

DECLASSIFIED

Authority: NND 760050 (1945-1949)

By: NARA **NARA Date:** 1976

HIROSE OGAWA

(12 OCT 1945)

(144577)

0463

Case of
Hirose Ogawa
12 October 1945

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



Copy furnished.

144577

0464

Hirose Ogawa
Trial by Military Commission
in the
Municipality of Agana, Guam

INDEX

	Page
Organization of commission-----	1
Introduction of counsel-----	1
Members, judge advocate, reporter and interpreter sworn-----	1
Pleas in bar-----	2,3
Plea to the jurisdiction-----	3
Arraignment-----	4
Pleas to the issue-----	4
Adjournments-----	12,21
Prosecution rests-----	18
Defense rests-----	18
Findings-----	20
Sentence-----	21

TESTIMONY

Name of witness	Direct and redirect	Cross and recross	Commission
Prosecution			
Pedro Q. Sanchez, civilian	4,5	5	5
Vicente S. Sanchez, civilian	5,6	6	7
Jose F. Topasna, civilian	7,8	8	8
Jose Q. Topasna, civilian	9	9	—
Joaquin A. Limtiaco, civilian	10,11	11,12	12
Joaquin A. Charfauros, civilian	13,14,16	14,16,17	14,15,16
Manuel B. Cruz, civilian	17,18	18	
Defense			
Carl F. Gannon, 1st Lt., USA	2	—	2,3

0465

1400-65-5
(610)-wka

Serial No. 17789

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

10 October 1945.

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

1. Pursuant to the authority vested in me by Fleet Admiral Chester W. Nimitz, United States Navy, Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Military Governor of Guam, a Military Commission is hereby ordered to convene at Agana, Guam, on the 11th day of October 1945, or as soon thereafter as practicable, for the trial of such persons as may legally be brought before it.

2. The Commission will be constituted as follows:

Colonel Walter T. H. GALLIFORD, U. S. Marine Corps, senior member,
Lieutenant Colonel Donovan D. SULT, U. S. Marine Corps,
Lieutenant Commander Lorange M. WOODRUFF, Medical corps, U. S.
Naval Reserve,
Captain James F. JONES, U. S. Marine Corps Reserve,
Lieutenant Edward STANWOOD, III, U. S. Naval Reserve,
Captain William H. FORLINES, Junior, U. S. Marine Corps Reserve,
Captain Russell S. LA POINTE, U. S. Marine Corps Reserve, members,
any five of whom are empowered to act, and of
Lieutenant Colonel Teller AMMONS, Army of the United States, judge
advocate.

3. This Commission is hereby authorized and directed to take up such cases, if any, as may be now pending before the Military Commission of which Colonel Walter T. H. GALLIFORD, U. S. Marine Corps, is senior member, convened by my precept of 20 August 1945, except such cases the trial of which may have been commenced.

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

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

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

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

A true copy. Attest:

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

0466

1400-65-5
(610)-wka

Serial No. 17915

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

11 October 1945.

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

1. Captain Herbert E. L. Zastrow, U. S. Marine Corps, is hereby appointed a member of the Military Commission of which you are senior member, convened by my precept of 10 October, 1945, vice Captain William H. Forlines, Junior, U. S. Marine Corps Reserve, hereby relieved.

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

Copies to: Captain Herbert E. L. Zastrow, USMC, 9th AAA Bn.
Captain William H. Forlines, Jr., USMCR, 9th AAA Bn.
Lieutenant Colonel Teller Ammons, AUS, Judge Advocate,
Military Commission, MilGov.
G-1 Section, IsCom.

A true copy. Attest:

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

0467

1400-30-65
(610)-wka

Serial No. 9078

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

MAY 25 1945

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

Subject: Charge and specifications in the case of
Hirose Ogawa, a detainee 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 specifications. You will notify the senior member of the Commission accordingly, inform the accused of the date set for his trial, and summon all witnesses, both for the prosecution and the defense. You will carefully comply with the procedure set forth in Section 2, Article IV of Proclamation No. 4, dated 29 August 1944.

CHARGE

ASSAULT AND BATTERY

Specification 1

In that Hirose Ogawa, detained in the Island Command Stockade, Guam, while serving as a military worker, attached to the Japanese Civil Affairs in Guam, did, in or about the month of March, 1942, exact date unknown, at or near Umatac, Guam, wilfully, maliciously, and without justifiable cause, assault, strike and beat one Joaquin A. Charfauros, an inhabitant of Guam; the United States then being in a state of war.

Specification 2

In that Hirose Ogawa, detained in the Island Command Stockade, Guam, while serving as a military worker, attached to the Japanese Civil Affairs in Guam, did, on or about April 12, 1942, at or near Agana, Guam, wilfully, maliciously, and without justifiable cause, assault, strike and beat with a bull whip, a club and his fists, one Joaquin Limtiaco, an inhabitant of Guam; the United States then being in a state of war.

Specification 3

In that Hirose Ogawa, detained in the Island Command Stockade, Guam, while serving as a military worker, attached to the Japanese Civil Affairs in Guam, did, on or about September 26, 1942, at or near Agana, Guam, wilfully, maliciously, and without justifiable cause, assault, strike and beat with a bull whip and his fists, one Manuel B. Cruz, an inhabitant of Guam; the United States then being in a state of war.

Subject: Charge and specifications in the case of
Hirose Ogawa, a detainee of Guam.

Specification 4

In that Hirose Ogawa, detained in the Island Command Stockade, Guam, while serving as a military worker, attached to the Japanese Civil Affairs in Guam, did, in or about the month of September, 1942, exact date unknown, at or near Umatac, Guam, wilfully, maliciously, and without justifiable cause, assault, strike and beat with a sickle handle, and his fists, one Pedro Q. Sanchez, an inhabitant of Guam; the United States then being in a state of war.

Specification 5

In that Hirose Ogawa, detained in the Island Command Stockade, Guam, while serving as a military worker, attached to the Japanese Civil Affairs in Guam, did, in or about the month of September, 1942, exact date unknown, at or near Umatac, Guam, wilfully, maliciously, and without justifiable cause, assault, strike, beat with a club and his fists, and kick one Vicente S. Sanchez, an inhabitant of Guam; the United States then being in a state of war.

Specification 6

In that Hirose Ogawa, detained in the Island Command Stockade, Guam, while serving as a military worker, attached to the Japanese Civil Affairs in Guam, did, in or about the month of October, 1942, exact date unknown, in or near Agana, Guam, wilfully, maliciously, and without justifiable cause, assault, strike and beat with a bull whip, one Jose F. Topasna, an inhabitant of Guam; the United States then being in a state of war.

Specification 7

In that Hirose Ogawa, detained in the Island Command Stockade, Guam, while serving as a military worker, attached to the Japanese Civil Affairs in Guam, did, in or about the month of February, 1943, exact date unknown, in or near Umatac, Guam, wilfully, maliciously, and without justifiable cause, assault, strike and beat with a leather strap, and a wooden sandal, one Jose Q. Topasna, an inhabitant of Guam; the United States then being in a state of war.

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

First Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Friday, 12 October 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T. H. Galliford, U. S. Marine Corps,
Lieutenant Colonel Donovan D. Sult, U. S. Marine Corps,
Lieutenant Commander Lorande M. Woodruff, Medical Corps, U. S. Naval Reserve,
Captain James F. Jones, U. S. Marine Corps Reserve,
Lieutenant Edward Stanwood, III, U. S. Naval Reserve,
Captain Herbert E. L. Zastrow, U. S. Marine Corps,
Captain Russell S. La Pointe, U. S. Marine Corps Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge advocate.

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

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

The accused requested that Lieutenant Henry P. Bakewell, U. S. Naval Reserve, act as his counsel, and that Jorge U. Cristobal, CStd., U. S. Navy, act as interpreter for him and his counsel. Lieutenant Bakewell and Cristobal 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 specifications preferred against him on 20 July 1945.

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

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

The judge advocate made no reply.

The commission was cleared.

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

The accused stated that he was ready for trial.

No witnesses not otherwise connected with the trial were present.

The accused made a plea in bar of trial to the charge and specifications on the ground that the accused is entitled to the protection of the Geneva Prisoner of War Convention; and that there is no information before this commission that any protecting power has been notified of the time and place of trial and of the charge against the accused; nor given any right to have a representative present at the trial.

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

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

Examined by the judge advocate:

1. Q. State your name, rank and present station.
A. Carl F. Gannon, first lieutenant, U. S. Army, Camp Commander, Island Command Stockade.

2. Q. If you recognize the accused, state as whom.
A. I do, Ogawa, Hirose.

Examined by the accused:

3. Q. Have you consulted the records of the Island Command Stockade with regards to the accused?
A. I have.

4. Q. What is the status of the accused?
A. Prisoner of war.

5. Q. Since when has he been a prisoner of war?
A. Since 20 August 1944.

6. Q. Does the record indicate what connection the accused had with the Japanese government?
A. Yes, he was attached to the Civil Affairs.

Examined by the commission:

7. Q. You say this individual was classified as a prisoner of war?
A. Yes.

8. Q. In what respect, military or civilian?
A. All prisoners of war are considered as military.

9. Q. He is considered as belonging to the Japanese military?
A. Yes.

10. Q. In what status? Enlisted man?
A. Yes.

11. Q. What was his rate?
A. I do not know. He is a policeman connected with the Civil Affairs.
12. Q. You mean he is not regularly enlisted in the Japanese military?
A. No, sir; he was not.
13. Q. And according to your record, he was a prisoner of war?
A. Yes.
14. Q. And he was with the civilian police?
A. Anyone who was paid by the Japanese government is considered a prisoner of war even though he may be a civilian.
15. Q. His functions apparently were with the civilian police regardless of what the Japanese government called his status, is that correct?
A. That is correct.
16. Q. In other words his primary duties were as civilian policeman rather than that of military?
A. Yes.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

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

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

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

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

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

The commission announced that the request was granted.

The judge advocate did not desire to reply.

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

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

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

The judge advocate did not desire to reply.

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

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

The accused replied in the negative.

The judge advocate read the letter containing the charge and specifications, original prefixed, marked "C(1)" and "C(2)", and arraigned the accused as follows:

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

Q. To the seventh 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. Pedro Q. Sanchez, a resident of Umatac, machinist by occupation.
2. Q. If you recognize the accused, state as whom.
A. I do, Ogawa.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes.
5. Q. Did anything unusual happen between you and the accused during the Japanese occupation?
A. Yes.

6. Q. State what that was.

A. The accused took out his pocket knife and was going to throw it at the commissioner. I tried to stop it. The next day he sent for me. The accused hit me on the mouth with his fist, then made me stand from 7:00 a.m. until 12:00 noon. For three days I could not eat as a result of this punishment.

7. Q. Did he use anything else beside his fist?

A. He kicked me also.

8. Q. And where did this happen?

A. At Umatac on or about September, 1942.

Cross-examined by the accused:

9. Q. What did you say he hit you with?

A. His fist.

Examined by the commission:

10. Q. At the time you were sent for by the accused what reason did he give you for sending for you?

A. I was not informed at the time, I was sent for, until I got to the quarters; that was when I found out.

11. Q. That is what I want to know. Why were you sent for?

A. Because I tried to stop him when he tried to stab the commissioner.

12. Q. This took place in the commissioner's quarters in Umatac?

A. Yes.

13. Q. At this particular time, what was the duty of the accused, if you know?

A. He was a policeman.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.

A. Vicente S. Sanchez, a resident of Umatac, laborer by occupation.

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

A. I do, as Ogawa.

3. Q. Were you on Guam during the Japanese occupation?

A. Yes.

4. Q. Did you see the accused on Guam during the Japanese occupation?

A. Yes.

5. Q. Did anything unusual happen between you and the accused during the Japanese occupation?

A. Yes.

6. Q. State what that was.

A. The accused took me to his quarters on a charge of stealing dynamite. He tied my two hands and then he took a wooden club about two feet long and about one inch in diameter and struck me with it. He also hit me with his fist. After that he told me to go home and report the next day to work in the field.

7. Q. How many times did he hit you with his fist?

A. Three times.

8. Q. How many times did he strike you with the club?

A. He struck me for about an hour.

Cross-examined by the accused:

9. Q. What date did this happen?

A. It happened in September of 1942.

10. Q. You say this was an investigation about some dynamite?

A. Yes.

11. Q. In what capacity was the accused questioning you?

A. As a policeman.

12. Q. Was anybody else present?

A. There was no one present except the accused.

13. Q. Do you speak Japanese?

A. No.

14. Q. How do you know that it was an investigation about some dynamite?

A. There was an interpreter there.

15. Q. And what was his name?

A. Juan Reyes.

16. Q. After this investigation you were allowed to go?

A. Yes.

17. Q. And did you go to work the next day?

A. Yes.

18. Q. Was the accused the only policeman in Umatac at that time?

A. He was the only one but at times he was relieved by Shimada.

19. Q. Are you sure that it was the accused and not his relief?

A. I am sure it is the accused.

20. Q. Where did this happen?

A. In his quarters at Umatac.

21. Q. Umatac, Guam?

A. Yes.

Examined by the commission:

22. Q. You stated that the accused beat you with a club and hit you with his fist; did he beat you with anything else?
A. No, sir.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.
A. Jose F. Topasna, a resident of Santa Rita, school student.
2. Q. If you recognize the accused, state as whom.
A. I do, as Ogawa.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes.
5. Q. Did anything unusual happen between you and the accused during the Japanese occupation?
A. Yes.
6. Q. State what that was.
A. I was taken to jail and the accused tied my hands and hung me up to a stanchion. The accused whipped me with a bull whip and struck me with a billiard cue from 8:00 until 10:00 a.m. Then the accused took me down as I was on the verge of collapse and kicked me. After kicking me and knocking me down, Jose Villagomez, the interpreter, told me to get up. After that I was hung up again.
7. Q. And what happened then?
A. Ogawa took a revolver and threatened me with it. He took me down again, kicked me, and then hung me again. I remained in that position for about half an hour and at that time my toes were barely touching the floor. Later on I was taken down and put in the cell.
8. Q. Explain how they hung you up?
A. They tied both of my hands to a stanchion.
9. Q. While in that position was that when the accused whipped you with the bull whip?
A. Yes.
10. Q. What was the result of this beating?
A. I stayed in bed for about a week, scarcely could eat, and my body ached. My right ear was affected by this punishment and I am rather deaf.

11. Q. What date did this happen?
A. October, 1942.

12. Q. And where did it happen?
A. In prison, in Agana.

Cross-examined by the accused:

13. Q. This time were you being questioned about something?
A. Yes.

14. Q. What?
A. Something about a bicycle.

15. Q. What about a bicycle?
A. I was accused of stealing.

16. Q. How many people were present?
A. I only remember the accused, Jose Villagomez, Shimada, and there were two Saipanese whose names I do not know.

17. Q. Who was Shimada?
A. He was a policeman.

18. Q. Do you know whether or not he was the chief of police?
A. I do not know whether he was the chief of police but I know that he was a policeman.

19. Q. After this event, when was the next time you saw the accused?
A. When I moved to Umatac I saw the accused.

20. Q. Had you ever seen the accused before this episode?
A. I didn't see him before that incident happened.

21. Q. Did you know his name at that time?
A. Yes.

22. Q. How did you know?
A. I asked one of the prisoners when I got down to the cell.

23. Q. Are you sure the name the prisoner told you was Ogawa and not Ungawa?
A. It was Ogawa.

Examined by the commission:

24. Q. Are you positive that the accused was the individual that beat you?
A. I am sure, yes.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.
A. Jose Q. Topasna, resident of Umatac, school student.
2. Q. If you recognize the accused, state as whom.
A. I do, as Ogawa.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes.
5. Q. Did anything unusual happen between you and the accused during the Japanese occupation?
A. Yes.
6. Q. State what that was.
A. One Sunday in September, 1943, I was walking on the street and the accused called me into his quarters. He asked me if I knew anything about an argument he had with the commissioner of Umatac. I told him I didn't know anything. He made me kneel, took a club, laid it across my legs and commenced whipping me with a bull whip. He released me about 11:00 a.m. When he saw me heading towards the commissioner's quarters, he called me back. He took a towel, tied it around my neck and lifted me up. After that the accused grabbed me and knocked me down several times. Then the accused took a wooden sandal and hit me on the cheeks. After beating me with the sandal, he told me to report to his quarters for work for ten days without pay.
7. Q. Where did this happen?
A. In Umatac.
8. Q. Is that on Guam?
A. Yes.

Cross-examined by the accused:

9. Q. Were you being questioned about something?
A. He only asked me whether I knew about this argument with the commissioner.
10. Q. Was the accused acting as a policeman?
A. Yes.
11. Q. Was anyone else present?
A. There was an interpreter present by the name of Manuel Concepcion.

Reexamined by the judge advocate:

12. Q. What date did this happen?
A. September, 1943.

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

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

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. Joaquin Aflague Limtiaco, a resident of Barrigada, farmer by occupation.
2. Q. If you recognize the accused, state as whom.
A. Ogawa.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes.
5. Q. Did anything unusual happen between you and the accused during the Japanese occupation?
A. Yes. About September 12 to 15, 1942, I was taken to the civil jail in Agana. They took me to the first floor of the building in the jail. Ogawa and a Saipanese native by the name of Pedro Guerrero both tied up my two hands with a lamp cord against the beam of the building then whipped me with a bull whip and a club. The club was about 3 feet long and about 1½ inches in diameter. After they had been striking me with the club for about twenty minutes, they loosened up the lamp cord and made me sit on a bench. Again they tied my legs and hands to the beam and then pushed me off the bench.
6. Q. Who were the two persons?
A. Ogawa and Pedro Guerrero.
7. Q. Continue.
A. I was hanging with my two hands and two feet not touching the floor. They commenced hitting me with their fists until I was unconcious. The accused hit me with his fist for about 25 times. Soon a lady came to make a complaint to Shimada, the chief of police, so Shimada told these two persons to untie me and turn me in the main cell at the civil jail.
8. Q. What were you in jail for at that time?
A. On account of the Americans in the woods.
9. Q. And why did they assault and beat you?
A. Because I won't tell them the whereabouts of the Americans.
10. Q. And when did this happen?
A. This happened in September 12 to 15, 1942.
11. Q. Where in Agana?
A. In the civil jail.
12. Q. And what did the accused assault you with?
A. Bull whip, club and his fists. After they turned me loose from the beam and untied my hands from the lamp cord, they pushed me down the steps and kicked me until I was flat on the floor.

13. Q. Who did that?
A. Shimada, Ungawa and Villagomez.

Cross-examined by the accused:

14. Q. If I heard you correctly, you used the word Ungawa, do you mean the accused here?
A. Yes.
15. Q. Do you know if there was another Ogawa?
A. Yes, I know the other one.
16. Q. And this episode that you have just testified to, you are referring that to the accused sitting here?
A. Yes.
17. Q. Who was present at the time this happened?
A. A man by the name of Jose Soriano, Juan Roberto, the desk sergeant at the police station, and also Candido San Agustin.
18. Q. Was Shimada present?
A. Yes.
19. Q. Do you know whether he was in charge?
A. Yes, he was in charge. Pedro Guerrero, Jose Villagomez and the accused were there.
20. Q. Shimada, you say, was the chief of police?
A. Yes.
21. Q. Of these persons who were present, how many of them hit you?
A. There were four.
22. Q. All four?
A. Yes.
23. Q. Of the four, you are certain that the accused whipped you?
A. Yes, but not San Agustin, Roberto and Soriano.
24. Q. Do you know just what the accused hit you with?
A. Yes.
25. Q. Of these four, you are sure that the accused hit you and not one of the other persons?
A. Yes, he hit me himself as well as the others.
26. Q. You say you were hit with a club?
A. Yes.
27. Q. You are sure that it was the accused that hit you with the club?
A. Yes.
28. Q. You are sure it was not the others instead of the accused that hit you with the club?
A. The accused hit me with a club and a bull whip.

Examined by the commission:

29. Q. This incident was in connection with the Japanese search for Tweed?
A. Yes.
30. Q. I believe you stated that they beat you in September, 1942?
A. Yes, since August up until the last part of October, 1942.
31. Q. Was it around September?
A. Yes, around September.
32. Q. Now did this accused at any other time during the Japanese occupation beat you?
A. No, sir.
33. Q. You are sure?
A. That was the last time Ogawa hit me.
34. Q. And you are positive that you received the beating by the accused with a club, bull whip and fist, is that correct?
A. Yes.

Recross-examined by the accused:

35. Q. You say the man Ungawa and not Ogawa was the person you referred to?
A. I know this other Ogawa and he was working for the higher authorities in the Menseibu. This man here, the accused, worked at the civil jail.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 1:45 p.m., adjourned until 9:00 a.m., tomorrow, Saturday, 13 October 1945.

Second Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Saturday, 13 October 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T. H. Galliford, U. S. Marine Corps,
Lieutenant Colonel Donovan D. Sult, U. S. Marine Corps,
Lieutenant Commander Lorande M. Woodruff, Medical Corps, U. S. Naval Reserve,
Captain James F. Jones, U. S. Marine Corps Reserve,
Lieutenant Edward Stanwood, III, U. S. Naval Reserve,
Captain Herbert E. L. Zastrow, U. S. Marine Corps,
Captain Russell S. La Pointe, U. S. Marine Corps Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge advocate.
Vicente B. Bamba, civilian, reporter.
Isabel P. Zafra, civilian, 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.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.
A. Joaquin Aguon Charfauros, a resident of Didigue, driver by occupation.
2. Q. If you recognize the accused, state as whom.
A. Ongawa.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes.
5. Q. How old are you?
A. 19 years.
6. Q. Did anything unusual happen between you and the accused during the Japanese occupation?
A. Yes.
7. Q. State what that was.
A. I was in Merizo sometime in the year 1942 when a Saipanese by the name of Manuel came and took me to Umatac. He took me in the quarters of the accused and there the accused slapped me about fifteen times. After that the accused ordered the Saipanese to get a bull whip and this Saipanese whipped me about fifteen times. The accused again called me and slapped me again for about fifteen times.

8. Q. Do you remember what month in 1942 this occurred?

A. I am very sure it happened in September. Sometime on or about that month I was arrested and taken to jail.

9. Q. The time you spoke of being arrested was that the time that the accused slapped you?

A. Yes.

Cross-examined by the accused:

10. Q. What was the reason for this slapping?

A. I was accused of stealing some clothes from Aflague.

11. Q. After this episode, did they let you go?

A. No, I was taken to Sinajana and was threatened with a sword to tell the truth.

12. Q. After that you were allowed to go?

A. After that I was taken to the civil jail in Agana.

13. Q. When was the next time you saw the accused after this incident in Umatac?

A. When I was taken to jail the accused came down.

14. Q. Do you know the accused as Ogawa or Ungawa?

A. I do not know his real name; I only know according to what the people called him as Ongawa.

15. Q. There is no question in your mind that the person to whom you now referred, is the one sitting here in the court room?

A. I am sure.

Reexamined by the judge advocate:

16. Q. Did you have any kind of court trial in regard to the charge of stealing clothes?

A. Towards the very end of my case my finger print was taken and it was discovered that someone else did the act, so I was released.

Recross-examined by the accused:

17. Q. At the time of this episode, was the accused acting as a policeman?

A. He was a policeman; he was wearing a chief's cap.

18. Q. Who else was present at the time?

A. The accused, a Saipanese and myself.

Examined by the commission:

19. Q. Is this individual present in the court room as the accused, the individual that slapped you sometime in 1942?

A. Yes.

20. Q. Did he beat you, slap you, or otherwise assault you at any other time during the Japanese occupation?

A. No, sir.

21. Q. And there is no question as to the identity of the individual that did the slapping?

A. Yes, I am very sure.

22. Q. As to the date this took place you said it might be September; why do you say September?

A. Because right after I was released from jail I got married and that was in October.

23. Q. And you were fairly positive that this incident took place in September, 1942?

A. Yes, sir.

24. Q. It would not have happened at any other time and this was the only incident that happened to you?

A. I was put in jail for four months and I do not know just what month it was.

25. Q. Was that prior to or subsequent to September?

A. Before September.

26. Q. You stated to the court that you were sent for sometime in September by somebody named Manuel and brought to the accused who then slapped you and struck you; were you in jail then?

A. I was not in jail at the time the Saipanese took me from Merizo.

27. Q. When were you in jail?

A. I do not recall the month but it was in 1942 when I was taken from Merizo to Umatac and from there sent to the jail.

28. Q. You went to the jail and stayed in jail four months, is that correct?

A. Yes.

29. Q. Did you get married while you were in jail then?

A. Not until I got out.

30. Q. You got out the following October; then it was October, 1943, that you got married?

A. No, in October, 1942.

31. Q. You were all through being in jail when you got married, is that right?

A. That is right.

32. Q. How long had you been in jail before you got married?

A. About a month after I was released.

33. Q. What day in October were you married?

A. October 16, 1942.

34. Q. Then you were possibly released in September, is that correct?

A. That is why I said I was released in September because a month after that I got married.

35. Q. Then you must have been in jail during the months of June, July, August and September?

A. Yes.

36. Q. Then this beating you took at the hands of the accused took place prior to the time he went to the jail, is that correct?

A. Yes.

37. Q. Then it couldn't very well have been in September, could it?
A. I do not recall that.

38. Q. What do you recall?
A. I am positive I was punished in 1942 as to the month I cannot recall.

39. Q. It could have been any month during the year, 1942 prior to October of that year, is that correct?
A. Yes.

40. Q. It happened in January?
A. I am not sure.

41. Q. It happened in February?
A. I am not sure.

42. Q. The only thing you are sure of is that you got beaten and you got married, is that correct?
A. Yes.

43. Q. Do you remember anything else that happened in 1942?
A. That was the time when a lot of slapping was going on.

Reexamined by the judge advocate:

44. Q. Were you living in Merizo at the time you were assaulted and slapped by the accused?
A. I was living with my aunt, Maria Aguigui.

45. Q. How long had you been living with her?
A. I was not staying with her. I was in Merizo to get some frederico nuts when the Saipanese called me.

46. Q. How long was that after the time the Japanese came to Guam?
A. I do not remember the date when I was taken to jail but I know that the Japanese occupied Guam on December 8, 1941.

47. Q. Do you remember then how long after that time the accused slapped you?
A. It happened a year after the Japanese came in. The Japanese came in 1941, and I was punished in 1942.

48. Q. How many months after the Japanese came in?
A. I do not know.

49. Q. How many months before you were married that the accused slapped you?
A. About five months before I got married.

Recross-examined by the accused:

50. Q. Do you know when the accused first went to Umatac as policeman?
A. I do not recall that.

51. Q. You know a Japanese policeman in Umatac named Ishibashi?
A. No.

52. Q. Did you know the accused before he slapped you; had you seen him?
A. Yes, because he was our neighbor.

53. Q. You knew him well at the time he slapped you?

A. No, I didn't care to be friendly with him because I knew they were very strict.

54. Q. Did you know who he was before he slapped you?

A. Yes.

55. Q. Where was he, your neighbor, living at that time?

A. At San Ramon Street by the 203 Hospital.

56. Q. Do you know when he went from Agana to Umatac?

A. I do not know. I only knew that he was in Umatac when I was taken to his quarters in Umatac.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.

A. Manuel B. Cruz, a resident of Yona, farmer by occupation.

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

A. I do, as Ongawa.

3. Q. Were you on Guam during the Japanese occupation?

A. Yes.

4. Q. Did you see the accused on Guam during the Japanese occupation?

A. Yes.

5. Q. Did anything unusual happen between you and the accused during the Japanese occupation?

A. Yes.

6. Q. State what that was.

A. Shimada and Antonio Camacho took me to the jail in Agana. When we got to the jail, Shimada took me upstairs to the court room and Pedro Guerrero acted as interpreter. Guerrero asked me if I knew what I was in for and I said I did not know. At that moment the accused held me by the shirt and knocked me down about five times, then left. Pedro Guerrero continued his investigation. Later on the accused came and forced me down on my fours and whipped me with a bull whip.

7. Q. How long did he whip you with the bull whip?

A. For about five minutes.

8. Q. What date did this happen?

A. September 26, 1942.

9. Q. And where did it happen?

A. In the Agana jail.

10. Q. Had you seen the accused before that date?
A. No.

11. Q. Did you see him after that date?
A. Yes, because he was taking care of us at the time I was in prison.

12. Q. Is he the man that beat you on September 26, 1942?
A. Yes.

Cross-examined by the accused:

13. Q. You say Shimada was present?
A. Yes.

14. Q. Who was Shimada?
A. He said he was the chief of police.

15. Q. Wasn't Shimada in charge?
A. I do not know, but when he took me from my ranch he told me he was the chief of police.

16. Q. Was the accused there the whole time that you were being questioned?
A. Yes.

17. Q. Didn't you say the accused left and Pedro Guerrero questioned you?
A. Yes, when I was first brought up there and questioned, the accused came, later on he left, but he came back.

18. Q. How many people beat you on that occasion?
A. Three, Shimada, the accused and Pedro Guerrero.

19. Q. You are sure that the accused was one that beat you?
A. Yes.

20. Q. Do you know whether there was another Ogawa?
A. I don't know.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The prosecution rested.

The defense began.

The accused requested that the testimony of Lieutenant Cannon previously given in behalf of the accused, be considered as testimony in his defense.

The commission announced that the request was granted.

The defense rested.

The accused read a written statement in his defense, appended, marked "T(1)", original appended, marked "T(2)".

The judge advocate made the following opening argument:

The accused is before this commission on the charge of assault and battery under the Penal Code of Guam. The charge is supported by seven specifications and seven witnesses appeared for the prosecution, one witness for each specification. Evidence has been established to prove a prima facie case and no rebutting evidence has been adduced to overthrow that presumption or to contradict the testimony of anyone of the seven witnesses.

Definition of assault and battery in the Penal Code of Guam and the punishment therefore is:

"Section 240: Assault defined - an 'assault' is an unlawful attempt, coupled with a present ability to commit a violent injury on the person of another.

"Section 241: Punishment of assault - An assault is punishable by fine not exceeding two hundred dollars or by imprisonment not exceeding six months or both.

"Section 242: Battery defined: A 'battery' is any willful and unlawful use of force or violence upon the person of another.

"Section 243: Battery - How punished - A battery is punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both.

The question of the commission now remains, "Has the judge advocate proved the guilt of the accused beyond a reasonable doubt?"

The accused made the following argument:

May it please the court. Pedro Q. Sanchez stated he was hit with the fist, but not with the sickle handle, as alleged. Vicente S. Sanchez testified to what he claimed to be a bad beating, yet he said he went to work the next day. Jose F. Topasna was young and confused - perhaps it was the other Ogawa or Ongawa. Jose Q. Topasna stated that the accused lifted him up with a bath towel - the court saw the comparative size of the two men - there is doubt here. Joaquin Limtiaco, though he stated that this was the man, stated that there was an Ongawa as well as Ogawa and seemed confused in his use of the name. Furthermore he testified that Shimada, the chief of police, was there and was in charge. There is not only a possibility of doubt as to who hit him and with what, but it is evident that the superior of the accused was in command. Now Joaquin A. Charfauros, as I remember his testimony, he said he was slapped. I do not remember him saying that he was beaten. The testimony of Charfauros was very confusing, enough so to raise a reasonable doubt. It is obvious that it was merely a preliminary investigation made by a policeman, perhaps a form of third degree, but such things have happened before. In the case of Manuel B. Cruz, Shimada was there, the chief of police. The accused, it is obvious, was acting under orders of a superior.

The accused has been confined in the stockade for a long period of time. He was a mere underling in the Japanese military system. It is a matter of common knowledge on the Island, of which it is claimed the court may take notice, that that which was done by the accused was, as a matter of historical fact, no more than was customary during Japanese occupation. It is plainly apparent that the real fault lies higher up and not with the accused.

The judge advocate made the following closing argument:

The accused was identified by each one of the witnesses as the man who assaulted them. The accused is responsible for his acts if they are in violation of the Penal Code of Guam regardless of whether they were being sanctioned on orders of a superior. No person regardless of position has the right to violate the provision of a law nor has the right to order anyone to violate the provisions of the Penal Code of Guam subject to the penalties. No custom of any nation can take precedence over the established laws as made and provided in the Penal Code of Guam, the violation of which the accused is being tried.

The trial was finished.

The commission was cleared.

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

The first specification of the charge proved in part, proved except the word, "March", which word is not proved, and for which the commission substitutes the word, "June", which word is proved.

The second specification of the charge proved in part, proved except the word and figures, "April 12", which word and figures are not proved, and for which the commission substitutes the word, "September", which word is proved.

The third specification of the charge proved.

The fourth specification of the charge proved in part, proved except the words, "a sickle handle, and", which words are not proved.

The fifth specification of the charge proved in part, proved except the words, "and kick", which words are not proved.

The sixth specification of the charge proved.

The seventh specification of the charge proved in part, proved except the words, "leather strap", which words are not proved, and for which the commission substitutes the words, "bull whip", which words are proved.

And that the accused, Hirose Ogawa, is of the charge guilty.

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

The accused requested that the length of time he was confined in the stockade and his status as a mere underling in the Japanese military system be considered as matters in mitigation.

The commission announced that the request was granted.

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, Hiroo
Ogawa, to be imprisoned for a period of three (3) years
and six (6) months.

W. T. H. Galliford

WALTER T. H. GALLIFORD,

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

Donovan E. Sult

DONOVAN E. SULT,

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

Lorande M. Woodruff

LORANDE M. WOODRUFF,

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

James F. Jones

JAMES F. JONES,

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

Edward Stanwood III

EDWARD STANWOOD, III,

Lieutenant, U.S. Naval Reserve, Member,

Herbert E. L. Zastrow

HERBERT E. L. ZASTROW,

Captain, U.S. Marine Corps, Member,

Russell S. La Pointe

RUSSELL S. LA POINTE,

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

Teller Ammons

TELLER AMMONS,

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

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

W. T. H. Galliford

WALTER T. H. GALLIFORD,

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

Teller Ammons

TELLER AMMONS,

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

A Translation of The Accused's Written Statement.

I was a naval military civilian of the Guam Civil Affairs during the Japanese period. I had to obey the orders of my superiors in the Japanese period. At the order of my superiors, I beat natives. Now, under the American government, this has become a bad thing. Hereafter, I absolutely will not do this kind of thing. Please pardon me this time.

OGAWA HIROSHI

"T(1)"

0491

Statement of Ogawa Kameo

私は日本在留時、日本の内務省、海軍、文
部省等に在りました。

私は日本在留時、文部省、海軍省等に在
りました。

文部省、海軍省等に在りました。

現在日本国政府に在るが、悪くはない。

今後、日本国政府に在るが、悪くはない。

今回、日本国政府に在るが、悪くはない。

十月十一日

小川 宏

HEADQUARTERS,
ISLAND COMMAND, GUAM.

24 OCT 1945

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

(1) (1) 宏

HIROSE OGAWA

0493

1400-65-25
(610)-wka

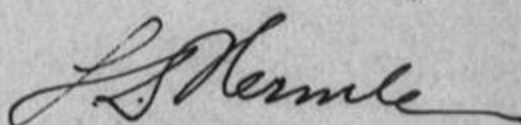
In reply address:
The Island Commander,
Navy #926, C/O F.P.O.,
San Francisco, Calif.

HEADQUARTERS,
ISLAND COMMAND, GUAM.

OCT 25 1945

The proceedings, findings, and sentence in the foregoing case of Hirose Ogawa are approved.

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



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

0494

1300-65
(602)-cma

Serial No. 19738

In reply address:
The Island Commander,
May 1926, O/O P.F.O.,
San Francisco, Calif.

HEADQUARTERS,
ISLAND COMMAND, GUAM.

NOV 14 1945

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

Subject: Records of proceedings of Military Commission.

Enclosures (A) Samuel T. Shinohara, case of.
(B) Akiyoshi Hosokawa, case of.
(C) Kanuo Kawachi, case of.
(D) Jose O. Cabrera, case of.
(E) Hirose Ogawa, case of.
(F) Koju Shoji and Kiyoshi Takahashi, case of.
(G) Domingo S. Quintanilla, case of.
(H) Ltr. Incom to SecNav, serial 19311, dtd. 5Nov45.

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

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

Date forwarded to ComMarianas.

Enclosure (A)	October 13, 1945.
Enclosure (B)	October 14, 1945.
Enclosure (C)	October 25, 1945.
Enclosure (D)	October 25, 1945.
Enclosure (E)	October 29, 1945.
Enclosure (F)	October 30, 1945.
Enclosure (G)	November 2, 1945.
Enclosure (H)	November 5, 1945.

L. D. KEMMER.

0495

BEST COPY AVAILABLE

1400-65-25
(610)-wka

Serial No. 18854

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

29 October 1945.

From: The Island Commander.
To : The Secretary of the Navy (Office of the Judge Advocate
General).
Via : (1) Commander Marianas.
(2) Commander-in-Chief, U. S. Pacific Fleet and Pacific
Ocean Areas.

Subject: Record of proceedings of Military Commission, case of
Hirose Ogawa.

Enclosure: (A) Record of proceedings.

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

L. D. HERMLE.

0496

BEST COPY AVAILABLE

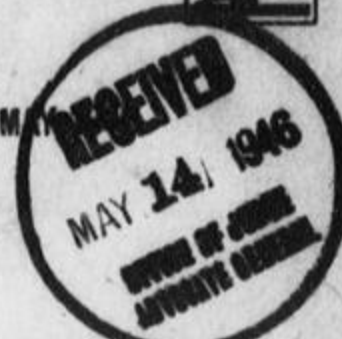
In reply refer to Initials
and No.

Op22D-TGS-
Serial No. 604P22

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



13 MAY



FIRST ENDORSEMENT on

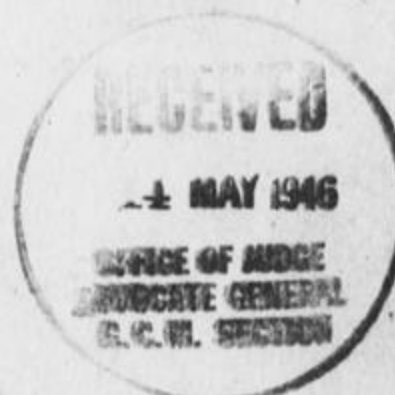
Office of JAG Record of Proceedings, MM-Cabrera, Jose C./A17-20 I (2-14-46) emm; MM-Hosokawa, Akiyoshi/A17-20 I (5-1-46) dmb; MM-Ogawa, Hirose/A17-20 I (5-1-46) dmb and MM-Kawachi, Kanzo/A17-20 I (5-1-46) dmb dated 7 May 1946.

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

Subject: Record of Proceedings of Military Commission at Agana, Guam in the cases of CABRERA, Jose C.; HOSOKAWA, Akiyoshi; OGAWA, Hirose and KAWACHI, Kanzo.

1. Returned.

W. R. JENNINGS
W. R. JENNINGS,
By direction.



FINISHED FILE

0497

BEST COPY AVAILABLE



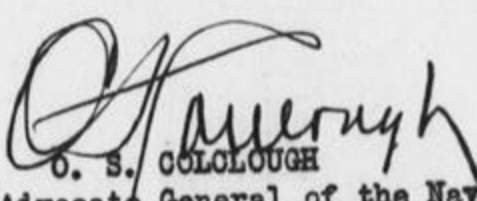
DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

MM-Ogawa, Hirose/A17-20
I (5-1-46) dmb

1 MAY 1946

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

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


O. S. COLCLOUGH
Judge Advocate General of the Navy

FINISHED FILE

0498

BEST COPY AVAILABLE

Cincpac File
Al7-25

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

Serial 1218

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

23 JAN 1946

In reviewing the record of proceedings in the foregoing case it is noted that the accused was tried before a Military Commission, an Exceptional Military Court convened by a precept dated 10 October 1945. The order for trial which contained the charge and specifications was dated 25 May 1945. In this connection attention is invited to paragraph 3 of the precepts respectively dated 13 April 1945, 16 June 1945, 21 July 1945 and 20 August 1945. Copies of these precepts are attached to this action and show that the commission convened by the precept dated 10 October 1945 was authorized and directed to take up this case as one which was then pending before a previous commission. Further the accused affirmatively stated that he had no objection to any member of the commission which tried him.

The proceedings, findings and sentence in the foregoing case of Hirose Ogawa, civilian, and the action of the convening officer thereon, are approved.

R. A. Spruance

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

To: Judge Advocate General.

Re: Record of Proceedings of Military Commission -- Case of
Hirose Ogawa.

Copy to:
IsCom GUAM
Com MARIANAS

0499

BEST COPY AVAILABLE

1400-65-5
(610)-wka

Serial No. 14526

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

20 August 1945.

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

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

2. The commission will be constituted as follows:

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

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

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

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

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

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

COPY

0500

1400-50
(610)-wka

Serial No. 12664

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

21 July 1945.

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

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

2. The Commission will be constituted as follows:

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

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

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

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

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

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

COPY

0501

1400-50
(610)-wka

Serial No. 10450

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

16 June 1945.

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

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

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

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

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

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

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

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

COPY

0502

1400-30-65
(610)-jam

Serial No. 6995

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

April 13, 1945.

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

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

2. The commission will be constituted as follows:

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

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

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

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

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

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

COPY

0503

Cincpac File
ALT-25

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

Serial 1218

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

23 JAN 1946

In reviewing the record of proceedings in the foregoing case it is noted that the accused was tried before a Military Commission, an Exceptional Military Court convened by a precept dated 10 October 1945. The order for trial which contained the charge and specifications was dated 25 May 1945. In this connection attention is invited to paragraph 3 of the precepts respectively dated 13 April 1945, 16 June 1945, 21 July 1945 and 20 August 1945. Copies of these precepts are attached to this action and show that the commission convened by the precept dated 10 October 1945 was authorized and directed to take up this case as one which was then pending before a previous commission. Further the accused affirmatively stated that he had no objection to any member of the commission which tried him.

The proceedings, findings and sentence in the foregoing case of Hirose Ogura, civilian, and the action of the convening officer thereon, are approved.

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

To: Judge Advocate General.

Re: Record of Proceedings of Military Commission - Case of
Hirose Ogura.

Copy to:
JcMm GUAM
Com MARIANAS.

0504

BEST COPY AVAILABLE