and premeditated killing is murder in the first degree."

I believe the Commission will readily see that the prosecution has proved the essential allegations of the specification and the specification as such alleges the offense of murder as set forth in the Penal Code of Guam.

"G(5)"

0742

In addition to proving all of the essential allegations in the specification it is incumbent upon the prosecution to establish first the identity of the accused and second a corpus delicti.

The identity of the accused has been established beyond any reasonable doubt. The accused was identified by Jose Villagomez, Nicolas Sablan, Pedro Guerrero, and finally by the witness of the defense Hosokawa. All of these people testified that they knew the accused to be Tadao Igawa. In addition to this the accused took the stand and readily admitted his identity.

The corpus delicti has been definitely established by the prosecution. In the first place the wife of the deceased positively identified clothing found in the grave with the remains of the deceased that she had given to the deceased at the time of his arrest by the accused. Soledad Lizama Concepcion likewise identified the teeth of the deceased which she testified was the teeth of her father and further she identified a pair of sandals which were found in the grave which she testified she had given to her father and these she positively identified by reason of the initials "V.L." which appeared on the sandals. In addition to the above testimony, Nicolas Sablan testified that he saw the deceased decapitated and placed in the grave and saw the body buried. At the exhumation of the remains approximately 16 months later Sablan saw the remains of the deceased, testified that he definitely could identify the clothing that was worn by the deceased at the time of the execution and also that he was positive that the remains he saw at that time were located in the same grave into which the deceased fell at the time of the execution by the accused.

A great deal of stress has been placed on the fact that the accused was ordered to perform the execution. It has already been pointed out by the prosecution that even if this were true the accused would not be excused or justified in performing the execution. If Lieutenant Koda ordered the accused to perform an illegal act then Lieutenant Koda is also guilty of the crime as an accomplice and in no way whatsoever can the accused be held blameless. The law is clear on this point and our own Court Martial Orders covers this point in the following language:

C.M.O. 212 - 1919 P-5: "There is no doubt as to the guilt of the accused as to the second charge, the accused taking the stand in his own behalf and admitting the allegations of the specification of the charge, endeavoring to excuse and justify his actions by the serious conditions existing at the station, and that his actions were acquiesced in and in accordance with the orders of his superior officer. This, however, does not constitute a defense. 'A soldier is bound to obey only the lawful orders of his superiors. If he receives an order to do an unlawful act, he is bound neither by his duty nor his oath to do it. So far from such an order

"G(6)"

0743

being a justification, it makes the party giving the order an accomplice in the crime.'" (U.S. v. Carr, 25 Fed. Case 307)

In addition to the above citation a later decision is found in C.M.O. - 4 - 1929 P-19. It was held as follows:

"(b) In reference to the contention of the accused that he was acting in the performance of duty, it is deemed pertinent to refer briefly to the law pertaining to homicide committed by persons in the military service. It is a general rule that a soldier (or sailor), is bound to obey all lawful orders, and all he may do in obeying such lawful orders constitutes no offense as to him. But an order illegal in itself and not justified by the rules and usages of war, or in its substance clearly illegal, so that a man of ordinary sense and understanding would know as soon as he heard the order read or given that it was illegal, will afford no protection for a homicide, provided the act with which he may be charged has all the ingredients in it which may be necessary to constitute the same a crime in law (*italics supplied*) (13 R.C.L. 705; see also 67 L.R.A. 295) Likewise, in *people v. McCloud*, 1 Hill 377, 25 Wend. 483, it was held that homicide is presumed to be malicious until the contrary appears, and whether it is justifiable or inexcusable on the facts as an act of war or self-defense is a question for the jury in a prosecution therefor."

In a letter from the Judge Advocate General file number JAG III-24 April 1945, the following authority is quoted in general:

"In general, in so far as civilians are concerned, the general rule is that a man is not to be held liable for a crime committed upon the command of another if, at the time, he was acting on reasonable apprehension of instant death if he refused to comply with the command. However, such duress would not excuse the taking of human life. Mere command of another, without present fear of death, would not be an excuse."

In the case at bar we have already seen that the accused was not placed in fear nor has he attempted to defend his position by claiming compulsion or duress. In fact he testified that he made no objection whatsoever.


"G(7)"

0744

In the same letter the Judge Advocate General quoted Sheldon Glueck in War Criminals, (1944) pages 155-156:

"An unlawful act of a soldier or officer in obedience to an order of his government of his military superior is not justifiable if when he committed it he actually knew, or considering the circumstances, he had reasonable grounds for knowing, that the act ordered is unlawful under (a) the laws and customs of warfare, or (b) the principles of criminal law generally prevailing in civilized nations, or (c) the law of his own country. In applying this rule, whenever the three legal systems clash, the last shall be subordinate."

In considering both the evidence for the prosecution and the evidence for the defense it is believed that the commission will be justified in finding the accused Tadao Igawa guilty of murder. In view of the great preponderance of evidence, it is believed no reasonable doubt as to the guilt of the accused can exist in the minds of the Members of the Commission.


WILLIAM A. BUCKLES,

Lieutenant, junior grade, U.S. Naval Reserve,
Judge Advocate.

"G(8)"

0745

ARGUMENT OF THE ACCUSED

The indisputable facts of this case prove beyond any reasonable doubt that in June of 1944, the accused, upon orders from Lieutenant General Takoshima, executed Vicente Lizama. But that is not and never has been the question before this court. At the outset of the trial the accused readily admitted the execution and testified that he acted against his will upon orders from his superior officer. It is an established fact that an order from a superior officer constitutes a valid defense. Paragraph 347 of the American Rules of Land Warfare, after listing typical "offenses by armed forces including manslaughter" specifically provides that a soldier has a valid defense if his act was ordered by his government or by a commander:

" . . . 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."

Referring to Court Martial Order Number 4-1929, p.19, we find that "It is a general rule that a soldier is bound to obey all lawful orders and all he may do in obeying such lawful orders constitutes no offense as to him." It further states that should the order later prove to have been in fact, illegal, that it must be proven that at the time the order was given it was so "clearly illegal, that a man of ordinary sense and understanding would know as soon as he heard the order read or given that it was illegal." Therefore, we are concerned only with the questions (1) was the order legal and (2) if it was not a legal order, did it still appear to be both regular and lawful on its face. Let us discuss the evidence.

Our first problem was to determine whether or not the accused was a member of the Japanese Navy at the time of this alleged offense. We know that while on Tinian he was drafted into the naval service on or about August 15, 1942 upon orders from the Admiralty and took an oath of allegiance given to inductees. He was assigned to Naval Civil Affairs, the apparent equivalent of our own Military Government, and sent by troop ship from Tinian to Guam upon orders from the Navy Department. Here he was assigned to duty with the military police because of his training in civilian life and was issued the khaki naval uniform with anchor insignia worn by the Imperial Japanese Garrison Forces. After pledging himself to obey the orders of Captain Sugamoto, commander of the Naval Garrison Forces, Igawa was issued a Samurai sword as the badge of his office and symbol of authority. The accused was billeted in Barracks, fed, clothed, disciplined, punished and paid by the Japanese Navy and at no time represented himself to be anything other than a member of the Japanese armed forces.

On June 11, 1944, with Saipan already invaded and a landing on Guam appearing eminent, the defense preparations of the Japanese included reorganization of the various military units on this island. One of these changes was to combine the Army and Navy military police forces and place them under the command of Lieutenant General Takoshima, the commander of the military forces on Guam, and directly under First Lieutenant Koda. The evidence indicates that the accused, although probably still carried on the muster rolls of the Naval Civil Affairs, was now under the direct control of the Army Military Police or Kempetai, commanded by First Lieutenant Koda. During the invasion the accused did what any navy man would do - - he obeyed orders and carried out the duties for which he had been trained. If all naval personnel went out aboard ships to man guns, an interesting

"H(1)"

0746

situation might arise. We must liken the status of the accused to that of a military policeman in our own Military Government who in time of an invasion would be concerned with the welfare of the native population.

The question was raised about an identification card at the time of surrender. Although this question was educational to all of us who did not know this to be the correct procedure in surrendering, it must be considered pointless in this case until we have determined the answers to the following questions:

1. Do the Japanese make it a policy to surrender when the situation becomes hopeless?
2. How much instruction do the Japanese troops receive in surrender procedure?
3. How many prisoners of war, particularly those who have been hiding out for as long as eighteen months, actually do have some form of organization identification?

It is difficult for the western mind to understand the exact position of the Kempetai because we have never had a similar unit in our armed forces. It would appear that the members of the Kempetai were allowed a certain amount of freedom of action, but it cannot be denied that all orders came directly from the top offices of the Japanese military hierarchy. In organization and in duty it was strictly a military body under the direct command of the Admiralty and War Department. As a member of the Kempetai, the accused must be considered as a member of the Japanese armed forces.

We come now to Lieutenant General Takoshima's order for the execution of Vicente Lizama and the question, first, was it a legal order, and second, if it was not lawful, was its illegality so apparent and palpable to the accused that he realized at the time that it was unlawful and should be disobeyed. Let us discuss the legality of Takoshima's order.

We know that the deceased, Vicente Lizama, had been a member of the United States armed services for some twenty-five years, and was arrested on suspicion of being a spy in the employ of the enemy. It was discovered that he unlawfully possessed a firearm, which in time of war, by international law, is a capital crime. During an American air raid in June of 1944, the prisoners of the Agana jail, where Vicente Lizama was confined, made a mass break, and the deceased became a fugitive-at-large. The accused was immediately ordered to apprehend this fugitive, and he succeeded, returning with his prisoner to the military police headquarters at Sinajana. After reporting in with his prisoner, the accused was dismissed and did not return until eight hours later. Although it will probably never be known, it would appear from the evidence of this case that Vicente Lizama was never brought to trial, in the sense that we consider a trial, and it would also appear doubtful if the deceased ever confessed to being a spy in the employ of the enemy. But these were two facts that the accused could never know because he was not there at any time during the day.

The order, we know, originated with Lieutenant General Takoshima who personally directed First Lieutenant Koda to have the man who had apprehended Vicente Lizama, execute him. First Lieutenant Koda returned to the military police headquarters and summoned six of his men. Igawa was ordered to perform the act.

"H(2)"

0747

Was the order legal? In asking this question the circumstances of the case must be borne in mind, because in war time decisions of great importance have frequently been made on very insufficient material. The order was given by the Supreme Commander of the Japanese forces on this island at a time of great danger and apprehension.

There remains the technical question, WHICH LAW SHALL BE APPLIED IN ORDER TO DETERMINE THE LEGALITY OF THE ORDER? In law and in justice, it would have to be that of the accused, since he could not justly be expected to know the law of the enemy nation that prosecutes him.

Then was the order legal by the rules and codes of the Japanese military law? We can rule that belligerent occupation does not change sovereignty and that, therefore, the Penal Code of Guam was in effect at the time the order was given, but that ruling is true only because of later developments, and does not invalidate the legality of an order made under Japanese rules. Since we know nothing of the Japanese military law that was in effect at that time then we must admit that we do not know whether this was a lawful order according to the code of the Japanese military. Was the order legal by the rules of international law and the principles of human behavior? We ourselves have found that in emergencies and in times of war, it is sometimes necessary to disregard the exact letter of the law for strategic and security reasons. Our own record is not so stainless and pure that blemishes cannot be found. But we have realized that security comes before all else. In this particular case, the island was under seige, the enemy was expected at any moment, the cities were bombed and in flames, the escaped prisoner was believed to be a menace to the security of the Japanese and there was no place for confinement or time for trial. Was the order legal then? I am inclined to believe that should the facts of this case and this question of legality be put to test before great law-makers and experts and scrutinized in minute detail, that they would rule this order to have been in effect, an illegal order.

But if it was an unlawful order, and that is open to reasonable doubt, was it so manifestly beyond the legal power or discretion of Lieutenant General Takoshima as to admit of no rational doubt of its unlawfulness in the mind of Igawa? We must determine whether the accused was justified in accepting this order as both regular and lawful, or whether there was enough room for reasonable doubt of its legality that the accused should be expected to have recognized it as an unlawful order and in the face of severe punishment, disobeyed it.

It cannot be denied that Igawa was in an unenviable position at the time of the execution. He had a dual obligation: to the ordinary law which prohibited certain acts on pain of punishment, as well as to the military law which compelled him to obey the orders of his superiors, Lieutenant General Takoshima and First Lieutenant Koda. Receiving a command from his officer to carry out an act that might possibly be construed to have been contrary to the laws and customs of legitimate warfare, Igawa had no way of knowing that the order might be unlawful under the circumstances. Even if he did not, it seems hard to hold him responsible when all his military training has stressed the duty of instant and unquestioning obedience. This is still more true because Igawa, with complete confidence in his superiors, did not know that the order of his commanding general might have been unlawful.

In discussing discipline and obedience we must first remember that a soldier's prime duty of obedience is such that he is not required to question and weigh the legality of each order he receives. He should assume it to be

"H(3)"

0748

lawful and authorized and in obeying it he can scarcely fail to be held justified by a military court.

Discipline in the United States Marine Corps is defined as:
"The immediate and unhesitating obedience to orders"

In time of war military discipline becomes stricter and disobedience punishable by severe penalties. Article 64 of American Articles of War provides that a soldier who wilfully disobeys a "command of his superior officer shall suffer death or such punishment as a court martial may direct."

In time of war a soldier ought to receive greater protection for obeying an order that turns out to be unlawful; for at that time, especially during a period of active hostilities, the discipline of a soldier should be more severe because failure to obey an order on the ground of doubt as to its legality could have very serious consequences for an entire company or regiment.

When Igawa received the order to execute Vicente Lizama who was he, as, an enlisted man, to question and correct the order of the Commanding General? Was he an authority on international law and the customs of warfare and the UNITED STATES Naval Penal Code of Guam? We know he was not. His sole duty was not to question why but simply to obey. The principle which denies justification of the act if the order turns out to have been in fact unlawful seems excessively harsh. Military men argue that for a soldier to be placed in the position of first definitely determining whether or not the order he received is in fact unlawful would often amount to insubordination and would subvert military discipline. Several decisions that reflect this point of view are worthy of mention at this time.

In in re Fair, the accused, a corporal, together with another soldier was called upon by the sergeant of the guard to pursue two prisoners who had assaulted their guard and attempted to escape. The order was: If you sight them, and are positive it is the right party, halt them; and, if they do not halt, halt them a second time; and if they do not halt, then fire upon them, and fire to hit them." Fair and his companion, showing some caution, did substantially as ordered; and one of the fugitives was killed. They were acquitted by a court martial of the charge of manslaughter and were later prosecuted in a civil court for murder. The main question was whether a civil court could thus take jurisdiction; and on a hearing on habeas corpus, the judge, following a test laid down in the civil case of McCall v. McDowell, said that "the illegality of the order, if illegal it was, was not so much so as to be apparent and palpable to the commonest understanding. If, then, the petitioners acted under such order in good faith, without any criminal intent, but with honest purpose to perform a supposed duty, they are not liable to prosecution under the criminal law of the state."

The English law is best reflected in the case of Regina v. Smith, which embodies a principle much like the American "palpable illegality" cases. During the Boer War a patrol of British soldiers, sent out on a dangerous mission, indulged in an argument with a recalcitrant native who hesitated about finding a bridle for them. Upon orders of his superior, Smith, one of the soldiers, killed the native on the spot. Under the Indemnity and Special Tribunals Act set up after the close of the war for the trial of war crimes, a special court tried him for murder. In acquitting the accused, the court stated that "Honest belief that he is doing his duty protects him in executing most orders, excepting only the manifestly illegal. If an order is not clearly and unmistakably unlawful, he has a valid defense even though he actually had some doubt about its legality and it later turns out to have been in fact unlawful."

"H(4)"

0749

We must conclude therefore, that the law holds that an unlawful order must be so apparent and obvious in its illegality as to leave no doubt in the mind of the subordinate that it should be disobeyed regardless of what the consequences might be. Obviously, such is not the case with Takoshima's order, and therefore, Igawa can hardly be held accountable for the acts of his commanding officer.

In a charge of murder, according to law, certain words must appear in the charge and each of these words must be proven beyond a reasonable doubt by the prosecution. Quite often we are inclined to overlook these words, however, in this case they are extremely important and the key to our problem. In the specification of this case, we have the words "wilfully, feloniously, with premeditation and malice aforethought."

What does wilfully mean? It means voluntarily. Did Igawa volunteer to perform this execution? We know that he did not and that it was against his will. What does feloniously mean? It means against the law. Has the prosecution proven beyond any reasonable doubt that the execution of Vicente Lizama was not a legal execution by the laws of the Japanese military? If it was a legal execution, then it was not murder. What does premeditation mean? It means plotting or contriving. Did the accused, Igawa, plot or contrive to execute the deceased, a man he did not even know? We know that he did not because there was neither personal hatred or revenge involved - - it was merely a case of doing an unpleasant and distasteful task as ordered. And finally, what is malice aforethought? It means a guilty knowledge. The accused had no guilty knowledge; he had nothing to hide; there were no secrets. Witness the execution: Eight men were present, including a sergeant-major; graves were dug; the prisoners were given cigarettes and then blindfolded. Although the method of execution may first appear both frightful and unpleasant to the English mind, yet that is not true of the Oriental who sees in it a religious and cultural significance. We must remember that a firing squad to the Japanese would be as alien to them as a beheading would be to us. Let us also remember that had a firing squad been the mode of execution, the accused would probably not now be on trial. Was it malice aforethought that prompted the members of this execution party to stand at attention, to re-arrange the bodies in their graves after death, to erect crosses and pray for the dead? Was it a guilty knowledge that prompted the marking of these graves? No, it was a sincere belief that they were doing only what was right and ordered, and that the execution, though disagreeable, was a necessary duty.

The prosecution calls it murder; well I call it war, and I say the accused is no more guilty of murder than thousands of other blameless soldiers who have had confidence in their superiors and merely obeyed orders. The question might well be asked, why are Takoshima and Koda not now on trial for this very crime. It is obvious that they are the real offenders for had the order not originated with Takoshima, who was certainly better qualified than the accused to judge the legal merits of the execution order, then the offense would never have been committed. Apparently, both men are now dead and cannot be brought to trial. Are we then going to condemn and convict the only victim we can find, the man who was nothing more than the hangman, the man who threw the switch or released the trap - - are we going to condemn him to satisfy our own revenge. It is true that we owe a

"H(5)"

0750

certain moral obligation to the Guamanians who remained here during the occupation and certainly the American press has been agitating for a revengeful blood purge, but we also have a moral obligation to the accused to guarantee him a trial free from prejudice and malice, a hearing that does more than create a legal record of proceeding and then convicts to set an example. We must give him a trial conducted in the noble spirit of our own constitution and then ask ourselves, did the accused wilfully intend to commit a wrong?

Throughout this war we fought and condemned the Axis and their Nietzschean theory of "might makes right", but now that the hand has turned and we have the power and might to seemingly justify our own acts, are we going to destroy everything by a selfish desire for revenge and vindictive hatred. We have an opportunity in these war crime trials to go above and beyond common law as we now understand it, to strive for something that can be reached only by an open mind free of malice and hate, to establish a law of human behavior governed by justice and right. The eyes of the world are now turned to these war crime trials, and the question is being asked, is this the new justice or is it the old revenge in new disguise? Your verdict, gentlemen, will determine the answer.

Edmund S. Carpenter
EDMUND S. CARPENTER,

Second Lieutenant, U.S. Marine Corps Reserve
Counsel for the accused.

"H(6)"

0751

I, Tadao IGAWA, Island Command POW Stockade, do hereby voluntarily make the following statement to 2nd Lt. Walton W. HALL and Sgt. Calvin W. DUNBAR both of whom have identified themselves to me as Ass't G-2 and G-2 Interpreter respectively and both of whom have advised me that I do not have to make any statement what so ever, and that this statement may be used in any court or proceedings in the event any charges are preferred against me.

"I received orders from the Director of Civil Affairs assigning me to duty as a policeman to the Military Police Commander about 12 or 13 June 1944, I think, and I performed duty according to the orders of the Military Police Commander. It was mid-June 1944, I think, but one day in the afternoon when I reported to the Military Police, the Chief Patrolman "B" and I received orders from the commander to arrest a native (I forget his name). As this man was in the HARAKAWA-MURA (T. N. SABANAMAAGAS) area, that same day, after sunset, I think, we went to HARAKAWA-MURA. Because the Chief Patrolman "B" didn't know the way, we used a native of this region as a guide and went to the house believed to be that of the native we were to arrest. The native was there and we took him into custody and by the time we reached the main road of HARAKAWA-MURA it was dawn. When we arrived at the Military Police Headquarters it was about 0800 or 0900 and the commander was in the office when I reported the arrest of the native in question. After turning over the native, the commander thanked me for my efforts. The commander called Ldg. Pvt. SUZUKI from the galley and told him to take charge of the native, and I transferred the native to him. I left the office and was washing my face at the wash-stand when HOSOKAWA, the Sgt. Major, called at me from the door, "Igawa, the commander wants to talk with you." I came before the commander and he said, "Igawa, thanks for your trouble last night, but where was the native at? I explained briefly the capture of the native in question. After finishing, the commander said, "As I have received orders from the Military Commander (T. N. SHIREIKAN) to execute this native for strategic reasons. (T. N. SAKUSENJOSHIKEI), you will perform the execution. You rest today and return about 3 or 4 o'clock this afternoon." I left the office and rested until that time. [I remember that when I reported, some of the persons with the same duty as I had come and some had not. After everyone had arrived, the commander assembled them in the garden in front of the Military Police Headquarters and ordered, "As there is the execution of two natives you will carry it out". After that, we led the natives to a field in the mountains about 500 meters from the Military Police Headquarters and dug graves. There, I blindfolded the native in question (who was about 50 or 60) and drawing the Japanese sword I carried, decapitated him with one blow. I covered the grave and prayed for the native and everyone returned to the Military Police Hdq.

Ex 11"

- 1 -

111 忠信

Walton W. Hall
Calvin W. Dunbar.

0752

Those present at the execution were, as I remember: HOSOKAWA, the M. P. Sgt. Maj.; HIRATA; KAWACHI; KAMITANI; a Naval Civil Affairs policeman; KOBAYASHI, an M. P. non-official; the chief patrolman and PEDRO, patrolmen. Then everyone returning to Military Police Hdqs., HOSOKAWA, the M. P. Sgt. Maj., reported the execution had been performed. The Military Police Commander gave his thanks and said that it would be all right to rest until the next order. I left the Military Police Headquarters and returned home.

The foregoing statement was made by me of my own free will and no threats, promises duress or force was used to induce me to make this statement. This is a true statement to the best of my knowledge and belief.

Walton W. Hall
2nd Lt. Walton W. HALL
WITNESS

Calvin W. Dunbar
Sgt. Calvin W. DUNBAR
WITNESS

井川忠男
Signature

Date 1 February 1946

Exhibit "1"

昭和十九年六月十二、三日頃だつとも記憶します。民政科
長より当地憲兵隊長の指揮に依り警務官は勤務する。
同様の命令を受け、憲兵隊長の命令に依り勤務して居ました。
同年七月中旬と記憶します。或日の午後憲兵隊に出頭
したと記憶します。巡警隊長は島民男(姓名は忘れた)の姓名を
を言われ今夜逮捕連行する様命令せられました。が本人
は原川村の方面に居らした。この事で同日午後日没後
に記憶します。が原川村に行き、本人の住所が
一巡警隊長も道が分らないが附近の島民と道案内を頼み
逮捕すべき島民男の宅に入り、家に行きました。本人は家
に居ましたので連れ、原川村の本道まで出た。夜明方に
なつて居ました。憲兵隊長は午前八時が九時頃と記憶
します。島民隊長は事務室に居られ、本人を連行した事
を報告。同人を疲れたと御苦勞だつたと云はれ、その時
場の方で炊事をし居た。鈴木憲兵隊長と呼ばれ
本人を愛想で、連れられ、疲れました。それが事務
室を出て裏の洗面所で顔を洗つて居た。事務室の入口
が、細川憲兵隊長が井川さん隊長がお呼びと呼の
で洗面所が隊長の前に行きました。井川君は御苦
勞だつたが本人は何処に居たか、南から逮捕する
事を簡単にならした。終つて、本人は作戦上死
刑に処す可い司令官から命令を受け、居る君は
御苦勞ついで、が本人を死刑する。時は執行して呉れ
今日は、それが休んで、午後三時が四時と記憶します。
が出頭して、その事、事務室を去りました。その時
間、まだ休み出頭した。同勤者も出頭した。あり
、まだ出頭しない者もあつたと記憶します。が、揃つて

おで

が、隊長は皆を隊前の庭に整列せしめ二人の島民
は死刑を執行するが御苦勞が皆は執行して小
と命令されそれから同人数を連れた隊の所を地から約五百
半位離れな山内御地に連行。皆で穴を掘り、其処で
指令された島民男(四十才乃至五十才位)の分の目隠しをし。
私の帯刀する日本刀を抜き一柄のもとい斬首に
ました。一刀で確実に執行。土盛に故人。宣福
を黙して皆で引揚ちし。当座居る者は軍中事務長
細川憲兵曹長 平田海軍中尉、河内、神谷海軍
参謀と小林憲兵隊中尉とニコラス、ビー・ペーに
口を塞ぎし。皆がなつた。と気遣ひし。隊を帰る。細川
憲兵曹長が執行終了の報告あり。隊長は御苦勞
であつた。別命ある迄休んでこれと。する。私は隊
を導いて帰る。す。

一九四六年
一月十一日

井川忠男

Exhibit "2"

0755

HEADQUARTERS,
ISLAND COMMAND, GUAM.

MAR 8 1946

I hereby acknowledge the receipt of a copy of the record of proceedings
of my trial by Military Commission, held February 8 to February 18, 1946.

井川 忠男

TADAO IGAWA

0756

Cinopacflit File

A17-10

Serial 4980

THE PACIFIC COMMAND

AND UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMAND IN CHIEF

RECEIVED

18 AUG 1947

OFFICE OF JUDGE
ADVOCATE GENERAL

16 AUG 1947

#158039

FIRST ENDORSEMENT on
JAG letter JAG:I:JRM:
sgn dated 6 August 1947.

From: Commander in Chief Pacific and U. S. Pacific Fleet.
To: Commander Marianas.

Subject: Tedao Igawa--Trial of by Military Commission Guam.

References: (c) Cinopacflit third endorsement, serial 4464, dated 18
July 1947 on reference (a).
(d) Cinopacflit first endorsement, serial 4703, dated 2
August 1947 on Secnav letter JAG:I:RAS:fld A17-10/QQ
(7/23/47) 158039 dated 28 July 1947.

1. Forwarded.

2. Reference (b), which advised that ComMarianas would be
informed regarding this case on completion of its review, was forwarded by
reference (c). Reference (d) forwarded to ComMarianas the confirmation of
the death sentence in this case and directed ComMarianas to effect its
execution.

H. A. YEAGER,
Assistant Chief of Staff
for Administration

Copy to: (1st and only)
JAG

RECEIVED

18 AUG 1947

OFFICE OF JUDGE
ADVOCATE GENERAL
G.C.M. SECTION

0757

Classification

THE PACIFIC COMMAND

AIR-10

Serial 4380

18 AUG 1947



#12803d

First endorsement on
JAG letter JAG:1000
dated 6 August 1947.

From: Commander in Chief, Pacific and U. S. Pacific Fleet.
To: Commander Marianas.

Subject: Techno Issue--Final of Military Commission Case.

Reference: (c) Cinopac's third endorsement, serial 4464, dated 18 July 1947 on reference (a).
(d) Cinopac's first endorsement, serial 4707, dated 2 August 1947 on Bureau letter JAG:1000 dated 18 July 1947.
(W23/47) 10000 dated 28 July 1947.

Forwarded.

2. Reference (d), which advised that Commission would be informed regarding this case on completion of its review, was forwarded by reference (c). Reference (d) forwarded to Commission the completion of the death sentence in this case and directed Commission to effect its execution.

H. A. YAGGER,
Assistant Chief of Staff

Do not write on this page.

RECEIVED
18 AUG 1947
OFFICE OF THE
ADVOCATE GENERAL
P. M. SECTION

0758

JAG:I:RAS:f1a
A17-10/00(7/25/47)
150039

From: The Secretary of the Navy.
To: Commander Marianas Area.
Via: Commander in Chief, United States Pacific Fleet.
Subject: Military Commission case of Tadao Igawa, an inhabitant of Guam, tried by the order of the Island Commander, Guam, on 8 February 1946.

28 JUL 1947

1. The Military Commission before which Tadao Igawa, an inhabitant of Guam, was tried under date of 8 February 1946, found him guilty of Murder and adjudged the following sentence:

"The commission, therefore, sentences him Tadao Igawa, an inhabitant of Guam, to be hanged by the neck until dead, two-thirds of the members concurring".

2. The Island Commander, Guam, the convening authority, on 21 March 1946, approved the proceedings, findings and sentence in this case.

3. The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 20 April 1946, subject to remarks, approved the proceedings, findings and sentence in this case, and the action of the convening authority thereon.

4. In accordance with the provision of Section D-14, Naval Courts and Boards, 1937, the Acting Secretary of the Navy on 28 JUL 1947 confirmed the sentence of death adjudged by the Military Commission.

5. Subject to any directives issued by the Commander in Chief, United States Pacific Fleet, the Commander Marianas Area is hereby directed to effect the execution of the sentence as confirmed. It is further directed that a report of the execution of the death sentence be submitted to the Secretary of the Navy.

JOHN L. SULLIVAN

Finished-File-Dold

Acting . Secretary of the Navy

Copy to:
Chief of Naval Operations.

ORIGINAL MAILED AIR MAIL REGISTERED #3228116 on 7/28/47.

0759

ADDRESS REPLY TO

NAVY DEPARTMENT
WASHINGTON 25, D. C.

AND REFER TO
JAG:I;RAS:fld
A17-10/QQ (7/22/47)
158039

28 JUL 1947

The sentence of death, to be executed by hanging by the neck until dead, in the foregoing Military Commission case of Tadao Igawa, an inhabitant of Guam, is hereby confirmed.

John L. Sullivan
Acting Secretary of the Navy

0760

124.
Mil. Com.-IGAWA, Tadao/Al7-20
I (7-16-47) THH:vll 158039

MILITARY COMMISSION CASE OF TADAO
IGAWA, INHABITANT OF GUAM, AND SUB-
JECT TO THE MILITARY GOVERNMENT
THEREOF, TRIED 8 FEBRUARY 1947,
AT GUAM.

<u>CHARGE</u>	<u>Plea</u>	<u>Finding</u>	<u>CA Action</u>	<u>Reviewing Authority Action</u>
MURDER	NG	G	Approved	Approved

spec. In or about the month of June,
1944, Sinajana, Guam, wilfully,
feloniously and with premedi-
tation and malice aforethought,
struck Vincente Lizama with a
sharp sword, and did then and
there decapitate him, as a con-
sequence of which he died.

NG Proved " "

SENTENCE To be hanged by the neck until dead.

ACTION OF CONVENING AUTHORITY Proceedings, findings and sentence approved.

ACTION OF REVIEWING AUTHORITY Subject to remarks, approved the proceedings,
findings and sentence and the action of the
convening authority thereon, and referred the
record to the Secretary of the Navy in con-
formity with Section D-14 Naval Courts and
Boards.

FACTS The evidence adduced by the prosecution, including a confession made by
the accused, shows that the accused was assigned to duty as a policeman
under the order of the Military Police Commander at Guam in June 1944. That
in mid June 1944, the accused received orders to arrest one Lazama,
a native of Guam, who was a retired member of the U.S. armed forces.
That the accused accompanied by other members of the Japanese mili-
tary police did arrest said Lazama and brought him to Kempetai,
headquarters. Later the same day, the accused returned to head-
quarters and was advised by First Lieutenant Koda, that Lieutenant
General Takashima had ordered Lazama executed, and that he, the accused,
was to have the chance to execute Lazama. The evidence further shows
that the accused led Lazama to a field some distance from Military
Headquarters, and dug a grave, that Lazama was made to kneel in the
grave and that the accused then with one stroke of a sword decapi-
tated Lazama. The accused then reported completion of his task to
his commanding officer. To prove wilfulness and premeditation, the
prosecution introduced evidence to show that the accused was offered
the chance to kill Lazama, that he did not refuse but rather made
elaborate preparation to carry out the assignment.

The accused was a Japanese subject and a member, certainly de facto
and probably de jure, of the Japanese Navy and was ordered by his
immediate superior officer to behead the native. The accused so
testified and was corroborated by other evidence adduced.

The accused made a plea to the jurisdiction of the Commission. The
Commission overruled the plea after a hearing of witnesses in voir dire.

EFFECT OF PREPARED ACTION Pass case as legal.

Finished-File-Dold

0761

Circulate File

P6

Serial 4703

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMANDER IN CHIEF

FIRST ENDORSEMENT on
SecNav ltr. JAG:I:RAS:
FIA A17-10/CG(7/23/47)
158039 dated 28 July
1947.



2 AUG 1947

#158039
From SecNav
7-28-47

From: Commander in Chief Pacific and U. S. Pacific Fleet.
To: Commander Marianas.
Subject: Military Commission case of Tadao Igawa, an inhabitant
of Guam, tried by the order of the Island Commander,
Guam, on 8 February 1946.

1. Forwarded for execution of the death sentence as con-
firmed and submission of report as directed in paragraph 5 of the basic
letter.

LOUIS DENFELD

Copies to: (1st end. only)

SecNav ←
CNO

AUG 4-47 PM



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NAVY DEPARTMENT
ENG - ROUTING SECTION

RECEIVED
5 AUG 1947
OFFICE OF JUDGE
ADVOCATE GENERAL
G.C.M. SECTION

0762

2

307A 1-1-108

2 AUG 1947

#180831
J. Edgar Hoover
7-28-47

RECEIVED
5 AUG 1947
ADVOCATE GENERAL
OFFICE OF THE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-10-98 BY 60321
JUL 22 2008

107

Commander in Chief Pacific and U. S. Pacific Fleet.
Commander Maritime.

2042

Guam, on 8 February 1946.

Forwarded for execution of the death sentence as ordered and submission of report as directed in paragraph 5 of the death letter.

LOUIS DENTRE

(yimo .hoo tuf) not anqoo
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OUD

Page 4 - 2

RECEIVED
2 AUG 1947
OFFICE OF JUDGE
ADVOCATE GENERAL
U.S. MARINE CORPS

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
JAN 24 1964

0763

In reply refer to Initials
and No.

Op22D-FLF
Serial No. 808P22

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



21 JUL 1947

End-1

On Office of JAG Record of Proceedings, Mil. Com.-IGAWA, Tadao/Al7-10/OQ
(6-27-47) 158039 dtd 17 July 1947.

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

Subject: Record of Proceedings of Military Commission at Guam in
the case of Tadao Igawa.

1. Returned, contents noted.

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

RECEIVED
22 JUL 1947
OFFICE OF JUDGE
ADVOCATE GENERAL
O&M SECTION

0764

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GEN

NAVY DEPARTMENT

OFFICE OF THE JUDGE ADVOCATE GENERAL

WASHINGTON 25, D. C.

AND REFER TO

JAG:I:THE:ben

Mil.Com.-IGAWA, Tadao/AL7-10/OQ

(6-27-47) 158039

17 JUL 1941

The proceedings, findings, and sentence in the foregoing military commission case of Tadao Igawa, an inhabitant of Guam, subject to the military government thereof, and the action of the convening and reviewing authorities thereon, in the opinion of the Judge Advocate General, are valid.

Referred to the Chief of Naval Operations (Op-22), for information.


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

0765

Cincpacft File

A17-10(1)

Serial 4464

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMANDER IN CHIEF

THIRD ENDORSEMENT on
ComMarianas ltr. FF12/
WG-33/13-JDM-en, ser.
14293, dated 25 June
1947.

2349
RECEIVED

18 JUL 1947

OFFICE OF JUDGE
ADVOCATE GENERAL

18 JUL 1947

From: Commander in Chief Pacific and U. S. Pacific Fleet.
To: Commander Marianas.
Subject: Tadao IGAWA - Trial of by Military Commission Guam.
1. Forwarded for information.

Copy to: (3rd end. only)

JAG



VIA AIR
KZAH

H. A. YEAGER,
Assistant Chief of Staff
for Administration

RECEIVED
22 JUL 1947
OFFICE OF JUDGE
ADVOCATE GENERAL
G.C.M. SECTION

RECEIVED
22 JUL 1947
OFFICE OF JUDGE
ADVOCATE GENERAL
G.C.M. SECTION

0766

26 June 1947

This record was obtained from the Classified files, where it had been deposited apparently by mistake, and delivered to me by Mrs. Dean, this date, for review.

Note:- Convening Authority's Action is dated 20 April 1946

Ed. Shamon

0767

Cincpacfit File

A17-10(1)

Serial 6488

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMANDER IN CHIEF

158039

RESTRICTED

RESTRICTED

6 NOV 1947

FIRST ENDORSEMENT on
ComMarianas letter FF12/
WC-1 02-JDM-hn ser 20526
dated 30 October 1947.

From: Commander in Chief Pacific and U. S. Pacific Fleet.
To: Secretary of the Navy.

Subject: IGAWA, Tadao, late Gunzoku, Japanese Naval Guard Unit, -
report on execution of death sentence imposed on.

1. Forwarded, contents noted.

Paul Jackson

Copies to: (1st end. only)
ComMarianas
Director of Security, Guam

PAUL JACKSON
Acting
Assistant Chief of Staff
for Administration

RECEIVED
18 NOV 1947
OFFICE OF JUDGE
ADVOCATE GENERAL
G.C.M. SECTION

(E)

0768

Page 3 of 3

[illegible]

Commander in Chief Pacific and U. S. Pacific Fleet.
Secretary of the Navy.

report on examination of teeth contained in.

[illegible]

Director of Security, Bureau
Washington
Cordell to (at end only)


 CARIVON S.R.L.
 VIA S. M. G. 10
 00187 ROMA (RM)
 Tel. 06/4781111

0769

FF12/Wc-1
02-JIM-hn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

OCT 30 1947

RESTRICTED

20526

NOV 3 8 21 AM 1947

Subject: IGAWA, Tadao, late Gunzoku, Japanese Naval Guard Unit, - report
on execution of death sentence imposed on.

RECEIVED

5. Enclosure (C) is three photographs of IGAWA. These photographs show IGAWA (1) being formally notified of confirmation of his sentence, (2) being led to the gallows immediately prior to his execution, and (3) lying in his coffin immediately after his execution.

6. Enclosure (D) is a copy of a letter to Commander Marianas from Reverend NAKAGAMI, Bunyu, a Buddhist Priest, who was, upon request, made available from Japan through the Supreme Commander Allied Powers for the purpose of providing spiritual and religious comfort to the condemned man.

7. The officer who carried out the immediate act of execution was Lieutenant Colonel George R. Newton, USMC. His report is contained in enclosure (B) of this report and contains, among other things, a certificate of execution, certificates of medical observers, certificates of official witnesses, certificate of personal identification, copy of fingerprints taken prior to and subsequent to IGAWA's execution, a receipt for the body, a report of general details of the execution and of the proceedings, and a photograph of IGAWA, the condemned war criminal.

8. The hangman was First Lieutenant Charles C. Rexroad, U. S. Army, who was made available from the Provost Marshal's Office, U. S. 8th Army, Yokohama, Japan. The performance of duty of First Lieutenant Rexroad was outstanding.

9. The personal effects of IGAWA were on 8 October 1947 forwarded by the Commander Marianas Area to the Supreme Commander Allied Powers for delivery to his next of kin.

10. All matters relative to the actual act of execution of IGAWA, were, prior to his execution and for twelve hours thereafter, classified as secret. All classified matter contained in this report is downgraded to restricted.

cc: Director of Security, Guam
(less encl.)

CH Wright
C-H- WP G-4T R- dm-
eputy Commander arianas

0770

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

RESTRICTED

From: The Commander Marianas Area.
To: The Secretary of the Navy.
Via: The Commander in Chief Pacific and U. S. Pacific Fleet.

Subject: IGAWA, Tadao, late Gunzoku, Japanese Naval Guard Unit, - report on execution of death sentence imposed on.

Reference: (a) SecNav's ltr. file JAG:I:RAS:fld A17-10/OQ(7/25/47) 158039, dated 28 July 1947.
(b) ComMarianas despatch 241126Z September 1947.

Enclosure: (A) Original of ComMarianas order directing execution of IGAWA, Tadao, serial 0075 dated 16 September 1947 and endorsement thereon with enclosure.
(B) Original of Report of Director of Security, Guam, serial 6777, dated 7 October 1947, with enclosures thereof.
(C) Three photographs of IGAWA, Tadao; (one being formally notified of confirmation of sentence, one taken immediately before execution and one taken immediately after execution.)
(D) Copy ltr. dated 25 September 1947 from Reverend NAKAGAMI, Bunyu.

1. This report is submitted in accordance with paragraph 5 of reference (a) and supplements the report contained in reference (b).

2. The death sentence imposed on IGAWA, Tadao, late Gunzoku, Japanese Naval Guard Unit, was put into execution at the Joint Communications Activity Area, Guam, Marianas Islands, on 24 September 1947 at 1951 hours. The execution was by hanging and was carried out in private with only official witnesses, necessary personnel composing the execution detail and specifically authorized press representatives present. No press releases were permitted until twelve hours after completion of the execution.

3. Enclosure (A) is the order which put into execution on 24 September 1947 the sentence of death by hanging imposed on Tadao IGAWA. It sets out among other things the offense on which he was tried before a military commission, the sentence of the commission, and the actions of the reviewing and confirming authorities. On its face there has been written statements including an acknowledgment by IGAWA, to the effect that the order of execution was read to the condemned man the day before his execution. The first endorsement on this order contains, as enclosure (A) thereof, the certificate of execution signed by George R. Newton, the officer-in-charge of the execution detail.

4. Details of the execution and information as to the place of IGAWA's interment are contained in enclosure (B) and enclosures thereto.

FF12/AL7-10(10-1)
13-JDM-on

Serial: - 0075

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

16 SEP 1947

S-E-C-R-E-T

SECRET

(Date)

From: The Commander Marianas Area.
To : The Director of Security, Guam.

Subject: IGAWA, Tadao, an inhabitant of Guam - Execution of death sentence adjudged and confirmed in the trial of war crimes and related offenses in the case of.

Reference: (a) Record of Military Commission case of IGAWA, Tadao, an inhabitant of Guam, convened by The Island Commander, Guam, precept dated 26 January 1946.
(b) SecNav's letter file JAG:I:RAS:fld AL7-10/QQ(7/23/47) 158039 dated 28 July 1947.
(c) ComMarianas Letter of Instructions, Serial 12187 dated 8 May 1947, re: Execution of Death Sentences of Convicted War Criminals.

Enclosure: (A) Unexecuted Certificate of Execution.

1. The military commission before which IGAWA, Tadao, an inhabitant of Guam, was tried, beginning 8 February 1946, found IGAWA, Tadao guilty of Murder (one specification).

The following sentence as to IGAWA was adjudged:

"The commission, therefore, sentences him Tadao IGAWA, an inhabitant of Guam, to be hanged by the neck until dead, two-thirds of the members concurring."

2. The Island Commander, Guam, the convening authority, on 21 March 1946, approved the proceedings, finding of guilty and sentence in IGAWA's case.

3. The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 20 April 1946, subject to remarks, approved the proceedings, finding and sentence in IGAWA's case.

4. The Acting Secretary of the Navy, on 28 July 1947, confirmed the sentence of death adjudged by the Military Commission and directed the Commander Marianas Area to effect the execution of the sentence as confirmed.

5. Pursuant to the above you will put into execution on 24 September 1947 at the Joint Communications Activity Area, Guam, Marianas Islands, the sentence of death by hanging imposed on IGAWA, Tadao, an inhabitant of Guam, at an hour to be determined by the officer designated by you to carry out the act of execution.

0772

FF12/A17-10(WC-1)
13-JDM-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

S-E-C-R-E-T

SECRET

(Date)

Subject: IGAWA, Tadao, inhabitant of Guam - Execution of death sentence adjudged and confirmed in the trial of war crimes and related offenses in the case of.

6. IGAWA will be notified of the time set for his execution no less than twenty four (24) hours prior to the time set, and at the time of notification this order will be read to him. Appropriate record of such notification should be made on the face of this order by IGAWA and the officer and interpreter reading this order at the time notice is given. After notification special precautions shall be taken to safeguard IGAWA against self destruction, but this shall not be interpreted to deny him facilities, as are considered by you compatible with his safety, for reducing to writing such letters, statements and other documents as he may desire.

7. The execution will be carried out and report submitted by the Director of Security, Guam in accordance with the provisions of reference (c). In connection with the detailed report required to be submitted by the Director of Security, Guam, it is not considered that the mere forwarding of various reports of subordinates is satisfactory compliance with the provisions of reference (c).

8. Upon execution of the subject named War Criminal and prior to the submission of the detailed report required, enclosure (A) will be completed by the Officer in Charge of the execution detail and returned immediately by you, together with this order, to the Commander Marianas Area.

9. This correspondence will retain its secret classification until twelve hours after the execution at which time it will be down graded to restricted.

C. A. POWNALL
C. A. POWNALL

cc: CinCPacFlt
SecNav (JAG)
CNO

Dr Su = + = 5 2 10 2 4 3 11

12/15 # 4 14 13 Sept., 1947.
I certify that I read this document to Igawa
at 1410 this date.
I certify that I have translated
the above document to Igawa.
Sept. 23rd. 1947
G. R. Newton
Dir C of Execution Detail
Frederick A. Savory

0773

Serial:

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

SECRET

FIRST ENDORSEMENT

24 Sept 1947
(Date)

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: IGAWA, Tadao, an inhabitant of Guam, Execution of Death Sentence adjudged and confirmed in the case of.

Enclosure: (A) Certificate of Execution in case of subject named War Criminal.

1. Returned. The basic order was complied with this date.
2. Attention is invited to the enclosed executed Certificate of Execution.

L. A. Dessez
(Signature)

L. A. DESSEZ, Colonel, U.S.M.C.
Director of Security, Guam.

0774

Serial:

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

SECRET

CERTIFICATE OF EXECUTION

24 Sept., 1947
(Date)

I hereby certify that the death sentence by hanging imposed on

ICAWA
(Surname)

Tadao
(Given Name)

Civilian
(Rank or Rating)

a Japanese National, was put into execution at Joint Communications Activity
(Place)

Area, Guam, Marianas Islands, on 24 Sept., 1947 at 1957 hours.
(Date)

George R. Newton
(Signature)

GEORGE R. NEWTON, Lt. Col., U.S.M.C.
Island Command Provost Marshall, Guam and
Officer in Charge Execution Detail.

0775

RESTRICTED

Subject: IGALA, Tadao, inhabitant of Guam, Execution of Death Sentence imposed on.

A procession consisting of Mr. B. Nakagami, Buddhist Priest, and Two (2) Marine escorts conducted the condemned into the place of execution, past the above named witnesses who again positively identified the condemned as IGALA, Tadao, to the foot of the scaffold. The condemned immediately thereafter mounted the scaffold. The scaffold was cleared of all except the condemned man, the hangman, assistant hangman, and two (2) Marine escorts. Leg shackles were secured about the legs of IGALA, Tadao, a hood placed over his head, and the rope secured around his neck. Upon a signal from The Island Provost Marshal, the trap was sprung at 1951. At this time prayers were said by Mr. B. Nakagami, the Buddhist Priest. At 1952 The Provost Marshal signaled the medical observers to come forward and make their examination. IGALA, Tadao, was determined to be dead at 2002 hours by the two (2) medical observers. At this time the rope was slipped from around the hanged man's neck and at 2015 the body was received by Lieutenant Commander R. W. Crane (CEC), USN, Officer in Charge of the burial details for disposal according to the laws of Guam, Marianas Islands.

Before the internment final services were held by the Buddhist Priest.

At 2030 the report of this execution was delivered by the Director of Security, to the Commander Marianas (Island Commander, Guam).

3. All necessary records directed by reference (a) are transmitted herewith enclosure (A).

L. A. Dessez
L. A. DESSEZ

1460
JAC/cks

RESTRICTED

HEADQUARTERS
MARINE BARRACKS, GUAM, M.I.
MARINE GARRISON FORCES, PACIFIC
NAVY NO. 926 (Nine Two Six)
c/o Fleet Post Office
San Francisco, California.

Serial: 6777

7 October, 1947.

From: The Director of Security, Guam.
To: Commander Marianas Area.

Subject: IGALA, Tadao, inhabitant of Guam, Execution of Death Sentence imposed on.

References: (a) Commander Marianas Letter of Instruction, serial 12187, dated 8 May, 1947, subject, Execution of Death Sentence of Convicted War Criminals, instructions concerning.
(b) Commander Marianas order, serial 0075, dated 16 September, 1947, directing execution of subject named person.

Enclosures: (A) Letter from the Island Command Provost Marshal, dated 25 September, 1947, with enclosures.
(B) Copy of reference (a).
(C) Copy of reference (b).

1. Pursuant to references (a) and (b) the death sentence imposed on IGALA, Tadao, an inhabitant of Guam, was put into execution at Joint Communications Activities Area, Guam, Marianas Islands, on 24 September, 1947, at 1951 hours.

2. At 1410, 23 September, 1947, IGALA, Tadao, civilian, inhabitant of Guam, was removed from his cell in the custody of two (2) sentries and brought before the following personnel for the publishing of his sentence:

Colonel L. A. Dessez, USMC, Director of Security, Guam;
Lieutenant Colonel G. B. Newton, USMC, Officer in Charge of Executions;
Major R. E. Carey, USMC, Execution Recorder;
Yeoman 1/c J. B. Jarvis, USN, Execution Recorder;
Commander H. H. Wells, (ChC), USN;
Lieutenant J. W. Kerrell, USN;
First Lieutenant G. C. Revroed, USA, Official Hangman;
First Lieutenant P. C. Sanders, USMC, Officer in Charge of War Criminals Stockade;
Second Lieutenant H. Frison, USMC, Assistant to Officer in Charge, War Criminals Stockade;
Mr. B. Nakagami of the Buddhist Temple, Tsukiji, Tokyo, Japan; and
Mr. Fred Savory, Interpreter.

Also present were guards and official photographers from Commander Marianas.

0777

RESTRICTED

Subject: IGAKA, Tadao, inhabitant of Guam, Execution of Death Sentence imposed on.

Lieutenant Colonel G. R. Newton, "SMC, read the execution order in English and the interpreter, Mr. Fred Savory, read the official translation in Japanese to the condemned. The condemned was noticeably nervous throughout the procedure.

After the order had been read the following statements were made, each being translated by the interpreter from English to Japanese or Japanese to English as necessary:

Lieutenant Colonel G. R. Newton, "SMC,
Officer in Charge of Executions.

"Tadao IGAKA, have you an oral or written statement to make before the order directing your execution is carried out."

"I will speak here. I know no English, and during my trial I did not know what was said. My lawyer hardly talked to me. I have not so far received a copy of the proceedings of my trial. Due to these facts I cannot reconcile my self with the sentence of the court."

Lieutenant Colonel G. R. Newton, "SMC.

"Tadao IGAKA, you will be allowed to smoke, write letters, and be visited by Mr. B. KAKAGAMI, the Buddhist Priest."

At 1750, 24 September, 1947, IGAKA, Tadao, was dressed in a shirt and a pair of trousers; his arms handcuffed behind his back; drawstrings placed around the bottoms of his trousers; placed in a conveyance and taken to the place of execution. The trip was made in approximately twenty (20) minutes and was without incident. At 1850 the conveyance was opened and IGAKA, Tadao positively identified by:

Captain John F. Leppert, USN
Commander Eugene Tatom, USN
Commander Virgil S. Deitrick, USN
Commander Jasper R. Burke (CEC) USN

The identification was made from photographs which had been taken previous to the execution and had been verified by the War Criminal Stockade officers and Basic Personnel Records Photographs which had been sent from Japan.

At 1940, IGAKA, Tadao, was removed from the conveyance. His hands were removed from the handcuffs and rehandcuffed in front of his body. Binding straps were placed around his arms and web straps, unshackled, were placed on his ankles.

0778

2135
GRN/scf

OFFICE OF THE ISLAND COMMAND PROVOST MARSHAL
MARINE BARRACKS, GUAM, MARIANAS ISLANDS

Serial: 2540

25 September, 1947

From: The Island Command Provost Marshal.
To: The Director of Security, Guam.

Subject: IGAWA, Tadao, civilian, inhabitant of Guam, execution of death sentence, report on.

References: (a) Hq Marine Barracks, Guam, M.I., Security Plan 4-47, dtd 13 May, 1947.
(b) Director of Security, Guam, restricted letter, dated 18 September, 1947, re: execution of death sentence on subject-named war criminal.
(c) U.S. Pacific Fleet, Commander Marianas (Island Commander), Guam, Marianas Islands, Execution Plan 3-47, dated 1200K, 16 September, 1947.

Enclosures: (A) Certificate of Execution.
(B) Certificate of Senior Medical Observer.
(C) Certificate of Junior Medical Observer.
(D) Official Witness Certificate (Capt. J.H. Leppert, USN).
(E) Official Witness Certificate (Cdr. E. Tatom, USN).
(F) Official Witness Certificate (Cdr. V.S. Deitrick, USN).
(G) Official Witness Certificate (Cdr. J.R. Burke, USN).
(H) Certificate of personal identification.
(I) Copy of fingerprints taken prior to execution.
(J) Copy of fingerprints taken subsequent to execution.
(K) Receipt for body.
(L) Report of general details of execution.
(M) Report of proceedings.
(N) Photograph of subject-named war criminal.
(O) Copy of reference (b).
(P) Last letters of IGAWA, translation of.

1. In compliance with the directive contained in reference (b), and in accordance with the procedure outlined in reference (c), the death sentence imposed on IGAWA, Tadao, civilian, inhabitant of Guam, was put into execution at the Joint Communications Activities Area, Guam, Marianas Islands, on 24 September, 1947, at 1951 hours.

2. Required reports, receipts, and certificates are submitted herewith as enclosures (A) through (O).

George R. Newton
GEORGE R. NEWTON

Enclosure (A) to Director of
Security serial 6777, 7Oct47.

0779

CERTIFICATE OF EXECUTION

24 September, 1947
(Date)

I hereby certify that the death sentence by hanging imposed on
IGAWA, Tadao, Civilian, Inhabitant of
(Surname) (Given name) (Rank or rating) ~~Japanese~~
Guam was put into execution at Joint Communication Activity, Guam,
(Place)
Marianas Islands, on 24 September, 1947 at 1951 hours.
(Date) (Time)

George R. Newton
GEORGE R. NEWTON,
Lieutenant Colonel, U. S. Marine Corps,
Island Command Provost Marshal,
Officer in Charge, Execution Detail.

Enclosure "A" to IsCom. Provost Marshal 0672540

0780

MARINE BARRACKS
Guam, Marianas Islands

24 September 1947.
(Date)

MEDICAL OBSERVERS CERTIFICATE

I certify that at 2002 hours, on 24 September, 1947, I
(Time) (Date)
examined the body of IGAWA, Tadao - Civilian Inhabitant of
(Name and Rank or Rating) Guam
Guam who was hanged at the Joint Communications Activity,
at 1951, hours, Guam, Marianas Islands. I found him dead.

C. K. Youngkin
Signature

C.K. YOUNGKIN
Name (typed)

Captain (MC) (61612) USN.
Rank (serial)

Enclosure "B" to IsCom. Provost Marshal Ser 2540.

0781

MARINE BARRACKS
Guam, Marianas Islands

24 September 1947.
(Date)

MEDICAL OBSERVERS CERTIFICATE

I certify that at 2002 hours, on 24 September 1947, I
(Time) (Date)
examined the body of IGAWA, Tadao - Civilian Inhabitant of
(Name and Rank or Rating) Japan
Japanese Guam who was hanged at the Joint Communications Activity,
at 1951, hours, Guam, Marianas Islands. I found him dead.

A. J. Cherry
Signature
A. J. CHERRY
Name (typed)

Captain (MC) (76043) USN.
Rank (serial)

Enclosure "C" to IsCom. Provost Marshal Ser 2540.

0782

MARINE BARRACKS
Guam, Marianas Islands .

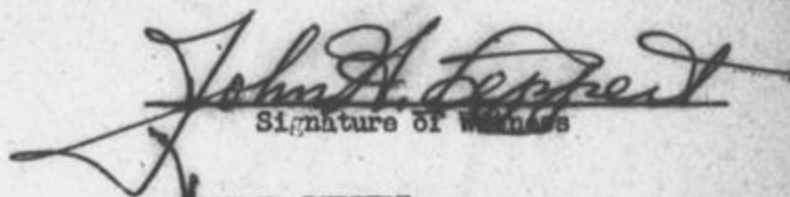
24 September, 1947.
(Date)

OFFICIAL WITNESS CERTIFICATE

I certify that at 1951 hours on 24 September, 1947,
(Time) (Date)

at the Joint Communications Area, Guam, Marianas Islands, I witnessed
the execution by hanging of IGAWA, Tadao, - civilian, inhabitant of
(Name and Rank or Rate)

~~Expenses~~ Guam, who was thereafter declared dead.


Signature of Witness

JOHN H. LEPPERT

Name (typed)

Captain, USN (57647).

Rank, Branch of Service, Serial No.
(Typed)

Enclosure "D" to JcCom. Provost Marshal Ser 2540.

0783

MARINE BARRACKS
Guam, Marianas Islands

24 September, 1947.
(Date)

OFFICIAL WITNESS CERTIFICATE

I certify that at 1951 hours on 24 September, 1947,
(Time) (Date)

at the Joint Communications Area, Guam, Marianas Islands, I witnessed
the execution by hanging of IGAWA, Tadao, - civilian, ^{inhabitant of} ~~XXXXXXXX~~
(Name and Rank or Rate)

~~XXXXXXXX~~ Guam, who was thereafter declared dead.

E. Tatom

Signature of Witness

EUGENE TATOM

Name (typed)

Commander, USN. (70299).

Rank, Branch of Service, Serial No.
(Typed)

Enclosure "E" to IsCom. Provost Marshal Ser 2540.

0784

MARINE BARRACKS
Guam, Marianas Islands

24 September, 1947.
(Date)

OFFICIAL WITNESS CERTIFICATE

I certify that at 1951 hours on 24 September, 1947,
(Time) (Date)

at the Joint Communications Area, Guam, Marianas Islands, I witnessed
the execution by hanging of IGAWA, Tadao, - civilian, inhabitant of
(Name and Rank or Rate) ~~Japan~~

~~Guam~~ Guam, who was thereafter declared dead.

Virgil S. Detrick
Signature of Witness

VIRGIL S. DETRICK
Name (typed)

Commander, USN, (75824).
Rank, Branch of Service, Serial No.
(Typed)

Enclosure "F" to IsCom, Provost Marshal Ser 2540.

0785

MARINE BARRACKS
Guam, Marianas Islands

24 September, 1947.
(Date)

OFFICIAL WITNESS CERTIFICATE

I certify that at 1951 hours on 24 September, 1947,
(Time) (Date)

at the Joint Communications Area, Guam, Marianas Islands, I witnessed
the execution by hanging of IGAWA, Tadao, - civilian, ^{inhabitant of} ~~Esperanza~~
(Name and Rank or Rate)

~~Esperanza~~ Guam, who was thereafter declared dead.

Jasper R. Burke
Signature of Witness

JOSEPH R. BURKE
Name (typed)

Commander (CEC), USN, (113484).
Rank, Branch of Service, Serial No.
(Typed)

Enclosure "G" to IsCom. Provost Marshal Ser 2540.

0786

24 September, 1947
(Date)

C E R T I F I C A T E

1. I, the undersigned do certify that the remains which I have personally viewed are those of:

<u>IGAWA</u>	<u>(n)</u>	<u>TADAO</u>	<u>Civilian, /inhabitant</u>
LAST NAME	MIDDLE INITIAL	FIRST NAME	RANK of Guam

2. My identification was based on passed acquaintance covering a period of One (1) months.

3. Remarks: None

Name Signed Paul E. Sanders

Name Printed PAUL E. SANDERS

Rank First Lieutenant, USMC

Serial (043002)

This identification was made
in my presence:

Organization WR Company, Marine Barracks,
Guam, M.I.

G.R. Newton Name Signed

G.R. NEWTON Name Printed

Lieut Colonel, USMC Rank











(05786) Serial

Marine Barracks, Guam, M.I. Organization





Enclosure "H" to IeCom. Provost Marshal
6673540.

0787

No.	
Name <u>IGAWA, Tadao</u> <small>Guam.</small> Civilian inhabitant of	F.P.C.
Alias	Ref.
Sex	Color

1. Right Thumb	2. R. Index Finger	3. R. Middle Finger	4. R. Ring Finger	5. R. Little Finger
				
16 16		8 8		4
6. Left Thumb	7. L. Index Finger	8. L. Middle Finger	9. L. Ring Finger	10. L. Little Finger
				
4	2 2		1 1	

Impressions taken by	Signature of Person Fingerprinted
Date taken	Classified by

Four Fingers Left Hand	Left Thumb	Right Thumb	Four Fingers Right Hand
			

Enclosure "I" to IsCom. Proce + Marshal for 2540.

0788



NAVAL GOVERNMENT OF GUAM
DEPARTMENT OF CIVIL POLICE
GUAM, MARIANAS ISLANDS

Charge	Date
Disposition of Case	Date
Arrested by	Date
City or Town	Municipality
Marks and Scars	
Birth Date	Local Residence
	Other Residence
Age	Nationality
Height	Birth Place
Weight	Education
Build	Occupation
Complexion	Married
Hair	Single
Eyes	Social Sec. No.
	I. D. Cert. No.
Remarks	
Accomplices	
Previous Record	

13 September 1947.

I certify that these fingerprints were taken this date prior to execution.

R. E. Carey
R. E. CAREY
Major, USMC
Recorder.

0789

NAME <u>IGAWA, Tadao, Civilian inhabitant of Guam.</u>		CLASSIFICATION	
ALIAS		REF.	
NO. <u>7/24/47</u>		DATE	
F. B. I. No.		CLASSIFIED BY	
B. C. I. No.		DATE	
IMPRESSIONS TAKEN BY <u>As Luvon</u>			
RIGHT HAND			
1. Right Thumb	2. Right Fore Finger	3. Right Middle Finger	4. Right Ring Finger
5. Right Little Finger			
LEFT HAND			
6. Left Thumb	7. Left Fore Finger	8. Left Middle Finger	9. Left Ring Finger
10. Left Little Finger			
Plain Impressions Taken Simultaneously		Plain Impressions Taken Simultaneously	
LEFT HAND	L. Thumb	R. Thumb	RIGHT HAND

SINGHIE FINGER PRINT LABS., 325 CHESTNUT ST., PHILA. 7, PA.

0790

NAME IGAWA, Tadao, Civilian inhabitant of Guam.		NO.	SEX	COLOR
ALIASES				
CRIME	DATE OF ARREST			
PLACE ARRESTED	CRIME COMMITTED IN		COUNTY	
(city, town or village)				
ARRESTED BY				
NAMES OF ASSOCIATES				
<div>THIS SPACE FOR PHOTO</div> <div>24 September 1947.</div> <div>I certify that these fingerprints were taken subsequent to the execution.</div> <div>R. E. CAREY Major, USMC Recorder.</div>				
AGE				
DATE BORN				
HEIGHT				
WEIGHT				
EYES				
HAIR				
COMPLEXION				
BUILD				
PLACE OF BIRTH				
NATIONALITY				
OCCUPATION				
CITIZEN				
SCARS AND MARKS				
DISPOSITION				
BRIEF HISTORY OF CRIME COMMITTED:				
PREVIOUS CRIMINAL HISTORY				
J				

Enclosure J to IsCom. Provost Marshal Ser 2540.

BIRCHIE FINGER PRINT LABS., 622 CHESTNUT ST., PHILA. 7, PA.

0791

MARINE BARRACKS
Guam, Marianas Islands

24 September 1947.
(Date)

RECEIPT FOR BODY

Received of Lieutenant Colonel George B. NEWTON, U.S. Marine
Corps, Island Command Provost Marshal, Guam, Marianas Islands, at
2015 on 24 Sept. 1947, the remains of IGAWA,
(Hours) (Date) (Last name)
Tadan, Civilian, Inhabitant of Guam, for
(first name) (rank or rating) (branch of service)
interment according to the laws of Guam, Marianas Islands. This
body will be buried at Asan Cemetery, Asan, Guam, M.I., Lot No.
426, Plot 44.

R. N. Crane
Signature
R. N. CRANE
Name printed
Lieut-Comdr. (CWO) USN.
Rank
O in G. Burial Detail.
Official Capacity

Enchosaurek to IsCom. Provost Marshal
Ser 2540

0792

OFFICE OF THE PROVOST MARSHAL
ISLAND COMMAND, GUAM, M. I.

25 September 1947.
(Date)

1. Name IGAWA, Tadao Citizenship Japanese
Civilian
Color Brown Race Oriental
2. Soldier-Civilian Civilian Serial Number _____
Status War Criminal
3. Height 67 1/2 inches Weight 160 Condition of
Muscles Good
4. Length of drop 6' 4"
5. Was collapse beard used? No What kind _____
6. Place of execution Joint Communications Activity
Date 24 September 1947
7. Time trap sprung 1951 hrs. Time pronounced dead 2002 hrs.
8. Execution directed by George R. NEWTON, Lieutenant Colonel, USMC.
9. Public or private execution Private
Number of witnesses Four (4)

Page ONE OF Enclosure "L" to IsCom. Provost Marshal Ser 2540

0793

11. Number of officials participating Twelve (12)

Duties Island Command Provost Marshal (In Charge) - Director of execution. Planning and Coordination of all details attendant thereto. Deputy to the Island Command Provost Marshal - Recorder. Officer in Charge, War Criminal Stockade - Security of Prisoners and delivery to place of execution. Assistant to Officer in Charge War Criminal Stockade - To carry out normal duties of Officer in Charge. War Criminal Stockade during his absence. Officer in Charge Place of Execution - To safeguard place of execution from molestation by individuals before, during and after executions. Assist Official Hangman as required. Island Public Works Officer - Provide all material required and furnish necessary maintenance, police and utilities. Area Chaplain - Provide religious assistance or Priests as required and /or requested. War Crimes Legal Officer - Provide legal, clerical and language assistance as required. Provide the Island Command Provost Marshal with findings and sentence in the case of each condemned war criminal. Medical Officer in Command, U.S. Naval Medical Center - Provide necessary Medical Officers (3) to witness execution and furnish necessary data regarding time of death, fingerprints, first aid for witnesses as required and affix identification discs to remains and coffin. Official Hangman - To execute those condemned War Criminals as designated by the Island Command Provost Marshal, Guam, M.I. Civil Administrator - Provide the necessary transportation and personnel to receive and interment remains and to provide suitable markers for graves. Maintain accurate record showing location of grave of each condemned war Criminal. Commander Marianas Public Information Office - prepare official press releases and pictures for release by Commander Marianas.

- 2 -

Page Two of Enclosure "L" to Is Com.
Provost Marshal Ser 2540

0794

12. Type of scaffold: Lever action.
Size of rope: 3/4" Type of Rope: Manila Hemp.
Condition of rope: Excellent Kind of Knot Plain loop - Sliding
Keeper
13. Were pictures made: Yes
14. Name of executioner: First Lieutenant Charles C. Rexroad, U.S. Army.
Assistants: Capt John F. Griffin, USMC, T/Sgt George W. Dinning, USMC
S/Sgt Steve Hemite, USMC, S/Sgt Harold J. Gissenger, USMC
15. Remarks of technical details with observations and recommendations:

The construction of the Gallows was changed from that contained in War Department Pamphlet 27-4 in the following respects:

1. Trap door was enlarged by 2 inches per side.
2. An iron strap was fastened on trap door such that when the trap was sprung, the door was locked against the studding of the gallows and could not swing back against the hanged body.
3. A pulley was mounted directly above trap door over which the rope was passed instead of the conventional eye bolt.
4. A cleat was secured against the center upright of the Gallows at a height of 40 inches above the platform to secure the free end of the hangman's rope.
5. A cylindrical wooden block 2" in diameter and 5" long was used in place of the hangman's knot on the rope.
6. The use of the cleat, the pulley and the cylindrical wooden block allowed quick lowering and removal of rope from hanged man, and also allowed the same rope to be used over again.

It is recommended that the above changes be made in the above named pamphlet and incorporated by the Navy for use in all future hangings in the United States Navy.

George R. Newton
GEORGE R. NEWTON,
Lieutenant Colonel, U.S. Marine Corps,
Officer in Charge of Executions.

Page Three Enclosure "L" to Is Com.
Propost Marshal Ser 2540.

0795

MARINE BARRACKS
Guam, Marianas Islands

25 September, 1947

Subject: Execution of IGAWA, Tadao, civilian, inhabitant of Guam, report of proceedings of.

At 1200, 23 September, 1947, IGAWA was taken from his cell at the War Criminal Stockade, Guam, Marianas Islands, and taken to the shower. After bathing, he was issued a pair of cotton drawers and a pair of leather shoes without laces and was placed in a solitary cell in hut #1. The cell had been examined and found secure and without any instruments with which IGAWA might take his life. A sentry was posted continuously outside his cell from this point on until he was taken to the place of execution.

At 1410, IGAWA was removed from his cell in the custody of two (2) sentries and brought before Lieutenant Colonel George R. Newton, U.S. Marine Corps, for the publishing of the sentence and to be informed of the time of his execution. IGAWA stood at attention, but bent forward, during the reading of the execution order in English. He requested a translation of the entire execution order into Japanese. After having signed the order, he was informed that he could make an oral or written statement if he desired. IGAWA replied: "I will speak here. I know no English, and during my trial I did not know what was said. My lawyer hardly talked to me. I have not so far received a copy of the proceedings of my trial. Due to these facts I cannot reconcile myself with the sentence of the court." He was informed that he would be allowed cigarettes, to write letters, and that the Buddhist Priest might visit him. He did not reply. Throughout the proceedings, he wore a worried, puzzled look, as though he could not understand what was happening. He was noticeably nervous.

Present during the reading of the sentence were: Colonel L.A. Dessez, USMC, Director of Security, Guam; Lieutenant Colonel George R. Newton, USMC, Officer in Charge of Executions; Major R.E. Carey, USMC, Execution Recorder; Yeoman 1/c J.B. Jarvis, USN, Execution Reporter; Commander H.H. Wells, (ChC) USN; Lieutenant J.H. Kerrell, USN; First Lieutenant Charles C. Rexroad, USA, Official Hangman; First Lieutenant Paul E. Sanders, USMC, Officer in Charge, War Criminal Stockade; Second Lieutenant H. Frison, USMC, Assistant to Officer in Charge, War Criminal Stockade; Mr. B. Nakagami of the Buddhist Temple, Tsukyi, Tokyo, Japan; and Mr. Fred Savory, interpreter. Also present were guards and official photographers from Commander Marianas.

After returning to his cell, IGAWA chewed his fingernails, picked at his arms and rubbed his legs. He conversed with the Priest fifteen (15) to twenty (20) minutes, showing excitement at this time. At 1600 he began to write, tore up his letter several times before finishing. From 2000 until 2230, when he retired, he read his prayer book and paced in his cell. He slept well, occasionally talking in his sleep, and was awoken at 0500. Thereafter, he smoked, read, and tried unsuccessfully to write. At 1325, he attended religious services, and returned to his cell at 1550.

Page one of Enclosure "M" to IsCom. Provost Marshal
serial 2540. -1-

0796

Subject: Execution of IGAWA, Tadao, civilian, inhabitant of Guam, report of
proceedings of, dtd 25Sept'47 - cont'd..

At 1750 IGAWA was dressed in a shirt and a pair of trousers; his arms were handcuffed behind his back and draw strings placed around the bottom of his trousers. He was then placed in the conveyance which took him to the place of execution. The trip was made in about twenty (20) minutes and was without incident. At 1850 the conveyance was opened and IGAWA identified by the four witnesses. At 1940 he was removed from the conveyance, his hands removed from the handcuffs to be re-handcuffed in front of his body. Binding straps were placed around his arms and web straps, unshackled, were placed on his ankles.

Accompanied by the Buddhist Priest IGAWA was led past the witnesses to the foot of the gallows. Immediately thereafter he mounted the scaffold; leg shackles, hood, and noose were placed, and IGAWA was dropped through the trap at 1951. Prayers were said by the Buddhist Priest. He was declared dead by the two (2) official Medical Observers at 2002, 24 September, 1947. Before internment final services were held by the Priest.

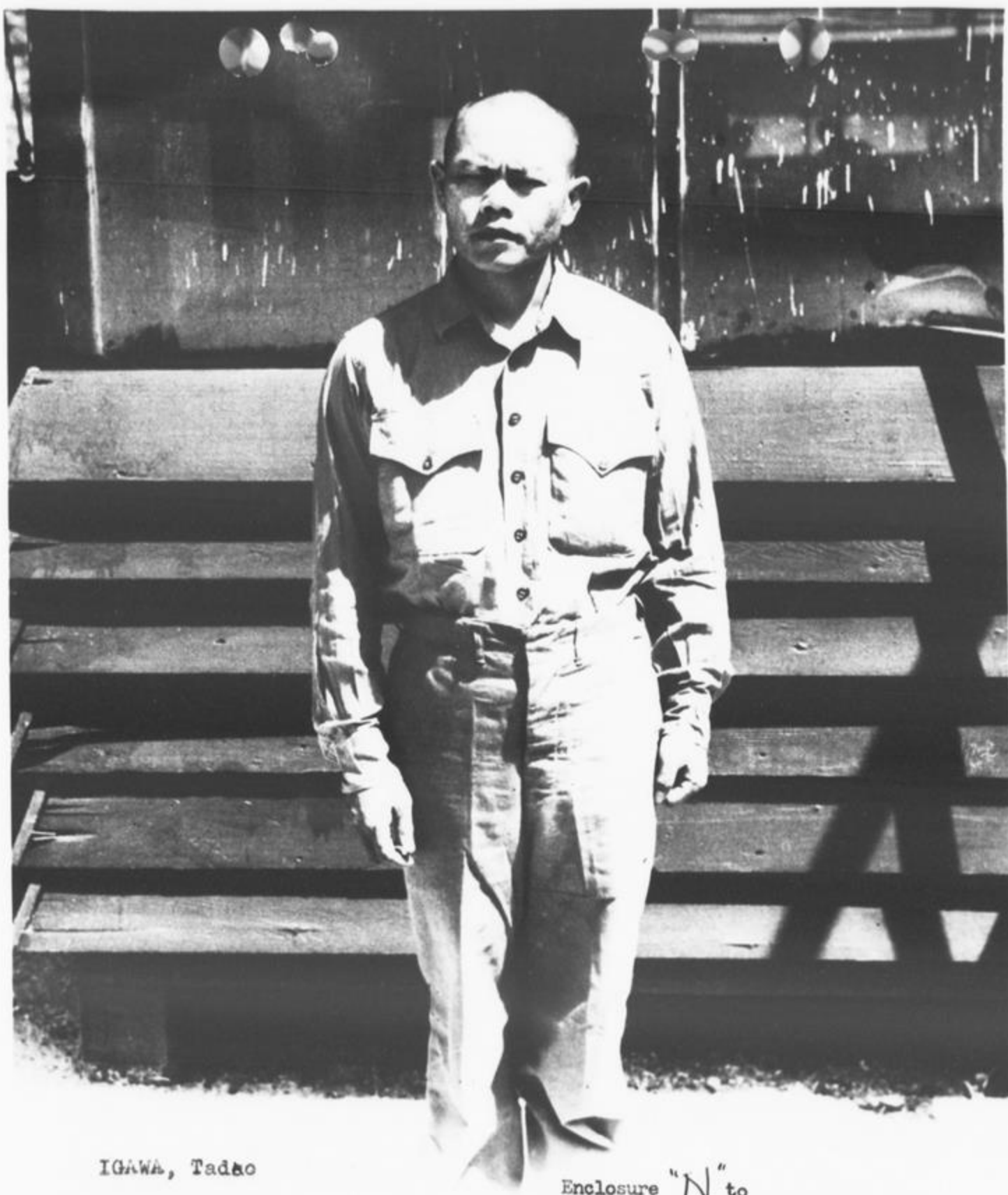
George R. Newton
GEORGE R. NEWTON,
Lieutenant Colonel, U. S. Marine Corps,
Officer in Charge of Executions.

Page two of Enclosure (M) to
IsCom. Provost Marshal serial 2540.

0797

Igawa, Tadeo, Civilian

0798



IGAWA, Tadao

Enclosure "N" to
IsCom. Provost Marshal serial 2540.



SECRET

OFFICE OF
DIRECTOR OF SECURITY, GUAM, M. I.

SECRET

18 September, 1947.
(date)

From: The Director of Security, Guam.
To : The Island Command Provost Marshal, Guam, M. I.
Subject: Execution of Death Sentence imposed on IGAWA, Tadao
An inhabitant of Guam.
References: (a) War Department Restricted Pamphlet No. 27-4 dated 12 June, 1944,
Subject, Procedure for Military Executions.
(b) ComMarianas Ltr. Serial 12187, dated 8 May 1947.
(c) ComMarianas Ltr. Serial 0075, dated 16 Sept 1947.
(d) Marine Bks Security Plan 4-47 dtd 13 May 1947.
Enclosure: (A) Unexecuted Certificate of Execution.

1. Pursuant to reference (c) you will put into execution on 24 September, 1947 at The Joint Communication activities area, Guam, Marianas Islands, the sentence of death by hanging imposed on Tadao IGAWA, an inhabitant of Guam, which sentence was confirmed by the (Acting Secretary of the Navy 28 July, 1947.

2. By copy of this order, the following officers and civilian representative are directed to attend the execution in the capacity indicated:

LtCol. George R. NEWTON, USMC (05786), Marine Barracks, Guam, OinC, Execution Detail.
Comdr. H. H. WELLS, (chc), USN (117200), Commander Marianas, Acting Area Chaplain.
Capt. Carl K. YOUNGKIN, (MC), USN (61612), U. S. Naval Medical Center, Guam, Medical Observer.
Capt. Alvin J. CERNY, (MC), USN (76043), U. S. Naval Medical Center, Guam, Medical Observer.
Comdr. John C. TRAUGH, (MC), USN (234899), U. S. Naval Medical Center, Guam, Medical Observer.
Capt. John H. LEPPERT, USN (57647), Joint Communication Activities, Guam, Official Witness.
Comdr. Eugene TATOM, USN (70299), U. S. Naval Air Station, Agana, Guam, Official Witness.
Comdr. Virgil S. DEITRICK, USN (75824), U. S. Naval Air Station Orote, Guam, Official Witness.
Comdr. Joseph R. BURKE, (CEC), USN (113484), U. S. Naval Air Station Orote, Guam, Official Witness.
Mr. Fred SAVORY, Interpreter, (furnished by Commander Marianas).
Col. Lester A. DESSEZ, USMC (0237), Marine Barracks, Guam, Director of Security, Guam.
Comdr. Ralph N. ERNEST (CEC), USN (70142), Island Public Works, OinC. Gallows, Place of Execution.
LtComdr. R. N. CRANE, (CEC), USN (0190941), Island Public Works, OinC Burial Detail.
Capt. John H. GRIFFIN, USMC (09053), Marine Barracks, Guam, OinC Place of Execution.
Lieut. Joseph H. KERRELL, USN (0918275), Commander Marianas, Public Information Officer.
1stLieut. Paul E. SANDERS, USMC (043002), Marine Barracks, Guam, OinC War Criminals.
1stLieut. Charles C. REKROAD, USA (02032111), Corps Provost Marshal's Office, 8th Army, Official Hangman.
1stLieut. A. COAKER, USA (), Corps Provost Marshal's Office, 8th Army, Assistant to Official Hangman.
Major Roland E. CAREY, USMC (08184), Marine Barracks, Guam, Deputy Island Provost Marshal, Recorder.

3. The execution will be private and will be attended only by such additional personnel as necessary to properly carry out the execution or as further authorized by this command. Upon execution of this sentence, enclosure (A) will be completed by you and returned to this command. A detailed report together with Medical Observers and Witnesses certificates will be submitted by the Recorder.

Enclosure "O" to IsCom, Provost Marshal serial 2549.

EXECUTION OF DEATH SENTENCE IMPOSED ON [REDACTED]

4. The provisions of references (a) and (b), except as modified by higher authority, will be complied with.

5. This correspondence will retain its secret classification until twelve hours after the execution at which time it will be down graded to restricted.

S. L. Dene

(Director of Security, Guam)

Copy to: Commander Marinas (4).
War Crimes Legal Office (2).
Each Officer concerned has received paragraph two.

0001

LAST LETTERS OF TADAO IGAWA.

Morning, 24 September, 1947,
at Guam.

To: Dear Father and Mother,

I was notified of my execution by hanging to take place 1900 P.M. on the 24th Sept., 1947. I would like to thank you for what you did for me while I was living and ask for your care for the others.

To: Dear Yukiko,

Since our marriage I have troubled you all the time without a moment of happiness and now with the ending of this day I am to climb the steps to be hanged. I greatly appreciate your service to me. Please take good care of our parents and children. This is all I ask of you. In regards to your living consult ~~our~~ parents and also your brother at OHARU and the Miyamoto family. And do not worry all by yourself. To have a good father is fortunate among the unfortunate. I am very sorry to make you bear this great responsibility, but please think this is our fate and take care of yourself. Please give my best regards to our relatives and to the mother of Miyamoto. The weather is very good this morning. The leaves of the palm trees are shaken by the cool breeze that is blowing.

FAREWELL POEM:

Being a person to be sacrificed
I have nothing to say,
I will ride the wind of the God
And be purified today.

To: Dear Kohiko, Ryuhide, and Hiromi,

Your father will be back home before you get this letter. But the life at home is very hard; so the 3 of you please help your mother and take good care of your grandmother and grandfather. Your father will watch over you all so that you will all be happy.

Dear KORA, Shojin,

From the letter I received from Yukiko in August of last year, I knew you were all well and was much relieved. I will pass from this world with sun-down today. I am just doing my duty and am not a bit troubled by it. But I do not know how unhappy my mother will be who has brought me up very dearly. Furthermore, may I trouble you to relay to Tsuruko, Takeo, Toyoko, Nobue, Hosumi, Isamu, Masuyo, and Hiroshi that I will go praying for their happiness. There is only a few moments left of this world. The old persimmon tree in the front yard and the bamboo spread in the back yard come to my mind and disappears again.

/s/ TADAO IGAWA

CERTIFIED TRUE COPY:

Major R.E. CAREY, USMC,

Deputy IsCom Provost Marshal.

Enclosure

"P"

to IsCom. Provost Marshal
serial 2540.

0802

FF12/227-10
13-224-rhj-tlm

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 12187

RESTRICTED

8 May 1947

From: The Commander Marianas Area and Governor of Guam.
To: The Director of Security, Guam.

Subject: Execution of Death Sentences of Convicted War Criminals, -
instructions concerning.

Reference: (a) War Department Restricted Pamphlet No. 27-4, dated 12 June 1944,
subject, Procedure for Military Executions.
(b) SecNav dispatch 281515 (Jan 1947) to Governor of Guam.

Enclosures: (A) Form-Report of Execution. (Omitted)
(B) Form-Receipt for Body. (Omitted)
(C) Form-Medical Observer's Certificate. (Omitted)
(D) Form-Official Witness's Certificate. (Omitted)
(E) Sample-Order to be issued to person designated to carry out
immediate act of execution and other members of execution
detail. (Actual order must be appropriately worded to cover
circumstances). (Omitted)

1. Subsequent to 1 June 1947, on dates to be designated by the Commander Marianas Area, the convicted War Criminals in your custody who have been sentenced to death by military commission and whose death sentences have been duly confirmed by the Secretary of the Navy will be executed. The executions will be carried out in the vicinity of the Tumon Bay Annex, War Criminal Stockade, Guam, Marianas Area, or at such other place on Guam as may be selected by the Director of Security with the approval of the Commander Marianas.

2. You are hereby delegated the duties connected with carrying out of the execution of the above referred to War Criminals. You are authorized and directed to make plans for such executions. You will provide all essentials for such executions from personnel and material under your command and made available to you from other commands hereafter indicated. Separate orders for execution will subsequently be issued to you by the Commander Marianas Area in each specific case. You will upon receipt of such subsequent orders designate by written orders the person to carry out the immediate act of execution and the other members of the execution detail.

3. In carrying out executions you will comply, in as far as practicable, with the provisions of reference (a) except where such provisions are inconsistent with this directive.

4. Executions will be private and will be attended only by the following:

Officer in Charge of execution detail to carry out immediate act of execution.

One (1) Professional Hangman, to be furnished by Commander Marianas (In case of hanging).

Two (2) Chaplains, preferable of the prisoner's choice if available. The Chaplains may be members of the U. S. Armed Forces (Navy or Army) or civilians.

One (2) Representative of the Japanese Government if approved by higher authority.

Two (2) Medical Observers.

Four (4) Official Witnesses.

One (1) Interpreter to be furnished by Commander Marianas.

Enclosure (B) to Director of
Security Serial 67-1, 7-1, 7-1.

0803

One (1) Recorder.

Commander Marianas Public Information Officer, and such press representatives and photographers as he may, with the specific authority of Commander Marianas, designate.

Such additional personnel as necessary to properly carry out the execution.

If personnel indicated above are not available to the Director of Security, prior to the date set for an execution, report to this effect will be made to the Commander Marianas Area.

5. Upon completion of an execution, the remains will be delivered to the Civil Administrator and Chief of Staff to Governor of Guam or his duly authorized representative for interment locally in accordance with the laws of Guam at a place designated by the Civil Administrator, Gmm. A receipt in the form of enclosure (E) will be obtained from the person to whom the remains are delivered. This receipt will show on its face the place the place where the remains are to be interred.

6. A complete detailed report together with Medical Observers and Witnesses certificates will be submitted covering each execution. For guidance and aid in facilitating your report, enclosures (A), (B), (C) and (D) are furnished. These enclosures may not cover all matters pertaining to the executions and are not to be interpreted to exclude items that should be reported.

7. By copy of this directive, the first five information addresses are directed to report to the Director of Security, Guam for the purpose of providing him personnel, material, services and facilities considered necessary by the Director of Security for carrying out ordered executions.

C. A. POWELL

CC To:

- Civil Administrator and Chief of Staff to Governor of Guam.
- Medical Officer in Command, U. S. Naval Hospital, Guam.
- Commander Marianas Area Chaplain.
- Commander Marianas Island Public Works Officer, Guam.
- Commanding Officer, U. S. Marine Barracks, Guam.
- Rear Admiral E. L. Marshall, U.S.N. (CEC).
- Medical Officer in Command, Naval Medical Center, Guam.
- CinCPac and U. S. PacFlt.

ANNEX "A"

- (1) [illegible]
- (2) [illegible]
- (3) [illegible]
- (4) [illegible]
- (5) [illegible]
- (6) [illegible]
- (7) [illegible]
- (8) [illegible]
- (9) [illegible]
- (10) [illegible]

FF12/Al7-10(C-1)
13-JDM-cn

0075

S-E-C-R-E-T

16 SEP 1947
(Date)

From: The Commander Marianas Area.
To : The Director of Security, Guam.

Subject: IGAWA, Tadao, an inhabitant of Guam - Execution of death sentence adjudged and confirmed in the trial of war crimes and related offenses in the case of.

Reference: (a) Record of Military Commission case of IGAWA, Tadao, an inhabitant of Guam, convened by The Island Commander, Guam, precept dated 26 January 1946.
(b) SecNav's letter file JAG:I:RAS:fld Al7-10/OQ(7/23/47) 158039 dated 28 July 1947.
(c) ComMarianas Letter of Instructions, Serial 12187 dated 8 May 1947, re: Execution of Death Sentence of Convicted War Criminals.

Enclosure: (A) Unexecuted Certificate of Execution.

1. The military commission before which IGAWA, Tadao, an inhabitant of Guam, was tried, beginning 8 February 1946, found IGAWA, Tadao guilty of Murder (one specification).

The following sentence as to IGAWA was adjudged:

"The commission, therefore, sentences him Tadao IGAWA, an inhabitant of Guam, to be hanged by the neck until dead, two-thirds of the members concurring."

2. The Island Commander, Guam, the convening authority, on 21 March, 1946, approved the proceedings, finding of guilty and sentence in IGAWA's case.

3. The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 20 April 1946, subject to remarks, approved the proceedings, finding and sentence in IGAWA's case.

4. The Acting Secretary of the Navy, on 28 July 1947, confirmed the sentence of death adjudged by the Military Commission and directed the Commander Marianas Area to effect the execution of the sentence as confirmed.

5. Pursuant to the above you will put into execution on 24 September 1947 at the Joint Communications Activity Area, Guam, Marianas Islands, the sentence of death by hanging imposed on IGAWA, Tadao, an inhabitant of Guam, at an hour to be determined by the officer designated by you to carry out the act of execution.

Page one of Enclosure (C) to Director of Security serial 6777, 7Oct47. - 1 -

0805

FF12/A17-10(WC-1)
13-JDM-cn

S-E-C-R-E-T

(Date)

Subject: IGAWA, Tadao, inhabitant of Guam - Execution of death
sentence adjudged and confirmed in the trial of war
crimes and related offenses in the case of.

6. IGAWA will be notified of the time set for his execution no less than twenty four (24) hours prior to the time set, and at the time of notification this order will be read to him. Appropriate record of such notification should be made on the face of this order by IGAWA and the officer and interpreter reading this order at the time notice is given. After notification special precautions shall be taken to safeguard IGAWA against self destruction, but this shall not be interpreted to deny him facilities, as are considered by you compatible with his safety, for reducing to writing such letters, statements and other documents as he may desire.

7. The execution will be carried out and report submitted by the Director of Security, Guam in accordance with the provisions of reference (c). In connection with the detailed report required to be submitted by the Director of Security, Guam, it is not considered that the mere forwarding of various reports of subordinates is satisfactory compliance with the provisions of reference (c).

8. Upon execution of the subject named War Criminal and prior to the submission of the detailed report required, enclosure (A) will be completed by the Officer in Charge of the execution detail and returned immediately by you, together with this order, to the Commander Marianas Area.

9. This correspondence will retain its secret classification until twelve hours after the execution at which time it will be down graded to restricted.

C. A. POWNALL

cc: CinCPacFlt
SecNav (JAG)
CNO

Page two of Enclosure (C) to Director of
Security serial 6777, 7Oct47.

0806

FIRST ENDORSEMENT

(Date)

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: IGAWA, Tadao, an inhabitant of Guam, Execution of Death Sentence Adjudged and confirmed in the case of.

Enclosure: (A) Certificate of Execution in case of subject named War Criminal.

1. Returned. The basic order was complied with this date.
2. Attention is invited to the enclosed Certificate of Execution.

(Signature)

L. A. DESSEZ, Colonel, U.S.M.C.
Director of Security, Guam.

Page three of Enclosure (C) to Director of Security serial 6777, 7Oct47.

0807

S-E-C-R-E-T

CERTIFICATE OF EXECUTION

(Date)

I hereby certify that the death sentence by hanging imposed on

IGAWA Tadao Civilian
(Surname) (Given Name) (Rank or Rating)

a Japanese National, was put into execution at Joint Communications Activity
(Place)

Agua, Guam, Marianas Islands, on _____, 1947 at _____ hours.
(Date)

(Signature)

GEORGE R. NEWTON, Lt. Col., U.S.M.C.
Island Command Provost Marshal, Guam and
Officer in Charge of Execution Detail.

Page four of Enclosure (C) to Director of
Security serial 6777, 48 Oct 47.

0808



ENCLOSURE C(1)

0000

Taduo IGANA is shown being formally notified by Lt. Col. George Newton,
USMC of confirmation of his death sentence.

OFFICIAL U.S. NAVY
PHOTOGRAPH

08 10



ENCLOSURE C(2)



OFFICIAL U.S. NAVY
PHOTOGRAPH

0812



000000 000000 000000 000000 000000 000000 000000 000000 000000 000000
 000000 000000 000000 000000 000000 000000 000000 000000 000000 000000

Photograph of IGAWA, Tadao in his coffin immediately after execution.

Enclosure C (3)

0813

Guam, Marianas Islands,
25 September 1947.

To: Commander Marianas.

Subject: Letter of Appreciation.

1. I very greatly appreciate the fact that I have been summoned to Guam through your sincere consideration so that the five condemned Japanese could peacefully fulfill their sentences in accordance with their belief in Buddhism, which is their religion.

2. On my departure from Guam, I would like to bring the following to your attention for your satisfaction:

(1) The condemned persons were at first uneasy but as I met with them and talked to them on three occasions about religion they all went peacefully to their deaths.

(2) All the condemned men asked me to convey to your their thanks for your kind consideration.

(3) When I return to Japan I shall tell their families of your great kindness and also that they died peacefully.

(4) I believe it will be an honor for me to convey to Archbishop OTANI, KOSHO of the KYOTO NISHI HONGANJI which is the headquarters of my faith the kindness shown me during my stay at Guam. I shall also tell him that you are always exceedingly considerate of the Japanese.

/s/ Rev. B. Nakagami
Reverend Bunyu Nakagami,
Nishi Honganji Sect,
Tokyo, Chikuzi, Honganji.

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