

SAMUEL T. SHINOHARA

(28 JUL 1945)

(144704)

PART 1 OF 2

5050

10:20
File with our 262.2
response

Route 1, Box 224 B7
Queenstown, MD 21658

April 3, 1982

Rear Admiral James J. McHugh
Acting Judge Advocate General
Alexandria, Virginia
200 Stovall Street 22332

Dear Admiral McHugh: Re: Case of S.T. Shinohara

I have your letter dated 30 March 1982 in response to my visit on October of last year. Chiefly because of my connection with the Navy, I deeply regret that you saw fit to rationalize the situation toward a decision of inaction.

The Navy and the country have much more at stake than an embarrassing admission of a past mistake in judgement by a former Judge Advocate General. In its disposition of the Shinohara case the Navy has created a precedent which will, like the sword of Damocles, hang over every American Citizen resident in a foreign country, so many of them Navy personnel, retired or active.

The arguments made in your letter are easily disposed of by reference to the record. I shall not go into that endeavor now as I am sure your people have already done so. You may rest assured that the case will not just fade away.

You must be aware that the thirty-^{four}~~seven~~ year delay you mentioned was due mostly to the seclusion of the Navy records until the Freedom Of Information Act made them available. The rest of it was due to delayed responses by divisions of the Navy to appeals for administrative remedy.

I urge you to reconsider the case and to take it up with the Secretary of the Navy.

Very truly yours,

Fredric T. Suss
Fredric T. Suss

0506

Route 1, Box 324
Queenstown, MD 21132

April 3, 1982

Dear Admiral James J. McHugh
Acting Judge Advocate General
Alexandria, Virginia
300 Seaview Street 22302

Dear Admiral McHugh: Re: Case of S.T. Shinnah

I have your letter dated 30 March 1982 in response to my letter of October of last year. Gladly because of my connection with the Navy, I deeply regret that you saw fit to rationalize the situation towards a decision of inaction.

The Navy and the country have much more at stake than an embarrassing admission of a past mistake in judgment by a former Judge Advocate General. In the disposition of the Shinnah case the Navy has created a precedent which will, like the word of Gomer, hang over every military citizen testifies in a foreign country, a way of their Navy personnel, tested or not.

The arguments made in your letter are easily dismissed by reference to the record. I shall not go into that endeavor now as I am sure your people have already done so. You may rest assured that the case will not just fade away.

You must be aware that the thirty-seven year delay you mentioned was the result of the decision of the Navy records until the Freedom of Information Act made them available. The rest of it was due to the delay of divisions of the Navy to appear before the courts.

I understand the case and to take it up of the Navy.



Frederic L. Bass

7050

Route 1, Box 224 B7
Queenstown MD 21658



LAW DAY U. S. A.
FREEDOM UNDER THE
MAY 1



Rear Admiral James J. McHugh
Acting Judge Advocate General
200 Stovall Street
Alexandria, Virginia 22332

0508

301 654 4529

Route 1, Box 204 B-7
Queenstown MD 21658
301 827 9258

Building 3
~~Empire State Plaza~~
Albany, N. Y. 12223
May 10, 1978

Board for Correction of Naval Records
Department of the Navy
Washington, D.C. 20370

Gentlemen:

I have been retained by Gil T. Shinohara, Master Sergeant USAF (Ret), as his counsel, acting pro bono publico, to petition the Secretary of the Navy, through the procedure provided by this Board, for the correction of records in the Department of the Navy indicating that his father, Samuel T. Shinohara had been convicted of treason against the United States.

I am forwarding herewith a file of materials which has been supplied to me by the Office of the Judge Advocate General which has been represented to me as a copy of all materials relative to this case now residing in the Department's records. These copies of official Navy documents demonstrate conclusively the following facts supporting the grant of the requested relief:

- 1) Jurisdiction to try Samuel T. Shinohara, a Japanese subject, was based upon allegiance to the United States due from him as an alien resident of Guam by reason of the protection he receives from the government of Guam.
- 2) On December 8, 1941, all such protection was withdrawn by the Naval Government of Guam which took him into custody and confined him in the civil jail of Agana as an enemy alien.
- 3) The acts of alleged treason with which he was charged were alleged to have occurred after his release from the civil jail by the occupying military forces of Japan.
- 4) His U.S. Navy defense counsel was not given an adequate time to prepare his defense and counsel did not attempt to prove or argue to the court the fact of withdrawal of protection and resulting ending of duty of allegiance to the United States.

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Board for Correction of
Naval Records

-2-

May 10, 1978

- 5) By letter dated 4 January 1947, I submitted a 44-page brief on appeal addressed to the Secretary of the Navy proving absence of jurisdiction.* My brief was never forwarded by the Judge Advocate General to the Secretary or to the Acting Secretary.
- 6) By memorandum of law dated 4 July 1946, the Chief of the Military Justice Division, Colonel James Snedeker, USMC, advised the JAG that decisional law of the United States courts had held unequivocally that the allegiance of a resident alien is suspended during the occupation of the military force of the alien's own country.**
- 7) By memorandum to the JAG dated 8 July 1948*** Acting Secretary of the Navy, John Nicholas Brown questioned the fairness of convicting a Japanese subject of treason against the United States and sought an explanation.
- 8) In response to Acting Secretary Brown, the JAG did not advise him of Colonel Snedeker's legal opinion proving no jurisdiction nor did he even mention the withdrawal of protection from Shinohara by imprisonment as an enemy alien. The Acting Secretary was also denied the benefit of my brief addressed to him.****

These facts established in the Department records amount to an unequivocal denial of due process of law. The Secretary who had the ultimate obligation of acting upon the findings and sentence was denied full knowledge of all the relevant and material facts as well as the true state of decisional law as presented by the Chief of the Military Justice Division of the JAG office.

* See pp. 320-364 of enclosure.

** See pp. 368-375 of enclosure.

*** See p. 248 of enclosure.

**** See pp. 281-283 of enclosure.

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Board for Correction of
Naval Records

-3-

May 10, 1978

If the record is not corrected, Shinohara's family and descendants must suffer the extreme humiliation of a treason conviction which in fact has no basis in law. A more serious result of this gross injustice is the likelihood that this precedent may be used in the future against United States citizens residing in foreign countries under similar circumstances.

I ask the indulgence of this Board to permit me to appear before it and present the case more completely and to answer your questions.

Sincerely yours,

Fredric T. Suss

Enclosures: (a) DD Form 149
(b) JAG Record File

0511

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APPLICATION FOR CORRECTION OF MILITARY OR NAVAL RECORD UNDER PROVISIONS OF TITLE 10, U.S. CODE, SEC. 102 <small>(See instructions on reverse side BEFORE completing application.)</small>				<input checked="" type="checkbox"/> Approved <small>Budget Bureau No. 33-2009</small>
BRANCH OF SERVICE <input type="checkbox"/> ARMY <input type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> COAST GUARD				
1. NAME (Last-first-middle initial)(Please print) Shinohara, Gili T.	2. PRESENT RATE, GRADE Retired	3. SERVICE NUMBER 3	4. SOCIAL SECURITY ACCOUNT NUMBER [Blank]	
5. TYPE OF DISCHARGE (If by court-martial, state court-martial) Court-martial	6. PRESENT STATUS, IF ANY, WITH RESPECT TO THE ARMED SERVICES (Active duty, retired, reserve, etc.) Retired		7. DATE OF DISCHARGE OR RELEASE FROM ACTIVE DUTY [Blank]	
8. ORGANIZATION AT TIME OF ALLEGED ERROR IN RECORD [Blank]			9. I DESIRE TO APPEAR BEFORE THE BOARD IN WASHINGTON, D.C. (Expense to the Government.) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO by counsel	
10. NAME AND ADDRESS OF COUNSEL (If any) [Blank]				
11. STATE THE FACTS CONCERNING THE ERROR OR INJUSTICE. My father, Samuel T. Shinohara, while a resident of Guam, was convicted by a Military Commission of treason on July 28, 1945. As a Japanese subject he could not be tried for treason against a country at war with Japan. I request that the Secretary of the Navy review this matter and remove from the Navy records all evidence of that illegal action.				
12. I BELIEVE THE RECORD TO BE IN ERROR OR UNJUST IN THE FOLLOWING PARTICULARS: Appeal to SecNav was never forwarded to him by JAG. SecNav was disturbed by the lack of jurisdiction over a Japanese and was never told by JAG that Military Justice Division opinion found no such jurisdiction. Total denial of due process. More in attached brief.				
13. IN SUPPORT OF THIS APPLICATION, I SUBMIT AS EVIDENCE THE FOLLOWING: (If Veterans Administration records are pertinent to your case, give Regional Office location and Claim Number.) JAG office could find no evidence that JAG had forwarded appeal to SecNav or that opinion of military division was given to SecNav. JAG relied on resident Japanese duty of allegiance founded on protection. Brief proved protection was withdrawn by U.S. at start of war when Shinohara was imprisoned without cause as enemy alien.				
14. THE DATE OF THE DISCOVERY OF THE ALLEGED ERROR OR INJUSTICE WAS: Nov. 12, 1977 <small>THREE YEARS SINCE THE ALLEGED ERROR OR INJUSTICE WAS DISCOVERED, STATE WHY THE BOARD SHOULD FIND IT IN THE INTEREST OF JUSTICE TO CONSIDER THIS APPLICATION.</small>				
Federal Sunshine act went into effect in 1977 allowing us to see copies of all material on file in the case. File forwarded from JAG to counsel on November 9, 1977.				
15. APPLICANT MUST SIGN IN THE SPACE PROVIDED. IF THE RECORD IN QUESTION IS THAT OF A PERSON WHO IS DECEASED OR INCOMPETENT, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY APPLICATION. IF APPLICATION IS SIGNED BY SPOUSE, WIDOW OR WIDOWER, NEXT OF KIN OR LEGAL REPRESENTATIVE, INDICATE RELATIONSHIP OR STATUS IN APPROPRIATE BOX. <input type="checkbox"/> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER (Specify) _____				
16. I MAKE THE FOREGOING STATEMENTS, AS PART OF MY CLAIM, WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILLFULLY MAKING A FALSE STATEMENT OR CLAIM. (U.S. Code, Title 18, Sec. 287, 1001, provides a penalty of not more than \$10,000 fine or not more than 5 years imprisonment or both.)				
17. COMPLETE ADDRESS, INCLUDING ZIP CODE (Applicant should forward notification of all changes of address.) [Blank]				DOCUMENT NUMBER (DO NOT WRITE IN THIS SPACE)
18. DATE [Blank]	19. SIGNATURE (Applicant must sign here.) [Blank]			

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PREVIOUS EDITION OF THIS FORM WILL BE USED UNTIL STOCK IS EXHAUSTED

0512

THE UNITED STATES PACIFIC FLEET
COMMANDER NAVAL FORCES MARIANAS

IN REPLY REFER TO:

FF5-9

18:WJM:jc

AL7

Ser 2993

APR 28 1953

From: Commander Naval Forces Marianas
To: Judge Advocate General

Subj: Record of trial in the case of Samuel T. SHINOHARA, return of

Ref: (a) JAG ltr JAG:III:3:JMM:ra of 14 April 1953

Encl: (1) Record of trial in the case of Samuel T. SHINOHARA

1. In compliance with the request of reference (a) enclosure (1) is returned herewith.

T. H. Humphreys, Jr.
T. H. HUMPHREYS, Jr.
By direction



F. F. Mote
gm

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5-7-53
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Case of
Samuel T. Shinohara
28 July 1945.

JW 5136

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



144704

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Samuel T. Shinohara

Trial by military commission at Agana, Guam

July 28, 1945.

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TESTIMONY

Name of witness	Direct and redirect	Cross and recross	Commission
Prosecution			
Francisco T. Flores, civilian,✓	10,11,12,13,14	14	14,15
Simon A. Sanchez, civilian,✓	15,16	16	16,17
Vicente P. Herrero, civilian,✓	17,18,20	18,19,20	19,20
Jose P. Crisostomo, civilian,✓	21,22,24,25	22,23,24,25	23,24,25
Juan C. Mesa, civilian,✓	25,26,27,55,56	27,28	56
Angel A. Sablan, civilian,✓	28,29,30,31	30,31	31
✓Felix Q. Nauta, S2c, IS, USN,✓	32,33	34,35	-----
✓Ignacio C. Salas, S2c, IS, USN,✓	35,36	36	36
✓Francisco S. Auguon, S1c, IS, USN,✓	37,38	38,39	39
✓Eugenio B. Borja, S2c, USN,✓	39,40	40	40,41
✓Francisco I. DeLeon, civilian,✓	42,43	43	-----
Herbert Johnston, civilian, -	44,45	45,46	46
Beatrice S. Rios, civilian, -	47,48,151,152, 153	48,49,153	-----
Olita T. Santos, civilian, -	49,50	50,51	50,51
Jesus L. Fernandez, civilian, -	52,53	53,54	54
Alfonsina S.N. Flores, civilian, -	57,58,59	59,60,61,64	61,62,63,64
Rafaela S.N. Flores, civilian, -	64,65	65,66,67,68	-----
Jose D. Flores, civilian, -	69,70,72	70,71,72	-----
Adolfo C. Sgambelluri, civilian, -	73	73,74,75	-----
Nicolasa P. Mendiola, civilian, -	76,77,78,79,80	78,79	-----
Jesus C. Okiyama, civilian, -	81,82,83,84,85	85,86,87	87
Jesus B. Sayama, civilian, -	88,89,90,91,92	90,91	92
Felix F. Takai, civilian, -	93,94,95,96,97	97,98	98
Juan S. Okada, civilian, -	98,99	99,100	100

Name of witness	Direct and redirect	Cross and recross	Commission
Prosecution (Con't.)			
Jesus C. Hara, civilian, -	100,101,102,103, 104	103,104	104
Jose C. Blas, civilian, -	105,106	106,107	107
Juan R. Rivera, civilian, -	108,109,110	-----	110
Ignacia B. Butler, civilian, -	110,111,112,113	112	113
Carlos Bordallo, civilian, -	113,114,116	115,116	116
Jose S. Okada, civilian, -	117,118,119	-----	-----
Mercedes T. Kerner, civilian, -	120,121,122	122,123	123
Galo L. Salas, civilian, -	124,125,126,127, 131,134,135	127,128,129, 130,131,132, 133,134,135	134
V.U. Zafra, civilian, -	136,137	137,138,139	-----
Vicente M. Taimanglo, civilian, -	139,140,141,142, 143,145	143,144	145,146,147
Agnes Rios, civilian, -	147,148,149,150	149,150	150
Gloria Wusstig, civilian, -	154,155	-----	-----
Jorge E. Cristobal, Std. lc, USN,	156	157,158	157,158
Defense			
Tomas Guzman, Ck lc, USN, -	159,160,161,162 163,164	164,165,166	166,167
Miguel A. Olana, civilian,	167,168,169,170, 171	171,172	171,172
Jesus S. Sayama, civilian,	172,173,174,175, 176,177,192,193	177,178,179, 180,181,182, 183,184,185, 186,187,188, 189,190,191, 193	-----
Lourdes Anderson, civilian,	194,195,196,197,	196,197	-----
Margaret Anderson, civilian,	197,198,199,200, 201	199,200	201
Vicente C. Aflague, civilian,	201,202,203	203,204,205	-----
Carmen T. Shinohara, civilian,	206,207,208	209,210,211, 212,213,214, 215,216	216
Cecilia T. Shinohara, civilian,	217,218,219,220	220,221,222	222

1400-50
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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.

A true copy. Attest:

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

"A"

0517

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Serial No. 13180

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

July 30, 1945.

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

Subject: Change in membership of Commission.

1. Lieutenant Commander Joseph F. Walters, U. S. Naval Reserve,
is hereby appointed a member of the Military Commission of which you are
senior member, convened by my precept of July 21, 1945, vice Lieutenant
Joseph B. O'Connell, U. S. Naval Reserve, hereby relieved.

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

Copies to: Lieutenant Commander Joseph F. Walters, U. S. Naval Reserve,
G-5, Island Command,
Lieutenant Joseph B. O'Connell, U. S. Naval Reserve,
G-5, Island Command,
Lieutenant Colonel Teller Ammons, Army of the United States,
Judge Advocate, Military Commission, G-5, Island Command,
G-1 Section, Island Command.

A true copy. Attest:

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

"B"

05 18

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1400-30
(CRB)-wka

Serial No. 8416

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

MAY 12 1945

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

Subject: Charges and specifications in the case of
Samuel T. Shinohara, an inhabitant and
resident of Guam.

1. The above-named man will be tried before the
Military Commission of which you are judge advocate upon the
following charges 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 I

TREASON

Specification

✓ pr
In that Samuel T. Shinohara, an inhabitant and
resident of Guam, and subject to the Military Government thereof,
having been, prior, during and subsequent to the Japanese
invasion and occupation of Guam, an inhabitant and resident of
Guam owing allegiance to the Naval Government of Guam and the
United States of America, did, on the Island of Guam, on or
about December 16, 1941, wilfully, knowingly and treasonably
adhere to Japan, an enemy of the United States, and give aid
and comfort to Japan, in that he, the said Shinohara, did, on
or about December 16, 1941, aid, assist and participate in the
taking by the Japanese military forces of the sum of about
eight thousand three hundred dollars (\$8,300), lawful money of
the United States, and checks of the value of about one thousand
dollars (\$1,000), said money and checks, of the amount and value
aforesaid, being the property of the Naval Government of Guam;
the United States during said period being at war with Japan.

CHARGE II

THEFT

Specification

mp
In that Samuel T. Shinohara, an inhabitant and
resident of Guam, and subject to the Military Government thereof,
did, in and about the month of February 1942, in the City of
Agana, Guam, feloniously take, steal, and carry away from the
possession of one James E. Davis, lieutenant (junior grade), U.S.

Subject: Charges and specifications in the case of
Samuel T. Shinohara, an inhabitant and
resident of Guam.

Navy, one Chevrolet automobile, of the value of about one thousand two hundred dollars (\$1,200), the said automobile of the value aforesaid, being the property of said James E. Davis, and he, the said Samuel T. Shinohara, did then and there appropriate the same to his own use; the United States during said period being at war with Japan.

CHARGE III

ASSAULT AND BATTERY

Specification

12 20700
In that Samuel T. Shinohara, an inhabitant and resident of Guam, and subject to the Military Government thereof, did, on or about January 20, 1942, at or near Agana, Guam, willfully, maliciously, and without justifiable cause, assault and strike in the face one George J. McMillin, captain, U. S. Navy, he, the said McMillin, being then Governor of Guam and the official representative of the United States of America; the United States during said period being at war with Japan.

CHARGE IV

TAKING A FEMALE FOR THE PURPOSE OF PROSTITUTION

Specification 1

long
In that Samuel T. Shinohara, an inhabitant and resident of Guam, and subject to the Military Government thereof, did, within the Island of Guam, in and about the month of February 1942, unlawfully take one Alfonsina Flores, a female person, for the purpose of prostitution, procuring her consent thereto by misrepresentation; the United States during said period being at war with Japan.

Specification 2

✓
In that Samuel T. Shinohara, an inhabitant and resident of Guam, and subject to the Military Government thereof, did, within the Island of Guam, in and about the month of February 1942, unlawfully take one Nicholasa P. Mendiola, a female person, against her will and without her consent, for the purpose of prostitution; the United States during said period being at war with Japan.

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

1400-30
(610)-wka

Serial No. 12572

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

July 20, 1945.

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

Subject: Additional charges and specifications in the
case of Samuel T. Shinohara, an inhabitant
and resident of Guam.

1. The subject-named man will be tried before the
Military Commission of which you are judge advocate upon the
following additional charges and specifications, intelligence
of which did not reach me until July 20, 1945. 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 I

TREASON.

Specification 1

✓
Pn
In that Samuel T. Shinohara, an inhabitant and
resident of Guam and subject to the Military Government thereof,
having been, prior, during and subsequent to the Japanese
invasion and occupation of Guam, an inhabitant and resident of
Guam owing allegiance to the Naval Government of Guam and the
United States of America, did, on the Island of Guam, on or
about December 11, 1941, wilfully, knowingly and treasonably
adhere to Japan, an enemy of the United States, and give aid
and comfort to Japan, in that he, the said Shinohara, did, on
or about December 11, 1941, aid, assist and participate in the
taking by and for the use of the Japanese military forces of an
electric generator of the value of about five hundred dollars
(\$500.00), said generator, of the value aforesaid, being the
property of Ignacia Bordallo Butler, an inhabitant of Guam; the
United States during said period being at war with Japan.

Specification 2

✓
Pn
In that Samuel T. Shinohara, an inhabitant and
resident of Guam and subject to the Military Government thereof,
having been, prior, during and subsequent to the Japanese
invasion and occupation of Guam, an inhabitant and resident of
Guam owing allegiance to the Naval Government of Guam and the
United States of America, did, on the Island of Guam, in or

Subject: Additional charges and specifications in the
case of Samuel T. Shinohara, an inhabitant
and resident of Guam.

about the month of December, 1941, wilfully, knowingly and treasonably adhere to Japan, an enemy of the United States, and give aid and comfort to Japan, in that he, the said Shinohara, did, in or about the month of December, 1941, organize, solicit and promote the organization of residents of Guam into an organization known as the Dai Nisi, for the purpose of assisting the Japanese military forces, and the members of said organization did in fact assist the Japanese military forces by building fortifications, airfields, fox-holes and tunnels for the use of the Japanese military forces; the United States during said period being at war with Japan.

Specification 3

✓
In that Samuel T. Shinohara, an inhabitant and resident of Guam and subject to the Military Government thereof, having been, prior, during and subsequent to the Japanese invasion and occupation of Guam, an inhabitant and resident of Guam owing allegiance to the Naval Government of Guam and the United States of America, did, in or about the month of April, 1942, wilfully, knowingly and treasonably adhere to Japan, an enemy of the United States, and give aid and comfort to Japan, in that he, the said Shinohara, did, in or about the month of April, 1942, supply to Japanese military and naval forces provisions and refreshments; the United States during said period being at war with Japan.

CHARGE II

ASSAULT AND BATTERY.

Specification 1

Pract as
In that Samuel T. Shinohara, an inhabitant of Guam, and subject to the Military Government thereof, did, on or about December 10, 1941, at or near Agana, Guam, wilfully and maliciously, and without justifiable cause, assault one George J. McMillin, captain, U. S. Navy, by striking the said McMillin in the face; he the said McMillin being the then Governor of Guam and the official representative of the United States of America; the United States then being in a state of war.

Specification 2

Pract as
In that Samuel T. Shinohara, an inhabitant of Guam, and subject to the Military Government thereof, did, on or about January 1, 1942, at or near Agana, Guam, wilfully and maliciously, and without justifiable cause, assault one George J. McMillin, captain, U. S. Navy, by striking the said McMillin in the face; he the said McMillin being the then Governor of Guam and the official representative of the United States of America; the United States then being in a state of war.

Subject: Additional charges and specifications in the
case of Samuel T. Shinohara, an inhabitant
and resident of Guam.

CHARGE III

DESECRATION OF FLAG.

Specification

nr
In that Samuel T. Shinohara, an inhabitant of
Guam, and subject to the Military Government thereof, did, in
or about the month of February or March, 1942, in or near
Agana, Guam, publicly defile and cast contempt upon the flag
of the United States of America by using a flag of the United
States of America for the purpose of wiping off a bar; 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 BASE HEADQUARTERS BATTALION,
C/O FLEET POST OFFICE,
SAN FRANCISCO, CALIFORNIA.

2 August 1945.

From: Lieutenant Commander M. Marlin, Medical Corps, U. S. Naval Reserve.
To : The Island Commander.
Via : Colonel Walter T. H. Galliford, U. S. Marine Corps, Senior Member, Military Commission.
Subject: Sickness of member of Military Commission.
Reference: Naval Courts and Boards, Section 377.

1. In accordance with reference, I have to report that on August 1, 1945, I found Lieutenant Commander Joseph F. Walters, U. S. Naval Reserve, sick and unfit for duty. I estimate his illness will continue for an indefinite period.

M. MARLIN.

1400

1st Endorsement on
LtCom.M.Marlin, MC,
USNR,ltr. dtd.
2August1945.
HEADQUARTERS, ISLAND COMMAND, GUAM.

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

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

WALTER T. H. GALLIFORD.

A true copy. Attest:

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

"B"

12

0524

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1400-65-5
(610)-wka

Serial No. 13432

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

HEADQUARTERS,
ISLAND COMMAND, GUAM.

2 August 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. Major Robert H. Gray, U. S. Marine Corps, is hereby appointed a member of the Military Commission of which you are senior member, convened by my precept of July 21, 1945, vice Lieutenant Commander Joseph F. Walters, U. S. Naval Reserve, hereby relieved.

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

Copies to: Major Robert H. Gray, U. S. Marine Corps, 52nd Defense Bn.
Lieutenant Commander Joseph F. Walters, U.S. Naval Reserve,
G-5, Island Command.
Lieutenant Colonel Teller Ammons, Army of the United States,
Judge Advocate, Military Commission, G-5, Island Command.
G-1 Section, Island Command.

A true copy. Attest:

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

"F"

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0525

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First Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Saturday, 28 July 1945.

The commission met at 10:10 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
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, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

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

The judge advocate introduced Joaquin C. Perez, civilian, as reporter,
and Isabel P. Zafra, civilian, as interpreter.

The accused requested that Lieutenant Emory L. Morris, U.S. Naval Reserve,
and Vicente C. Reyes, civilian, act as his counsel, the latter as interpreter
for the accused and his counsel. Lieutenant Morris and Mr. Reyes took seat as
counsel for the accused.

The judge advocate read the precept, copy prefixed marked "A".

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 charges and spec-
ifications and of the additional charges and specifications preferred against
him on 20 July 1945.

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

The accused replied in the affirmative, and stated that he objected to
specification 1 of charge IV, on the ground that an offense was not properly
alleged, in that it was ambiguous and unintelligible, because it does not allege
what misrepresentation was used by the accused to obtain the consent of Alfon-
sina Flores to enter into prostitution.

The accused further objected to specification 2, charge IV, on similar
grounds.

The accused also objected to additional charge I, specification 2, on the ground that it does not properly allege an offense, in that it was ambiguous and unintelligible, because it cannot be determined therefrom whether or not the alleged overt act of treason assertedly committed by the accused and alleged to have been in or about the month of December, 1941, occurred before or during the occupation of Guam by the military forces of Japan, which occupation occurred on December 10, 1941.

The accused requested that the commission take judicial notice of the fact that Guam was occupied on December 10, 1941.

The judge advocate replied.

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission announced that the objection of the accused was overruled, and that the commission found the charges and specifications and the additional charges 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 to the jurisdiction of the commission on charge I, Treason, and the specification thereunder, also on the additional charge I, Treason, and specification 1, 2, and 3 thereof, on the ground that at all times mentioned in the specifications of said charges, the accused was a citizen and national of Japan and a resident of Guam. Each alleged act of treason set forth in said specifications is alleged to have occurred in Guam during the time Guam was occupied by the military forces of Japan and the accused owes no allegiance to the Naval Government of Guam and the United States of America, or either of them, during the time Guam was occupied by the military forces of Japan.

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

The commission then, at 10:50 a.m., adjourned until 9:00 a.m., Monday, 30 July 1945.

Second Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Monday, 30 July 1945.

The commission met at 9:55 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps 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, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.

Isabel P. Zafra, civilian, interpreter.

The accused and his counsel.

The judge advocate read an order from the convening authority, copy prefixed, marked "B", relieving Lieutenant Joseph B. O'Connell, U.S. Naval Reserve, and appointing Lieutenant Commander Joseph F. Walters, U.S. Naval Reserve, as a member of the commission.

The judge advocate and the accused stated that they did not object to this member.

Lieutenant Commander Joseph F. Walters, U.S. Naval Reserve was duly sworn.

The record of proceedings of the first day of the trial was read and objected to by the accused since the record does not show corrected the objections of the accused to charge IV, as stated. The correct objection of the accused being: To specification 1, of charge IV, the accused objected on the ground that no offense is properly alleged in that the specification is ambiguous and unintelligible because it does not allege what misrepresentation was used by the accused to obtain the consent of Alfonsina Flores to enter into prostitution and further that it does not allege what was done by the accused which constitutes an unlawful taking, the words, "unlawfully take", simply being a conclusion of law.

The ground for the objection of the accused to specification 2, of charge IV, as follows: The specification does not properly allege an offense in that it is ambiguous and unintelligible because it does not allege what act was done by the accused in taking Nicolasa B. Mendiola for the purpose of prostitution against her will and without her consent and in that it does not allege what was done by the accused which constitutes an unlawful taking, the words, "unlawfully take", simply being a conclusion of law.

The commission announced that the record of proceedings of the first day of the trial would stand as read, unless further objected to, and that the objections of the accused would be considered additional objections.

The commission was cleared.

The commission was opened. All parties to the trial entered, and the commission announced that the objections of the accused were overruled.

There being no further objections, the record of proceedings of the first day of the trial was approved.

No witnesses not otherwise connected with the trial were present.

The accused requested postponement of this trial until tomorrow in order to allow him time to prepare his defense.

The commission announced that the request was granted.

The commission then, at 10:35 a.m., adjourned until 9:00 a.m., tomorrow, Tuesday, 31 July 1945.

0529

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Third Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Tuesday, 31 July 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Pepper, junior, U.S. Marine Corps Reserve,
Lieutenant Commander Joseph F. Walters, 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, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.

Isabel P. Zafra, civilian, 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.

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

Examined by the judge advocate:

1. Q. State your name, residence and occupation.
A. Francisco T. Flores, resident of Agana Heights, employee of the
Department of Records and Accounts.
2. Q. If you recognize the accused, state as whom.
A. I do, as T. Shinohara.

Examined by the accused:

3. Q. What does the T. in the name of the accused stand for?
A. Takekuma, according to the Cedula Records.
4. Q. You are here in response to a subpoena duces tecum which required you
to bring into this commission books or records of Records and Accounts, Naval
Government of Guam, do you have those records with you
A. I have.
5. Q. You stated you are an employee of Records and Accounts; how long have
you been employed there?
A. Prior to and after the war.
6. Q. How long before the war?
A. I had been there since 1931 up to the invasion by the Japanese.

7. Q. What was your title, if you had one, at the time of the Japanese invasion of Guam?
A. Auditor and Assistant Head, Department of Records and Accounts, dual capacity.
8. Q. You say you are now employed at Records and Accounts; since when were you again employed?
A. As to the actual date, I am not able to state precisely but around the early part of September, 1944.
9. Q. In the keeping of the records of that office, who is in charge of the natives employed there?
A. Under the direction of the officer-in-charge, I happen to be the top civilian employee of that section.
10. Q. Under whose direction were entries in the records made?
A. Both by the officer-in-charge and my direction.
11. Q. Who is the custodian of the cedula records you referred to?
A. At the present time theoretically the officer-in-charge.
12. Q. Who is in charge of making, explanations or identification of entries therein when inquiry of an entry is made?
A. Under the direction of the officer-in-charge, I am.
13. Q. Tell us if you know what, if any, provision of the law this record is kept for?
A. It is as a record of all certificates of identifications of civilian residents in Guam.
14. Q. Tell us whether or not that is required by law to be kept, if you know.
A. I do not know.
15. Q. How long, within your knowledge, has such record been kept?
A. Since 1920 when it originated, I understand.
16. Q. Guam had been under the Navy Department since 1898. Tell us if you know whether or not the document you referred to is an official document of the Navy Department since it is kept by the Naval Government of Guam and its successor, the United States Navy Military Government of Guam?
A. I cannot state other than this is the official record maintained by the Naval Government of Guam, which was the Island Government prior to the invasion of the Japanese.
17. Q. Turn to page 36, and tell us whether or not the name of the accused appears in that record.
A. On page 36, under column number 640, the name Takekuma Shinohara, native - Japan; district, state or county - Tagoshima; sex - Male; age - 29; civil status - single; occupation - salesman; actual residence - Lot No. 57, San Ignacio Street. Tagoshima as I understand it is somewhere in Japan, and San Ignacio Street was a street in Agana, Guam.
18. Q. That name, Takekuma Shinohara; tell us whether or not you mean to say that the accused was known in Guam by that name.
A. As far as I know, he is one and the same person.
19. Q. Have you ever heard him referred to in Guam by that name?
A. T. Shinohara. I do not know anything about Takekuma. We only know him by his initial.

Cross-examined by the judge advocate:

20. Q. Are you sure that is the same man as the accused?
A. Yes, sir.

21. Q. Samuel T. Shinohara?

A. I do not know. I have never heard of that name. The first time I heard of that was when the personal history declaration came to our office, but I never knew him as such.

22. Q. On the record you are testifying from, does the word Samuel appear therein?

A. No.

23. Q. What is the name of the accused as you know him?

A. T. Shinohara.

24. Q. What date was this Cedula record taken?

A. May 6, 1920.

25. Q. Does it show any other entry in that record besides that one where the accused was registered?

A. Yes, on the marriage and birth records from the time he was married.

Reexamined by the accused:

26. Q. What name appears in that other record?

A. When looking over the record yesterday, I found his name in the marriage record to be Samuel T. Shinohara and in the birth record of his son Gil, he is shown as T. Shinohara. As to the reason for the difference, I do not know.

Recross-examined by the judge advocate:

27. Q. Do you know what name the accused used during the Japanese occupation?
A. I have no occasion to know.

Examined by the commission:

28. Q. Apparently there is question of the identification of the accused. Do you know anybody else on the Island by the same name?

A. No, sir, except his children.

29. Q. Is there any doubt in your mind that the accused in this case and the individual which you first read off from the record, are one and the same person?

A. By the number indicated in this record and other records, I have no doubt of his identity.

30. Q. You read off certain item there. Who furnished the information set forth there and which you read?

A. This record was originated in 1920 and was at the time kept at the office known as the commissioner's office, Naval Government of Guam, and as further information I started working in the Records and Accounts Department in 1931. Prior to that date I am certainly not familiar with the record except as I read it.

31. Q. Was the information you have given this commission from this record required under oath, notary seal or was the information given by the individual concerned without the benefit of any oath?

A. No oath was required.

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 did not desire to introduce any evidence in reply to the plea of the accused.

The accused made an argument in support of his plea, a brief of which is appended, marked "P".

The judge advocate made an argument in reply to the plea of the accused, a brief of which is appended, marked "Q".

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission announced that the plea of the accused was overruled.

The accused made a plea to the jurisdiction of the commission upon the following grounds:

(1) That the preamble of Proclamation No. 4 of the Military Governor of Guam, pursuant to which this commission was created, states that the exceptional military courts therein authorized are to be established for the trial of offenders against the proclamations, orders and regulations of the Military Government; and accused is advised the charges and specifications filed against him herein set forth purported offenses under the Penal Code of Guam and not offenses under any proclamation, order or regulation of the Military Government; and

(2) That each of the specifications of said charges alleges an act by the accused as having been committed in Guam at a time which is prior to the re-occupation of Guam by the American forces or the promulgation of any proclamation by the Military Governor of Guam; and the commission is not authorized by Proclamation No. 4 or any other proclamation of the Military Governor of Guam to try any offenses assertedly committed in Guam prior to the issuance of said Proclamation No. 4.

The judge advocate replied.

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 specifications of each charge and each additional charge on the ground that trial on these specifications is barred by the applicable statute of limitations, to wit:

Charge I. Treason (alleged overt act on or about December 16, 1941; - three year statute of limitations applicable)

Charge II. Theft (alleged offense in and about February, 1942; three year statute of limitations applicable)

Charge III. Assault and Battery (alleged offense on or about January 20, 1942; one year statute of limitations applicable)

Charge IV. Taking a Female for the purpose of prostitution.

Specification 1. (alleged offense in and about February, 1942; three year statute of limitations applicable)

Specification 2. (alleged offense in and about February, 1942; three year statute of limitations applicable)

Additional Charge I. Treason.
Specification 1. (alleged overt act on or about December 11, 1941; three year statute of limitations applicable)
Specification 2. (alleged overt act in and about December, 1941; three year statute of limitations applicable)
Specification 3. (alleged overt act in or about April, 1942; three year statute of limitations applicable)
Additional Charge II. Assault and Battery.
Specification 1. (alleged offense on or about December 10, 1941; one year statute of limitations applicable)
Specification 2. (alleged offense on or about January 1, 1942; one year statute of limitations applicable)
Additional Charge III. Desecration of Flag. (alleged offense in or about February or March, 1942; one year statute of limitations applicable).

The accused stated that he had no evidence to introduce in support of his plea.

The accused made an argument in support of his plea, a brief of which is appended, marked "R".

The judge advocate made an argument in reply to the plea of the accused, a brief of which is appended, marked "S".

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 letters containing the charges and specifications and the additional charges and specifications, originals prefixed, marked "C(1)", "C(2)", "D(1)", "D(2)", and "D(3)", and arraigned the accused as follows:

Q. Samuel T. Shinohara, you have heard the charges and specifications and the additional charges and specifications preferred against you; how say you to the specification of the first charge, guilty or not guilty?

A. Not guilty.

Q. To the first charge, guilty or not guilty?

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

Q. To the first additional charge, guilty or not guilty?

A. Not guilty.

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

A. Not guilty.

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

A. Not guilty.

Q. To the second additional charge, guilty or not guilty?

A. Not guilty.

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

A. Not guilty.

Q. To the third additional charge, guilty or not guilty?

A. Not guilty.

The prosecution began.

Francisco T. Flores, a witness for the prosecution entered, and was warned that the oath previously taken was still binding.

Examined by the judge advocate:

1. Q. State your name, residence and occupation. (Charge II, specification)
A. Francisco T. Flores, residing at Lot 27, Tutujan, otherwise known as Agana Heights, Records and Accounts employee.

2. Q. If you recognize the accused, state as whom.
A. I do, as T. Shinohara.

3. Q. Pursuant to your position, do you have custody of the records of the United States Naval Military Government of Guam, Records and Accounts?
A. Under the direction of the officer-in-charge.

4. Q. Were you employed by the Naval Government of Guam prior to the invasion of the Japanese in 1941?
A. I was.

5. Q. What position were you holding at that time?
A. Auditor of Guam and Assistant Head of Department of Records and Accounts, Naval Government of Guam.

6. Q. With such a position, are you familiar with the records of the Naval Government of Guam of that time?
A. I am familiar with the records of the Department of Records and Accounts.
7. Q. Do you know if the laws of Guam require that all commercial automobiles be registered?
A. Yes, sir.
8. Q. Do you have with you records showing the registration of automobiles prior to the invasion of Guam?
A. I have.
9. Q. Do you know Lieutenant Junior Grade, James Edward Davis, U.S. Navy?
A. Yes, sir, he was the head of the Department of Education at the time.
10. Q. What year was that?
A. Around 1940 - 1941.
11. Q. Do you know where he is now?
A. Yes, sir, he is in Japan.
12. Q. Do you know if he had an automobile while on the Island of Guam?
A. According to the records of application for automobile registration I have here, it shows that Lieutenant James Edward Davis registered in the year 1940 in the Department of Records and Accounts, an automobile described in this application for registration.
13. Q. Please read what appears on that application for the record.
A. The witness read as follows:

NAVAL GOVERNMENT OF GUAM
DEPARTMENT OF RECORDS AND ACCOUNTS

APPLICATION FOR AUTOMOBILE REGISTRATION

All statements in this application must be made under oath or affirmation.
All checks should be made payable to Treasurer of Guam.

I, the undersigned, the OWNER of the motor vehicle herein described, hereby apply to the HEAD OF THE DEPARTMENT OF RECORDS AND ACCOUNTS, VIA: THE HEAD OF THE POLICE DEPARTMENT, for the registration of said machine.

As a part of my application, I declare the following statements to be true:

1. Where do you reside? Agana, Guam - Dep't of Education

DISTRICT OF ...(blank).....STREET...(blank)....LOT NO....(blank).....

2. Walter P. Chrysler
(name of Manufacturer)

3. 2 door Sedan
(touring, etc.)

4. Roadking coach
(model)

5. 1940
(year)

6. Gasoline
(kind of power)

7. 1534335
(engine No.)

8. (blank)....
(Factory Serial No.)

9. Light green
(color)

10. POWER

- (a) No. of cylinders....6
- (b) Diameter of cylinders....3 7/16
- (c) Piston stroke.....4
- (d) Largest diameter of tire...(blank).
- (e) Final gear ratio....(blank).

IMPORTED VIA U.S.S. Chaumont

ON.....(blank).....

BY.....(blank).....

11. Passengers seating capacity, No. 5 or 6. Truck capacity, lbs...(blank).

12. Is vehicle to be used for the purpose of transporting persons for hire?
No.

Signature of owner in full /s/ James Edward Davis.

DO NOT SEND THIS APPLICATION UNTIL IT HAS BEEN SWORN TO.
AGANA, GUAM.

It(jg), James E. Davis, ChC, USN of Agana, Guam
(TOWN)

On the eleventh day of February, 1941, personally appeared the above-named applicant and made oath that the statements and answers in above application by him subscribed are true to the best of his knowledge and belief.

Before me, /s/ F. T. Flores
Asst. Head of the Department of Records
and Accounts

(Do not fill in spaces below this line)

HORSEPOWER RATING 27.34 (6 x 3 3/8) FEE _____

VEHICLE FOR HIRE No FEE 10.00
(Yes or No)

Administering oath .25
TOTAL FEE 10.25

PASSENGER CAPACITY, No. (blank)

VEHICLE WEIGHT (blank)

The accused moved to strike the complete answer to this question on the ground that it was incompetent, 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 motion of the accused was overruled.

The witness was duly warned.

The commission then, at 11:45 a.m., adjourned until 9:00 a.m., tomorrow, Wednesday, 1 August 1945.

Fourth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Wednesday, 1 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Lieutenant Commander Joseph F. Walters, 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, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.

Isabel P. Zafra, civilian, 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.

Francisco T. Flores, 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 judge advocate:

14. Q. Do you know Lieutenant Junior Grade, James Edward Davis, U.S. Navy?
A. I do.

15. Q. Did you ever see him on Guam?
A. Yes, sir.

16. Q. Did you ever see him drive an automobile while on Guam?
A. I did.

17. Q. What kind of automobile?
A. Plymouth, practically brand new, with a light green color.

The accused moved to strike the answer of the witness to the last question on the ground that it was incompetent, 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 motion of the accused was overruled.

18. Q. Do you know where Lieutenant James Edward Davis is now?
A. I am not certain.

19. Q. When was the last time that you saw him?
A. Shortly before the invasion of Guam.

20. Q. Did you ever see that same automobile again?
A. During the Japanese occupation of the Island on several different occasions, I saw that same color of car driven around the Island.

21. Q. Who was in possession of it at the time you saw it driven around?
A. Several times I saw the accused in that same car.

Cross-examined by the accused:

22. Q. Do you know whether or not this man, Davis, is on Guam now?
A. I am pretty sure, he is not.

23. Q. Do you have any recollection as to when he left Guam?
A. I do not know. My only understanding in that connection is that when the Americans were taken prisoners, I presumed that he was also taken as such, he being an American.

24. Q. Were those Americans evacuated from Guam by the Japanese?
A. I understand they were.

25. Q. About what time?
A. The early part of 1942.

26. Q. Can you make yourself any more definite?
A. No.

27. Q. Do you know whether or not Davis sold, after February, 1941, the Chrysler made automobile which, according to the document you read yesterday, was registered in your office at that time?
A. No.

28. Q. Do you know whether or not he delivered possession of that automobile to any person after that day?
A. No.

Examined by the commission:

29. Q. You stated that you saw this automobile belonging to Lieutenant Davis being driven at various times by the accused. At these times, were any other people in the car?

A. It was not being driven by the accused. The accused was in the car, but it was driven by another person. As to the identity of that person, I cannot state at the present time.

30. Q. Did you ever see the accused actually driving the car?
A. No, sir.

31. Q. Did you ever see this car on the premises of the accused?
A. No, sir, only in motion.
32. Q. At all times that you saw this car, it was in motion and being driven by someone other than the accused, is that correct?
A. Yes, sir.
33. Q. How many times would you say that you had seen this car being driven?
A. As to the exact number of times, I cannot say, but on several different occasions.
34. Q. Who were the other occupants besides the defendant?
A. I did not notice them.
35. Q. Nationality?
A. The occasion I saw that car, the accused was in it and driven by another person; whether that person was a chauffeur or not, I do not know.
36. Q. You stated that the car you saw driven, and in which the accused was, was of the same color as the car driven by Davis; was there any other car of that color in Guam?
A. No, sir. The reason it struck me is this, when a new car is imported, particularly when it is beautiful like the one in question, it is rather prominent. That is why it happen to strike my attention.

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. Simon A. Sanchez, resident of Tamuning, superintendent of schools.
2. Q. If you recognize the accused, state as whom.
A. T. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. I was.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you on Guam prior to the Japanese occupation, say in the years 1940 and 1941?
A. I was.
6. Q. Was the accused on the Island at that time?
A. Yes, sir.
7. Q. Do you know Lieutenant Junior Grade, James Edward Davis?
A. Yes, sir.
8. Q. Did you see him on Guam prior to the Japanese occupation?
A. He was on the Island before the invasion.

9. Q. Did you ever see Davis drive an automobile?
A. Yes, sir.
10. Q. What kind?
A. He was driving a Plymouth.
11. Q. Did you ever discuss this automobile with him?
A. Yes. I asked him once if he would sell the car to me prior to his departure.
12. Q. When was the last time you saw Davis?
A. I saw him on the morning of December 8. He came to my house to tell me about the bombing of Pearl Harbor.
13. Q. Was he driving this automobile at that time?
A. He was driving his car.
14. Q. Do you remember what color it was?
A. Light green.
15. Q. Did you ever see that automobile after the last time you saw Lieutenant Davis?
A. I could not very well tell.
16. Q. And you say you had discussed this automobile with said Lieutenant Davis?
A. Yes, sir.

Cross-examined by the accused:

17. Q. Do you know where Davis now is?
A. I know prisoners of war were sent to Japan, but I do not know exactly where he is at the present time.
18. Q. Was he with that group of prisoners of war sent to Japan?
A. Yes, sir.
19. Q. Do you remember about what time that was?
A. I cannot remember the date, but I think it was three months after the Japanese occupation.
20. Q. Do you know where he was, during those three months?
A. He was confined with the other prisoners.
21. Q. Where were they confined?
A. Before they left the island, many of them were kept in the cathedral and some at the parochial building.

Reexamined by the judge advocate:

22. Q. What duties was Lieutenant Davis performing in Guam up to the Japanese invasion?
A. He was a navy chaplain assigned as Head of the Department of Education.
23. Q. Did you see him often during that time?
A. Before the war, we were working together in the office.

Examined by the commission:

24. Q. I believe you stated Lieutenant Davis was a Chaplain in the navy, is that correct?

A. Yes, sir.

25. Q. Sure of that?

A. Yes, sir.

26. Q. Was there any other Chaplain Davis, Lieutenant Junior Grade, U.S. Navy, on the Island?

A. I do not know.

27. Q. By this Davis, to whom you referred, you mean Chaplain James Edward Davis, Lieutenant Junior Grade, U.S. Navy, is that correct?

A. Yes, 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. (Charge II, specification)
A. Vicente P. Herrero, age 62 years, resident of Agana, district of Julale.

2. Q. If you recognize the accused, state as whom.
A. I recognize the accused as T. Shinohara.

3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.

4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.

5. Q. Were you on Guam during the year 1940?
A. Yes, sir.

6. Q. Were you on Guam during the year 1941, up to the Japanese occupation?
A. Yes, sir.

7. Q. Do you know Lieutenant Junior Grade, James Edward Davis, U.S. Navy?
A. I do.

8. Q. Was Lieutenant Davis on Guam?
A. He was my tenant, in number 8 house.

9. Q. What year was that?
A. 1941.

10. Q. Did you ever see Lieutenant Davis drive an automobile?
A. Yes, sir.

11. Q. What type of automobile was that?
A. Brand new Plymouth painted light green.

12. Q. Do you know where he kept that automobile?

A. Yes, sir.

13. Q. Where?

A. He kept it in the garage of the building he was living in, number 8, Herrero's court.

14. Q. When was the last time you saw Lieutenant Davis driving that car?

A. I saw him riding in it the morning of 8 December, 1941, between seven and eight o'clock. He stopped while I was standing at the door and he spoke to me.

15. Q. When was the next time you saw that car?

A. About three or four days after that. This was the eighth and the Japanese got in here on 10 December, and I was out in the mountains until about the 12th when I saw the car.

16. Q. Under what circumstances did you see the car that time?

A. The car was passing by my house towards the east of Hernan Cortes Street, driven by Shinohara.

17. Q. The accused?

A. Yes.

18. Q. What direction was he driving the car?

A. Towards his home.

19. Q. Did you ever see the car after that?

A. Yes.

20. Q. Where?

A. All around town.

21. Q. Who was in the car those times, if you know?

A. Sometimes himself and sometimes with his family.

22. Q. By himself, you refer to the accused?

A. The accused, Shinohara.

23. Q. Do you know where Davis is now?

A. I do not know.

Cross-examined by the accused:

24. Q. Where were you when the Japanese invaded Guam?

A. I was up in Dededo, somewhere near there.

25. Q. Did the Japanese invade Guam on December 10, 1941?

A. Yes.

26. Q. And you were at Dededo at that time?

A. Yes.

27. Q. How long did you stay at Dededo?

A. From the eighth until the eleventh.

28. Q. And then where did you go?

A. First to the plaza to get identification.

29. Q. And then where?
A. And then to my house in Julale, Lot 220, Hernan Cortes Street.
30. Q. Do you know whether or not the accused purchased this automobile which you spoke of from Davis?
A. No, he did not purchase it.
31. Q. How do you know that?
A. For the reason that Davis talked to me on the day that the Japanese were to invade Guam, 8 December when war was declared. There is no such transaction that could be made between them until the invasion.
32. Q. When you were talking with Davis December 8, did he say anything to you about not selling the car or about anything about the car?
A. I am positive that he did not sell the car.
33. Q. How do you know there could be no such transaction made?
A. The government during that time closed everything.
34. Q. Do you know whether or not Davis gave the car over to some one else?
A. No.
35. Q. Do you know whether or not he sold the car to one other than the accused?
A. I do not know.
36. Q. Do you know whether or not the Japanese military authorities when they arrived here, took Davis' car into their possession?
A. No.
37. Q. By "no", you mean that you do not know or that they did not?
A. I do not know.
- Examined by the commission:
38. Q. During this period of time you testified to, how well did you know the accused and Lieutenant Davis?
A. I saw both the accused and Davis practically daily.
39. Q. From your observation at that time, was there any friendly relation between the accused and Lieutenant Davis that might lead Davis to turn his car over to the accused for his use - loan it to the accused?
A. I could not say.
40. Q. During these times that you saw the accused driving the car in question, you saw that he was in it or his family was in it, is that correct?
A. Yes.
41. Q. Did you see it, at any other time, being driven by any other individual than the accused?
A. The driver of the accused.
42. Q. The accused had a driver is that correct?
A. Yes, the accused had a driver after that.
43. Q. Who was this driver?
A. I do not recall his name, but he is a native of Guam.
44. Q. Did you ever see the car in question on the premises of the accused?
A. Yes, sir.

45. Q. Did he have a garage where he parked this car, if you know?
A. He had a big garage. He was running a taxi-cab and he mostly parked this car in front of his house.
46. Q. You say he ran a taxi cab, how many cars were there on the stand?
A. More than one, maybe four or five.
47. Q. Was the taxi stand near his residence?
A. Very close to his residence. There was one house between his residence and the garage.
48. Q. The garage then was from where he operated his taxi business, is that correct?
A. Yes, sir.
49. Q. This car in question. You saw it usually in front of the residence of the accused?
A. Yes. This car was not running for taxi, just personal use of the accused, as far as I know.

Recross-examined by the accused:

50. Q. You say that the Chamorro who was the driver of the car was the driver of the accused. Explain how you know that?
A. I saw this driver with the car and the accused was inside.
51. Q. Anything else?
A. And the family of the accused sometimes.
52. Q. From that, you concluded that the Chamorro driver of the car was the driver of the accused?
A. Yes.
53. Q. Did you ever see the accused make attempt to hide the car to keep it from view of the people?
A. Not that I know of.
54. Q. Was there a license plate on the car?
A. I could not remember. There must be license plate by the Japanese but what number and flower, I could not recall.
55. Q. Is it not true that there was a license plate with cherry blossoms and number 2 there?
A. I cannot recall that Japanese license 2 or 3. I could not make out who is who from any of the plates the cherry blossom, or the anchor.
56. Q. Were there many cars in Guam driven by Japanese carrying cherry blossoms licenses?
A. Quite a number.
57. Q. Is it not a fact that all of these were government operated cars?
A. I do not know. I cannot understand.

Examined by the commission:

58. Q. Did you ever discuss with the accused how he came into possession of this car?
A. No, sir, I was afraid.
59. Q. What were you afraid of?
A. Japanese authorities.

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. (Charge II, specification)
A. Jose P. Crisostomo, resident of Didigue, and a silversmith by occupation.
2. Q. If you recognize the accused, state as whom.
A. I do, as Shinohara.
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, sir.
5. Q. Were you on Guam during the years 1940 and 1941, up until the Japanese came in?
A. Yes.
6. Q. Did you see the accused on Guam during the said period of time?
A. Yes, sir.
7. Q. Do you know Lieutenant Junior Grade James Edward Davis, U.S. Navy?
A. Yes, sir.
8. Q. When did you see him on Guam?
A. During his time in the Department of Education, 1940.
9. Q. What year?
A. 1940.
10. Q. What about 1941?
A. Yes.
11. Q. Did you ever see him drive an automobile while on Guam?
A. Yes.
12. Q. What kind?
A. Plymouth.
13. Q. What model?
A. I do not remember the model, but I know it is new car - two doors.
14. Q. What color?
A. Light green.
15. Q. Do you know where Davis is now?
A. I heard he is back in Japan.
16. Q. When was the last time you saw him?
A. Early part of December, 1941.

17. Q. Did you ever see that automobile again?
A. Yes, sir, after the Japanese invasion.
18. Q. Under what circumstances did you see the car?
A. It happened the accused hired me to drive that car for him.
19. Q. You say, "hired you to drive the automobile for him"?
A. Yes.
20. Q. Where did he have you drive it to as a regular routine?
A. Around Agana, Menseibu, Japanese Military Government Office, to Navy Captain and to Agana Heights and to Sumay.
21. Q. Where did you park the car at night?
A. Right over the house behind his house in Agana.
22. Q. Where did you get the car when you want to get it to drive?
A. Right behind the house.
23. Q. Could you drive the car any time you wanted to?
A. No, sir.
24. Q. Who would you have to see before you drove the car?
A. Shinohara.
25. Q. Did he keep it in the garage?
A. Yes, sometimes we just left it behind the kitchen.
26. Q. Did that car have a license plate on it?
A. Yes, sir.
27. Q. What kind of a plate?
A. Flowers they called cherry blossoms, number "2".
28. Q. What did that number indicate?
A. Civilian use.
29. Q. Did you ever see anybody else drive that car besides yourself?
A. Yes, sir, his son.
30. Q. What is his son's name?
A. Gil, we call him by his nickname Hit.
31. Q. About how old was this son at that time?
A. I do not know, I will say about 13 or 14.
32. Q. How long were you employed by the accused as chauffeur?
A. About a month.
33. Q. Were you employed for compensation?
A. That is what he said, but he did not pay me at all.
- Cross-examined by the accused:
34. Q. You say you worked for the accused about a month?
A. Yes, sir.

35. Q. What month and year was that?
A. The year 1942, latter part and the middle part of January.
36. Q. Latter part of 1942 and the middle part of January, is that what you mean?
A. I worked there in the middle part of January until the middle part of February, 1942.
37. Q. You spoke of the license on the car as being cherry blossom and a number "2"?
A. Yes, sir.
38. Q. How many types of license did the Japanese use here on Guam for automobiles?
A. I remember the cherry blossom for civilians and another form, the anchor for the navy.
39. Q. You spoke of Menseibu, do you know what that term means?
A. Military Government.
40. Q. Did they have automobiles?
A. Yes, sir.
41. Q. What kind of licenses did they have?
A. Anchor.
42. Q. How many cherry blossom licenses were there in Guam, as you recall?
A. I do not know.
43. Q. Did you see any other car with that license?
A. I do not quite remember.
44. Q. If this is number "2", there must be number "1", did you ever see that?
A. Yes, sir, I saw cherry blossom number 8 and number 4.
45. Q. Who drove that car as you recall?
A. Mrs. Sawada's car.
46. Q. Which one?
A. Number 8.
47. Q. And number 4?
A. I do not remember, but I saw it.
48. Q. You say you understand it was a civilian license, who told you that?
A. One of the interpreters.
49. Q. Is it not a fact that you understood the anchor was the sign for the navy and cherry blossoms for the Menseibu?
A. That is what I heard from the interpreter.

Examined by the commission:

50. Q. You stated that you were employed as a chauffeur for about a month by the accused?
A. Yes, sir.
51. Q. How did you first become chauffeur for the accused?

A. I was walking down the main street in front of the house of the accused going to the store to buy something to eat for my family and I met him and he said come and drive a car for me and I will pay you.

52. Q. You mean the accused?
A. Yes, sir.

53. Q. You accepted the employment, is that correct?
A. Yes, we have to.

54. Q. You were employed for about two months?
A. Yes.

55. Q. During this period, did you drive any other car?
A. No, sir.

56. Q. Who did you receive instruction from regarding the car you drove?
A. Shinohara, the accused.

57. Q. Anybody else?
A. No, sir.

Recross-examined by the accused:

58. Q. Do you know whether or not the Japanese military forces took possession of all automobiles at the time they were on the Island?
A. Well, I saw they brought all automobiles in front of this palace.

59. Q. When did you see that?
A. Second week after the invasion, when we came down to get passes.

Reexamined by the judge advocate:

60. Q. Did you see the car you testified about there?
A. No.

Recross-examined by the accused:

61. Q. When you saw the automobiles there, who brought them there?
A. Army.

62. Q. So you do not know whether they had completed bringing the cars there when you saw it?
A. I do not know.

Examined by the commission:

63. Q. This time you testified about, do you know how many privately owned cars were on the Island of Guam?
A. I do not know the number.

64. Q. Were there about a thousand?
A. I do not know.

65. Q. Before the Japanese occupied this Island, how many privately owned automobiles could you see at one time?
A. About 30.

66. Q. Would you say that represented a majority of privately owned cars in the Island that time?

A. Yes, sir.

67. Q. They were not very numerous?

A. I remember about 30.

Reexamined by the judge advocate:

68. Q. Do you know how many cars were driven by civilians for their use during the Japanese occupation?

A. I know Mrs. Sawada, Shimizu had one, Takano had one and the accused had one.

69. Q. Do you remember of any others?

A. No.

Recross-examined by the accused:

70. Q. Do you know whether or not these people you have mentioned were given those cars to drive by the Japanese authorities?

A. I do not know, but I saw them using it.

Examined by the commission:

71. Q. While you were employed by the accused as chauffeur. Did you draw gasoline for the car?

A. Yes.

72. Q. Where did you get it?

A. I got it with him in the government gas station.

73. Q. Who operated that gas station?

A. Japanese navy.

74. Q. Were there any other gas station available?

A. No, sir.

75. Q. Was that the only one in Agana?

A. They have Dejima's gas station, Takano and Mrs. Sawada.

76. Q. When you drew gasoline for the car, did you sign for it, pay for it or what?

A. I just drove to the back and the gasoline man filled it up.

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. Juan Chargualaf Mesa, resident of Dededo Village, and a chauffeur by occupation.

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

3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.

4. Q. Did you ever see the accused on Guam during the Japanese occupation?
A. Yes, sir.

5. Q. Do you know Lieutenant Junior Grade James Edward Davis, U.S. Navy?
A. Yes, sir.

6. Q. Did you ever see him on Guam?
A. Yes, sir.

7. Q. What year?
A. 1940.

8. Q. Any other year?
A. That is the last time I saw him.

9. Q. Did you ever see him in the year 1941 until the invasion of the Japanese?
A. I never saw him in that year.

10. Q. What date was the Japanese invasion, if you remember?
A. Latter part of 1941.

11. Q. Do you remember what month?
A. December.

12. Q. How soon before that did you see Lieutenant Davis?
A. I saw Lieutenant Davis in 1940. After that I did not see him because I was working for the contractors in the night shift and I did not have the chance to see him.

13. Q. Did you ever see Davis drive an automobile?
A. Yes, sir.

14. Q. What kind was that?
A. I believe the color is either light green or light blue.

15. Q. Did you ever see that car after you saw Lieutenant Davis it?
A. Yes, sir.

16. Q. Under what circumstances?
A. I was the one who drove with Shinohara during the year 1942, I believe it was February.

17. Q. Did you drive that car for Shinohara, you say?
A. Yes, sir.

18. Q. How did you happen to drive it for Shinohara?
A. That day I went over to Butler's to buy sugar and some coffee that morning and I was lining up to get a chance to get to the store and buy it.

Shinohara had a talk with Hines to drive for him and maybe Hines did not have the chance and so Hines pointed to me and said, "That fellow knows how to drive". Shinohara then asked me why I lined up and I told him I wanted to buy sugar and some coffee and he told me that he will give me coffee and sugar and that I will drive for him. So we went over there and he gave me coffee and sugar and I started driving for him.

19. Q. Where did you drive Shinohara in that car generally ?

A. I drove him down Sumay where the Kempetai was, I believe the governor of the Island. Up in Agana where the commander was Howata. Hayashi, I think was the governor.

20. Q. Under whose direction did you drive the automobile?

A. Shinohara.

21. Q. The accused?

A. Yes, sir.

22. Q. Where did you leave the car at night?

A. Inside the yard.

23. Q. Whose yard?

A. Shinohara's.

24. Q. Where did you get the car in the morning?

A. The same place where I put it that night.

25. Q. Could you just go and get it or did you have to see somebody about it first?

A. I first had to see him because he got the key.

26. Q. The key to what?

A. To the car.

27. Q. He kept the key to the car?

A. Yes.

Cross-examined by the accused:

28. Q. During what period of time did you say you drove the car during the Japanese occupation?

A. I think in the year 1942 and in the month of February.

29. Q. Just the month of February?

A. Yes.

30. Q. What make was that car?

A. Plymouth sedan with two doors.

31. Q. What color?

A. I believe light green or light blue. Anyway that was the only car of that color on the Island at that time.

32. Q. Did that car have a license plate at that time?

A. Yes, sir.

33. Q. Explain what was on the plate.

A. Number "2" license plate.

34. Q. Anything else besides the number?
A. Yes, sir, flowers on the other side.

35. Q. Could it be a cherry blossom design?
A. Yes, sir.

36. Q. And that cherry blossom design means that the car belongs to the
Menseibu, is that right?

The judge advocate objected to this question on the ground that it was
improper cross-examination. 2
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The accused replied.

The commission was cleared.

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

Neither the judge advocate, the accused, nor the commission desired fur-
ther 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. Angel A. Sablan, resident of Anigua, and a machinist by occupation.
2. Q. If you recognize the accused, state as whom.
A. Yes, sir, Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you on Guam during the years 1940 and 1941 up to the Japanese
invasion?
A. Yes, sir.
6. Q. Do you know Lieutenant (jg) James Edward Davis, U.S. Navy?
A. Yes, sir.
7. Q. Did you see Lieutenant Davis in Guam during the years 1940 and 1941?
A. Yes, sir.
8. Q. Did you ever see him drive an automobile?
A. Yes, sir.
9. Q. What was your occupation during the years 1940 and 1941?
A. Machinist, Naval Hospital.

10. Q. Under what circumstances did you know Lieutenant Davis drove the automobile?
A. He brought the car to the hospital every other day to be checked on air.
11. Q. What kind of car?
A. Two door sedan.
12. Q. What make?
A. Plymouth.
13. Q. What color?
A. Either light green or light blue.
14. Q. As a mechanic, did you work on that car?
A. I did not do anything on the motor, but I checked the tires, service and water during Davis' time.
15. Q. Did you check as to water and tires and service it more than one time?
A. More.
16. Q. About how many times?
A. Several times.
17. Q. Do you know where Davis is now?
A. No.
18. Q. When was the last time you saw him, approximately?
A. Before the Japanese invasion, but after the Japanese invaded Guam I never saw him.
19. Q. Have you ever seen that automobile of Davis' since Davis left?
A. After the Japanese invasion, I saw Shinohara riding in the car with a native driver.
20. Q. Did you ever service the car again during the Japanese occupation?
A. Once.
21. Q. Under what circumstances was that car brought to you?
A. I was working for the Kohatsu Garage and my boss asked me if I could check the car for him. I did not see Shinohara in the car, his little boy was driving the car.
22. Q. Speaking of him, did you mean the accused?
A. Yes.
23. Q. Did you see the accused in the car?
A. No, he was not there.
24. Q. Who brought the car in, do you remember?
A. They did not bring the car to where I worked. The car was left on one side of the road and I was working on the other side and I just walked over there.
25. Q. Did you ever see the accused in that car at any time?
A. Yes, sir.
26. Q. During the Japanese occupation?
A. Yes, sir.

27. Q. Are you sure you saw him in the car?

A. Yes, sir.

28. Q. What kind of license plate did Davis' car have on during the Japanese occupation?

A. It had number "2" and a cherry blossom was marked. The cherry blossom was marked first, then the number "2".

29. Q. Were you familiar with the various license plates the Japanese used during the occupation?

A. Yes, I know the marks.

30. Q. How did you identify this plate on this car as to who was using it, as a class?

A. What I know of it, it was for civilians, they used flowers like cherry blossoms.

31. Q. What was on this car, the car we speak of?

A. Cherry blossom.

Cross-examined by the accused:

32. Q. What type of license did the car used by the Kohatshu have?

A. Same type, the only difference was a mark in the middle like Sakura for private use. The Kohatshu was a civilian department but was being used by the government and a mark was put in the middle the same as Sakura.

33. Q. What do you mean by "mark"?

A. Some kind of writing there, I do not know what it is. It is a different mark from civilian.

34. Q. You do not know whether the license issued were Japanese numbers?

A. Japanese writing, I do not know what it means.

35. Q. You said you were working for the Kohatshu as a mechanic on cars that they operated?

A. Yes.

36. Q. How many automobiles did they operate?

A. I do not remember how many trucks or cars.

37. Q. How many cars?

A. The cars for the Kohatshu was for personal use only.

38. Q. Do you know how many cars for passenger use there were?

A. No, during my time I do not remember any car.

39. Q. You said you were a mechanic before the Japanese invaded Guam; where were you employed?

A. Naval Hospital.

40. Q. Did you work only on hospital cars or on other cars?

A. Hospital and officers' cars.

41. Q. How many passenger cars were on Guam at the time the Japanese invaded Guam?

A. I cannot tell exactly the amount but around 150 or 200 cars.

42. Q. What was done to those cars by the Japanese, if you know?
A. They took the cars of the natives. The army wrecked about half of them.

43. Q. Who took them from the natives?
A. Japanese.

44. Q. You mean by "Japanese", the military people?
A. Military people; I know they were driving around.

45. Q. Did the Japanese, after taking them, allow some for civilian use here in Guam?
A. Japanese civilians?

46. Q. Either one?
A. I do not know.

Examined by the commission:

47. Q. Do you know where this car is now?
A. No, sir.

48. Q. When was the last time you saw it?
A. Since they started bombing on 11 June, I never saw it.

49. Q. Was the accused employed by the Japanese Government at the time you speak of, if you know?
A. I do not know.

Recross-examined by the accused:

50. Q. You say you worked on this car during the period of the Japanese occupation. Did you work on any other car operated by civilians during the Japanese occupation?
A. I do not remember.

51. Q. In other words, as you recall now, you worked only on cars operated by the Japanese government Kohatshu and on this car Shinohara, the accused, had in his possession, is that correct?
A. Yes, sir.

Examined by the commission:

52. Q. Did you get paid by the Japanese as a mechanic while you were repairing this car?
A. Yes, sir.

Recross-examined by the accused:

53. Q. Did the accused pay you for this work on the car?
A. No. He did not ask me to work for him, the boss told me to do it.

Reexamined by the judge advocate:

54. Q. So you did not know whether or not the work was paid for?
A. I do not 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 commission then, at 11:45 a.m., adjourned until 9:00 a.m., tomorrow, Thursday, 2 August 1945.

Fifth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Thursday, 2 August 1945.

The commission met at 9:50 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Pepper, junior, U.S. Marine Corps 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, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter..
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

The senior member read a communication from Lieutenant Commander M. Marlin, (MC) U.S. Naval Reserve, to the convening authority explaining the absence of Lieutenant Commander Joseph F. Walters, U.S. Naval Reserve, on this date, copy prefixed, marked "E".

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.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, rank and station. (Charge III, specification)
A. Felix Q. Nauta, seaman second class, Insular Force, U.S. Navy, attached to the Naval Ammunition Depot.
2. Q. If you recognize the accused, state as whom.
A. I do, as Shinohara, I believe his initial is "T".
3. Q. Were you on Guam during the Japanese occupation?
A. Yes.
4. Q. Were you on Guam during the month of December, 1941?
A. Yes, sir.

5. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes.
6. Q. Did you see the accused on Guam during the month of December, 1941?
A. Yes, sir.
7. Q. Do you know Captain George J. McMillin, U.S. Navy?
A. Yes, sir.
8. Q. Did you ever see him on Guam during the month of December, 1941?
A. Yes, I saw him.
9. Q. Did you see any unusual happening between the accused and Captain McMillin?
A. Yes, sir.
10. Q. Please state what that was?
A. On the morning of 10 December, 1941, while we were already captured by the Japanese, we were sitting in the plaza with other native enlisted personnel facing towards the east. Then I turned to my right and I saw Shinochara, the Governor and some other Japanese and I saw Shinochara slap the Governor of Guam.
11. Q. You spoke about a plaza, where was this plaza?
A. Right in front of the Governor's palace. I was sitting at a distance of about 10 yards and I saw them talking, but I do not understand what they were talking about.
12. Q. What date was that?
A. December 10, 1941.
13. Q. Was that on Guam?
A. Yes, sir.
14. Q. What city?
A. Agana.
15. Q. Was there any other circumstances surrounding this incident that you can think of?
A. I only saw him slap the governor one time that day.
16. Q. Where was this governor standing?
A. In front of the door of the palace.
17. Q. How was he dressed?
A. Drawers, with civilian shirt.
18. Q. You spoke of the Governor. Who did you refer to when you spoke of Governor?
A. Shinochara was talking to the governor there and there was some other Japanese soldiers around them.
19. Q. You spoke of the Governor and Shinochara. Who do you mean when you say, "the Governor"?
A. Captain George McMillin.
20. Q. What did the accused slap the Governor with?
A. With his hand.

Cross-examined by the accused:

21. Q. You say there were some Japanese there with the Governor when this slapping occurred. Can you name any of those Japanese?

A. No, except Shinehara.

22. Q. About how many people were present when this occurred?

A. I could not tell how many Japanese, but somewhere around 700 people in the place at that time. I believe about 40 or 50 native enlisted personnel with me and on the other side of the road were the navy enlisted men.

23. Q. Name some of the people near you that could have seen this happen.

A. Salas, Ignacio I.

24. Q. Who else?

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

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 of the judge advocate was sustained.

25. Q. Name the people that you recognized in the plaza near you that day.

A. Salas, I.C., sitting on my left side, Juan Chargualaf, Vicente Santos, Vicente Chargualaf, the wounded laying in front of me, he is now dead. That is all I could remember, there were some others I could not remember. There was a Japanese interpreter by my side and when I looked to my right he told me not to look that way, but to look only in front.

26. Q. Were you on active duty as a member of the insular force at the time the Japanese entered Guam?

A. Yes.

27. Q. Where were you taken prisoner?

A. We were marching out of the insular guard in the palace and met the Japanese troops in front of the palace.

28. Q. What date?

A. 10 December, 1941.

29. Q. About what time of the day?

A. About seven o'clock.

30. Q. Morning or afternoon?

A. Morning.

31. Q. Where were you then taken to?

A. They put us up in the plaza and waited for the other boys and then we were taken over to the headquarters in the afternoon.

32. Q. What time did this slapping occur?

A. Before seven o'clock. I do not remember what time exactly. We were excited at that time.

33. Q. In the afternoon or morning?

A. Morning.

34. Q. Did it take place before you were taken prisoner or afterwards?

A. Right after I was taken prisoner.

35. Q. Is it not a fact that the accused had been locked up in the civil jail on or about December 8 and was there at the time the Japanese occupied Guam?

A. I do not know anything about that. That was the first time I saw him standing right in front of the plaza. I do not know whether he was locked up in the civil jail or not.

36. Q. Where was the accused when you first saw him that day?

A. He was right in front of the palace door.

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, rank and present station. (Charge III, specification)

A. Ignacio Chargualaf Salas, seaman second class, Insular Force, U.S. Navy, attached to the Naval Ammunition Depot.

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

A. Yes, sir, T. Shinohara.

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

A. Yes, sir.

4. Q. Were you on Guam prior to the Japanese occupation?

A. Yes.

5. Q. Did you know Captain George J. McMillin, U.S. Navy?

A. Yes, sir.

6. Q. Did you ever see anything unusual happen between the accused and Captain George J. McMillin, U.S. Navy?

A. Yes, sir.

7. Q. What was that?

A. T. Shinohara slapped the Governor.

8. Q. What did he slap him with?

A. With his hand.

9. Q. What date was that?

A. 10 December, 1941.

10. Q. Where did it occur?

A. In front of the palace.

11. Q. Which palace? Where was the palace located?
A. Right over there.

12. Q. On Guam?
A. Yes.

13. Q. What city?
A. Agana, Guam.

Cross-examined by the accused:

14. Q. Were you taken prisoner by the Japanese when they occupied Guam?
A. Yes.

15. Q. On what date?
A. 10 December.

16. Q. About what time of the day?
A. Between 6:30 and 7:00 o'clock.

17. Q. Morning or afternoon?
A. Morning.

18. Q. About what time did this slapping take place?
A. About 6:30 in the morning.

19. Q. About how far were you from the accused and Captain McMillin when this took place?
A. Approximately 10 yards from the place where I was.

20. Q. Where did you first see the accused that day?
A. Before this slapping of the Governor by T. Shinohara happened, we had surrendered to this Japanese army. We left our quarters to the plaza and they went to the civil jail; they broke in the door and released the Japanese civilians. That is the time when I saw T. Shinohara. Shinohara and the Japanese army went into the palace and took out the governor and then I saw Shinohara slap the Governor and the Governor was sent in the palace and was guarded by the army.

21. Q. How was the Governor dressed?
A. At the time he was taken out from the palace, he was wearing his sport shirt with underwear on, no trousers, led by the Japanese army and Shinohara.

22. Q. Did you recognize anyone present there at the time this occurrence other than the accused and the Governor?
A. No.

Examined by the commission:

23. Q. When you refer to Captain McMillin and the Governor of Guam, were they one and the same person at that time?
A. Yes, 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.

The commission then, at 10:30 a.m., took a recess until 10:45 a.m., at which time it reconvened.

Present: All the members except Lieutenant Commander Joseph F. Walters, U.S. Naval Reserve, the judge advocate, the reporter, the interpreter, the accused and his counsel.

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, rank and present station.
A. Francisco Santos Aguon, seaman first class, Insular Force, U.S. Navy, attached to the Naval Ammunition Depot. (Charge III, specification)
2. Q. If you recognize the accused, state as whom.
A. As Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir, I was on Guam before and during the Japanese occupation.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Did you see the accused on Guam before the Japanese occupation?
A. Yes, sir.
6. Q. Do you know Captain George J. McMillin, U.S. Navy?
A. Yes, he was our Governor and Commandant of the Island.
7. Q. Did you ever see him on Guam?
A. Yes, sir.
8. Q. Did you ever see him on Guam during the Japanese occupation?
A. Yes, sir.
9. Q. Did you see him on Guam prior to the Japanese occupation?
A. Yes, sir.
10. Q. Did you ever see any unusual occurrence between the accused and Captain McMillin?
A. Yes, sir.
11. Q. What did you see?
A. I saw him slap the Governor up in the Agana Heights, the time we were up there for target practice over to Agana Bay. We could see Agana Bay from Agana Heights. Suddenly I saw Shinohara slap the Governor.
12. Q. Agana Heights, is that on Guam?
A. Yes, sir.
13. Q. What did the accused slap McMillin with?
A. With his hand.

14. Q. What date was this?

A. I cannot remember the date, but in the latter part of December, 1941.

Cross-examined by the accused:

15. Q. Were you a member of the Insular Force at the time the Japanese occupied Guam?

A. I was a prisoner of war, Insular Force, yes, sir.

16. Q. What date were you taken prisoner?

A. I turned myself in three days after the invasion.

17. Q. How long were you held prisoner?

A. They held me prisoner since I turned in on December 13 up to January 20 when we were released. I do not know how many days.

18. Q. Where were you held prisoner during that period of time?

A. I was first held in the Insular Force headquarters, then Saint Paul Cathedral then to Dorn Hall School.

19. Q. Were those the only three places where you were held as prisoner?

A. Yes, sir.

20. Q. Did you work at all during that time when you were held prisoner?

A. Yes, sir.

21. Q. What kind of work?

A. Hauling coal on board Japanese ships.

22. Q. Where was that work done?

A. Apra Harbor.

23. Q. Were you taken to any place else in Agana other than that place you mentioned?

A. Sometime up to Libugon hauling manganese.

24. Q. During the time you were held prisoners, did you go to any where else on the Island other than the places you say you went in answer to my question?

A. We went up Agana Heights.

25. Q. What did you do at Agana Heights?

A. We did not work there. We just went there to witness a heavy artillery practice target at Agana Bay.

26. Q. Was that the time you saw the accused slap the Governor?

A. Yes, sir.

27. Q. Was anyone else taken along with you to witness this practice?

A. There were multitudes of people up there. It was compulsory for everybody to be there.

28. Q. Were there other enlisted personnel with you to witness this?

A. Yes, our men from the Dorn Hall.

29. Q. You were in the Dorn Hall that time and they took everybody there, is that correct?

A. Yes, sir.

30. Q. How far were you from the accused and the Governor when this took place?
A. Approximately somewhere around 15 to 20 yards.
31. Q. What time of the day was it?
A. Somewhere around 9:45 in the morning.
32. Q. How many people, as you recall, were standing with or near the accused and the Governor when this occurred?
A. I cannot remember. There was too much excitement up there.

Reexamined by the judge advocate:

33. Q. Explain a little more about this target practice.
A. There was a national flag, stars and stripes, planted on a buoy which made a target for a kind of heavy artillery, most likely 3-inch guns. I do not know definitely but it was a heavy gun.

The accused moved to strike the entire answer of the witness to the last question on the ground that it was incompetent, 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 motion of the accused was overruled.

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, rank and present station. (Charge III, specification)
A. Eugenio B. Borja, seaman second class, U.S. Navy, attached to NAD.
2. Q. If you recognize the accused, state as whom.
A. Yes, sir, Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you on Guam prior to the Japanese occupation?
A. Yes, sir.
6. Q. Did you see the accused on Guam prior to the Japanese occupation?
A. Yes, sir.
7. Q. Do you know Captain George J. McMillin, U.S. Navy?
A. Yes, he was our Governor of Guam.

8. Q. Did you see him on Guam prior to the Japanese occupation?
A. Yes, sir.
9. Q. Did you see him on Guam after the Japanese occupied the Island?
A. Yes, sir.
10. Q. Did you ever see anything unusual happen between the accused and Captain McMillin?
A. Yes, sir.
11. Q. State what that was.
A. It was compulsory for us to go to the golf course. They were having maneuvers, target practice. We were standing up there facing the ocean and the flag was on the ocean. The Governor and Shinohara passed in front of us and the Governor told Shinohara, he said, "Will you tell the Japanese to be nice to the Chamorros because they will be nice to them?", and after Shinohara heard this he slapped the Governor and said, "You are no Governor".
12. Q. You said the accused slapped the Governor, who did you mean by Governor?
A. Governor McMillin.
13. Q. You spoke of golf course, where is that located?
A. Up there in the Agana Heights.
14. Q. On Guam?
A. Yes, sir.
15. Q. What date was this?
A. I can hardly say the date. Somewhere around the latter part of December or early part of January.
16. Q. What year?
A. Latter part of December, 1941.
17. Q. What did the accused slap the Governor with?
A. The accused slapped the Governor with his hand.
- Cross-examined by the accused:
18. Q. Did you see Francisco Aguon there at the time the slapping occurred?
A. I saw Francisco Aguon. He was about five feet or more from me at the time, but I do not know whether he saw when the accused slapped the Governor.
19. Q. Who was nearer to the Governor, you or Aguon?
A. I was.
20. Q. About what time of the day or night did this happen?
A. About 10:00 in the morning.
21. Q. You say Francisco Aguon was there that day?
A. I said I saw him.
22. Q. Name any other people, if you recognized any as being there that day.
A. I can hardly say. It was crowded with Japanese and the only ones I saw were Japanese; there were other prisoners there but I cannot recognize who they were because we cannot turn around where we were.

Examined by the commission:

23. Q. On what part of the Captain's body did the accused slap?
A. At his jaw in the face.

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 11:25 a.m., adjourned until 9:00 a.m., tomorrow, Friday, 3 August 1945.

Sixth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Friday, 3 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Pepper, junior, U.S. Marine Corps 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, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

The judge advocate read an order from the convening authority, copy prefixed, marked "F", relieving Lieutenant Commander Joseph F. Walters, U.S. Naval Reserve, and appointing Major Robert H. Gray, U.S. Marine Corps, as a member of the commission.

The judge advocate and the accused stated that they did not object to this member.

Major Robert H. Gray, U.S. Marine Corps, was duly sworn.

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.

Eugenio B. Borja, who had been examined during the absence of Major Gray, was called before the commission, informed that his oath previously taken was still binding, heard his own testimony read, and announced that he wished to make the following correction in his testimony:

Line No. 4 of the answer to question No. 11 on page 40; strike out the words, "Will you tell the Japanese to be nice to the Chamorros because they will be nice to them?", and insert the words, "Will you please tell the Japanese navy and army to be kind to the natives of the Island because they will obey all orders, whatever they are told?".

With this correction, and Major Gray not desiring to question him, he pronounced his testimony correct and withdrew.

Each remaining witness who had been examined during the absence of Major Gray was separately called before the commission, informed that his oath previously taken was still binding, heard his own testimony read, and Major Gray not desiring to question him, he pronounced his testimony correct 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. (Charge III, specification)
A. Francisco I. DeLeon, a resident of Guam, and a cook by occupation.
2. Q. If you recognize the accused, state as whom.
A. Yes, Mr. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. I was.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Do you know Captain George J. McMillin, U.S. Navy?
A. I do, sir, our Governor in Guam during the American time.
6. Q. Did you ever see anything unusual happen between the accused and Governor McMillin?
A. Yes, sir.
7. Q. Please state to the commission what that was.
A. On Saturday morning, the day the Americans were sent to Japan, I was there at 6:00 o'clock in the morning, to give the clothes to Captain Floney, Captain Stark, Pay Clerk Donmore, Lieutenant Morgan and Lieutenant Marx, five marine officers.
8. Q. Where were you?
A. Near the Saint Vincent De Paul, by the side of the tennis court.
9. Q. On Guam?
A. Yes, sir, city of Agana.
10. Q. Continue.
A. Then I heard Governor McMillin tell Shinohara to tell the Japanese officers to take care of the people of Guam because they are awful good and the accused turned back and slapped the face of the Governor twice and his hat fell and Shinohara said, "You are not supposed to talk to me because you are a war prisoner and no longer Governor", that is all I heard.
11. Q. What date was this?
A. About January 20.

12. Q. What year?
A. 1942.

13. Q. What did the accused slap Governor McKillin with?
A. His hand.

14. Q. How many times?
A. Twice.

15. Q. Where did he slap him?
A. In his face.

Cross-examined by the accused:

16. Q. Again, tell us where did this happen?
A. At the tennis court when all officials fell in ready to be sent to Japan.

17. Q. You mean the tennis court within the plaza here?
A. Yes, sir.

18. Q. What time of the day was it?
A. Six in the morning.

19. Q. Who else was present besides yourself, the Governor, the accused, and the other officers you named?
A. All navy and marine officers fell in couple of ranks.

20. Q. Was there any Guamanian person other than yourself?
A. I did not see any.

21. Q. How far away were you from the Governor when this happened?
A. About ten feet.

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 11:45 a.m., adjourned until 9:00 a.m., tomorrow, Saturday, 4 August 1945.

Seventh Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Saturday, 4 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, 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.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.
A. Herbert Johnston, resident of Agana, Guam, administrative assistant,
Military Government Labor Department. (Additional Charge III, specification)
2. Q. If you recognize the accused, state as whom.
A. I do as T. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. I was.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. I did.
5. Q. Do you know if there was an Elks Club in Guam prior to the Japanese
occupation?
A. I did.
6. Q. Did they have a building?
A. Yes, they did.
7. Q. Do you know if that same building was occupied during the Japanese
occupation?
A. Yes, sir.
8. Q. What was in that building during the Japanese occupation?

A. Well, actually the old Elks Club was turned into what I believe was the Japanese Officers' Club.

9. Q. Did you ever have an occasion to visit that club during the Japanese occupation?

A. I did.

10. Q. Did you ever see the accused in that club during the Japanese occupation?

A. Yes, I did.

11. Q. Did you ever see an American flag in that club during the Japanese occupation?

A. Yes, sir.

12. Q. Did you ever see anything unusual happen to the flag in that club during the Japanese occupation?

A. Yes, sir.

13. Q. What?

A. On one occasion there was a party and what apparently seemed to be a banquet in the main hall they had dinner and when I got to the place, they were clearing the hall up for dancing. A lot of liquid was spilled on the floor. When the dancing was about to start, I saw the accused wipe the floor with an American flag.

14. Q. Please state in detail how you saw the accused wipe the floor with the American flag?

A. Well, I was standing at the door when he passed in front of me with an American flag in his hand and he bent down and wiped the floor with his hand with the American flag and I turned away and coughed and I did not see what happened after that.

15. Q. What date was this?

A. The date I do not remember; it was I believe about the latter part of 1943.

The accused moved to strike the testimony of this witness on the ground that it was incompetent, irrelevant and immaterial in that there was such a great variance in the dates set forth in charge "3", of the additional charges and specifications and the date set by the witness that his testimony is not worthy of belief.

The judge advocate replied.

The commission announced that the motion was overruled.

Cross-examined by the accused:

16. Q. What was the size of the American flag held by the accused when he did this act you mentioned?

A. The size is pretty hard to determine because it was folded, but I would approximate it to be about navy standard size 9, about four feet long, I believe.

17. Q. Was it folded at all times that you saw it?

A. No, it was crumpled when the accused wiped the deck.

18. Q. You mean then that it was crumpled rather than folded?

A. Yes, sir.

19. Q. How close were you to the accused when you saw this happen?
A. Roughly, I will say about 25 feet.
20. Q. What time of day or night did this occur?
A. This was in the evening.
21. Q. Before or after dark?
A. After dark.
22. Q. How many floors were there in that building?
A. Two stories, ground floor and a second floor.
23. Q. On which floor did this occur?
A. Second floor.
24. Q. Were the lights on in the room where this happened?
A. They were.
25. Q. You say a party was being held there. Were there decorations for the party?
A. Yes, they had signs posted in Japanese characters.
26. Q. Had you been in that club before the Japanese occupied Guam?
A. Yes, sir.
27. Q. Do you know what I mean when I say bunting?
A. Yes, sir.
28. Q. Did you ever see that type of decoration used in Guam before the Japanese came here?
A. Yes.
29. Q. Is it not quite possible that what you saw crumpled in the hand of the accused was a piece of bunting rather than an American flag?
A. No, I was definite it was an American flag.
30. Q. Give us the name of the other people who were present when this happened.
A. I cannot give the names definitely because there were several occasions when these parties were held, but I know certain families frequently invited for the affairs, among them the Torres family and the Velarde family.
31. Q. Were you the only Chamorro there at the time this happened?
A. No, several others.
32. Q. Give us the names of the others as you recall.
A. As I remember Beatrice Ries who was acting as waitress there and Jesus Fernandez who was bar tender.
33. Q. Anyone else?
A. There was some members of the Torres family, I do not remember which ones.
34. Q. Which Torres family is that?
A. J. M. Torres.

Examined by the commission:

35. Q. Is there any doubt in your mind whatever but that this flag you saw was the national colors of the United States of America?

A. That was exactly the national colors of the United States of America.

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. (Add. Charge III, spec.)
A. Beatrice Santos Ries, resident of Sinajana, and a student.
2. Q. If you recognize the accused, state as whom.
A. I do, Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you ever employed by the accused during the Japanese occupation?
A. Yes, sir.
6. Q. What employment did you have?
A. Waitress.
7. Q. Where was that?
A. The former Elks Club known in the Japanese time as Omiya Kaikan.
8. Q. Who ran that club if you know?
A. I do not know.
9. Q. Did you ever see the accused in that club?
A. Yes, sir.
10. Q. Did you see him there often?
A. Yes, sir.
11. Q. Did you ever see an American flag in that club during the Japanese occupation?
A. Yes, sir.
12. Q. Did you ever see anything unusual happen to an American flag during the Japanese occupation?
A. Yes, sir.
13. Q. Was that in that club?
A. Yes, sir.
14. Q. Please state what you saw.
A. I was standing at the door when the things were being cleared on the hall for dancing. Shinohara was in a hurry to have the hall cleared and he went around looking for a mop and when he didn't find one, he took the American flag and used it.

15. Q. How did he use the American flag?
A. The accused wiped the floor with the flag with the aid of his feet.

16. Q. Do you remember what date this was?
A. I do not remember.

Cross-examined by the accused:

17. Q. See if you can fix with some accuracy the date it happened. Was it soon after the Japanese came to Guam or shortly before the Americans returned?
A. Last part of 1943.

18. Q. How many floors were there to the Elks Club?
A. Two.

19. Q. And you say you worked as waitress there?
A. Yes.

20. Q. Upon which floor did you work?
A. Upper floor.

21. Q. How far were you from the accused when this happened?
A. A distance of from where I am to that door (about 15 or 16 feet).

22. Q. Where did the accused get this cloth with which he wiped the floor?
A. I do not know, but I saw him coming in from a door from a certain room there.

23. Q. You say he looked for a mop and could not find one and so he took this cloth, is that it?
A. He asked some one to find a mop and when there wasn't any, he went around looking for one.

24. Q. Tell us whether or not there was a bar in the room, the one you spoke of?
A. Yes, sir.

25. Q. Are you sure he wiped the floor with this cloth rather than the bar?
A. He wiped the floor because I saw it.

26. Q. Did he wipe the bar with it?
A. No, sir.

The accused moved to strike the testimony of this witness on the ground that it was not responsive to the issue.

The judge advocate replied.

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission announced that the motion of the accused was overruled.

Cross-examined by the accused continued:

27. Q. You say this was an American flag used by the accused in mopping up the floor. How large a piece of cloth was it?
A. A little bit larger than this table. (size of table referred - 4' x 2'6")

28. Q. Was it folded up or crumpled up?
A. It was crumpled up.
29. Q. Do you know what I mean by the term bunting?
A. Yes, but the one I saw was actually a flag.
30. Q. What time of the day or night did this happen?
A. Night time.
31. Q. After dark?
A. Yes, sir.
32. Q. Were there any light in the room?
A. Yes, sir.
33. Q. What kind of light?
A. Electric light.
34. Q. Tell us the names of other people present, as you recall them now.
A. Olita Santos, Herbert Johnston, Jesus Fernandez, that is all I remember, but there were very many people there.
35. Q. Were any members of the J. M. Torres family there?
A. I do not remember.
36. Q. How near were you to Herbert Johnston when this happened?
A. I do not remember.

Neither the judge advocate, the accused, nor the commission desired further to examine this 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. (Add. Charge III, Spec.)
A. Olita T. Santos, resident of Sinajana, and a housekeeper.
2. Q. If you recognize the accused, state as whom.
A. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you ever see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you ever employed by the accused during the Japanese occupation?
A. Yes, sir.
6. Q. Where were you employed?
A. Elks Club.
7. Q. What was the name of that club, if you know, during the Japanese occupation?
A. Omiya Kaikan.

8. Q. Did you ever see the accused there?
A. Yes, sir.
9. Q. Do you know if there was an American flag in that club during the Japanese occupation?
A. Yes, sir.
10. Q. How do you know it was there?
A. Because I saw it.
11. Q. Did you ever see anything unusual happen to that flag during the Japanese occupation?
A. Yes, sir.
12. Q. State what that was.
A. I saw Shinohara mopping the floor with the American flag.
13. Q. Do you remember what date this was?
A. It was sometime around December, 1943.
14. Q. Explain a little more how you saw the accused mop the floor with that American flag.
A. I was entering the room when I saw Shinohara mopping the floor with it.
- Cross-examined by the accused:
15. Q. Describe his act.
A. He was mopping the floor with the flag with the aid of his foot.
16. Q. Who else was present at that time, as you recall their names now?
A. Herbert Johnston, Beatrice Rios, Jesus Fernandez; there were others there, but I do not know whether they saw it.
17. Q. Name any other Chamorros, if you can, who were in the room at that time.
A. There were so many people, I did not notice all of them.
18. Q. How far were you from the accused when this happened?
A. About two yards apart.
19. Q. You say you saw Herbert Johnston there; how far away were you from him when this happened?
A. I was not very far from Herbert. I served him with his beer.
20. Q. Explain a little bit more what you mean by, "not very far from Herbert".
A. About two feet apart.

Examined by the commission:

21. Q. How long were you employed at this club?
A. I do not remember but I started working in September, 1943, up to the time when the Island was bombarded.
22. Q. June or thereabouts?
A. Yes, sir.
23. Q. Continuously?
A. Yes, sir.

24. Q. Who used this club?
A. Japanese officers.
25. Q. What was the accused doing around there, was he a Japanese officer?
A. He was in charge of us there, the girls that were working as waitresses.
26. Q. The accused was in charge of the club, is that it?
A. Yes, sir.
27. Q. During the period that you worked in this institution, did you ever see any other similar incident?
A. No, sir, that was the only time.
28. Q. You stated this incident took place about the month of December, 1943, is that correct?
A. Yes, sir.
29. Q. What leads you to that belief?
A. Because that is something that is hard to forget.

Recross-examined by the accused:

30. Q. Do you know J. M. Torres?
A. You mean the old man?
31. Q. Yes.
A. Yes.
32. Q. Do you know the members of his family?
A. Yes.
33. Q. While working at the Elks Club, did you ever see J. M. Torres or any member of his family in the club?
A. Yes, because they were often invited.
34. Q. You spoke of Herbert being there the night this occurred. Tell us if you know whether Herbert Johnston is an officer or a military man of the Japanese.
A. No, but he was invited that night and that is why he was present.
35. Q. Then many Chamorros often came to that club, is that correct?
A. In the event there was a party.

Examined by the commission:

36. Q. This club was for the use of the Japanese military or naval officers then in Guam, is that correct?
A. Yes, sir, for the officers.
37. Q. And the only time others were to be there would be upon invitation by the officers club, is that correct, as far as you know?
A. Yes, sir.

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

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. (Add. Charge III, Spec.)
A. Jesus L. Fernandez, resident of Sinajana Village, and a chauffeur by occupation.
2. Q. If you recognize the accused, state as whom.
A. Mr. T. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you ever see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you employed by the accused during the Japanese occupation?
A. Yes, sir.
6. Q. Where were you employed?
A. The club that was known as Omiya Kaikan.
7. Q. Where was that club located?
A. At Agana.
8. Q. What kind of club was it before the war, if you know?
A. It was the Elks Club.
9. Q. What kind of club was it during the Japanese occupation?
A. It was the Japanese Officers' Club known as Omiya Kaikan.
10. Q. Who was in charge of that club during the Japanese occupation?
A. T. Shinohara.
11. Q. The accused?
A. Yes, sir.
12. Q. Who were permitted in that club?

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

The judge advocate replied.

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

The question was repeated.

A. According to what I know, only Japanese officers and invited guests.

13. Q. Did you ever see an American flag in that club during the Japanese occupation?

A. Yes, sir.

14. Q. Did you ever see anything unusual happen to an American flag during the Japanese occupation in that club?

A. Yes, once.

15. Q. Please state what that was.

A. One evening when there was a party there, I saw the accused mop the floor with the American flag.

16. Q. What date was this?

A. Sometime in December, 1943.

17. Q. Have you ever seen an American flag before in that club during the Japanese occupation?

A. Yes.

Cross-examined by the accused:

18. Q. You say you were employed in that club during the time the Japanese were here, what type of work did you do there?

A. I was in charge of practically everything upstairs, cleaning the bar and other things.

19. Q. Did your work take you to places in the club where you could see who came and went from that club?

A. At times when there were not so many people I had a chance to go around.

20. Q. Do you know J. M. Torres?

A. Yes, sir.

21. Q. Do you know the members of his family?

A. Yes, sir.

22. Q. During the period of the Japanese occupation, did you ever see J. M. Torres in that club?

A. Yes.

23. Q. Did you ever see any member of the family of J. M. Torres in that club during that time?

A. Yes.

24. Q. Do you know Herbert Johnston?

A. Yes, sir.

25. Q. During the period of Japanese occupation, did you ever see Herbert Johnston in that club?

A. Yes, sir.

26. Q. During that time, did you ever see any other Chamorro guest in that club?

A. Yes, sir.

27. Q. This mopping of the floor you say you saw. On which floor of the club was that?

A. Upper floor.

28. Q. Were you a bar tender in that room?

A. Yes.

29. Q. Did you ever serve drinks to Chamorro guests in that room during the Japanese occupation?

A. Yes, sir, in the event they were invited.

30. Q. Tell us the names of any of the people you can recall who were present when this mopping of the floor by the flag occurred.

A. Herbert Johnston, Beatrice Rios, Olita Santos; there were other Chamorros but I am not sure who they were.

31. Q. How far were you from the accused when you saw that happen?

A. While he was actually mopping the floor with it, I passed by him.

Examined by the commission:

32. Q. You set the date of the incident you have described to be in December 1943, how do you arrive at that date?

A. Because what was done was called to my attention because it was rather embarrassing to me.

33. Q. Are you sure of that?

A. Yes, sir, I am quite sure.

34. Q. Have you ever seen a similar incident take place during the period you were working in this club?

A. As far as I remember the flag was taken from the place but as to abusing it and using it like that I did not see it any other time besides that.

35. Q. Then your answer is that this is the only time you saw any incident of this kind?

A. Yes, 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.

The commission then, at 11:05 a.m., adjourned until 9:00 a.m., Monday, 6 August 1945.

Eighth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Monday, 6 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Pepper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
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, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

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

No witnesses not otherwise connected with the trial were present.

Juan Chargualaf Mesa, a witness for the prosecution, was recalled for
further examination and warned that the oath previously taken was still binding.

Examined by the judge advocate:

1. Q. Are you the same Juan C. Mesa that testified in this case before?
A. Yes, sir. (Charge IV, specification 1)
2. Q. You testified you had been employed by the accused as chauffeur?
A. Yes, sir.
3. Q. And you further testified you were employed during the month of February,
1942, is that correct?
A. Yes, sir.
4. Q. Do you know where Jose D. Flores' ranch is on Guam?
A. Yes, sir.
5. Q. Did you ever have occasion to be there at the Flores ranch in the month
of February, 1942?
A. Yes, sir.
6. Q. Under what circumstances?
A. The accused dictated me to go to Mr. Flores' ranch.
7. Q. Who did you take, if anybody, on that trip to Flores' ranch?
A. The accused, the Jap and myself.
8. Q. What happened when you arrived at the ranch that you saw?

A. During the time we got to Flores' ranch, Shinohara got down and also the Jap. I was in the outside in the car waiting for them.

9. Q. Then where did you go after you left the ranch?

A. We went to Agana where Kerner's house was.

10. Q. Who were your passengers from Flores' ranch to Kerner's house?

A. The accused, the Jap, the mother of this girl Alfonsina, and the girl Alfonsina.

11. Q. Were you ever at Kerner's house after that?

A. Yes, sir.

12. Q. On what occasion did you go to Kerner's house?

A. We bring there some food everytime we go to Kerner's house.

13. Q. You spoke of "we", who do you mean by "we"?

A. The accused.

14. Q. Did you ever see Alfonsina Flores at Kerner's house after the first time you left her there?

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

The judge advocate replied.

The commission announced that the objection was overruled.

The question was repeated.

A. Yes, sir.

15. Q. Did you ever see the accused in the Kerner house after the first time Alfonsina was left there?

A. Yes, sir.

16. Q. Do you know who lived in the Kerner house at that time?

A. Yes, sir.

17. Q. Who was it?

A. The Jap Officer was there and Alfonsina.

Examined by the commission:

18. Q. Was there anyone else living in the Kerner house besides the Jap officers that you know?

A. The Kerner family.

19. Q. And the Japs were living there also, is that correct?

A. Yes, sir.

20. Q. Who are the Kerners, if you know?

A. All I remember is that Kerner is an American.

The accused moved to strike the testimony of this witness on the ground that it was incompetent, irrelevant and immaterial.

The judge advocate replied.

The commission announced that the motion was overruled.

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. (Charge IV, Specification 1)
A. Alfonsina S.N. Flores, resident of Inarajan, and a weaver by occupation.
2. Q. If you recognize the accused, state as whom.
A. I do, Mr. Shinohara.
3. Q. Did you live in Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Where did you live on Guam during the time that the Japanese invaded Guam?
A. At our ranch at Inarajan.
6. Q. How long did you live in your ranch after the Japanese came in?
A. About a month.
7. Q. On what occasion did you leave your ranch?
A. Mr. Shinohara came to our ranch in February, 1942. He was together with the Aide to the Governor. The name of the Aide was Sakai.
8. Q. Explain in detail what happened.
A. That time Shinohara asked my mother for a 17 year old daughter. Since that time I started crying because ever since I was born, I had never left my mother for anything. So my mother gave me advice and told me to go because if I didn't I would be killed as well as the family.
9. Q. Where did this conversation take place?
A. At our ranch.
10. Q. Was the accused present when your mother told you that?
A. Yes, sir.
11. Q. Proceed.
A. I told my mother that I would not go; that I would rather be killed, but she said, "It is best for you to go because if you don't, then the whole family would be killed".
12. Q. Did that conversation take place in the presence of the accused?
A. Yes, sir.

13. Q. Who came to your ranch that time with the accused?
A. The accused, Mr. Sakai and the driver.
14. Q. Did the Japanese talk to your family?
A. No, only Shinohara.
15. Q. Had you ever seen this Sakai before that day?
A. Only that time.
16. Q. That was the first time you saw him?
A. Yes, sir.
17. Q. State what happened.
A. Then Shinohara promised my mother that I will be given the best of care.
18. Q. Did Shinohara, the accused, state why he wanted you to come?
A. He said that I was to serve there at that time and to clean the house.
19. Q. What house, if any, did he mention?
A. Kerner's house in Agana.
20. Q. Proceed.
A. That time when we made the trip to Agana, my mother came along because I didn't want to go by myself, but when we got to the house, my mother was told to go away.
21. Q. What house did you come to?
A. At the Kerner house.
22. Q. Then what happened?
A. Then my mother spoke to Shinohara and said, I will like to see my daughter get married right now, even if she is to divorce the next day because this is not the Chamorro custom to turn girls over to a man. Then Shinohara said, don't be troubled because your daughter will be given good care and all she is to do is to serve. Then that time Shinohara told me to go into a certain room and told me to stay there with Sakai. So I started crying and that time I was only thinking of my parents and never expected that I would be turned over to a man. Then Shinohara said that I must listen and obey or else I will be beheaded. After Shinohara had placed me in the room, he left in his car and every morning he came and every time that he came I asked him to leave and he constantly told me that if I left I will be punished.
23. Q. What happened the first night?
A. I was made to sleep with Sakai.
24. Q. Have you ever slept with anyone before?
A. Never, that was the only time.
25. Q. How old were you at that time?
A. 17 years old.
26. Q. Were you engaged at that time to be married?
A. Yes, I was engaged to a Chamorro boy, Vicente Flores Blanco.
27. Q. After that first night, did you tell the accused that you wanted to get away from that house?
A. Yes, but he said that I should stay there and if I made any effort to leave it would mean something every bad to me.

28. Q. How long did you live in that house?
A. About six months.

29. Q. Were the Japanese living in that house all that time?
A. Yes, sir.

30. Q. Were you forced to live with these Japanese during that time?
A. Yes, I was forced to stay in that house.

Cross-examined by the accused:

31. Q. This man Sakai you say came to your parents in Inarajan with the accused. Tell us if you know whether he was able to speak Chamorro at that time.
A. He didn't know how to speak Chamorro.

32. Q. Did you know how to speak Japanese at that time?
A. No.

33. Q. Did Sakai say anything there that day?
A. Shinohara was the only one that spoke to my mother.

34. Q. Was Sakai present at the time?
A. Yes, sir.

35. Q. Did you hear him say anything even though you could not understand it?
A. Sakai said a few words but Shinohara said the most.

36. Q. How many Japanese lived in this Kerner house during the time you lived there?
A. Only two.

37. Q. Sakai and who else?
A. Hayashi, the Governor.

38. Q. What misrepresentation, if any, did the accused make to you in all these things that you testified to that happened?
A. The accused said that he was going to help my parents and that he was to pay me \$20.00 a month, but I never saw any money.

39. Q. Anything else?
A. Every time that I asked the accused to leave the place, he didn't want me to.

40. Q. Who did you say was to pay you \$20.00 a month?
A. The accused was to pay it. He told my parents about it.

41. Q. Did you hear the accused tell your parents that?
A. Yes, because I was there in the ranch.

42. Q. When did that happen?
A. Sometime in February, 1942.

43. Q. You lived in the Kerner house about 6 months, is that right?
A. Yes, sir.

44. Q. Did anyone give you any money while you were there?
A. Yes, the aide to the Governor, Sakai, sometimes gave me money but only about three times.

45. Q. Did anyone give you any clothing while you were there?
A. No, sir.

46. Q. Have you ever been to your parents home at Inarajan since you left Kerner's house?
A. Yes, I went there to visit my sisters.

47. Q. Had any changes been made in that house since you left there to go to the Kerner home?
A. No, sir.

48. Q. Had any additions been built on to the Kerner house at Inarajan when you lived there during the time of the Japanese occupation?

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 overruled.

The question was repeated.

A. Yes, there was a little improvement at the ranch, but that was done through some trading of pigs.

49. Q. Who lived in the Kerner home while you were there besides you, Sakai and Hayashi?
A. I only remember those two.

50. Q. Where did your sister, Alice, live at that time?
A. I found my sister, Alice, there in the Kerner house. She was there before I came.

51. Q. Did she live there during the time you were there?
A. Yes, they made us live together.

52. Q. How long had your sister Alice lived there in the Kerner house that you know of at the time you came to live there?
A. I do not know, but I found her there.

53. Q. Is it not a fact that you were told your sister, Alice, had suggested that you come and live at the Kerner home?
A. No, that was not mentioned.

54. Q. Who did the cooking and general house-keeping while you two were living in the Kerner home?
A. My sister and I.

55. Q. Is it not true that you were asked to come and work in the Kerner home doing general house-work, cooking, making the bed and so on?

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

The accused made no reply.

The commission announced that the objection was overruled.

The question was repeated.

A. Shinohara said that we were to serve and to clean the house.

56. Q. You say you lived there about 6 months. When you left was your sister, Alice, still living there?

A. We left together.

57. Q. Did your mother ever come to visit you at the Kerner home while you lived there?

A. Yes, she came three times a week to visit me.

58. Q. Did your father ever come to visit you at the Kerner home while you lived there?

A. Yes, sometimes he came to visit me.

59. Q. Did any other Guamanian friend ever visit you at the Kerner home while you lived there?

A. Yes, some of my friends.

60. Q. Did you go around Agana visiting friends while living at the Kerner home?

A. When I was through with my cleaning, then I went to visit my aunt.

Examined by the commission:

61. Q. When the accused and this Japanese came out to see your parents on the occasion you testified about, what were you told to do?

A. Shinohara promised my mother that I was to be employed as service girl and to do general cleaning.

62. Q. And you left your home and came to the Kerner house at the instigation of your mother, is that correct?

A. Yes, I went there.

63. Q. What did the accused himself say to you in regards to this transaction?

A. The accused said to me not to be afraid because I was to be a service girl and to do the cleaning.

64. Q. What were you afraid of?

A. I was afraid of their weapons because ever since I was born, I never saw such weapons as the weapons they had.

65. Q. What weapon?

A. Sword.

66. Q. Did the accused have a sword with him?

A. Yes, the other man too.

67. Q. Did they threaten you with their swords?

A. Yes, sir, I was threatened.

68. Q. Tell us about it.

A. Shinohara said that I must obey because if I didn't it would mean my life and the lives of the people in my family.

69. Q. What were the exact words?
A. You must obey, if you don't you will be killed as well as your family. At that moment I was very much frightened. I was shaking because I had never experienced anything like that.
70. Q. Were these threats made before or after the offer of \$20.00 a month was made?
A. Before I was offered to be paid.
71. Q. The offer was for \$20.00 a month, is that correct, or twenty yen?
A. Twenty yen.
72. Q. And you worked in this Kerner house for 6 months, is that correct?
A. Yes, 6 months, then I quit.
73. Q. Were you paid the 120 yen for your services there?
A. I was paid only three times.
74. Q. What were the amounts?
A. Sometimes 10 yen sometimes 20 yen.
75. Q. How much did they still owe you?
A. 70 yen.
76. Q. You were engaged under threats and promises by the accused to serve in a house in Agana inhabited by a couple of Japs is that correct?
A. I was offered to serve and my mother was offered the same thing and that nothing will happen to me.
77. Q. And when did the first indication cross your mind that you might be required to serve the sexual appetite of the Japs?
A. The first time that they came to our ranch I knew that something bad was meant by that trip.
78. Q. How did you know it?
A. I knew something was meant by that because they came to look for someone who was 17 years old.
79. Q. What did the "17 years old", have to do with it?
A. Shinohara wanted that certain age.
80. Q. In other words that was the specified female required, is that correct?
A. Yes, sir.
81. Q. From the beginning of this whole transaction you understood you were to be used for purposes of prostitution by the accused, is that correct?
A. That is just what I understood. They were not going to make a good girl out of me.
82. Q. After you were taken to Kerner house, did this Jap have sexual intercourse with you?
A. Yes, sir, because Shinohara took me to the room and told me I had to obey or I would be beheaded.
83. Q. Did you consent to the wishes of the Jap in this occasion?
A. I cried and he started to hold me. I didn't want to yield.

84. Q. How many of these incidents with the Japs took place during the month of February?

The spectators were ordered to clear the commission.

A. Sakai was residing at Sumay at that time and usually came up twice a week.

85. Q. How often did you see the accused during this period?

A. I saw him quite often because he came up to check whether or not I was still staying in the building.

86. Q. When were you first allowed to go abroad with or without an escort?

A. On the second day I went out to call on my aunt.

87. Q. You walked out of the house on your own volition?

A. Yes, because Shinohara didn't want me to leave the house whatsoever.

88. Q. Did the Japs have any objection to your leaving the house?

A. No, the other Japs didn't have anything to say, but Shinohara told me cuss words when I left to see my folks at the ranch.

89. Q. Who were you actually working for the accused, or the Jap officer?

A. I was working for the Aide to the Governor through Shinohara.

90. Q. Did these two Jap officers live in the house continuously?

A. Whenever they came to town from Sumay, they went up to this house to take a rest.

91. Q. How many days out of the week did these officers spend in that house?

A. Two or three days of a week.

92. Q. Who used the house the rest of the week, if anybody?

A. No one else, just myself and my sister Alice.

93. Q. Was the accused boss of this place whether the Japs were around or not?

A. Yes, Shinohara was the boss.

94. Q. Did these Jap officers have personal property in the house?

A. No.

95. Q. Did they ever eat in this house?

A. Yes, sometimes they ate. Shinohara brought the raw food and we prepared it.

96. Q. Do you know what a house of prostitution is?

A. Yes, sir.

97. Q. Was this Kerner house the same kind of house?

A. I do not know; that was the first time I stayed there.

98. Q. You say you stayed there 6 months and then quit, what do you mean by that?

A. I quit when Sakai left the Island. I was waiting for word from Shinohara, but he never showed up and I just left.

99. Q. Did you hear the accused offer in your presence, anything besides the 20 yen you were to receive monthly?

A. My mother called me to tell me that I was to get 20 yen per month and that help was to be given to my parents.

100. Q. What kind of help?

A. Clothing, food and whatever they wanted.

101. Q. Did you hear that offer made by the accused?

A. Yes, because my mother called me out because I was told about it.

102. Q. Were those promises fulfilled?

A. No, nothing was done.

Recross-examined by the accused:

103. Q. How far was it from the Kerner home to the Shinohara grocery store of the accused?

A. Not over half a mile.

104. Q. The accused brought over the groceries to the Kerner home which you and your sister cooked for the Japanese officers, is that right?

A. Yes, sir.

Neither the judge advocate, the accused, nor the commission desired further to examine this 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. (Charge IV, specification 1)
A. Rafaela San Nicolas Flores, resident of Inarajan, running a bakery shop by occupation.

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

3. Q. Did you live in Guam during the Japanese occupation?
A. Yes, sir.

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

5. Q. Where were you living on Guam during the time of the Japanese occupation?
A. Malolo, Inarajan.

6. Q. Do you know Alfonsina Flores?
A. Yes, my daughter.

7. Q. Did you ever see the accused at your ranch during the Japanese occupation?
A. Yes, sir.

8. Q. Do you remember of any occasion that the accused was at your ranch in which your daughter Alfonsina was discussed?
A. Yes, sir.

9. Q. About what date was that?
A. It was sometime in February, maybe 1943, I am not very sure.

10. Q. Do you remember how long it was after the Japanese invaded the Island?
A. They invaded the Island in December and this happened in February.
11. Q. The Japanese invaded the Island in December of what year, if you remember?
A. I do not quite remember that. I do not know whether in 1942 or 1943.
12. Q. Did this incident happen during the February after the December in which the Japanese invaded the Island?
A. Yes, sir.

13. Q. Please state what happened.

A. Shinohara came to our ranch with the aide to the governor and the accused said, "We came here to look for your 17 year old daughter". Then I asked him how did he know she was 17 years old. I said to him, "Who told you about it?" I further said to the accused, "You came from Agana up to this place. You passed many other girls, why did you come directly to this ranch? You did that on purpose". Then the accused said, "Yes, but you must obey it and if you don't, all of you will be killed". I told my husband about it and he said well, if that is the case, he was ready to fight and kill because that is not the custom out here. Then I said to my husband there is nothing we can say or else we will get killed. Then Alfonsina started crying. She said she was afraid to go with the Japs and I persuaded her to go because it meant our lives. Shinohara said that they were going to get Alfonsina right away. So I said, "Can I go along, as mother?" When we got to Agana, I said to the accused, referring to his daughter because he had a daughter, "Now what are you going to do about it? How would you like to have this done to your daughter?" I further said to the accused, "Even if you turned the Kingdom of Japan over to me, it will never satisfy me. I would rather have my daughter back". Then the accused said, "You must obey because it is war time and any one who disobeys the order will be killed". Then I said to the accused, "Well, I feel much better if my daughter gets married now in my presence than to take her this way". Then the accused said no one can get married in war time. Then I said to him, "How would you like this to happen to your daughter?" Then the accused said to me, "You must obey. This is war time and the only way out for disobeying an order is to take people's life". Then the accused said, "Your daughter will be given the best of care and all she has to do is to clean the house. Your family is big and you will be given help". All that was ever given to me was about five pounds of tobacco wrapped up in a part of a flag. So I said to my daughter, "Well since they promised you the best of care, stay there and take good care of yourself, since you are only going to do the cleaning.

14. Q. Did you ever see this Japanese officer before they came with the accused to your ranch the first time?
A. No, sir.

Cross-examined by the accused:

15. Q. You say you came to Agana with your daughter, Alfonsina, the Jap and the accused that day when that Jap and the accused came to your ranch, is that correct?
A. Yes, sir.
16. Q. What time of the day did you arrive at Agana, if you recall?
A. About 6 o'clock in the evening.
17. Q. Where did you spend the night?
A. I went to stay with my sister-in-law since I was told to leave the place.

18. Q. Did you see your daughter Alice at the Kerner home that evening?

A. Yes, sir, we found her there.

19. Q. Did you talk with her?

A. Yes, sir.

20. Q. Did the accused then say who told him that you had a 17 year old daughter?

A. He did not tell me. I asked him who told him that I had a 17 year old daughter and he said that is the age this officer wanted.

21. Q. Did you and the accused discuss your daughter Alice at that time during your talk that day?

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

The accused made no reply.

The commission announced that the objection was sustained.

22. Q. What member of your family was present at your ranch at the time the accused and the Jap officer came that day in February?

A. Only the youngsters.

23. Q. Was your husband there?

A. Yes.

24. Q. Alfonsina was there, wasn't she?

A. Yes, she was in the ranch, I was outside.

25. Q. Was Alfonsina present when you talked to the accused at your ranch that day?

A. Alfonsina was there in the ranch, but she didn't hear.

26. Q. Do I understand that Alfonsina did not hear any of your conversation with the accused at the ranch that day?

A. Alfonsina did not hear anything. It was just between the accused and myself.

27. Q. Alice was not present at the ranch that day when the accused was at your ranch?

A. No, when we got to Agana we found Alice in Agana.

28. Q. Where?

A. Mercedes Kerner's home.

29. Q. How long had she stayed there, if you know?

A. I am not quite sure whether for two weeks or not.

30. Q. Is Alice older or younger than Alfonsina?

A. Alice is the oldest and there are others after her and before Alfonsina.

31. Q. What difference in age between Alice and Alfonsina is there?

A. Alice was born in 1917 and Alfonsina in 1924.

32. Q. Was Alice's name mentioned by the accused when talking with you at your ranch that day?

A. No.

33. Q. How was the accused dressed when the accused came to the ranch that day?
A. He had his coat on.
34. Q. Did you see him have any weapon when he was there that day?
A. I didn't notice whether he had a weapon, but the other man with him had a sword.
35. Q. Who were with him?
A. Sakai and the native driver.
36. Q. Did the native driver have a weapon?
A. I did not notice that.
37. Q. Was the Japanese present when you talked to the accused that day at the ranch?
A. Yes, I was there because I was with the accused.
38. Q. Did the Japanese officer say anything while you three were together there at your ranch?
A. No, Shinohara did all the talking.
39. Q. How long did your talk last?
A. They came about two o'clock and then left about six.
40. Q. Did you see the accused and your daughter together at any time at the ranch that afternoon?
A. They did not have any conversation because Alfonsina was crying that time.
41. Q. Did you tell Alfonsina the plan of her coming to live at the Kerner home that day at the ranch?
A. Yes, I told Alfonsina about it. I said, "You must obey because if you don't you will be killed", and she said, "No, I don't want to go".
42. Q. Who was with you and Alfonsina when you told her that?
A. No one else. I was alone with her. I was trying to get her to make up her mind because she was crying.
43. Q. I believe you said you spoke to your husband about his plan, was he there that afternoon?
A. Yes, my husband was there.
44. Q. Was he present when the accused talked with you about Alfonsina?
A. Yes, sir.
45. Q. Was he present when you talked to Alfonsina about this plan?
A. My husband was outside, Alfonsina was in the ranch.
46. Q. When you say "in the ranch", you mean to say "inside the ranchhouse", is that it?
A. She was inside the ranch, upstairs.
47. Q. Did you serve your evening meal and did all of you eat before you left for Agana that day?
A. No, we didn't eat before we left. The last time we ate our lunch was after 12:00 o'clock.
48. Q. Where did you eat when you arrived at Agana?
A. At my sister-in-law.

49. Q. You say you spent the night with your sister-in-law; when did you go back to your ranch?
A. The next day in the morning.
50. Q. Did you see Alfonsina before you went back to your ranch the next morning?
A. No, because Alice made me understand not to go there very often because they didn't like the idea.
51. Q. How long was it before you did go to the Kerner home then?
A. Two days later.
52. Q. Did you go back to your ranch the day after you came from Agana, that is, you came to your ranch the day after you came to Kerner home and then the next day you came back to the Kerner home, is that right?
A. Yes.
53. Q. How long did Alfonsina live in the Kerner home?
A. From February until November.
54. Q. Did you visit the Kerner home quite often during that period of time?
A. Yes, I went there quite often but I never found any of the officers.
55. Q. Did you go there, say twice a week?
A. Yes, sometimes.
56. Q. Did your husband go with you when you made those visits?
A. No, I went alone because my husband could not leave the children, they were too young to be left alone behind.
57. Q. Tell us, if you know, whether or not your husband did visit the Kerner home while Alfonsina lived there?
A. He visited once.
58. Q. Were you with him that time?
A. Yes.
59. Q. Which one left the Kerner home earlier, Alice or Alfonsina?
A. They left the place together. That was the time the Governor left.

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

The witness said that she had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 12:00 a.m., adjourned until 9:00 a.m., tomorrow, Tuesday, 7 August 1945.

Ninth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Tuesday, 7 August 1945.

The commission met at 9:15 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

The record of proceedings of the eighth 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. (Charge IV, specification 1)
A. Jose Duenas Flores, resident of Malolo, Inarajan, Guam, and a farmer by
occupation.
2. Q. If you recognize the accused, state as whom.
A. I do, as Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Where did you live at that time?
A. Malolo, at the ranch.
5. Q. Do you know where Agana, Guam, is?
A. I do.
6. Q. How far is your ranch from Agana, Guam?
A. It is between 16 and 17 miles.
7. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
8. Q. Do you know Alfonsina Flores?
A. I do.

9. Q. Who is she?
A. My daughter.
10. Q. Was she living with you at the time of the Japanese occupation?
A. Yes, sir, at the very beginning.
11. Q. How long did she live with you at your ranch after the Japanese occupation?
A. Over two months.
12. Q. And then did she leave the ranch?
A. Yes, sir, she left but not on her own accord.
13. Q. Did you ever see the accused at your ranch after the Japanese occupation?
A. Yes, he came to my ranch.
14. Q. When did you first see him at your ranch after the Japanese came to this Island?
A. Sometime in February, the year when the Japanese occupied the Island.
15. Q. On what occasion did the accused come to your ranch?
A. The accused came to my ranch with the Japanese officer and a driver and the accused said, "We come here to ask for your 17 year old daughter to be a service girl".
16. Q. Relate just what happened, as you remember.
A. Then I said to the accused, "My daughter is not capable to do that kind of work". Then I further said, "Since I started rearing my daughter, she has never left us", then he said, "This is what this officer wants. This is wartime and we must obey the officials. If we obey them, they will give us help. If we didn't obey, it is possible that you may be killed." Right at that moment, I knew that whether I wanted to give up my daughter or not, they would take her just the same, so that made me feel very much upset and I left and turned it over to my wife.
- The accused moved to strike the words, "Right at that moment, I knew that whether I wanted to give up my daughter or not, they would take her just the same, so that made me feel very much upset", on the ground that it was a conclusion of the witness and not evidence.
- The judge advocate replied.
- The commission announced that the motion was overruled.
- Cross-examined by the accused:
17. Q. Is that all that was said to you by the accused at that time?
A. After I turned away from them, my wife was there to face them.
18. Q. Answer my question. Was that all that was said to you by the accused?
A. That was all he said. I turned away from them and left them and my wife was with them after it made me feel so upset.
19. Q. Who else was present when this conversation took place?
A. My wife, Shiohara, the Japanese officer, the driver, and myself.
20. Q. Where did this conversation take place, inside the ranchhouse or outside the ranch house?
A. At the part of the ranch where I usually receive my visitors somewhat like a porch.

21. Q. Where was your daughter Alfonsina when this conversation took place?
A. She was in another room.
22. Q. Did your daughter Alfonsina continue living with you at your ranch after the day you mentioned?
A. No, he took her. That was the first time he visited my ranch and took Alfonsina with him.
23. Q. Where did he take her to?
A. I do not know, my wife knew about it because she went with her.
24. Q. Did he take your wife with him or did your wife leave voluntarily?
A. She asked if she could escort the girl.
25. Q. Have you seen your daughter since that time?
A. Not for a long time. My wife went to visit her.
26. Q. When did you next see your daughter?
A. About 6 months after that. I stayed at the ranch all the time.
27. Q. Do you know where the Kerner house was in Agana?
A. Yes, I know that.
28. Q. Were you ever at the Kerner house during that 6 months between the time your daughter left your home and the time you next saw her.
A. Yes.
29. Q. How many times?
A. Once.
30. Q. How long after your daughter left your home were you at the Kerner house?
A. Between five and six months.
31. Q. Do you have a daughter by the name of Alice?
A. Yes.
32. Q. Did you see her at the Kerner home when you went there that time you spoke of?
A. Yes.
33. Q. Going back to the day the accused, the Japanese officer and the driver came to your ranch. Did the accused at that time offer to pay you any money if your daughter Alfonsina went away with them?
A. No, he did not promise me anything. He said that I would be given help if I obey them.
34. Q. What kind of help?
A. I do not know.
35. Q. Did you ask him?
A. He said that the man was a high official and that he could give me help but I never received any help.
36. Q. The accused said that he, the accused, would give you help or that the high official could give you help?
A. He told me about it. He said that I will be given help. The other man was silent.

37. Q. Who did he, the accused, say would give help?
A. He was talking to the officer there and he said that I will be given help.
38. Q. By whom?
A. He said that the official would give me help, but the official didn't say anything. He did all the talking.
39. Q. When you say "he", do you mean the accused?
A. Shinohara.
40. Q. To whom did he say help would be given?
A. He said help would be given to me.
41. Q. Did you ever receive any help from the Japanese?
A. No, sir.
42. Q. Has your ranch ever been improved during the Japanese occupation, the ranch where you were living then?
A. Yes, there was some kind of improvement.
43. Q. Who gave you that help?
A. That was my own. I traded pigs, hogs and other things for building materials.
44. Q. Did the accused have any weapon with him when you talked with him that day at your ranch?
A. I do not know, he was well dressed, he was wearing a coat, but the officer with him had a sword.
45. Q. Did you see any sword being worn by the accused?
A. I did not notice that, because he was well dressed and had a coat on, and I do not know what was underneath.
46. Q. How long before the date you spoke of as having your talk with the accused had it been that Alice left your home?

The judge advocate objected to this question on the ground that it was incompetent, irrelevant and immaterial, and further that it was improper cross-examination.

The commission was cleared.

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

Reexamined by the judge advocate:

47. Q. Did you ever see the Japanese that accompanied the accused to your ranch at any time prior to that?
A. Never.

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. (Charge IV, specification 2)
A. Adolfo C. Sgambelluri, resident of Tutujan, Sinajana, and a patrolman by occupation.
2. Q. If you recognize the accused, state as whom.
A. I do, as Samuel T. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you ever see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. What was your occupation during the Japanese occupation?
A. I was a policeman, sir.
6. Q. Did you know Nicolasa P. Mendiola?
A. Yes, sir.
7. Q. Did you ever see her on Guam during the Japanese occupation?
A. Yes, sir.
8. Q. Did you ever see Nicolasa P. Mendiola and the accused in the presence of each other during the Japanese occupation?
A. Yes, sir.
9. Q. Please state the circumstances under which you saw them together.
A. I am not very sure of the date, but sometime in 1942. Shinohara, the defendant, came over to the Police Department and requested my assistance in locating a woman by the name of Nicolasa Mendiola. He came down in a car driven by a native, whom I do not remember. We proceeded to the district of Anigua, Agana, Guam, where Nicolasa was then residing. Upon arrival there, he sent me in to call Nicolasa to the car as he would like to talk to her. Nicolasa was rather reluctant to come out. She made excuses. Finally she came out and while at the car, Shinohara asked her to come down with him to Piti and work at a whore house where Japanese enlisted personnel were being entertained. She refused to work. She made excuses that she had children to take care, further that she did not like the job. Shinohara asked her to cooperate and come along to see the place and see if she liked it. She answered that she would later on if she can get clothes to wear as she had on only rags. The defendant remarked that she may come down. She did not have to stay there, to just come down for the day and to come back, and that Shinohara would furnish her clothes and anything else she needs if she worked in this house. She did come along with us in this trip. I remember there were two or three other Japanese in the car. I do not remember whether they came with us and whether we picked them on the way, but I remember two or three navy Japanese in the car and which we disembarked at the whore house at Piti. To the best of my knowledge, Nicolasa went into this house and later on came out in a matter of about 10 or 15 minutes and told Shinohara she will work just as soon as she found someone to take care of the children and some clothes to wear. We then took to Agana and that is all I know.

Cross-examined by the accused:

10. Q. What was your occupation in Guam at the time the Japanese occupied Guam?
A. I was a patrolman.
11. Q. Was that a civilian police?
A. Insular Police, under the Chief of Police of the Insular Police Force.
12. Q. For what length of time have you been so employed at the time the Japanese occupied the Island?
A. I was employed since about the middle part of 1933 up until the Japanese invaded the Island.
13. Q. In the performance of your duties as policeman during that period of time, have you ever had an occasion to investigate any activity of Nicolasa P. Mendiola?
A. To the best of my knowledge, she had been arrested once and sentenced.
14. Q. Was there a conviction on which that sentence was pronounced?
A. Yes, sir.
15. Q. What was the charge lodged against this girl for which a conviction was reached?
A. Vagrancy.
16. Q. Tell us if you know, whether this girl was ever treated for venereal disease during the period prior to the Japanese occupation?
A. To the best of my knowledge, I know she has been called upon to the hospital for examination, but as to her suffering any venereal disease, I do not know.
17. Q. Do I understand that she was examined for venereal disease before the Japanese occupation?
A. I know she was examined by a medical officer, but I do not know the result.
18. Q. Was the examination for that particular type of disease?
A. Yes, sir.
19. Q. You spoke of her having children at the time you and the accused talked with her at Anigua after the Japanese occupied the Island. Do you know how many children she had at that time?
A. If I am not mistaken, at the time she had an adopted child and one of her own.
20. Q. Tell us if you know, whether or not she had been married at that time?
A. I do not know.
21. Q. Tell us if you know, what was this girl's general reputation for morality and virtue at the time of the Japanese occupation of Guam?
A. The girl was reformed at the time of the Japanese occupation.
22. Q. Tell us if you know, when this reformation took place?
A. I am not sure, but I think right after she got out of jail.
23. Q. About what time was she convicted of vagrancy, if you recall?
A. I cannot recall the date.
24. Q. Was it a month before the Japanese occupation or what?
A. I cannot be sure of that. There were several cases. I simply cannot state any time at this time.

25. Q. You say the girl had reformed at the time of the Japanese occupation?

A. Yes, sir. She was staying at her home at Anigua, that is she did not run around like she used to.

26. Q. Then I take it, she had been under surveillance of the police department during the period of time before that?

A. That is right.

27. Q. Who was present at your talk there at Anigua you described when you, Mendiola and the accused were talking?

A. There was the driver of Shinohara. Shinohara had several drivers during the Japanese occupation so I cannot place which one of them. If I am not mistaken the Japanese navy men might have been there. I do not remember whether the Japanese navy men were with us or whether we picked them up on the way but I remember two or three were in the car that we dropped at Piti.

28. Q. Tell us if you know about what time was the whore house at Piti established?

A. Somewhere in the middle part of 1942 or before that.

29. Q. Tell us whether or not Nicolasa Mendiola worked in this house before?

A. Not in this house.

30. Q. Were you continuously with the accused from the time you arrived at Anigua and called up the girl until you left Piti to return and left this girl?

A. I was with him continuously until we came to Agana from Piti.

31. Q. To the best of your present recollection, have you told us everything said during that period of time in relation to the charge before this commission?

A. As far as I can remember that is all the accused said, unless you refresh my memory.

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 11:00 a.m., adjourned until 9:00 a.m., tomorrow, Wednesday, 8 August 1945.

Tenth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Wednesday, 8 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

The record of proceedings of the ninth 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. (Charge IV, specification 2)
A. Nicolasa P. Mendiola, resident of Agana Heights, and a nurse maid, Fleet
Hospital 111.
2. Q. If you recognize the accused, state as whom.
A. I do, Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you ever see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. On what occasion did you see the accused on Guam during the Japanese
occupation?
A. At the time when the accused and Sgambelluri came to my house. Sgambelluri
came in and asked me to come out because Shinohara wanted to talk to me.
6. Q. What date was this?
A. It happened sometime, either in February or March.
7. Q. What year?
A. 1942.
8. Q. Please state to the commission the circumstances.

A. When I came out to the car, Shinohara was in the car with another woman and a sentry with Sgambelluri. Then the accused asked me if I wanted to work at the whore house. I told the accused that I could not do it on account of my children. He insisted and said, "Come and try it at least for three days and see how you like it", and I said, "No". The accused insisted that I go, and told me that if I didn't go I will be punished, so I got in the car and he took me down. When we got down to the place, the manager was not there, so we turned back. On our way back, we dropped the other woman and we proceeded to my place where I got off.

9. Q. When did you next see the accused?

A. About two weeks later.

10. Q. Relate the circumstances of that time when you again saw the accused.

A. Two weeks later, the accused came to see me again and asked me if I wanted to work in a saloon. Just to serve drinks. I was willing to do that.

11. Q. Then what happened?

A. After that the accused took me to the hospital to have my physical examination and after I had passed physically, I was given my paper, then two days later the accused came and took me down to a place at Piti.

12. Q. What was that place at Piti where the accused took you to?

A. The building located on a hill formerly used by the Experimental Station, Piti.

13. Q. What were the circumstances you found when you arrived at that building?

A. I found rooms in that building. There was a boy. I stayed there and it was either the first or second night when the accused came and brought in an officer.

14. Q. What nationality was this officer?

A. Japanese.

15. Q. Did you have any conversation with the accused that time?

A. He brought in two Japanese officers and then the accused said, "Take care of these men", and I said, "What for?" and he said, "Well, your line of work".

16. Q. Was there any further conversation between you and the accused at that time?

A. I didn't want to. So he said, "If you didn't want to, you will be punished", and I asked him to quit, that I wanted to quit on account of my children and he said I cannot.

17. Q. Then what happened?

A. That is all. I stayed there. I was afraid to leave fearing that I might be punished.

18. Q. Did anything happen between you and the Japanese officer that time?

A. We went into the room and slept together because that was what we were supposed to do.

19. Q. Did you see the accused in that place after that?

A. Yes, he came there at times.

20. Q. On what occasion did he come?

A. Bringing in officers.

21. Q. About how long did you remain there?
A. I am not quite sure, it was 4 or 5 months.
22. Q. Did you ever discuss the matter of your being there with the accused at the time you saw him down there other than what you have mentioned?
A. Yes, there was one time when I asked him if I could quit.
23. Q. Did the accused make any reply?
A. He said I could not quit, that if I did I would be punished.
24. Q. The first night you mentioned you slept with the Japanese officer, what happened between you and that officer?
A. We slept in the room.
25. Q. Anything else happen?
A. Nothing else.
26. Q. State what happened between you and the Japanese officer, the accused brought there besides sleeping?
A. We had sexual intercourse.

Cross-examined by the accused:

27. Q. Thinking of the time that the accused, Sgambelluri and the woman that came to your home. What was the name of that woman?
A. Jesusa Taitano.
28. Q. And you say she was present when the accused talked to you in the car?
A. Yes, the girl was in the car with the sentry and Sgambelluri.
29. Q. You spoke of your children. How many children did you have that time?
A. One was my very own and the other one belongs to my sister but I reared her since 6 months old.
30. Q. Have you been married?
A. No.
31. Q. At the time you were speaking of when talking with Shinohara the accused, Sgambelluri and others, how old was your own child at that time?
A. Going on 12 years old.
32. Q. Prior to the Japanese occupation, were you ever convicted of crime?
A. No.
33. Q. Prior to the Japanese occupation, have you ever received any physical examination at the hospital here in Agana?
A. What kind of physical examination, there were many physical examinations.
34. Q. For venereal disease?
A. I do not want to answer that question. It lowers my reputation, but if I must answer it then I will.

The commission announced that the witness did not have to answer the question.

35. Q. Thinking of the time Sgambelluri, the accused, Jesusa Taitano and the sentry came to your home, did the woman go with you and the others to Piti that day?

- A. Yes, we went directly to Piti.
36. Q. Did anyone else go with you to Piti except the ones I mentioned?
A. No.
37. Q. When you arrived at Piti and stopped at the house as related before, did anyone go inside the house?
A. No one entered the house. We went as far as the steps and Ozone's name was called and when we found out he was not home, we left.
38. Q. Who went as far as the steps?
A. I remember Shinohara.
39. Q. Were you with him when he went to the steps?
A. The car was parked right in front of the steps and Shinohara called Ozone and someone answered he was not in.
40. Q. Did Jesusa Taitano stay there in the house?
A. First we went to Martinez' house, then we went to another house at Piti.
41. Q. When you say Martinez' house, what Martinez do you refer to, his first name?
A. I do not know which Martinez.
42. Q. Where did you leave Jesusa Taitano that day?
A. We left her at the other whore house because there were two of them.
43. Q. Was that where she was working at this time, if you know?
A. I do not know whether she was working there or not, but that is where she got off.
44. Q. At the time you went to Piti with Sgambelluri the accused and Jesusa Taitano, did you stop at the old Experimental Station?
A. We went directly to Martinez' house, then on our way we dropped off this girl at the second building there, because there were two buildings where the old Experimental Station was and one on top of the hill.
45. Q. Did you drop her in the same building where you came back later and stayed?
A. No, because I lived in the house on the hill.
- Examined by the commission:
46. Q. You stated you were hired by the accused as a bar maid to work in a saloon, is that correct?
A. Yes, sir.
47. Q. You accepted that position?
A. Yes, sir, besides the other business.
48. Q. Did you ever perform the duties of a bar maid for the accused?
A. No, sir.
49. Q. So you didn't perform any duty as a bar maid?
A. No, sir.
50. Q. You were took by the accused to a house on a hill by the old Experimental Station, is that correct?
A. Yes, sir.

51. Q. How long were you there before the accused brought these two Japs?
A. If it was not the first night then the second night.
52. Q. That was the second night you had been in this house?
A. Yes, sir, it must have been.
53. Q. What did you do before that?
A. I didn't do anything. As far as my meals were concerned, they came from the Martinez' house where Ozono was living.
54. Q. Did they dispense liquor or refreshments there?
A. Yes, sir.
55. Q. Who served it?
A. There was a boy there specially hired for that.
56. Q. When did you first find out that you were to be used for other purposes than dispensing liquor at the bar?
A. The second night when Shinohara came out with some officer.
57. Q. When the accused came out with two officers to this house on this night, tell us exactly what the accused said and what you said to him as near as you can remember.
A. He told me to take the men to the room and I said, "No", then he said, "This is what you are going to do here".
58. Q. Was that all?
A. Yes, sir.
59. Q. In other words the accused just informed you that that is to be your job and you went on and did that, is that correct?
A. Yes, sir.
60. Q. You said in your previous testimony that you had to stay there or you would be punished. What were you to be punished for if you didn't do it?
A. The accused said that I was to take care of the officer to take them to the room and that if I didn't do that I would be punished for that.
61. Q. What do you mean by punished?
A. He said I would be put in jail and I was afraid of the Japanese and their punishments.
62. Q. Afraid of the Japanese?
A. Yes, I was afraid I would be punished.
63. Q. By whom?
A. The accused said I would be put in jail so that means the Japanese would do that.
64. Q. Then the accused threatened you that if you didn't comply with his orders to care for the Japs, is that correct?
A. Yes, if I didn't comply with his wishes, I would be punished.

Neither the judge advocate, the accused, nor the commission desired further to examine this 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. (Add. charge I, spec. 2)
A. Jesus Carbullido Okiyama, 32 years, clerk, U.S. Naval Military Government Labor Office.
2. Q. If you recognize the accused, state as whom.
A. I do, as T. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Are you an American national?
A. Yes, sir, because I was born in Guam and took Guam citizenship in 1937.
5. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
6. Q. Are you familiar with the word, "Dai Nisei"?
A. Yes, sir, I am.
7. Q. Please state what you know about that.
A. The Dai Nisei is a Japanese word which means children having Japanese extraction, half-caste Japanese.
8. Q. Was there such organization in Guam during the Japanese occupation?
A. Yes, sir, there was an organization of that Dai Nisei.
9. Q. How do you know there was such an organization during the Japanese occupation?
A. Unfortunately I was one of the members of that organization.
10. Q. Do you know how that was organized?
A. To the best of my recollection, one day the accused, Shinohara, came to my house which was about one hundred yards away from his then residence in Agana. He asked me to work for him as typist. He told me to report to work at a building across from his house every morning at 8. I came there the first morning and the first thing he had me do was to make a list of all Guam born Japanese or Nisei and I turned the list over to him as soon as it was finished. After I did this, the first thing I knew some of these boys came up to that officer where I was working. Then at a later day, another bunch came up. One day when about between 20 to 30 Nisei were present, Shinohara took his seat at the middle center of a long table and there the first meeting started. Shinohara got up and started talking to us. The first thing he told us was that the United States of America and the Imperial Government of Japan were in a state of war, and that the Americans had been pushing the Japs around for a considerable length of time and the Japanese could not stand it any longer and finally came to a show-down. He told us that we the Nisei, the half-caste of Guam, had been pushed around by the Americans and the time has come when we shall do everything possible to help the Japs win this war.
11. Q. Is there anything else?
A. He told us that we have to be present there every morning at his office and that we shall always be ready to offer our services to any of the established Japanese Military Units here. He said he will inform us as to where and when our services are needed.

12. Q. Do you remember anything else?
A. That was the first meeting we had. That was all that he discussed.
13. Q. Was there any other business conducted in this building which you had as headquarters?
A. There wasn't any.
14. Q. Was there anyone present other than people of Japanese half-caste?
A. I do not believe there was anybody.
15. Q. Was the meeting open to the public?
A. No, it was not open to the public, it was strictly for Japanese Nisei.
16. Q. Were you paid for your services and duties that the accused assigned to you at that time?
A. At that time, there was no payment. My services were just free.
17. Q. Was any compensation given to any member for services rendered?
A. There wasn't any since I became a member.
18. Q. How long were you employed in that position?
A. I worked for Shinohara in that capacity of working for him as a clerk at least for a period of two months.
19. Q. Who gave you orders as to what you were to do in that capacity?
A. I received my orders directly from Shinohara.
20. Q. Did you ever receive any order as a Dai Nisei from any other person other than the accused?
A. No, sir.
21. Q. Did you know of any occasion in which any member did render services to the Japanese Military Forces?

The accused objected to this question on the ground that it was too broad and not understandable and tending to bring forth answers which would not be pertinent to the issue.

The judge advocate withdrew the question.

22. Q. Do you know of any occasion whereby any member of the Dai Nisei carried out the purposes of which the accused said they were organized for?

The accused objected to this question on the same ground as the previous one.

The judge advocate replied.

The commission was cleared.

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

The question was repeated.

A. On one occasion Shinohara came in and told us to send two boys over to the Menseibu, then the Civil Affairs Office of the Japanese occupying forces.

23. Q. What were the names of those two boys?

A. One I remember very well as Jesus Ishizaki of Umatac, and the other I could not very well remember.

24. Q. Where were they sent to?

A. To the Menseibu which was the Civil Affairs of the Japanese occupying forces.

25. Q. Who asked that they be sent over there?

A. Shinohara.

26. Q. Do you know any other occasion?

A. On one occasion Mr. Shinohara took me to the Navy Garrison Force over here and he had me type 200 copies of ration tickets in the Navy Department.

27. Q. Is that the time you were engaged as clerk of the accused?

A. Yes, sir.

28. Q. Was there any other occasion when members of the association were engaged in military work?

A. At a later date, the Japanese occupying forces started to build air fields in the Island. Shinohara told us to offer our services to work in this air field. I know that most of these boys supposed to be members of this Dai Nisei Organization worked in this air field.

29. Q. Did you ever have any other meetings where the accused was present other than the first one you have mentioned?

A. At a later date the accused sent us word for us to assemble at the Japanese officers' club, formerly the Elks Club. He had us there and a meeting was held in which he presided. He was then talking to us.

30. Q. Do you know how many members were present in that meeting?

A. Considerable number, say about 25 to 30 members were present.

31. Q. Was that a public meeting?

A. No, it was held at the Officers' Club and restricted.

32. Q. Who was in charge of that place you mentioned, the Officers' Club, do you know? Who owned it?

A. To the best of my knowledge, Shinohara was in charge of the club. As to who owned it, I do not know.

The witness was duly warned.

The commission then, at 11:20 a.m., adjourned until 9:00 a.m., tomorrow, Thursday, 9 August 1945.

Eleventh Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Thursday, 9 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

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

No witnesses not otherwise connected with the trial were present.

Jesus Carbullido Okiyama, the witness under examination when the adjourn-
ment was taken, entered. He was warned that the oath previously taken was still
binding, and continued his testimony.

Examined by the judge advocate:

33. Q. Are you the same Jesus C. Okiyama that testified in this case yesterday?
A. Yes, sir.

34. Q. Other than the clerical duties you have testified to in the office of
the Dai Nisei, did you ever do any other work for the Dai Nisei as an organization?
A. Yes, sir.

35. Q. What was that?

A. Well, after the first bombing of the Americans of the Island of Guam, I
moved up to a place called Ialo. I stayed there for several weeks and then I
received word by messenger that Shinohara wanted to see me. I came down im-
mediately to see him and he asked me why I was not working, why I am not con-
tributing my labor to the air field construction. I told him that I have a
family to support and I cannot very well donate my labor daily over there and
he said I have to work in the airfield. At the same time, he rang the telephone
trying to contact some official. Failing in that he took me around to some
office over here in which the official was not present and took me back to his
place and told me to report for work three times a week or else he will turn in
my name to the Japanese official.

The accused moved to strike out this answer on the ground that it was
incompetent, 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 motion was overruled.

36. Q. Continue.

A. After that I went back to the ranch and on the following week, I reported to work at the air field where there was a group of Nisei already working. I reported to the Nisei.

37. Q. What kind of work did you do?

A. The first day I worked on building a berth for airplanes then the next two days, I worked on communication lines.

38. Q. Where were those communication lines?

A. It was right in the air field area.

39. Q. What point did it run to, do you know?

A. The communication line had already reached the lower part of the air field. I do not know where it started nor where it ends because I worked there for only two days.

40. Q. Did you get paid for that work?

A. I exactly do not know on which project I was paid. Whether for the building of the berth or the construction of the communication lines, but I got paid three yen for working up there.

41. Q. Who paid you?

A. I got the money from a man named Sayama.

The accused moved to strike the testimony of this witness on the ground that it was incompetent, irrelevant and immaterial.

The judge advocate replied.

The commission announced that the motion was overruled.

42. Q. Who was Sayama?

A. He is one of the local Japanese residents of Guam.

43. Q. Were you working on these projects as a member of the Dai Nisei?

A. Yes, sir.

44. Q. Who told you to work on this project?

A. Shinohara.

45. Q. Were any other members of the Dai Nisei with you that time?

A. Yes, sir.

46. Q. Do you remember who they were?

A. To the best of my recollection Jesus Sayama, Ambrocio Shimizu, Felix Sakai, there are some other members which I cannot very well recall. But of these three I am very sure they were with me at the time.

Cross-examined by the accused:

47. Q. There were Chamorros working with you at the air field at the time you spoke of, were there not?

A. There were Chamorros working but not with us.

48. Q. What do you mean by "not with us"?

A. This Dai Nisei worked as a separate unit.

49. Q. In other words, as a separate work gang?

A. A separate unit.

50. Q. Didn't every working man up there work in a different work group?

A. I do not know whether these other people worked there as a gang or group, but the group I was working with is entirely Dai Nisei.

51. Q. Is it not true that the Dai Nisei was formed for civilian defense to fight fires and that type of things?

A. As far as I know the Dai Nisei was formed to help, that is for us to show every possible way in helping the Japanese win the war.

52. Q. One of those possible ways was in disaster relief such as the bombing of the Island?

A. That is one possibility of that, but I do not know. What I know, I have already stated. That is one of its possibilities, I do not know.

53. Q. Is it not a fact that the organization was first heard of in Guam either on the latter part of 1942 or 1943?

A. As far as my knowledge is concerned this organization was first established in the latter part of January, 1942, about a month and a half after the Japanese invasion.

54. Q. Is it not true that there are similar organizations in Guam made up of Chamorros called Kyowa Kai?

A. I have heard of that name, but as to its exact duties and administration, I do not know.

55. Q. During the time of the Japanese occupation, did you know of a man named Kyomo Miwa?

A. I do not know.

56. Q. To refresh your recollection; the man was a school teacher on Guam.

A. I never attended school.

57. Q. As you recall now, how many meetings were held of the Dai Nisei members during the time of the Japanese occupation?

A. To the best of my recollection there were two actual meetings held where Shinohara was presiding.

58. Q. Are you familiar with the pre-war organization, the Japanese Society in Guam?

The judge advocate objected to this question on the ground of improper cross-examination.

The accused made no reply.

The commission announced that the objection was sustained.

59. Q. Do you know whether or not there was in Guam just prior to the Japanese occupation an organization known as Japanese Society?

A. Yes, I think there was an organization of the Japanese Society.

60. Q. Were you a member of that organization?

A. No, sir.

61. Q. Was it not stated to you during the time of the Japanese occupation that the Dai Nisei was a continuation of the Japanese Society?

A. No, it was not stated to me.

62. Q. Did the Dai Nisei have a constitution?

A. No, there wasn't any constitution.

63. Q. Did they have any paper that showed why it was organized?

A. There wasn't any paper.

64. Q. During the period of the Japanese occupation, were people of Guam ever advised by the Government there was danger of bombardment or bombing of Guam?

A. No, I never heard of one.

65. Q. Was there any curfew hours established by the Japanese in Guam while they were here?

The judge advocate objected to this 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 sustained.

66. Q. Give us the names of the members of the Dai Nisei during the period of the Japanese occupation as far as you can recall such names now.

A. Felix Sakai and his brother Tomas, the Sayama boys, Pedro and Jesus, the Haniu boys, Jose and Juan, the Ishizaki boys, Jesus and Vicente, the Yoshida boys, I do not know their names, the Fujikawa boy, the Suzuki boy, and practically all boys of Japanese extraction.

67. Q. Were there any girl members?

A. There were girls but I do not know their names.

68. Q. Did you have any social parties as a group?

A. No, the Japanese as a rule does not believe in that. They do not believe in parties but only work.

69. Q. Was there any minimum age limit for members in the group?

A. There was no age specified as to eligibility of members, but boys well built and able bodied were called upon to become members.

Examined by the commission:

70. Q. In your testimony you referred to Shinohara. Do you mean the accused in this case in all instances?

A. Yes, 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. (Add. Charge I, Spec. 2)
A. Jesus Baza Sayama, a resident of Yona, and a laborer by occupation.
2. Q. If you recognize the accused, state as whom.
A. I do, as Shinohara.
3. Q. Do you know his first name?
A. I only know him as Shinohara.
4. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
6. Q. Do you know what Dai Nisei is?
A. An organization of half-breed Japanese.
7. Q. How do you know it was an organization of half-breed Japanese?
A. Mr. Shinohara informed us that it was.
8. Q. Were you a member of that organization?
A. Yes, sir.
9. Q. Did you ever attend any meeting of that organization?
A. Yes, sir.
10. Q. When was the first meeting you attended?
A. About a month and a half after the invasion of the Japanese.
11. Q. Where was that meeting held?
A. In a building opposite Shinohara's residence.
12. Q. About how many were present in this meeting?
A. About 25 to 30.
13. Q. Was that a public meeting?
A. No, it was strictly for the half-breeds.
14. Q. What happened at that meeting, if you recall?
A. Shinohara told us that we were assembled there to get together and win the war as soon as possible.
15. Q. Did the accused say anything else?
A. That is all I understood.
16. Q. Did the accused say who was to win the war?
A. He said the Japanese.

17. Q. Did you ever attend any other meeting of the Dai Nisei?

A. Yes, sir.

18. Q. Where was that meeting held?

A. At the former Elks Club.

19. Q. How many members of the Dai Nisei were in that meeting?

A. About 40 members.

20. Q. Was there any particular occasion on which that meeting was held?

A. I understood there was a high official leaving the Island for Japan and that we were gathered there for this official to see us.

The accused moved to strike the last answer of the witness on the ground that it was hearsay.

The judge advocate replied.

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission announced that the motion was overruled.

21. Q. Was there any one present in that meeting besides the members of the Dai Nisei Club?

A. Yes, sir.

22. Q. Who was present?

A. Shinohara.

23. Q. Anyone else?

A. The official that was to leave the Island.

24. Q. What kind of official was that?

A. Naval officer.

25. Q. Who asked you to go to the first meeting of the Dai Nisei Club?

A. Shinohara.

26. Q. Who asked you to go to the second meeting of the Dai Nisei Club?

A. Shinohara again.

27. Q. Did you ever do any work as a member of the Dai Nisei organization?

A. Yes, sir.

28. Q. Who asked you to do that work as a member of the Dai Nisei Club?

A. Shinohara.

29. Q. What work did you do?

A. We were made to work at the air base.

30. Q. Did you see any other member of the Dai Nisei working in the air base with you?

A. Yes, sir.

31. Q. Give their names.

A. Felix Sakai, Onedera, Juan, Ishizaki, William.

32. Q. Did the members of the Dai Nisei participate in any other activity?
A. Yes, sir.
33. Q. What were they?
A. They were made to dig tunnels for air raid shelters.
34. Q. Did you ever work on any of the tunnels?
A. Yes, sir.
35. Q. Did any other member of the Dai Nisei Club work at the tunnel with you?
A. Yes.
36. Q. Give their names.
A. Tomas Ooka, Jose Tajama, Ambrocio Shimizu and Jose Ichihara.
37. Q. Who ordered you to work on that transmission line?
A. Shinohara.
38. Q. Did the Dai Nisei Club have any other activity as a group?
A. I was employed only on that line of work. We were also made to drill every first and third Sunday.
39. Q. What kind of drill did you have?
A. Something like left face, right face and forward march.
40. Q. Anyone else present besides the members of the Dai Nisei at these drills?
A. Yes.
41. Q. Who else?
A. Shinohara.
42. Q. Anybody else?
A. The drill instructor.
43. Q. How many hours did you drill on each day you met?
A. About three hours.
44. Q. What did Shinohara, the accused, do?
A. He followed behind us and whenever we made a mistake he reprimanded us. When we had to pass in review, Shinohara stood on one side as an official.
45. Q. What were you drilling for, were you ever told?
A. We were informed that we were to learn the various drills so that in case the Americans came we were to help the Japanese soldiers.
46. Q. Who informed you of that?
A. Shinohara.
- Cross-examined by the accused:
47. Q. On what air base did you work?
A. I worked at Sumay air base for five days and after that I worked at the Agana Air Base.
48. Q. About what date was that when you worked at the Agana Air Base?
A. October, 1943, as to the exact date I am not sure.

49. Q. About what date was it that you worked at the Sumay Air Base?
A. April, 1943.
50. Q. Were you paid for the work at Sumay Air Base?
A. No, sir.
51. Q. Were you paid for working at the Agana Air Base?
A. We were paid during the month of March and April, 1944.
52. Q. Tell us if you know whether the Chamorros working on the Agana Air Base were paid?
A. I heard they were going to get paid, but they only received a slip of paper.
53. Q. Did any of your Chamorro friends work at the Sumay Air Base?
A. Yes, a great many of them.
54. Q. Did any of your Chamorro friends work at the Agana Air Base?
A. Yes, sir.
55. Q. Did you work with them at the Agana Air Base?
A. No, we were separated. The half-breeds did separate work.
56. Q. Is it not true that the Dai Nisei was organized for the purpose of helping in air raid protection and disaster relief?
A. I understood that the Dai Nisei, the local Japanese, the members of the Menseibu and the members of the Kihatshu were assembled and known as members of the Kebodan to help in disasters and things like that.
57. Q. Were there any girl members of the Dai Nisei?
A. Yes, sir.
58. Q. Did you have social parties?
A. We had a social gathering once when Sakai was about to leave the Island.
59. Q. Who was Sakai?
A. A naval officer and he was our instructor at school at one time.
60. Q. And was he one of the organizers and promoters of the Dai Nisei?
A. I understood that he was helping along the line of drilling.
61. Q. Is it not true that the Dai Nisei was organized to help maintain law and order among the civilians of Guam in case of disaster relief emergency?
A. I understood there was something to that effect, but it applied to the Kebodan.
62. Q. Was there any minimum age limit for members of the Dai Nisei?
A. From 16 years up.
- Reexamined by the judge advocate:
63. Q. Explain what you mean by the Menseibu and Kohatshu? What nationality were the members?
A. All Japanese, and there were other people known as the Okinawas.

Recross-examined by the accused:

64. Q. Didn't the Kohatshu employ Chamorros?

A. Yes, sir.

65. Q. The organization of the Kohatshu was for growing food on the Island, was it not?

66. Q. And the Menseibu, doesn't that mean the same as Civil Affairs and Military Government in English?

A. That is what I understand.

67. Q. And didn't that organization employ Chamorros?

A. Yes, sir.

68. Q. Many of the public officials of that organization were Chamorros, were they not?

A. Yes.

69. Q. The commissioners, for example, were Chamorros, were they not?

A. Yes, sir.

70. Q. Mr. Zafra was the Chief Commissioner, was he not?

A. Yes, sir.

Reexamined by the judge advocate:

71. Q. Was one of these organizations you named composed of full blooded Japanese?

A. I do not know.

Examined by the commission:

72. Q. Whenever you mentioned the name Shinohara in your testimony, did you refer to the accused on all occasions?

A. Yes, 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.

The commission then, at 11:30 a.m., adjourned until 9:00 a.m., tomorrow, Friday, 10 August 1945.

Twelfth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Friday, 10 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

The record of proceedings of the eleventh 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. (Add. charge I, spec. 2)
A. Felix Flores Sakai, resident of Chalan Pago, and a plumber by occupation.
2. Q. If you recognize the accused, state as whom.
A. Yes, as Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes.
5. Q. Do you know what the Dai Nisei organization is?
A. Yes.
6. Q. Was there an organization of that name in Guam during the Japanese occupation?
A. That was the beginning of it.
7. Q. Were you a member of that organization?
A. Yes, sir.
8. Q. How did you become a member of that organization?
A. Shinohara came to my house and told us to meet at the building which was formerly his restaurant.

9. Q. Did you go to that meeting?
A. Yes, sir.
10. Q. Did you go to that meeting because the accused asked you to go?
A. Yes, sir.
11. Q. What date was that meeting?
A. About a month and a half after the Japanese invasion.
12. Q. Were there any other people at that meeting?
A. Yes, sir.
13. Q. Was the accused at that meeting?
A. Yes, sir.
14. Q. Do you remember the names of some of the other people who were at that meeting?
A. Not all but I can mention a few.
15. Q. Mention the few you remember.
A. Jesus Okiyama, Tomas Flores, the two Sayama boys. That is all I can remember.
16. Q. What nationality were the members of that meeting?
A. Half-breed Japanese.
17. Q. Did the accused say anything at that meeting?
A. Yes, sir.
18. Q. What did he say?
A. He told us that we gathered there so that we could help the Japanese Government win the war.
19. Q. Did you ever attend any other meeting of the Dai Nisei?
A. Yes.
20. Q. Where was that meeting?
A. At the former Elks Club.
21. Q. Who ran that club, if you know, at the time you attended this meeting?
A. Shinohara.
22. Q. How many were at that meeting?
A. There was quite a number, but I could not mention all their names.
23. Q. Do you remember the names of some of them who were there?
A. Only one.
24. Q. Who is that?
A. Juan Okada who was right beside me.
25. Q. Was that a public meeting or just for the club, the Dai Nisei organization?
A. Only for the Dai Nisei members, the half-breed Japanese.
26. Q. Going back to the first meeting; was it public meeting of just those of Japanese extracts?
A. Only for those of Japanese extracts.

27. Q. At the meeting at the Elks Club, did you see the accused at that meeting?
A. Yes, sir.
28. Q. Was there any other person there that you remember at the time, other than members of the Dai Nisei?
A. Only the Aide to the Governor.
29. Q. Do you know his name?
A. I only know his last name, Sakai.
30. Q. Was he a member of the Japanese armed forces?
A. Yes.
31. Q. Did the accused say anything at that meeting?
A. Yes, but I cannot recall all he said. Only one thing I recall which I asked Shinohara that time.
32. Q. What did you ask Shinohara, the accused, that time?
A. I asked him when the war will be over.
33. Q. And did he answer you at that time?
A. Yes.
34. Q. What did he say that time?
A. Not until all the Americans put up their hands and surrender.
35. Q. Did you ever do any work as a member of the Dai Nisei?
A. Yes.
36. Q. Where did you work?
A. At the Sumay Air Base.
37. Q. What kind of work did you do there?
A. Pick and shovel.
38. Q. Did you get paid for that?
A. No.
39. Q. Who asked you to work at the Sumay Air Base?
A. Shinohara.
40. Q. Did any other member of the Dai Nisei work with you at the air base at that time?
A. Yes.
41. Q. Do you remember their names?
A. Edmund Okada and Jose Blas.
42. Q. Did you ever have any other gathering of the Dai Nisei that you remember?
A. Yes, but everytime it meant work to be done.
43. Q. Did you work at any other time that you remember as being a member of the Dai Nisei?
A. Yes.
44. Q. Where was that?
A. Making tunnels at San Ramon and at the air base transmission lines from Agana to the Agana Air Base.

45. Q. You worked at the tunnel; was there any other member of the Dai Nisei at that time?
A. Yes.
46. Q. Do you remember their names?
A. Pedro Sayama.
47. Q. When you worked at the transmission line, did any other member of the Dai Nisei work with you there?
A. Yes, Ambrocio Shimizu.
48. Q. Anyone else?
A. Jesus Sayama.
49. Q. Did any other member of the Dai Nisei work with you on the Agana Air Base?
A. Yes.
50. Q. Do you remember their names?
A. Jesus Sayama and Juan Okada.
- ✓ 51. Q. Who asked you to work on this tunnel?
A. Shinohara.
52. Q. That is the accused?
A. Yes.
- ✓ 53. Q. Who asked you to work at the transmission lines?
A. The accused again.
- ✓ 54. Q. Who asked you to work at the Agana Air Base?
A. Shinohara.
55. Q. Do you remember any other time when the members of the Dai Nisei were gathered?
A. Yes.
56. Q. On what occasion, if you remember?
A. That was for drills.
57. Q. Did they gather for drill more than once?
A. Yes.
58. Q. How often did they gather for drills?
A. Twice a month, first and third Sundays.
59. Q. Was anybody else present besides the members of the Dai Nisei?
A. Yes.
60. Q. Who was that?
A. Shinohara and the drill instructor who was a member of the Menseibu.
61. Q. Did the accused take any part in the drill?
A. The accused was always present and stood there to look over the pass in review.
62. Q. Were you ever told what you were being drilled for as members of the Dai Nisei?
A. Yes.

63. Q. Who told you?

A. Shinohara.

64. Q. What did he say?

A. The accused said that we were drilling in case the enemy should come we were to help the armed forces.

Cross-examined by the accused:

65. Q. How many Chamorros worked at the Sumay Air Base when you were working there?

A. I cannot state that because there were very many.

66. Q. At the Agana Air Base, how many worked there when you were working there?

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

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 sustained.

67. Q. Where were these drills held you speak of?

A. At the San Antonio Plaza.

68. Q. Did many people appear there to watch the drills?

A. Yes, because that was the time when they held mass down there and usually a big crowd was there.

69. Q. You spoke of drill master. Was he a civilian or military man?

A. Civilian.

70. Q. And you said, I believe, he was an official of the Menseibu?

A. I do not know, but I knew he was a teacher.

71. Q. What was the Menseibu?

A. Civil Government.

72. Q. Were you on Guam during the entire period of Japanese occupation?

A. Yes.

73. Q. Is it not a fact that the Dai Nisei was organized for the purpose of assisting the government in case of disaster such as typhoon, air raids and that type of things?

A. Yes.

74. Q. Did any one other than members of the Dai Nisei work on the tunnel you spoke of helping build?

A. Yes, Japanese members of the Menseibu and Kohatshu.

75. Q. Did any people, other than members of the Dai Nisei organization work on the Agana Air Base when you were working there?

A. Yes, there were other Chamorros.

76. Q. About what date did you work at the Agana Air Base?
A. I do not remember.

77. Q. Was it soon after the Japanese occupation or soon before the American invasion? Try and picture it as near as you can.
A. In the year 1944, I do not remember the month.

78. Q. Have you ever been convicted of crime prior to the occupation of Guam by the Japanese?
A. Yes.

Examined by the commission:

79. Q. In your testimony, you referred to the name, Shinohara; did you mean the accused at all times you mentioned that name?
A. Yes, 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. (Add. Charge I, Spec. 2)
A. Juan Santos Okada, resident of Chochogo, Sinajana, working at the Public Works Department as electrician.

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

3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.

4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir, I saw him.

5. Q. Do you know what Dai Nisei organization is?
A. It is a group of young people.

6. Q. What nationality?
A. Half-breed Japanese.

7. Q. Were you a member of that organization?
A. Yes, sir, I am.

8. Q. Who asked you to join that organization?
A. The accused asked me to join it. I was forced to do it.

9. Q. Did you ever attend any meeting of that organization?
A. I only attended it once.

10. Q. Where was that meeting?
A. At the former Elks Club Building.

11. Q. How many were there?
A. I do not know exactly, but approximately 40 of us.
12. Q. Was that meeting public or just for the Dai Nisei?
A. I believe it was just for the Dai Nisei.
13. Q. Was the accused there?
A. Yes, he was there.
14. Q. Did he say anything that time?
A. He stood up and said something, but I cannot recall all the things he said. I only remember some.
15. Q. Was there any discussion between the accused and any member of the Dai Nisei at that time?
A. I do not remember.
16. Q. Do you know Felix Sakai?
A. Yes, sir, I know him.
17. Q. Was he a member of the Dai Nisei, if you know?
A. Yes, he was a member of the Dai Nisei.
18. Q. Was he at this meeting at the Elks Club, if you know?
A. Yes, sir, because he sat right next to me.
19. Q. Was there any conversation between the accused and Felix Sakai that meeting?
A. Yes, sir, there was.
20. Q. What was the conversation?
A. Felix Sakai asked the accused when will this war be over.
21. Q. And did the accused answer?
A. Yes, he answered.
22. Q. What did he say?
A. He said not until all the Americans surrender.
23. Q. Did you ever do any work under the auspices of the Dai Nisei organization?
A. Yes, sir.
24. Q. Who told you to do that work?
A. The accused told me personally.
25. Q. And what was the work?
A. To work at the air field.
26. Q. Did you work at the air field?
A. Yes, I only worked a day there.
27. Q. Do you remember whether there was any other member of the Dai Nisei working with you at the air field?
A. Yes, it was Felix Sakai who worked with me up there.

Cross-examined by the accused:

28. Q. Did anyone other than Felix Sakai work with you at the air field up there at that time?

A. No, sir, there were only two of us, Felix and myself.

29. Q. What air field was that?

A. Agana Air Base.

30. Q. About what date was that?

A. It was on the 11th of June, 1944.

Examined by the commission:

31. Q. When you refer to the name Shinohara in your testimony, do you mean the accused in this case?

A. Yes, 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.

The commission then, at 10:15 a.m., took a recess until 10:35 a.m., at which time it reconvened.

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

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. (Add. Charge I, Spec. 2)
A. Jesus Cruz Hara, resident of Tutujan, Sinajana, and a machinist helper by occupation.

2. Q. If you recognize the accused, state as whom.
A. I do, Mr. Shinohara.

3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.

4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.

5. Q. Do you know what the Dai Nisei organization is?
A. Yes, sir.

6. Q. Were you a member of that organization?
A. Yes, sir.

7. Q. How did you become a member of that organization?
A. A native patrolman came to me and told me to report over to Shinohara's restaurant.

8. Q. What date was this?
A. About a month and a half after the Japanese invasion.
9. Q. What was this native patrolman's name?
A. Juan Rivera.
10. Q. Did you report at Shinohara's restaurant by order of the native patrolman?
A. Yes.
11. Q. What did you find there when you reported at Shinohara's restaurant?
A. I found some half-breed Japanese.
12. Q. About how many?
A. Between 30 to 40.
13. Q. Was the accused present that time?
A. No, he was not there yet.
14. Q. Did he appear later?
A. Yes, sir.
15. Q. Did he say anything at this time?
A. Yes, sir.
16. Q. How many were present at the time he said something?
A. From 30 to 40.
17. Q. What did the accused say?
A. The accused said this assembly is for the purpose of helping the Japanese and to help the Japanese Government in order to win the war.
- ✓ 18. Q. Did anybody else address that meeting?
A. No.
- ✓ 19. Q. Did the members of the Dai Nisei do any kind of work?
A. Yes, sir.
20. Q. Did you do any work under the auspices of the Dai Nisei?
A. Yes, sir.
21. Q. What kind of work did you do?
A. Pick and shovel.
22. Q. Where was that?
A. At the Agana Air Field.
23. Q. Who told you to do that work?
A. Mr. Shinohara.
24. Q. Did any other member of the Dai Nisei work with you at that time?
A. Yes, sir.
25. Q. Do you recall their names?
A. Yes, sir.
26. Q. What were their names?
A. Jesus Sayama, Pedro Sayama, Felix Sakai and Jesus Okiyama.

27. Q. Did you do any other work under the auspices of the Dai Nisei?
A. No.
28. Q. Did the Dai Nisei have any kind of meeting or gathering other than the one you have just testified to, where you were present?
A. Yes, sir.
29. Q. What were they?
A. There was a meeting at the Elks Club.
30. Q. Were you present?
A. Yes.
31. Q. Were members of the Dai Nisei Club there?
A. Yes, sir.
32. Q. About how many?
A. About 50 of them.
33. Q. On what occasion was that meeting, if you know?
A. There was going to be a party held in honor of the school teacher that was to leave the Island for Japan.
34. Q. Was anyone present besides members of the Dai Nisei Club?
A. Yes, sir.
35. Q. Who was there?
A. Shinohara and the teacher.
36. Q. Do you remember of any other meeting or gathering of the Dai Nisei?
A. We were gathered for the purpose of attending school.
37. Q. What school?
A. Japanese school.
38. Q. Do you know if the Dai Nisei participated in any other activity as an organization?
A. Yes.
39. Q. What was that?
A. We were gathered for drills.
40. Q. What kind of drill?
A. Drills as soldiers drill.
41. Q. Did you gather for the purpose of drilling as soldiers more than one time?
A. Yes, sir.
42. Q. How many times, if you remember?
A. I drilled about 4 times.
43. Q. Was anyone present at this time other than those who drilled?
A. Yes.
44. Q. Who was present?
A. I do not know, but there was quite a crowd after the mass.

45. Q. Did you see the accused there?
A. Yes, sir.

✓ 46. Q. What was he doing?
A. He was just watching how we were doing.

Cross-examined by the accused:

47. Q. Who was in charge of the drills you attended?
A. Shinohara, but he was not the drill master.

48. Q. Who was the drill master?
A. A civilian Japanese member of the Menseibu.

49. Q. Explain your answer, Shinohara was in charge of the drill, what do you mean by that?
A. He was our master that time, he gave out orders.

50. Q. Who gave the orders at the drill?
A. The Japanese civilian, but he got his orders from Shinohara because Shinohara did not know how to conduct the drills.

51. Q. Were you present when he got the orders from Shinohara?
A. No, sir.

The accused moved to strike the portion of the previous answer of this witness beginning with the words, "but he got his orders from Shinohara because Shinohara did not know how to conduct the drills", on the ground that it was hearsay.

The judge advocate replied.

The commission was cleared.

L The commission was opened. All parties to the trial entered and the commission announced that the motion was overruled.

✓ 52. Q. I believe you said a school teacher was present at the gathering at the Elks Club, is that right?
A. Yes, sir.

53. Q. I believe you said a civilian was your drill master who gave orders at the drills you mentioned, is that right?
A. Yes, sir.

54. Q. Was that drill master a school teacher?
A. Sometimes.

55. Q. Was he the same man present at the Elks Club in the party you spoke of?
A. No, sir.

56. Q. The school teacher present at the Elks Club party, was he a civilian or military man?
L A. Military man.

57. Q. You spoke of Menseibu a while ago. What was the Menseibu?
A. It was the civilian Government governing all the people at that time.

58. Q. I believe you said the drill master was some one employed by the Menseibu, is that correct?

A. Yes, sir.

59. Q. You spoke of working at the air field, was that the Agana Air Field?

A. Yes, sir.

60. Q. About what date was that when you worked there?

A. Maybe about the middle part of 1943.

61. Q. Did any civilian other than members of the Dai Nisei work on that air field?

A. Yes, there was quite a number.

62. Q. Will you name a few of them that you can recall their names?

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

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 sustained.

Reexamined by the judge advocate:

63. Q. You spoke of school, did you ever attend any of these Japanese schools?

The accused objected to this question on the ground that it was improper re-direct examination and further that it was incompetent, 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 of the accused was sustained.

Examined by the commission:

64. Q. When you refer to the name of Shinohara in your testimony, do you mean the accused in all cases?

A. Yes, 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. (Add. Charge I, Spec. 2)
A. Jose Caesarius Blas, resident of Agana Heights Village, store keeper, NSD.
2. Q. If you recognize the accused, state as whom.
A. I do, T. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir, I was.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir, I did.
5. Q. Do you know what Dai Nisei is?
A. I do not know exactly the meaning of Dai Nisei but I have an idea. It is an organization of persons who are of Japanese extracts.
6. Q. Were you a member of the Dai Nisei?
A. I was.
7. Q. Why did you become a member of the Dai Nisei?
A. Because I was forced to be a member.
8. Q. How were you forced?
A. A message came to my house via a police department that I was required to appear at a certain house because Shinohara wanted me there.
9. Q. Do you remember who brought that message?
A. Juan Rivera who was at that time member of the police force, Japanese Government.
10. Q. Did you appear on that meeting in response to that order?
A. Yes, sir, I did.
11. Q. About what date was that, do you remember?
A. About two months after the Japanese occupied the Island.
12. Q. Where was the meeting held?
A. The meeting was held at the former Shinohara restaurant.
13. Q. Were there other people in the meeting?
A. Yes, sir, there were a few others.
14. Q. About how many?
A. About 30.
15. Q. Was the accused at that meeting?
A. Yes, sir, he was.
- ✓ 16. Q. Did anyone address the club at that meeting?
A. Mr. Shinohara was the principal speaker.
17. Q. What did the accused say?
A. Well, he called the meeting to order and told us why we were there. He told us that we were all Japanese inasmuch as our fathers were Japanese and that we were there to help the Japanese win the war.
18. Q. Did the Dai Nisei organization have any other meeting?

A. Yes, sir, but I was not present.

19. Q. Did you ever do any work as a member of the Dai Nisei organization?

A. Yes, sir, I helped build the Orote Air Base, dig tunnels near the Home Bakery, install communication lines near the Agana Air Strip and also help build air strips at Agana, dig fox holes within the area of the Agana Air Base.

20. Q. Did anyone give you order to do that work?

A. Yes, sir.

21. Q. Who?

A. The accused.

22. Q. Was there any other activity that you remember of which the Dai Nisei participated in?

A. We had to drill about two times a week for about two hours and sometimes were called upon regardless of time to act as air raid wardens when occasion demands.

23. Q. What kind of drill was this?

A. Marching drills without arms.

24. Q. Were you ever told the purpose of the drills?

A. Well, he said we have to keep our body in good condition and learn how to drill because we never can tell whether we will be called upon to take up arms against the enemy.

25. Q. Who told you that?

A. Mr. Shinohara.

26. Q. Were you ever given further instruction to carry out as a result of the drills?

A. I heard him mention that when we have to take up arms probably our place would be behind the army lines.

27. Q. Did the accused say what army that was?

A. Well, the Japanese army.

Cross-examined by the accused?

28. Q. You say you worked at the Sumay Air Strip, did any civilian other than members of the Dai Nisei also work there?

The judge advocate objected to this 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 overruled.

The question was repeated.

A. Yes, sir, there were.

29. Q. Very many?

A. Over 200.

30. Q. You spoke of working at the Agana Air Field, did any civilian other than members of the Dai Nisei work there while you were working there?

A. Yes, sir.

31. Q. Very many?

A. About the same amount, 200.

32. Q. You say you were forced to become a member of the Dai Nisei, explain what method of force was used?

A. At that time when Japanese were here when you were told something to do, you do it, or otherwise you lose your neck.

33. Q. That was the force?

A. Yes.

34. Q. Anything else?

A. The order from Shinohara is enough force to make me present at the meeting.

35. Q. Was it written order?

A. Verbal through policeman.

Examined by the commission:

36. Q. In your testimony, wherever you used the name, Shinohara, do you mean the accused in all cases?

A. Yes, 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.

The accused moved to strike the testimony of the following witnesses, Jesus C. Okiyama, Jesus Baza Sayama, Felix Flores Sakai, Juan Santos Okada, Jesus Cruz Hara and Jose C. Blas on the ground that the testimony of these witnesses was incompetent, irrelevant and immaterial, insofar as it relates to specification 2 of the additional charge I.

The judge advocate replied.

The commission then, at 11:35 a.m., adjourned until 9:00 a.m., tomorrow, Saturday, 11 August 1945.

Thirteenth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Saturday, 11 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

The record of proceedings of the 12th day of the trial was read and
approved.

No witnesses not otherwise connected with the trial were present.

The commission was cleared.

Note: The judge advocate and counsel for the accused were recalled and the
judge advocate advised the commission on matters of procedure.

The commission was cleared.

The commission was opened. All parties to the trial entered and the
commission announced that the motion was overruled.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation. (Add. Charge I, Spec. 2)
A. Juan R. Rivera, resident of San Antonio, Barrigada, and a patrol sergeant,
Police Department.
2. Q. If you recognize the accused, state as whom.
A. I do, Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Do you know Jesus Hara?
A. Yes, sir.

6. Q. Did you see him on Guam during the Japanese occupation?
A. Yes, sir.
7. Q. What was your occupation in Guam during the Japanese occupation?
A. During the Japanese occupation, I was called to work at the Menseibu as policeman.
8. Q. What date did you take up duties for the police department?
A. I do not know the exact date, but around the month of February, 1942.
9. Q. What was the Menseibu?
A. That is the Japanese Civil Administration.
10. Q. Do you know Jose C. Blas, also known as Haniu?
A. Yes, sir.
11. Q. Did you ever see Blas on Guam during the Japanese occupation?
A. Yes, sir.
12. Q. Did you have occasion in your capacity as police officer to go to the residence of Jesus Hara during the Japanese occupation?
A. I did.
13. Q. Did you have occasion in your capacity as police officer to go to the residence of Jose C. Blas during the Japanese occupation?

The accused objected to this question on the ground that it was incompetent, 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 overruled.

The question was repeated.

A. I did.

14. Q. State the circumstances under which you went to the residence of Jesus Hara during the Japanese occupation?

A. It was around the month of February, 1942. I was inside the office of the Menseibu when Mr. Shinohara came in talking to Juan Castro, the native in charge of the native policeman. Suddenly Castro called me over and directed me to inform the bunch of persons listed in a paper to appear at Shinohara's residence.

15. Q. Was that order given in the presence of the accused?
A. Yes, sir.

16. Q. Continue.

A. I was told by Castro to inform the different persons whose names appeared in the paper to report to Shinohara's restaurant the following morning at about 8 o'clock, which I directly went ahead and did. I came to the house of Jesus Hara and didn't find him but informed his mother to inform her son Jesus to report to Shinohara's restaurant at 8 o'clock of the following morning. I again pro-

ceeded to the home of Jose Blas to inform him to appear at the accused's restaurant. I didn't find him there, but I informed his mother to be sure and inform her three sons.

17. Q. Did you see Jesus Hara and Jose Blas after that?

A. I saw them the following morning in front of Shinohara's restaurant.

18. Q. Were there any other people present with them at that time?

A. There were some, but I do not remember their names.

19. Q. Then what did you do?

A. I went over to Shinohara and informed him that there were some boys waiting for him in front of his restaurant and handed him the paper and then went to my work.

The accused moved to strike the testimony of this witness on the ground that it was incompetent, 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 motion was overruled.

Examined by the commission:

20. Q. During your testimony, you have mentioned the name Shinohara several times. In all cases when you mentioned the name, do you mean the accused?

A. Yes, 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. (Add. Charge I, Spec. 1)

A. Ignacia Bordallo Butler, resident of Agana Heights, and a merchant by occupation.

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

A. Shinohara.

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

A. Yes, sir.

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

A. Yes, sir.

5. Q. Where did you live on Guam during the Japanese occupation?

A. In Agana.

6. Q. Do you remember when the first time was that you saw the accused after the Japanese occupation?
A. He came to my house one day.
7. Q. What date was that, do you recall?
A. About the 11th or 12th of December.
8. Q. What year?
A. 1941.
9. Q. What time of the day?
A. Between 11:00 and 12:00 noon.
10. Q. Are you sure of the year?
A. Yes, sir. It was right after the war.
11. Q. Continue.
A. It was about between 11:00 and 12:00 noon when he came to my house with some Japanese.
12. Q. When you mentioned "he", who did you mean?
A. Shinohara.
13. Q. Did you have any conversation with him at your house at that time?
A. Yes, sir.
14. Q. What was that conversation?
A. He said that he knew that I had an electric generator and wanted to know where it was. I told him it was under my house.
15. Q. Was anyone present with him at that time?
A. He had some Japanese with him.
16. Q. How many Japanese, do you remember?
A. I cannot remember the exact number but there were three or four at least.
17. Q. Were the Japanese armed?
A. Yes, sir.
18. Q. Relate what happened from there?
A. He said that this officer wanted the generator and he asked to see it.
19. Q. Who do you mean by "he"?
A. Shinohara wanted to see the generator and I told one of my brothers to take Shinohara and party down to where the generator was, under the house.
20. Q. Was anyone present during this conversation besides the accused and the Japanese?
A. Yes, sir, my brothers.
21. Q. Their names?
A. Carlos Bordallo and B. J. Bordallo.
22. Q. How many generators did you have in your house at that time?
A. It was the only one I had.
23. Q. Continue from where you left off.

A. At that time they came up, Shinohara said words to the effect that the officer wanted to take the generator. I do not recall the exact words. I told him that my husband being away, I could not give away the generator.

24. Q. Where was your husband at that time, do you know?

A. He was imprisoned by the Japanese.

25. Q. Continue from there. What happened then?

A. Shinohara said something to the effect that I better give the officer the generator and also I should serve lunch for them, for this officer and his party, and he told me to wait on the table myself. We served lunch and after lunch, they went down stairs and took the generator.

26. Q. Who did you mean by "they"?

A. This officer and his party and Shinohara were all together.

27. Q. Did you see them take the generator from the house?

A. Yes, sir.

28. Q. How did they take the generator away from the house?

A. They loaded it on a truck.

29. Q. Did you ever see that generator again?

A. No, sir.

30. Q. Did you ever receive pay for the generator?

A. No, sir.

31. Q. What make was the generator, if you remember?

A. It was the Onan brand.

32. Q. Why did you let them take the generator?

The accused objected to this question on the ground that it called for a conclusion and opinion of the witness.

The judge advocate replied.

The commission announced that the objection was overruled.

The question was repeated.

A. Because I was afraid of the Japanese. They were holding my husband as a prisoner.

Cross-examined by the accused:

33. Q. Were you not given a paper that time setting forth the agreement as to the generator being taken?

A. I was given a slip of paper written in Japanese. I do not know what it said.

34. Q. Was it not stated to you that the Japanese were requisitioning your generator and would pay for the use of it?

A. I did not understand it that way.

35. Q. Where is that paper you spoke of, if you know?

A. I have lost it.

Reexamined by the judge advocate:

36. Q. Have you ever seen any of those Japanese that were with the accused before?
A. Never.

Examined by the commission:

37. Q. Did you ever receive any payment from the Japanese Government for the use of this generator?
A. Never.

38. Q. What was the value of this generator?
A. It was not for sale.

39. Q. Was the generator hooked up to any of the systems of your property or was it just a generator alone?
A. It was used to run a sign in the house.

40. Q. It was installed on your property?
A. Yes, and running up to the day war was declared.

Neither the judge advocate, the accused, nor the commission desired further to examine this 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. (Add. Charge I, Spec. 1)
A. Carlos Bordallo, resident of Santa Rita, and a farmer by occupation.
2. Q. If you recognize the accused, state as whom.
A. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Do you know Ignacia Bordallo Butler?
A. Yes, sir.
5. Q. Do you know where she lived at the time the Japanese came to this Island?
A. When I came from Agat to get myself a pass, I found her at home.
6. Q. Where was her home?
A. Agana.
7. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
8. Q. Did you ever see the accused in that home of Mrs. Butler?
A. Yes, sir.
9. Q. What date was that?

A. I am not certain of the date, but it was a day or two after the Japanese invasion.

10. Q. Who was present at her home at the time you saw the accused there?

A. At that time my family was residing with Mrs. Butler.

11. Q. Did you hear any conversation at that time between the accused and Mrs. Butler?

A. Yes.

12. Q. State the circumstance.

A. I understood that Shinohara came with some others to inquire about a certain generator.

The accused moved to strike the last answer of this witness on the ground that it was hearsay.

The commission announced that the motion was sustained.

13. Q. What was that conversation?

A. It was about a generator.

14. Q. What generator?

A. Electric generator.

15. Q. Where was that generator?

A. At the basement of the house of Mrs. Butler.

16. Q. State what you know in detail about that.

A. Mrs. Butler told me to open the basement and show Shinohara and his companions the generator. Mrs. Butler gave me the key.

17. Q. Then what happened?

A. After that, they went upstairs to Mrs. Butler again, but they did not take the generator until later.

18. Q. Tell us everything you saw and heard between the accused and Mrs. Butler.

A. After I showed them the generator, they went upstairs and I heard Shinohara talking with Mrs. Butler telling her that lunch was to be served to them.

19. Q. Who was present with the accused at that time besides yourself and Mrs. Butler?

A. Some Japanese, I do not know their names, and a Saipanese.

20. Q. Were those men armed?

A. Shinohara and the Saipanese were not armed, but the others were.

21. Q. What happened after lunch, do you know?

A. Shinohara and the rest of their party left the place except the Saipanese and another Japanese who stayed behind to pick up the generator. Mrs. Butler ordered me to open the basement and turn over the generator to them.

22. Q. Then what did you do?

A. After they had taken the generator out of the basement and they loaded it in a truck, I locked the basement.

23. Q. Did you ever see the generator again?

A. No, sir.

Cross-examined by the accused:

24. Q. Did you see a paper given to Mrs. Butler at the time of this discussion concerning the generator?

A. I did not see any.

25. Q. Did you hear being explained to Mrs. Butler in Chamorro that the generator was taken by the military forces of the Japanese by requisition?

A. I heard something but not to that effect. I heard Shinohara tell Mrs. Butler that the generator was for those Japanese that came with him.

26. Q. Did he say that it was for use in their quarters, home or what?

A. I do not know where they were going to use it but it was said it was going to be used.

27. Q. Were you with Mrs. Butler when the accused and these other people arrived at her home?

A. Yes, sir.

28. Q. Were you with her at all times there until you were sent to the basement to show them the generator?

A. Yes, sir.

29. Q. Then when the group came back from the basement, were you with Mrs. Butler again along with the group?

A. Yes, sir.

30. Q. Did you stay there and eat the meal which you said was served to these people?

A. I did not eat with them, but I served them.

31. Q. Did you at that time understand Japanese?

A. No, I never did know Japanese language.

32. Q. Before that day had you ever heard Japanese used at the Butler home as a language?

A. No.

33. Q. Is it not true that the accused simply acted as interpreter talking in Chamorro between Mrs. Butler and the Japanese?

A. I do not know whether he came as interpreter or not.

34. Q. Did you see the accused help take the generator away from Butler's home?

A. No, because the man there that was supposed to be a mechanic disconnected it and then loaded it on the truck.

35. Q. When the group arrived, where did the conversation between Mrs. Butler and the accused take place, inside the house or outside the house?

A. It took place inside the house because I usually answered the door for Mrs. Butler.

36. Q. Who was in the room inside the house when this conversation took place?

A. Mrs. Butler, myself and I think B.J. was there, I am not positive of that.

37. Q. And the accused was there, wasn't he?

A. Yes, sir.

38. Q. Anyone else?

A. The members of the party, the Saipanese was also with them. The Saipanese had his meal with them also.

39. Q. After you returned from the basement, was there any further conversation in your presence concerning the generator?

A. No, I did not see any more conversation after that. I do not know whether something went on.

The accused moved to strike that portion of the last answer of the witness, to wit, the last sentence, as follows: "I do not know whether something went on", on the ground that it was not responsive and not evidentiary matter.

The judge advocate replied.

The commission announced that the motion was overruled.

Reexamined by the judge advocate:

40. Q. You mentioned in your testimony a "party", in response to a question by the accused; who do you mean by that "party"?

A. I do not know their names, neither their faces, they all looked alike.

41. Q. What nationality?

A. Japanese military men.

Examined by the commission:

42. Q. Who is the Saipanese you mentioned?

A. I do not know his name. Shortly after this, he left the Island.

43. Q. Was he one of the accused's party?

A. He was driving the truck. I do not know whether he was one of the party but I saw him drive the truck.

44. Q. Did he eat lunch with the party?

A. The others had already started to eat when he was called up.

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 10:40 a.m., adjourned until 9:00 a.m., Monday, 13 August 1945.

Fourteenth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Monday, 13 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.

Isabel P. Zafra, civilian, interpreter.

The accused and his counsel.

The record of proceedings of the thirteenth 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. (Add. Charge I, Spec. 1)
A. Jose S. Okada, resident of Mongmong, and electrician by occupation.
2. Q. If you recognize the accused, state as whom.
A. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Were you on Guam prior to the Japanese occupation?
A. Yes.
5. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
6. Q. Do you know Mrs. Ignacia Bordallo Butler?
A. Yes, sir.
7. Q. Did you see her on Guam prior to the Japanese occupation?
A. Yes, sir.
8. Q. Did you see her on Guam during the Japanese occupation?
A. Yes, sir.
9. Q. Do you know where Mrs. Butler lived prior to the Japanese occupation?

A. Yes, sir, San Ignacio, Agana.

10. Q. Were you ever at Mrs. Butler's home before the Japanese occupation?

A. Yes, I went there quite often. She had a store downstairs.

11. Q. Do you know if Mrs. Butler had an electric generator?

A. Yes, sir.

12. Q. How did you know she had an electric generator?

A. Because I saw it when it was in use to run a sign.

13. Q. Where did you see it?

A. Outside of the celler downstairs of the main building.

14. Q. Was that sign in the house you said Mrs. Butler lived in?

A. Yes, sir.

15. Q. Did you ever see that generator again?

A. Yes, sir.

16. Q. When was the last time you saw it?

A. I saw it sometime in 1943.

The accused moved to strike the answer of this witness on the ground that it was incompetent, 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 motion was overruled.

17. Q. What was your occupation during the Japanese time on Guam?

A. Electrician.

18. Q. State under what circumstances you saw the generator in 1943.

A. I came to Agana from Sumay to repair it at the Navy Yard.

19. Q. Were you receiving pay at that time?

A. Yes, I was working at the Power Plant, and I was being paid there.

20. Q. Did you receive any pay for working on that generator?

A. No, sir.

21. Q. Do you know who brought the generator to be repaired?

A. A Japanese Chief in the navy.

22. Q. Are you sure that was the same generator that you saw in Mrs. Butler's house that time?

A. Yes, sir.

23. Q. Do you know what the generator was used for during the Japanese occupation?

A. Yes.

24. Q. What was the generator being used for during the Japanese occupation?

A. When I first got it, I took it aboard a ship, I do not know what it was used for.

25. Q. What kind of ship did you take it aboard?
A. I am not sure whether it was a transport or not.
26. Q. Who owns the ship?
A. Japanese ship.
27. Q. Did you see the generator in use after that?
A. After I repaired it, it was used.
28. Q. Do you know what it was used for after you repaired it?
A. It was used for the moving picture.
29. Q. Do you know what kind of moving picture it was used for?
A. Ordinarily it was used to show drama, news reels, and comics.
30. Q. Under whose auspices were these pictures shown?
A. Under the auspices of the Japanese navy.
31. Q. Did you ever see that generator used at any other place?
A. After that the Japanese took it up to Ritidian Point.
32. Q. Did you ever see it at Ritidian Point?
A. No, sir.

The accused moved to strike the answer to question number 31 on the ground that it was hearsay.

The judge advocate replied.

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission announced that the motion was overruled.

33. Q. Did you ever see any other generator on the Island like that one?
A. Never.

The accused moved to strike all the testimony of this witness on the ground that it was incompetent, 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 motion was overruled.

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. (Charge IV, specification 1)
A. Mercedes T. Kerner, resident of San Antonio, Agana, housewife.
2. Q. If you recognize the accused, state as whom.
A. Shinohara.
3. Q. Were you on Guam at the time of the Japanese occupation?
A. I was.
4. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you on Guam prior to the Japanese occupation?
A. Yes, sir.
6. Q. Where did you live in Guam prior to the Japanese occupation?
A. San Antonio.
7. Q. Where is San Antonio?
A. In Agana.
8. Q. Did you live in a house?
A. Yes, I lived in the house.
9. Q. Who owned the house?
A. I own the house.
10. Q. Were you in that house on December 10, 1941?
A. I was at the ranch on December 10, 1941.
11. Q. When did you leave that house?
A. December 8.
12. Q. When was the next time you saw your home?
A. On December 12, in the daytime; I used my house bringing my husband's meals to the prison.
13. Q. Where is your husband?
A. He is a prisoner in Japan now, taken by the Japanese.
14. Q. Did you see the accused on Guam during the Japanese occupation?
A. No, up to the middle of February when I saw Shinohara on my way to my mother's house.
15. Q. Did you talk to him at that time?
A. He stopped me in front of his house.
16. Q. What year?
A. 1942.
17. Q. What was the conversation between you and the accused?
A. He was telling me that he had been wanting to see me.
18. Q. Did he say what for?
A. For using my house and he wants to rent it for the Japanese Governor, Hayashi, if I am not mistaken in his name.
19. Q. Please relate the conversation you had with the accused at that time.

A. I told him that I did not want to rent my house and he told me that I am a military wife and all my husband belongings are American and all American property belongs to them, the Japanese.

20. Q. Did you have any further conversation that time?
A. Then on the same day I saw Alice.

21. Q. Who is Alice?
A. Alice Flores.

22. Q. Did you ever see Alice Flores at your house?
A. Yes; I went over then and checked my furnitures and found that the sewing machine was missing.

23. Q. Did you see anybody else at your house at that time?
A. Alice and Alfonsina, her sister.

24. Q. Did you receive any rent for your house?
A. Alice, in the middle of April came with 50 yen for the rent.

25. Q. Did you ever talk with the accused at any other time about your house?
A. Yes, the middle of February as I said, I met him and he told me 15 yen was going to be paid to me for the rent whether I like it or not.

26. Q. Did you talk with him any other time about your house?
A. I met him in the Menseibu office on July and gave me 45 yen.

27. Q. Was there any conversation between you and the accused at that time?
A. He made me sign my name down for receipt.

28. Q. Was there any conversation between you and the accused at that time?
A. That was the last time I saw him when I received the 45 yen.

29. Q. Did you ever see him at any other time and have a conversation?
A. That was the last time I saw him in the middle of July, when he paid me 45 yen.

30. Q. When you saw him in the middle of July, was there any conversation between you and the accused?
A. No, just made me sign a paper for receipt of 45 yen.

31. Q. Why did you rent this house to the accused?

The accused objected to this question on the ground that it was leading and called for an answer which would be incompetent, irrelevant and immaterial.

The judge advocate made no reply.

The commission announced that the objection was sustained.

32. Q. Was your house for rent at the time you rented it to the accused?

The accused objected to this question on the ground that it called for an answer which would be incompetent, irrelevant and immaterial, and further that it was leading.

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.

33. Q. How many times did you receive payment of rent for your house?
A. Twice, I received from Alice and from Shinohara.

34. Q. What date did you receive the rent from him?
A. Alice, in April, the 50 yen.

35. Q. What year?
A. 1942.

36. Q. What date was it that you received payment of rent from the accused?
A. On the last of July, I received from Shinohara.

37. Q. What year?
A. 1942.

38. Q. Was there any conversation between you and the accused at the time you received payment from him?

The accused objected to this question on the ground that it has been asked and answered.

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 overruled.

The question was repeated.

A. Yes, sir.

39. Q. What was that conversation?
A. He told me not to receive any money from Alice because Mr. Shinohara is the one that was going to rent the house not the Japanese Governor.

The accused moved to strike the testimony of this witness on the ground that it was incompetent, 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 motion was overruled.

Cross-examined by the accused:

40. Q. You spoke of Alice, what is her full name?
A. Alice San Nicolas Flores.

41. Q. Did she live in your house?
A. Yes, sir, with her sister.

42. Q. What is her sister's name?

A. Alfonsina San Nicolas Flores.

43. Q. Who else was living there, if you know?

A. Her sister and also the Governor after office hours.

44. Q. Did you ever see the mother of the girls at your home during that period of time?

A. No, only these two girls.

45. Q. They were doing house work there, weren't they?

A. That was what Alice told me that Shinohara asked her to be a housegirl at the beginning but when she got to the house why that is going to be something else.

Examined by the commission:

46. Q. Was all the transactions regarding your home and the renting of it made by you with the accused?

A. Shinohara.

47. Q. Didn't you deal with anybody else?

A. No, sir.

48. Q. When your house was taken over by the invasion forces of the Japanese, did you have the understanding that you were to get rental for your house?

A. At first I had my house sealed by the Japanese and locked it until I met Shinohara in February and told me that my house was going to be rented.

49. Q. How did this woman, named Alice, come to pay you some money for rental due; did you ask her for it?

A. After I have been over the house and checked my things, she asked me whether he ever mentioned to me about who was the fellow who was going to pay for the rent of the house. I told her that he promised me he was going to rent the house for 15 yen a month and that I received no money from him. So Alice asked the Governor and the Governor gave Alice 50 yen and after that I saw him in July and gave me 45 yen. He told me not to get any money from anybody because he was the fellow going to pay me.

50. Q. Who do you mean by he as the fellow to pay you?

A. Shinohara was the one who was going to pay me.

Recross examined by the accused:

51. Q. At the time of which you spoke, did you understand the Japanese language?

A. No, sir, I do not.

Reexamined by the judge advocate:

52. Q. Do you speak and understand the Chamorro language?

A. Yes, sir.

53. Q. Did you have your talk with the accused in Chamorro?

A. That is what we talked about. I did not know how to speak Japanese.

Neither the judge advocate, the accused, nor the commission desired further to examine this 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. (Charge I, specification)
A. Gale Lujan Salas, 43 years, resident of Sinajana, Guam, Cashier, Military Government of Guam.
2. Q. If you recognize the accused, state as whom.
A. Yes, sir, T. Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you on Guam before the Japanese occupation?
A. Yes, sir.
6. Q. What was your occupation at that time?
A. Cashier, Naval Government of Guam.
7. Q. What office were you in?
A. Department of Records and Accounts.
8. Q. Where was that office located?
A. Robert E. Coontz Building, Agana.
9. Q. If you know, did that office remain open the day the Japanese occupied Guam?
A. No, sir.
10. Q. When was the last time you were at the office?
A. December 8, 1941.
11. Q. Then were you in that office after the Japanese occupation?
A. No, sir.
12. Q. When was the next time you were in that office?
A. 19 December 1941.
13. Q. On what occasion were you in the office at that time?
A. There was word sent out to me by Jose K. Shimizu.
14. Q. State what happened in the office.
A. Shinohara and two Japanese officers brought me to the Records and Accounts Office and Shinohara ordered me to open the combination safe. I refused and stated to Shinohara it will be better for me to inform my superior officer before opening the combination safe. Shinohara stated that it is better for me to open the safe than to refuse or else I will be killed and then the accused told me he is one of the officials of the Japanese Imperial Government. Then I put my right hand up to my head still thinking what I was to do whether to open the combination

or refuse. Shinohara talked to the two Japanese officers in front of me, but I do not know what they were saying. Then Shinohara talked to me and one of the Japanese soldiers tore my shirt under my right hand by his bayonet. I stated to Shinohara I did not expect those things to be done on me, but Shinohara insisted that I open the safe, so then I opened the combination for they were forcing me to do so or else I will be killed.

15. Q. Then what happened?

A. After I opened the combination safe, Shinohara personally came through the safe and opened the door of the safe. After Shinohara opened the door of the safe, one of the Japanese officers came along and took all the money and papers in the safe that belonged to the Naval Government.

16. Q. Do you remember how much money there was in the safe that was taken out at that time?

A. \$1,539.41 cash on hand as of 6 December 1941. \$300.00 actual cash and \$1,239.41 local checks. One of those checks for \$48.00 was by Shinohara for liquor luxury taxes. A check for \$200.00 was made by J.K. Shimizu. There were other checks, but I could not remember who made those checks. That was the cash balance on hand 6 December 1941.

17. Q. Was that money you spoke of lawful money of the United States?

A. That was the cash on hand of the Naval Government of Guam, but I have not stated the payroll money of \$8300.00 for the period of from 16 to 30 November, 1941. \$1,900.00 out of that was already cashed by the employees. The balance of that \$8,300.00 is \$6,400.00. \$1,300 of that belongs to the Bank of Guam discounted on notes against the employees of the Naval Government of Guam. So including that \$1,000 of the balance of \$6,400.00 were taken by Shinohara and the two Japanese officers including the \$1,539.41.

18. Q. Was that money you spoke of lawful money of the United States?

A. Yes, sir. After they took the money and paper from the cashier's safe, Shinohara ordered me again and forced me to open the vault combination where we kept all records. He asked me whether there was money in the vault and I answered no. So Shinohara with the two Japanese officers got the safe combination terms from me, both for the safe and the vault. That is all that happened in the office of the Records and Accounts.

19. Q. What happened to the money and other matters found in the safe while they were there?

A. They took it over.

20. Q. Where did they put the money they took out of the safe?

A. They just held it in their hands. Shinohara had the coins in a money bag. The Japanese officers had the bills.

21. Q. What kind of money bag did Shinohara have?

A. About this size (1½ feet high).

22. Q. Color?

A. White canvas.

23. Q. What was in that bag?

A. Change from quarters to pennies.

24. Q. Lawful money of the United States?

A. Yes, all in U.S. currency.

25. Q. Continue.

A. Then we left the Department of Records and Accounts. Shinohara with the money bag, the two Japanese officers with the paper and myself with the cash book and proceeded to where the former Marine Barracks was upstairs.

26. Q. Will you explain where the Records and Accounts building was located and then which road you took from there to the Marine Barracks?

A. The Records and Accounts office was on the north side of the Agana Plaza. We proceeded going south in front of the Dorn Hall to the Marine Barracks south of the Dorn Hall.

27. Q. How far was the Dorn Hall building from the Record and Accounts?

A. About 100 yards.

28. Q. Could you see in the Records and Accounts building from the street?

A. Yes, the door was opened of the Records and Accounts, but the windows were closed. There were full of Japanese inside the office.

29. Q. Was the door open at the time you just related when the accused and the two Japanese officers were there and took the money?

A. Yes, sir.

30. Q. How far was the door of the Records and Accounts from the street that ran in front of the Records and Accounts?

A. About 15 to 18 feet.

31. Q. Was there any sidewalk between the street and the door of the Records and Accounts?

A. Yes, sir.

32. Q. How far was the sidewalk from the door of the Records and Accounts?

A. About 14 feet.

33. Q. Did you pass the Dorn Hall on your way from the Records and Accounts to the Marine Barracks?

A. Yes, sir.

34. Q. Were you in the presence of the accused and the Japanese at the time you were going past the Dorn Hall that time?

A. Yes, sir.

35. Q. Where was the Marine Barracks located?

A. On the west side of the Commandant's Office.

36. Q. The same street as the Dorn Hall?

A. No, sir. I do not remember the street in front of the Marine Barracks, San Juan DeLetran Street or something like that, but the Marine Barracks was just right where the Legal Office and the Records and Accounts now are.

37. Q. Could you see the Dorn Hall from the door of the Records and Accounts?

A. I do not think so, if you were inside the door. Not unless you just got out at the sidewalk.

38. Q. Where was the money left that day?

A. The money was left in the desk drawer at the Marine Barracks upstairs.

39. Q. Did you see it left there?

A. Yes, sir, Shinohara and the two Japanese officers put the money in the drawer and locked it with the cash book.

Cross-examined by the accused:

40. Q. Tell us again who was in the Records and Accounts at the time what you told us occurred there.

A. Shinohara, myself, two Japanese officers and four Japanese body guards.

41. Q. How many rooms were there to the Records and Accounts?

A. Two, the cashier's cage and the office where the clerks worked.

42. Q. Where was the cashier's safe you spoke of?

A. At the corner, on the south side of the building.

43. Q. In the cashier's cage or the room where the clerks work?

A. That is in the cashier's cage where the safe was.

44. Q. How big was the cashier's cage?

A. About 10' by 12'.

45. Q. How many people were in that room of the cashier's cage at the time you opened the cashier's safe?

A. There were eight.

46. Q. Does that room have outside exposure?

A. Yes, sir, two windows at the time we were there. The windows were closed except the door which was opened.

47. Q. You said the windows were closed. What material were the windows made of?

A. Made by wood and some kind of glass.

48. Q. You say the windows had glass in them?

A. Yes, sir, but there was another small pay window. There were two big windows facing the road and another small pay window on the east side of the cashier's cage so that you can see the persons inside the cage when you stand in front of the door of the Department of Records and Accounts.

49. Q. There was a big window facing the road. Were their shutters closed?

A. The window shutter was some kind of material like glass but you could not see through it.

50. Q. Were they closed that morning when you were inside the cashier's cage?

A. Yes, sir, except the cashier's window which was not closed for the reason the window had some rod.

51. Q. That opened out to the open lobby of the building, did it not?

A. Yes, sir.

52. Q. How was the cashier's cage partitioned from the other room where you say the clerks were?

A. Just subdivided by a cement siding.

53. Q. Was it solid wall?

A. Yes, sir.

54. Q. Was there a door from the street into the cashier's cage?

A. No, sir.

55. Q. Was there a door from the lobby of the building to the cashier's cage?
A. No, sir.
56. Q. Was there a door from the cashier's cage to the clerk's room?
A. Yes, sir, the same door.
57. Q. You mean the outside entrance door can go in from either the cashier's door to the clerk's door?
A. The main door.
58. Q. As you recall, was the main door closed or open at the time you were there?
A. Open.
59. Q. Was it opened to the street or to the lobby?
A. To the street.
60. Q. I thought you said there was no door from the street to the cashier's cage?
A. No door.
61. Q. The door you spoke of was one that you could go in the cashier's cage or to the main office?
A. Yes.
62. Q. Was that in the main lobby or in the street?
A. No, in the building.
63. Q. What time of the day were you in the office?
A. About 2:30 in the afternoon.
64. Q. Did you see any Chamorro on the street outside the Coontz building there when you went into the building that day?
A. No, I did not recognize anybody.
65. Q. Did you see any Guamanian outside on the street at that time?
A. I did not see any, except when going back to the Marine Barracks I saw some of my friends.
66. Q. When you left the Coontz building, did you see any Guamanian on the street outside in front of the Coontz building at that time?
A. No, not in front of the Coontz building, but in front of the Dorn Hall, yes.
67. Q. Who did you see?
A. I recognized a friend of mine, Adolfo Sgambelluri, patrolman, and Vicente Zafra, Chief Commissioner. The only two I recognized.
68. Q. Where was Sgambelluri?
A. Inside the Dorn Hall.
69. Q. Inside the Dorn Hall?
A. Yes, sir, at the window.
70. Q. What was he doing?
A. He was a war prisoner.
71. Q. Where was Zafra?
A. Just standing outside on the side of the road.

72. Q. In front of the Dorn Hall?
A. Yes.
73. Q. What was he doing?
A. I do not know. Just standing there with some friends of his.
74. Q. Did you speak to Sgambelluri?
A. No, sir.
75. Q. Did he speak to you?
A. No, sir.
76. Q. Did you speak to Zafra?
A. No, sir.
77. Q. Did he speak to you?
A. No, sir.
78. Q. Do you recall seeing any other Guamanian other than Sgambelluri and Zafra on your way from the Records and Accounts to the Marine Barracks?
A. No, sir.
79. Q. Who walked with you from the Records and Accounts to the Marine Barracks?
A. Shinohara with the two Japanese officers.
80. Q. Who walked in front?
A. All the three walked in front. I walked in the back.
81. Q. The two Japanese officers and Shinohara were in front?
A. Yes, sir.
82. Q. And you in the back?
A. Yes, sir.
83. Q. What were you carrying, if anything?
A. Cash book.
84. Q. What was the Japanese officer carrying in his right hand, if anything?
A. Paper money bills.
85. Q. What was the Japanese officer carrying in his left hand, if anything?
A. Both hands carried the paper money bills.
86. Q. Rolled up in a bundle or not?
A. In a bundle.
87. Q. How big was the bundle?
A. This size.
88. Q. Wrapped up?
A. No, sir, they just held it like this without wrapping.
89. Q. What was the accused carrying, if anything?
A. Money bag with change inside.
90. Q. How big was that money bag?
A. About this size. (8" by 12")

91. Q. Can you compare it with something?
A. About the size of a ten pound sack of sugar.
92. Q. Made of canvas, you say?
A. Canvas, white.
93. Q. Did it have a writing of any kind on it?
A. I do not believe so.
94. Q. You do not remember or you do not believe it had any?
A. I do not believe.
95. Q. You were familiar with that area, were you not, as it existed at that time?
A. Yes, sir.
96. Q. If a person was standing where you saw Sgambelluri standing, which I understand was inside the Dorn Hall at a window, would it be physically possible for a person in that position to see the entrance to the Records and Accounts Office?

The judge advocate objected to this question on the ground that it was improper cross-examination and called for a conclusion of the witness.

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 witness was duly warned.

The commission then, at 12:00 noon, adjourned until 9:00 a.m., tomorrow, 14 August 1945.

Fifteenth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Tuesday, 14 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

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

No witnesses not otherwise connected with the trial were present.

Galo Lujan Salas, 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.

Reexamined by the judge advocate:

97. Q. Are you the same Galo Lujan Salas that testified in this case yesterday?
A. Yes, sir.

Recross-examined by the accused:

98. Q. Describe to the commission the entrance to the cashier's cage pointing
to this chart if that will help you.

A. Here is the main door entrance and you pass through the main office to
this entrance to the cashier's cage.

Note: A diagram of the Records and Accounts Office was placed on a blackboard
in the courtroom for the benefit of all present.

99. Q. How many windows were there in the cage facing the street?
A. Two.

100. Q. Was there any entrance to the cage from the lobby?
A. No, sir.

101. Q. Where was the cashier's window that you said had the bars?
A. This one. (towards the lobby)

102. Q. Did that have a door or cover?
A. About that size, yes. (one foot)
103. Q. As you recall, was the door to that cashier's window open or closed the day you say you were in the cashier's cage?
A. These two windows facing the street were closed.
104. Q. The cashier's window?
A. The small window was closed at that time. You push the door to this small window and then lock it with a padlock.
105. Q. Was it closed that day?
A. It was closed.
106. Q. I believe you said you were there around 2:00 o'clock in the afternoon?
A. 2:30 o'clock.
107. Q. How did you get enough light to see things in the room?
A. You can see from the light of the small window of the cage; enough light to see the turning of the combination.
108. Q. Were these windows closed at that time? (Front two windows facing street)
A. Closed by bars.
109. Q. No solid cover?
A. No.
110. Q. Did you see anyone else in this room during the time you and the others were there in this cage? (Room referred to was the rear room of the R & A).
A. Yes, sir, Japanese soldiers.
111. Q. Did you see any person in the lobby when you were in the cage?
A. I saw no one in the lobby.
112. Q. How did you come down to the plaza that day, walking or riding?
A. We walked.
113. Q. When you went into the Records and Accounts office, were there any guards at the entrance to the building?
A. Yes, sir, four guards. Two at the Bank of Guam and two at the Records and Accounts.
114. Q. When you came out, were those guards still there?
A. Yes, sir, those guards stood just outside the door.
115. Q. When you and the group left the office, describe with the aid of the chart, the route you took going back to the Marine Barracks.
A. When we left the Records and Accounts, we passed through the San Juan DeLetran Street to Maria Ana De Austria and then to the Marine Barracks.
116. Q. Where were you when you first saw Adolfo Sgambelluri?
A. As we passed through Pazos Street.
117. Q. You mean as you turned into the Pazos Street?
A. Just about to make the turn.
118. Q. And where in the Dorn Hall was he?
A. I saw him here (southern portion of the Dorn Hall).

119. Q. You say you saw him at a window there?
A. Yes, sir.
120. Q. I believe you said that he was a prisoner that time?
A. I do not know if he was interned exactly, but he was there.
121. Q. He was inside?
A. Yes, sir.
122. Q. Do you know what the Dorn Hall was used for by the Japanese at that time?
A. I do not know.
123. Q. Do you know if there were other people in the Dorn Hall at that time?
A. I saw a few but I didn't recognize them.
124. Q. Where were you when you first saw Zafra?
A. Just as I turned to Pazos Street, I saw Zafra here (slightly north and east of Dorn Hall).
125. Q. I believe you said you didn't speak to either one of them?
A. No, sir.
126. Q. Did either one of them speak to you?
A. No.
127. Q. Will you spot in this chart the location of the cashier's safe which you say was opened and from which money was taken?
A. (The witness did so, indicating a point against the partition between the cashier's cage and the main room of the Records and Accounts)
128. Q. Spot the location of the vault which you say was opened.
A. (The witness did so, indicating a point in the northeastern portion of the main Records and Accounts room)
129. Q. Spot the entrance to that vault.
A. (South end of the vault leading in from the main entrance of the room)
130. Q. What was the approximate size of that cage window in the wall between the cashier's cage and the lobby of the building?
A. About 18' by 20'.
131. Q. You say you were the cashier of the Island Government at the time of the Japanese occupation?
A. Yes, sir.
132. Q. Were you familiar with the Island Government pay roll?
A. Yes, sir.
133. Q. How often were Government employees paid?
A. Twice a month.
134. Q. And on what date?
A. On the 5th and 20th of the month.
135. Q. The payment on the 20th would cover the pay roll for what period?
A. 1st to 15th.
136. Q. And the payment on the 5th?
A. From 16th to the end of the month.

137. Q. Yesterday I believe you said that a considerable amount of this money was pay roll money for the pay roll period from November 16 to November 30, 1941, is that correct?

A. Yes, sir.

138. Q. Tell us why that money was still in the cashier's office at the time of the Japanese occupation.

A. Most of the employees of the Naval Government were in the outlying districts and they came late, that is why that money was in my hands that day.

139. Q. The payment date was December 5th, however, was it not?

A. Yes, sir.

Reexamined by the judge advocate:

140. Q. What time of the day were you in the vault with the accused and the Japanese?

A. Just about 2:30 in the afternoon.

141. Q. If you were standing on the lobby by the cashier's window, could you see everything within that room where the safe was?

A. Yes, sir, if people stand outside that window they can see the safe right through that cashier's window.

Examined by the commission:

142. Q. You say pay day was on the 5th and 20th. Suppose those days fell on a holiday, what was the procedure?

A. We wait until the next day.

143. Q. In other words the standard procedure in the event those days fell on a holiday was to pay later, is that right?

A. Yes, sir.

144. Q. In other words, 5th and 20th was not an iron-clad rule, is that correct?

A. Yes, sir.

Recross-examined by the accused:

145. Q. Was it the rule of procedure just before the war for the Records and Accounts to keep its money in its own depository or did it use the facilities of the Bank of Guam?

A. All revenues for the Government collected was deposited in the Bank before the business of the bank was closed. But when the pay roll was to be sorted out we drew the money from the bank.

146. Q. You drew the entire pay roll amount from the bank for the pay roll period covered?

A. Yes, sir.

147. Q. About what day did you draw that?

A. One day before pay day to arrange all denominations of the money.

148. Q. Then under normal procedure you would have drawn the pay roll money for the period in question on December 4th?

A. Yes, sir.

149. Q. Yet when the Japanese came on December 10, a large portion of that pay roll money was still in the cashier's cage, is that correct?

A. In the cashier's safe, Records and Accounts, yes, sir.

Reexamined by the judge advocate:

150. Q. Do you know why this money was in the safe at that time?

A. I held that money in the safe at that time. I expected laborers of the Naval Government from out lying districts to come and get their pay.

151. Q. In other words if all the money was not paid on the 5th, you had to wait and hold the money there until people came in and got paid and that is the reason the money was there?

A. Yes, sir.

152. Q. You drew the pay roll money. How long were you allowed to hold that money in the event the payee didn't come forward? Was it your discretion or did you have a definite time?

A. I had a definite time to hold the money.

153. Q. How long is that?

A. About 10 days.

154. Q. Is that at your discretion?

A. No, I have to report to my superior official.

155. Q. I notice in the chart a bank; is that any relation to the Records and Accounts office?

A. No.

156. Q. That was a separate institution in the same building, is that correct?

A. Yes, sir.

157. Q. The lobby then was common to both institutions?

A. Yes, sir.

158. Q. You speak of a little window where you can look in from the lobby. When that was closed, could you see through it?

A. Just a bar to the small window.

159. Q. You said there was some cover to it; when they locked it up, could you see through it?

A. There is no cover, just bars.

160. Q. In other words there is no solid substance in that cashier's window after business hours, you can always see through, is that correct?

A. Yes, 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.

The commission then, at 9:30 a.m., took a recess until 9:55 a.m., at which time it reconvened.

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

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. (Charge I, specification)
A. V. U. Zafra, resident of Tutujan, Sinajana, and chief commissioner of Guam.
2. Q. If you recognize the accused, state as whom.
A. Yes, sir, Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. I was.
4. Q. Do you know Galo L. Salas?
A. Yes, sir.
5. Q. Do you know the location of the R. E. Coontz building?
A. Yes, sir.
6. Q. What was that used for?
A. Records and Accounts in the basement and the courthouse on the first floor.
7. Q. Any other?
A. Bank of Guam on the east side of the basement.
8. Q. Do you know where the Dorn Hall was located?
A. Yes, sir.
9. Q. During the Japanese occupation, did you ever see any thing unusual happen in the Records and Accounts Office?
A. Yes, sir.
10. Q. When was that?
A. About a week after the invasion, more or less.
11. Q. Please state what you saw that time?
A. I went there and I saw lot of army soldiers inside the building. I saw Salas there inside the booth, the former office, turning the combination of the safe, Shinohara standing by the door and two or three Japanese with them inside the booth.
12. Q. What was the accused doing when you saw him?
A. He was standing near the door a couple of feet away from the safe.
13. Q. What was Salas doing when you saw him?
A. To my opinion, I believe he was trying to open the safe, he was turning the combination.
14. Q. How long did you remain in that building at that time?
A. No more than 10 minutes.
15. Q. I call you attention to a chart on the black board, will you please

point to where the safe was located?

A. Right here, its passage way here.

16. Q. Where were you standing when you saw it?

A. I was standing in the lobby and there was a window over here and I looked in and saw Salas manipulating the combination. I went in and turned to the left and I saw him through this window. I saw the Japanese standing here and Shinohara by the door.

17. Q. What kind of construction did they have in the lobby window?

A. About that big square and it has iron rod about the size of your small finger, sort of a cage.

18. Q. After you left the building where did you go?

A. I went over to the Dorn Hall, north side and hung around there together with a few policemen.

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

A. About 5 or 10 minutes later I saw him when they were turning to the left on Pazos Street heading towards the Palace.

20. Q. Who was with him at that time?

A. Salas and two or three Japanese going up to Pazos Street.

21. Q. Did you notice anything in their hands?

A. I saw Salas' hand book and I believe some papers. They were all carrying something - white bag, paper and books.

22. Q. What distance was it between you and them when you saw them?

A. 15 or 20 yards from the Dorn Hall to Pazos Street.

23. Q. Do you know where the Marine Barracks was?

A. Over here. (witness indicating)

24. Q. What direction was the accused, Salas and the Japanese going?

A. They were heading south towards the Palace and the Marine Barracks.

25. Q. What time of the day was this?

A. I would not say for sure, but it was after lunch time.

Cross-examined by the accused:

26. Q. Who was with you when you went into the R. E. Coontz building that day?

A. A Saipanese interpreter and 4 or 5 policemen, members of the Menseibu.

27. Q. What was the name of that Saipanese interpreter?

A. Juan Castro.

28. Q. What was the purpose for which you went into the Coontz building that day?

A. I was asked to show them where the Government records were, papers, files, and things like that. When they mentioned records, I brought them over there first and showed them where the records were kept.

29. Q. Was anyone standing in front of the Coontz building entrance that day?

A. Yes, sir, guards. I say guards because they had rifles and bayonets.

30. Q. Did you stand in the lobby or did you go through the lobby?

A. We hesitated there in the lobby because the policeman was to talk to the guard there before entering the building, so I stood there for a few seconds.

31. Q. Did you stand in front of the building or in the lobby?

A. Right in the middle of the lobby, in front of the window.

32. Q. How long were you in the Records and Accounts Office?

A. Less than 10 minutes.

33. Q. Were you employed in that office at the time of the Japanese invasion?

A. No, sir, I was not.

34. Q. Were you familiar with the records in that office as to where they were kept at that time?

A. They were kept there in the vault. When I first came out here, I worked for three months there before working at the Executive Office, and I knew where the records were kept. They kept the records in the vault before they closed up for the day.

35. Q. At the time of which you speak, did you know the combination of that vault?

A. No, sir.

36. Q. What did you do in that approximately 10 minutes you were in the office of the Records and Accounts?

A. Standing there most of the time. They asked me where the papers were. There were just a few papers around. They asked me where the records were kept and I pointed at the vault and said they must be in there, and they asked me where the papers were and I said, I do not know.

37. Q. You knew that records were kept in the vault, but you did not know the combination to the vault, yet you went there and took them there?

A. Yes, sir, taking for granted that the vault had not been opened and the papers must be there.

38. Q. Did you speak to Salas there?

A. No.

39. Q. Did you speak to the accused while you were in the building that day?

A. No.

40. Q. Did either of them speak to you while you were in the building that day?

A. No.

41. Q. I believe you say when you left the building, you went back and stood with the policemen near the northeastern corner of Dorn Hall, is that correct?

A. Yes, northeast of Dorn Hall, over where the policemen were.

42. Q. How long had you been there, as you recall, before you saw Salas, the accused and the Japanese coming by you going towards the Palace?

A. Approximately 10 minutes.

43. Q. Did you speak to the accused as they went by?

A. No, too far.

44. Q. Did anyone of that group speak to you as they went by?

A. Not that I remember; I don't think so.

45. Q. Name, if you can, some of the policemen, standing out there when these people went by.

✓ A. Sergeant Roberto was there, Sgambelluri, Taitano and maybe two or three others, I do not quite remember. All the policemen hung around that particular place in case they needed them. If they needed one they sent for one and all of them hung around there.

46. Q. By Sgambelluri, do you mean Adolfo Sgambelluri?
A. Yes, sir.

47. Q. Describe as best as you can recall, the paper you saw carried.
A. I saw books, looked like a ledger, black cover with gray edge, some like paper, I would not say for sure. I cannot remember all.

48. Q. What color was the paper?
A. White.

49. Q. Was any one other than Salas carrying paper?
A. I do not know.

50. Q. Who was carrying the bag you spoke of?
A. Shinohara.

51. Q. What color was that bag?
A. White.

52. Q. What was the lettering on that bag?
A. I do not know.

53. Q. Were any of the Japanese carrying anything?
A. Yes, sir.

54. Q. What?
A. I do not know what it was, but all were carrying something.

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. (Add. Charge I, Spec. 3)
A. Vicente M. Taimanglo, resident of Piti, occupation truck driver.
2. Q. If you recognize the accused, state as whom.
A. Yes, Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Did you see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you ever employed during the Japanese occupation by the accused?
A. Yes, sir.

6. Q. What was that employment?
A. That was taking care of the Elks Club bar and mess for Shinohara.

7. Q. Where was that Elks Club located on Guam?
A. It was located in Agana.

8. Q. Explain all of your duties as employee of the accused at the Elks Club.

The accused objected to this question on the ground that it was incompetent, 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 overruled.

The question was repeated.

A. I was employed there to take charge of the bar and the mess, to write out all price lists and the general cleaning of the club.

9. Q. Who told you what those duties were?
A. The accused took me and made me understand that those were to be my duties.

10. Q. Did you ever take orders while working there from anybody else other than the accused?
A. No one else; he was the only one giving orders.

11. Q. Did that place have a name at the time you were employed there during the Japanese occupation?
A. At that time, it was known as the Omiya Kaikan.

12. Q. Was that a private or public club?
A. It was only for the use of the Japanese officers.

13. Q. Did you ever see any native Chamorro in that club during the time you were there?
A. Yes, natives came there, but only by invitation.

14. Q. By invitation from whom?
A. Unless the accused invited the girls or others that was the only time they could enter the club.

The accused moved to strike the last answer on the ground that it was hearsay.

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission announced that the motion was overruled.

15. Q. How did you know that people came there by invitation of the accused?
A. I knew that the people that came there were invited by the accused because often times the accused brought them in his car.

16. Q. Did anyone come in that club other than Japanese officers without invitation by the accused?

The accused objected to this question on the ground that it was already asked and answered.

The judge advocate made no reply.

The commission announced that the objection was overruled.

The question was repeated.

A. No one could go to that place unless they were invited.

17. Q. Did the accused ever give any party in that club?

A. Yes very often in those days. In the opening of the club there was a big affair.

18. Q. Did the accused instruct you as to who to charge and who not to charge for services rendered in that club for food and drinks?

A. The accused made me understand that everything given out was to be paid for but in case the Governor came everything was to be given to him free.

19. Q. Who do you mean by the Governor?

A. Hayashi.

20. Q. You speak of the party at the opening of the club; what date was that?

A. February, 1942.

21. Q. Did you know whether those that patronized that club were charged for the refreshments and drinks or not?

A. If it was the Governor's party, everything was free. If it was a party given by another officer, everything was accounted for.

22. Q. How do you know that?

A. Because the accused told me, that if the party was given by the Governor everything will be given free of charge and if given by someone else everything will be charged.

23. Q. And was the Governor's party free of charge?

A. Every time the Governor gave a party, it was free of charge.

24. Q. Was there any charge made for refreshment and food for those at the opening party?

A. No charge for that. The accused made me understand that he was to take care of everything.

25. Q. Do you remember any other party given by the accused in that club?

A. Yes, that was Hayashi's farewell party.

26. Q. Do you remember the detail of that party?

A. Just before Hayashi left, one evening about 8:30 we were getting ready to close the club when the accused told me I should keep the place open because the Governor was coming to give a party and all drinks were to be served free.

27. Q. Were you paid a salary for your work in that club?

A. The accused promised to pay me 45 yen per month but very often two months elapsed and I did not get any payment.

The accused moved to strike the last answer on the ground that it was incompetent, 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 motion was overruled.

28. Q. Did the accused ever pay you?
A. Yes, sometimes.

29. Q. Did anybody else pay you for working in that club besides the accused?
A. The accused was the only one that paid me.

30. Q. Were there other employees in that club?
A. Yes.

31. Q. Do you remember their names?
A. Agnes Santos Rios and Beatrice Santos Rios, Gloria Wusstic.

32. Q. How were they employed, if you know?
A. They were employed through Shinohara to serve.

The accused moved to strike all testimony of this witness on the ground that it was incompetent, irrelevant and immaterial.

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission announced that the motion was overruled.

33. Q. Did you have a list of food and drinks given to customers in that club?
A. Yes, sir.

34. Q. Did you have a price list of food and drinks on that menu?
A. Yes, everything was priced.

35. Q. In the usual course of service given in that club, explain how the food was served and how the money was received for the payment of it.
A. In case an officer came, he would go to the list and pick out what he wanted in the list, then that was prepared and served to him by one of the girls, then a bill will be ready for him and he pays one of the girls and then the girl turned over the money to me.

36. Q. What would you do with the money you received from those who paid in the club?
A. I took care of the money and then in the evening I would turn it over to Shinohara.

37. Q. Did you ever turn the money over to anyone else besides the accused?
A. In case I didn't find the accused, then I turned it over to his wife or son.

38. Q. Was that club open at all times or was it locked at times?
A. At night about 9:00 o'clock, it was always locked.

39. Q. Was it locked with a key?
A. Yes, sir.

40. Q. What was done with the key?

A. I put the key together with the money to take it over to Shinohara's place.

41. Q. Who opened the club in the morning?

A. I did, but I had to stop at Shinohara's place before I opened it. I had to get the key.

Cross-examined by the accused:

42. Q. Were you not employed at the Elks Club at the time of the Japanese invasion of Guam?

A. No, I was not.

43. Q. Had you ever been employed at the Elks Club before that time?

A. Yes, I was employed at the Elks Club in 1936 to 1937 when I was employed by the Government.

44. Q. When you were employed at the Elks Club from 1936 to 1937, did you take orders from someone there?

The judge advocate objected to this 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 sustained.

45. Q. About what date after the Japanese occupation did you commence working at the Elks Club?

A. On the 11th of February, 1942, I was taken to clean up the place then on the 16th of February the club was opened.

46. Q. You speak of the opening party, was that on the 16th of February then?

A. Yes, sir.

47. Q. And about how long after that was it before this other party for the Governor?

A. I do not quite recall the time but it was towards the close of the year, 1942.

48. Q. Did you know whether or not the accused made arrangements with the Governor whereby the Governor was to pay some fixed sum for the use of the club when he and his friends were there?

A. I do not know that. I only know that the party was to be free in case the accused told me about it.

49. Q. Did any one other than yourself handle money at the club while you worked there?

A. In case I was sick or had the day off, then the girl there, Beatrice, took my place as cashier.

50. Q. Do I understand you to say you were the only cashier of the club and she acted as your relief?

A. That is right.

51. Q. About what date was it that you stopped working at the club?
A. I do not recall the date, but it was shortly after the Governor's farewell. I could not get along with Shinohara any more.
52. Q. Is it not a fact that you were discharged from your job there?
A. I quit on my own accord.
53. Q. During the period you worked at the club, did you ever see J. M. Torres there?
A. As to that I do not know. I was employed in the bar most of the time and I could not see from the bar to the room where the guests were.
54. Q. Name some of the Chamorros you saw there as guests. You said there were some people there as guests.
A. Mr. and Mrs. Flores from Inarajan and their two daughters.
55. Q. What are the names of their daughters?
A. Alice and Alfonsina. The reason why I know that is because they often came out to the bar.
56. Q. Go ahead, name any others you can.
A. Those were the only ones I saw because they came out to the bar.
57. Q. Then do I understand you to say that there might be Chamorros there that did not come to the bar service and whom you did not see?
A. Unless they came out to the bar, then I would not know who they were.
58. Q. Is it not a fact that the accused simply was running that club as manager of it in the same manner the club was running before the war, if you know?

The judge advocate objected to this question on the ground that it was improper cross-examination and called for a conclusion of the witness.

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.

59. Q. About how many employees were there at the Elks Club at the time you worked there in 1942?

A. Three girls and myself. I was always there.

60. Q. Tell us, if you know, whether the accused was operating that club for his private profit.

A. I do not know who owned it but the accused employed me to work there.

The witness was duly warned.

The commission then, at 11:30 a.m., adjourned until 9:00 a.m., tomorrow, Wednesday, 15 August 1945.

Sixteenth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Wednesday, 15 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

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

No witnesses not otherwise connected with the trial were present.

Vicente M. Taimanglo, 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 judge advocate:

61. Q. Are you the same Vicente M. Taimanglo who testified in this case yesterday?

A. Yes, sir.

Examined by the commission:

62. Q. During the time that you first went into this building as employee of the accused, was it occupied by any one?

A. It was occupied by the Japanese army, but after they left, the accused asked me and some other Japanese boys to clean the place.

63. Q. What did the Japanese use it for, if you know?

A. It was used as a barracks of the Japanese army.

64. Q. Under the direction of the accused, you started a new enterprise which had some Japanese name, is that correct?

A. Yes, sir, it was opened and given a name.

65. Q. And you were directly in charge of the activities of this enterprise under the direction of the accused, is that correct?

A. Yes, the accused held me responsible for everything.

66. Q. What was this new enterprise that the accused started in this building; what was it called?

- A. It was known as the Omiya Kaikan during the Japanese time.
67. Q. What does that mean in English?
A. I do not know because I do not know how to speak Japanese, but those were the words used.
68. Q. I believe you mentioned there was a bar in the place, is that correct?
A. Yes, sir.
69. Q. What was dispensed over the bar?
A. Whiskey, beer and sodas.
70. Q. Was there anything else there besides the bar?
A. There was a kitchen there to take care of meals.
71. Q. Then I assume it was a restaurant as well as a bar?
A. There was a bar and there was a kitchen used to prepare meals. I do not know what they termed that, but it was in the same building and I took charge of the money from both.
72. Q. Did they serve meals regularly or on calls?
A. There was no regular time unless somebody came and ordered something.
73. Q. Did you buy the supplies sold over your bar?
A. The accused brought them over from his home.
74. Q. What about the food, did you buy it or was it from some other source?
A. The accused brought them over to this place also.
75. Q. Who hired the other help, you or somebody else?
A. The accused.
76. Q. Did you have authority over the other help employed at this place?
A. Yes, the accused instructed me to tell the other helpers what to do and in case they didn't listen to me to reprimand them.
77. Q. Was this institution open to the public at large?
A. The accused told me it was strictly for Japanese officials.
78. Q. What do you mean by Japanese officials?
A. For the use of the officers of the navy.
79. Q. What about the army?
A. The army was not there all the time, but in case there was any they could enter too.
80. Q. How did civilians or other people know to keep away from the place?
A. Because some of our friends tried to enter the place and we warned them not to because it was prohibited.
81. Q. Who do you mean by we?
A. The three girls that worked with me and myself.
82. Q. How many times did this occur?
A. When the place was first opened, a lot of them came over and we kept telling them they were not allowed there. That kept up for a week or so then stopped.

83. Q. Was there any sign posted telling the public or anyone else that the place was for use of naval personnel only or something to that effect?

A. The accused placed a sign there written in Japanese character which I do not know. One time a member of the Kohatshu came and was drunk and the Governor took the sign down and put it at the bottom of the steps. By that I knew that was meant for others to keep away.

84. Q. You didn't know what the sign said?

A. No.

85. Q. Who were the patrons of this place?

A. There were different people coming in and out.

86. Q. Did any group of Japanese officers ever have their meals there regularly?

A. No one ate there regularly.

87. Q. All these references to the Elks Club just means the building that was used, is that correct?

A. Yes, sir.

88. Q. Was there an Elks Club in Guam functioning at this time that you know?

A. The Elks were taken away and the Japanese used their building.

89. Q. All references to the Elks Club in your testimony, with the exception of one time where you said you worked for the Elks Club, was to the building only, is that correct?

A. Yes, sir.

90. Q. Which was the major activity of this place, the bar or the kitchen?

A. The bar was the major activity, but the accused gave me authority to look over the kitchen.

91. Q. Did this bar serve both the Japanese soldiers and Naval officers?

A. The only way a soldier could have been served there was to be the driver of some officer.

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. (Add. Charge I, Spec. 3)

A. Agnes Rios, resident of Sinajana, and a nurse by occupation.

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

A. Shinohara.

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

A. Yes, sir.

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

A. Yes, sir.

5. Q. When was the first time you saw the accused on Guam after the Japanese came in?
A. Just before I worked for him.
6. Q. Were you employed by the accused?
A. Yes, sir.
7. Q. What kind of work were you employed at by the accused?
A. Waitress.
8. Q. Where was that?
A. Elks Club.
9. Q. Is that Elks Club a building?
A. Yes, sir.
10. Q. What kind of work did you say you did?
A. Waitress.
11. Q. What was the name of the place you were waitress in?
A. Omiya Kaikan.
12. Q. Who employed you?
A. Shinohara.
13. Q. Who paid you?
A. Shinohara and sometime Ben Taimanglo.
14. Q. What date did you first start working in the Omiya Kaikan?
A. 16 February, 1942.
15. Q. Explain your duties there as waitress in regards to serving meals and getting paid for them?
A. Sometimes I served Governor Hayashi and his Aide.
16. Q. Did you always charge people who came to that Omiya Kaikan for meals or drinks?
A. As far as I know the Governor was never charged for anything.
- The accused moved to strike the last answer on the ground that it was a conclusion of the witness and irrelevant.
- The judge advocate replied.
- The commission was cleared.
- The commission was opened. All parties to the trial entered and the commission announced that the motion was overruled.
17. Q. Who do you mean by "the Governor"?
A. Hayashi.
18. Q. What kind of governor was he?
A. Japanese Governor.
19. Q. Did you ever have an occasion to serve the Japanese Governor, Hayashi, at the time you were employed by the accused at the Omiya Kaikan?
A. Yes, sir.

20. Q. State when that was.
A. I do not remember the date.
21. Q. State the circumstances of that.
A. When the Japanese Governor came, the accused told me to feed him. I personally picked up the spoon and put it in his mouth.
22. Q. Was the accused there at that time?
A. Yes, sir.
23. Q. What was he doing while he was there, if anything?
A. He went around the place trying to find out what was needed.
24. Q. Were there ever any party given in that Omiya Kaikan while you were there?
A. Yes, sir.
25. Q. Do you remember when there were?
A. I remember the time when there was a farewell party for Governor Hayashi.
26. Q. Do you remember any other party given?
A. Yes, but I do not remember the dates.
27. Q. When was the first party given, if you remember?
A. About 16 February.
28. Q. What occasion was that party given?
A. It was a party given in honor of the Japanese officers.
29. Q. As waitress, did you collect any money from any of those there at that time?
A. No, sir.
30. Q. As waitress, did you collect any money at the time of the farewell party?
A. No.
31. Q. At the time you waited on the Japanese Governor, Hayashi, did you collect any money from him for that food you were serving him?
A. No, sir.

The accused moved to strike all testimony of this witness on the ground that it was incompetent, 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 motion was overruled.

Cross-examined by the accused:

32. Q. During what period of time did you work at the Omiya Kaikan during the Japanese occupation?
A. I remember I started working from February 11, 1942. As to when I quit, I do not remember.
33. Q. See if you can put any date with any certainty, was it near the end of the year or what?
A. I do not remember.

34. Q. When you served Governor Hayashi good, did he often give you an envelope of money to give the cashier?

A. Since I worked there, I do not remember of any time when the Governor gave me anything to give the cashier.

35. Q. Did he ever give you anything to give the accused?

A. Never.

Examined by the commission:

36. Q. You said you commenced working on February 11, 1942, is that correct?
A. Yes.

37. Q. Were you there on February 12?

A. Yes, sir, because at that time we did the general cleaning and on the 16th it was opened.

38. Q. You worked there a week?

A. Yes, sir.

39. Q. That will be up to February 18th. Did you work on February 18th?

A. At times we were given time off.

40. Q. How long did you work there?

A. Maybe I worked for the accused for about 4 or 5 months.

41. Q. Was it four or five months?

A. Five months.

42. Q. How did you remember that?

A. Because I worked there for a while.

43. Q. You worked for five months then?

A. Yes, sir.

44. Q. Did you work for 6 months?

A. I don't think so.

45. Q. Which is the correct answer then, you worked for five months or that you do not remember?

A. I am quite positive about the five months.

Recross-examined by the accused:

46. Q. Were you working there at the time of the farewell party for Governor Hayashi, you mentioned a few minutes ago?

A. No, I was not working at the time, but at times I was asked to come and help.

47. Q. Were you working in the Omiya Kaikan at the time of the farewell party?

A. No.

Reexamined by the judge advocate:

48. Q. Were you ever in the Omiya Kaikan when you were not working?

A. Yes, at times because my sister was still working there.

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

The witness said that she had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:05 a.m., adjourned until 9:00 a.m., tomorrow, Thursday, 16 August 1945.

Seventeenth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Thursday, 16 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.

Isabel P. Zafra, civilian, interpreter.

The accused and his counsel.

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

No witnesses not otherwise connected with the trial were present.

Beatrice Santos Rios, a witness for the prosecution, was recalled for further examination and warned that the oath previously taken was still binding.

Examined by the judge advocate:

1. Q. Are you the same Beatrice Santos Rios who appeared in this case before?
A. Yes, sir. (Add. Charge I, Spec. 3)
2. Q. Were you on Guam before the Japanese occupation?
A. Yes, sir.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Were you ever employed by the accused during the Japanese occupation?
A. Yes, sir.

5. Q. Where were you employed by the accused?
A. At the Omiya Kaikan.
6. Q. Where was that Omiya Kaikan Club?
A. At the old Elks Club building.
7. Q. Where was that located?
A. Agana.
8. Q. When did you start working for the accused at the Omiya Kaikan Club?
A. February 11, 1942.
9. Q. How long did you work there?
A. Two years and four months.
10. Q. Were you paid for your work there?
A. At the beginning, I was paid, but later on I was not.
11. Q. Who paid you when you were paid?
A. Sometimes the accused and sometimes the cashier.
12. Q. What is the name of the cashier?
A. Vicente Taimanglo.
13. Q. Who did you take orders from while working for this club?
A. The accused and Vicente Taimanglo.
14. Q. What was the nature of your work there?
A. Waitress.
15. Q. Do you remember of any party that was given while you were there?
A. Yes, at the opening of the club.
16. Q. What date was that, do you remember?
A. February 16, 1945.
17. Q. Did you charge all the people who came to that club and received service?
A. Yes, we charged the others at that time, but that party was given free of charge.
18. Q. Do you remember any other party that was given?
A. Yes, another one was given - that was the farewell party in honor of Hayashi.
19. Q. Who was Hayashi?
A. The Japanese Governor.
20. Q. Did you see him at that club often?
A. Yes, sir.
21. Q. Did you have any order from the accused or anyone else in regards to the Japanese Governor, Hayashi, when he received service at that club?
A. No, I did not receive any order.
22. Q. Did you have a sister by the name of Agnes Rios?
A. Yes, sir.
23. Q. Was she employed at that club with you?
A. Yes, sir.

24. Q. When did you first see her as an employee of the club?

A. We started working together.

25. Q. How long did she work there, do you know?

A. I do not know.

26. Q. Was there any sign on this building?

A. Yes, but it was written in Japanese characters.

27. Q. What was that sign, if you know?

A. I only know the name of the club to be Omiya Kaikan.

28. Q. What did you serve in this club?

A. Drinks and food.

29. Q. Where was the food prepared?

A. At the kitchen in the club.

30. Q. Where did you get the drinks you served?

A. From the bar.

31. Q. Who did you serve?

A. Japanese officers.

The accused moved to strike all testimony of this witness on the ground that it was incompetent, irrelevant and immaterial.

The judge advocate replied.

The commission announced that the motion was overruled.

Cross-examined by the accused:

32. Q. During the time you were working in that club, did you ever see Chamorros in the club?

A. At times, but that was when other parties were given.

33. Q. You speak of cashier Vicente Taimanglo, can you tell us the time when he left his employment there; when his employment ended?

A. I do not know.

34. Q. About what date was the farewell party given by the club for the Japanese Governor, Hayashi?

A. I do not remember the month, but it was towards the close of the year, 1942.

35. Q. Do you know whether or not the persons you say were not charged there made arrangement to pay for club services directly with the manager of the club?

A. I do not know.

Neither the judge advocate, the accused, nor the commission desired further to examine this 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. (Add. Charge I, Spec. 3)
A. Gloria Wusstig, resident of Anigua, and a student.
2. Q. If you recognize the accused, state as whom.
A. I do, Shinohara.
3. Q. Were you on Guam during the Japanese occupation?
A. Yes, sir.
4. Q. Ever see the accused on Guam during the Japanese occupation?
A. Yes, sir.
5. Q. Were you ever employed by the accused during the Japanese occupation?
A. Yes, sir.
6. Q. Where were you employed?
A. Omiya Kaikan.
7. Q. Where was the Omiya Kaikan located?
A. At the former Elks Club.
8. Q. How do you know it was the former Elks Club?
A. Because I knew the place since pre-war days.
9. Q. Who employed you to work there?
A. Shinohara.
10. Q. Did you receive pay for working there at the club?
A. Yes, sir.
11. Q. Who paid you for your work?
A. Sometimes Shinohara and sometimes Ben Taimanglo.
12. Q. Who is Ben Taimanglo?
A. The man that worked with us at the club.
13. Q. What kind of work did he do?
A. Cashier at the Omiya Kaikan.
14. Q. Did you wait on any table?
A. Yes, sir.
15. Q. Who did you wait on?
A. Officers.
16. Q. What kind of officers?
A. Japanese officers.
17. Q. When did you go to work at this club?
A. October 6, 1942.
18. Q. How long did you work at this club?
A. Eight months.

The accused moved to strike all testimony of this witness on the ground that it was incompetent, irrelevant and immaterial.

The judge advocate replied.

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission directed that all the testimony of the witness be stricken out.

19. Q. Were you employed by the accused during the Japanese occupation?
A. Yes, sir.

20. Q. Where?
A. Omiya Kaikan.

21. Q. What was the Omiya Kaikan?
A. I do not know, but he said it was a club.

22. Q. Who said it was a club?
A. The accused.

23. Q. What work did you do at the club?
A. Waitress.

24. Q. Who did you serve?
A. Japanese officers.

The accused moved to strike all testimony of this witness on the ground that it was incompetent, 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 motion was overruled.

25. Q. Did you ever see any party given in the Omiya Kaikan Club?
A. Yes, sir.

26. Q. What date was that?
A. That was one month after I worked.

The accused moved to strike this answer on the ground that it was incompetent, irrelevant and immaterial.

The judge advocate replied.

The commission announced that the motion was overruled.

27. Q. When did you go to work for the accused at the Omiya Kaikan Club?
A. October 6, 1942.

The accused moved to strike all testimony of this witness on the ground that it was incompetent, irrelevant and immaterial.

The judge advocate replied.

The commission was cleared.

The commission was opened. All parties to the trial entered and the commission directed that all the testimony of the witness be stricken out.

Neither the judge advocate, the accused, nor the commission desired further to examine this 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, rank and present station. (Add. Charge I, Spec. 3)
A. Jorge E. Cristobal, steward first class, U.S. Navy, attached to the Island Command.
2. Q. If you recognize the accused state as whom.
A. I do, Shinohara.
3. Q. Do you read, speak, and understand the Japanese language?
A. I do, to a certain extent.
4. Q. Have you studied the Japanese language in any Japanese school?
A. I have.
5. Q. Where was that?
A. Tokyo, Yoshida University.
6. Q. Have you appeared before this commission in any other case as interpreter of the Japanese language?
A. I have appeared, yes, sir.
7. Q. I hand you these words, Omiya Kaikan, and ask you to state what it is?
A. That is translated as written out. Omiya, the word literally translated means shrine, temple or a place of worship. Kaikan is a hall not necessarily a small building, but it is considered an assembly hall. Those two words together I would say: Omiya Kaikan is an assembly hall for either a church, court officials or nobles.
8. Q. Do you know what word restaurant is in Japanese?
A. I do.
9. Q. What is that?
A. Restaurant could be in two different words in Japanese.
10. Q. Similar to that?
A. Nothing similar to this.
11. Q. Do you know what cafe is in Japanese?
A. I do.
12. Q. Is that anything similar to that?
A. Nothing at all.

Cross-examined by the accused:

13. Q. Is it not a fact that Omiya To was the term commonly used in Guam during the period of Japanese occupation as meaning Island of Guam?

The judge advocate objected to this 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 sustained.

14. Q. Does not the word Omiya also mean Guam?

A. I do not know about what was being termed as Guam, but I could tell the meaning of the word Omiya.

15. Q. Was not the word Omiya also a part of the newspaper publication in Guam during the period of Japanese occupation?

A. Since I was not here during the Japanese occupation, I was not familiar with it.

16. Q. How much time have you spent in Tokyo?

A. Three years.

17. Q. Are you familiar with the restaurant known as Ginzo Kaikan?

A. I have heard of the name. I have seen the place, but have never entered it. I am not acquainted with the business.

18. Q. The letter "O", on Omiya is an honorific prefix, is it not?

A. Yes, sir.

19. Q. You say, you don't know as to whether the word Omiya also meant Guam. I see on the table there a dictionary, will you locate the word Omiya from there and read its definition please?

A. It says the word "O" on Omiya is just a prefix. We find the proper word Miya as equivalent to the word in English "shrine".

Note: The witness referred to a dictionary: Kenkyushan's new Japanese - English Dictionary, V. Takenobu, General Editor, American Edition.

20. Q. Do I understand you to say you were not in Guam during the Japanese occupation?

A. I was not.

Examined by the commission:

21. Q. What does the word, Omiya, mean to you in Japanese language?

A. The word Miya means shrine, with the prefix "O", honorable shrine.

22. Q. Shrine of what nationality?

A. Just a plain shrine, Japanese.

23. Q. Japanese shrine?

A. Yes, sir.

Recross-examined by the accused:

24. Q. When did you return to Guam after the Japanese occupation?

A. I returned to Guam with the invasion forces, Third Marine Division.

25. Q. Since you have returned to Guam, have you ever heard the word, Omiya, referred to as the Japanese synonym for Guam?

A. I have never heard of it.

Reexamined by the commission:

26. Q. What is the Japanese word for Guam?

A. The only little geographic knowledge I know about Guam is Guam To, meaning Island of Guam.

27. Q. If you are engaged with persons conversing in Japanese language and have occasion to mention the Island of Guam, how would you designate it?

A. As far as all Japanese persons I have come across never mention any other name or term except Guam To.

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 accused requested a postponement of the trial until Monday, 20 August 1945, in order to prepare his defense.

The commission announced that the request was granted.

The commission then, at 11:00 a.m., adjourned until 9:00 a.m., Monday, 20 August 1945.

Eighteenth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Monday, 20 August 1945.

The commission met at 9:00 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.
Isabel P. Zafra, civilian, interpreter.
The accused and his counsel.

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

No witnesses not otherwise connected with the trial were present.

The defense began.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, rank and present station.
A. Tomas Guzman, officers' cook first class, U.S. Navy, attached to J.C.A.
2. Q. If you recognize the accused, state as whom.
A. I do, Shinohara.

Examined by the accused:

3. Q. How long have you been in the U.S. Navy?
A. 31 years and one month.
4. Q. Were you on active duty in the U.S. Navy at the time the Japanese
invaded Guam?
A. Yes, sir.
5. Q. Where were you stationed?
A. I was stationed on the Penguin on 8 December.
6. Q. Is that the date the Japanese invaded Guam?
A. I was here in Agana.
7. Q. What date, if you recall, was the Japanese invasion of Guam?
A. Wednesday, 10th.

8. Q. What month and year?
A. December, 1941.
9. Q. You say you were stationed on the Penguin, but at the time you were in Agana on the day of the Japanese invasion of Guam?
A. I was in Agana, yes, sir.
10. Q. Were you or were you not made a prisoner by the Japanese?
A. Yes, we were imprisoned by them.
11. Q. On what date were you taken prisoner?
A. Wednesday morning, the 10th.
12. Q. About what time in the morning?
A. I was supposed to be locked up about 10:00 in the morning.
13. Q. Where were you for the intervening hours between daylight and 10:00 o'clock in the morning of that day?
A. We surrendered about 6:00 o'clock in the morning and were taken to the plaza and kept there until that time.
14. Q. Tell us if you know who the American Governor was at the time the Japanese invaded Guam.
A. Governor McMillin.
15. Q. Do you know that officer by sight?
A. Yes, I know him. I saw him before the Japanese came in; that was the last time I saw him.
16. Q. During the time you were on the plaza that morning, December 10, were there other service personnel there?
A. Yes, sir, lots of service personnel there at that time.
17. Q. Are you familiar with an organization known as Insular Guard?
A. I know very few over there.
18. Q. Do you know what Insular Guard was?
A. They were supposed to guard the Island.
19. Q. Was its membership made up of civilians or service personnel?
A. Service personnel.
20. Q. What service?
A. American service.
21. Q. Army, navy or marine?
A. Navy.
22. Q. Did you see any member of the Insular Guard at the plaza that morning, December 10, 1941?
A. We were all mixed up, Insular Force and the Insular Guard during that time. There were two organizations there.
23. Q. Do I understand you to mean to say you were kept in a bunch when you say mixed up?
A. We were all mixed up except the white enlisted men who were separated from us.

24. Q. During the time you were in the plaza that morning, did you see Governor McMillin?

A. No, sir.

25. Q. During that time, did you see the accused?

A. Yes, sir. I saw the accused after they got out of jail right in the plaza there. That is all I saw that time.

26. Q. Look at this diagram on the blackboard and see if you know what it is drawn to represent.

A. This is the plaza (witness indicating).

27. Q. How long did you live on Guam before the Japanese invasion?

A. I was born here.

28. Q. You were born here?

A. Yes, sir.

29. Q. Do you remember whether or not there was a cathedral near the plaza?

A. Yes, sir.

30. Q. Take a piece of chalk and indicate the location of that cathedral, if you can do so.

A. This is the cathedral, the tennis court here. There was a road here and another road here. The Governor's palace here and the Insular Guard barracks here. (witness indicating)

31. Q. This line is supposed to represent the plaza, by that you mean the cathedral was inside the plaza?

A. No, sir, outside the plaza.

32. Q. Considering this line as the boundary line of the plaza, where was the cathedral?

A. Over here. (indicating)

33. Q. Do you know where the Bank of Guam was?

A. Yes, sir, near the jail.

34. Q. Was the cathedral on the same street as the Bank of Guam?

A. Not on the same street because the Bank of Guam has a street in front that goes straight to the hospital and in front of the cathedral there was a road that goes up the hill.

35. Q. Here was the cathedral, here is the palace; where did Governor McMillin live at that time, if you know?

A. In the palace.

36. Q. In the morning you were in the plaza, as you recall, where on the plaza were you?

A. Right in front of the palace.

37. Q. When you say right in front of the palace, you mean in the plaza?

A. Yes, sir.

38. Q. Please mark on that diagram where you were in that morning?

A. The witness did so (on the road leading to the palace).

39. Q. That would be on the street?

- A. There was no street.
40. Q. Were you not in the plaza?
A. No.
41. Q. Where were the other native personnel you said were there?
A. Over by the civil jail.
42. Q. During that period of from 6:00 o'clock in the morning when you surrendered until 10:00 o'clock in the morning, did you remain about the same spot in the plaza there or did you shift around from place to place in the plaza?
A. No, we stayed at one place.
43. Q. What time did you leave the plaza that day?
A. About 10:00 o'clock we went in the Insular Guard barracks.
44. Q. How long did you remain there?
A. I do not remember how long I stayed there but on the same morning, I was called up to duty as a cook and we were transferred over to the old Officers' Club and did our cooking there.
45. Q. How long were you held prisoner?
A. From that time until the last part of January.
46. Q. Where were you kept as prisoner?
A. At the Officers' Club.
47. Q. Were you kept there day and night during that time?
A. Yes, sir.
48. Q. Did you own an automobile at the time the Japanese invaded Guam?
A. Yes.
49. Q. When was the first time you saw that automobile after the Japanese invaded Guam?
A. At the time they got my car to use in the hauling of plumbers going around the island.
50. Q. Who got your car?
A. The Japanese.
51. Q. Tell us if you know whether or not the Japanese took over all the automobiles belonging to citizens of Guam?
A. The only time I knew that Japanese took all automobiles was when I saw a bunch of old automobiles in the plaza.
52. Q. About what date was that?
A. They started the same day, December 10th. They did that every day until they had all cars from the natives.
53. Q. What type of work, if any, did you do during the period the Japanese were in Guam?
A. I was a cook before the Japanese came in until the first shell came in Guam from the ship.
54. Q. What did you do after the Japanese came on the Island?
A. I was taking up the same job, cooking for the Japanese.

55. Q. Did you ever make any delivery of food from the Japanese supply stores to anyone on Guam?
A. Yes, I remember doing that a couple of times.
56. Q. Tell us in detail about that.
A. I was working for the navy; I was supposed to be a galley boy. They called for me and told me to drive a car over to Shinohara's residence.
57. Q. For what purpose was that food sent to the accused's residence, if you know?
A. Yes, sir, because I asked the chief commissary steward why this food was going to be used and he said we were going to have a party for the Japanese Navy.
58. Q. Where was that party to be held?
A. I remember one time, the first time I think, it was the old Elks Club.
59. Q. Going back to the question about the automobile. Did you know whether or not the Japanese took control of all automobiles belonging to Americans then in Guam?
A. Yes, I know the Japanese took the American automobiles. I cannot say what they did with them.
60. Q. During the period of the Japanese occupation of Guam, did you ever see any automobile in the possession of the accused?
A. Yes, sir.
61. Q. Please describe that automobile.
A. I cannot remember the color.
62. Q. Do you remember the make?
A. No, sir, I do not remember the make.
63. Q. Did you know an officer in the United States Navy, named Lieutenant Junior Grade James D. Davis?
A. Yes, sir, he came to the officers' mess in Guam.
64. Q. He was in Guam at what time?
A. Before the war.
65. Q. Was he in Guam at the time the Japanese invaded Guam?
A. I do not remember.
66. Q. When you say he was in Guam, can you fix with any certainty the time you recall that he was in Guam?
A. I remember before the Japanese invaded the Island that he was in the Island but after the Japanese came in I cannot remember him that time. I supposed I did not see him after that.
67. Q. Do you recall whether or not Davis had an automobile when he was in Guam?
A. Yes, sir, I remember that he had an automobile.
68. Q. Can you describe that automobile?
A. I do not remember the make and color of the car. I just don't remember.
69. Q. You said a few minutes ago you recalled seeing the accused with an automobile in Guam during the Japanese occupation, is that correct?
A. Yes, sir.

70. Q. About what time or date was it, as you recall now, that you first saw the automobile in the possession of the accused during the Japanese occupation?

A. I do not remember when he got the automobile because I was down at Sumay first. I stayed there with the Japanese about 8 or 9 months. I do not remember what date he had the car.

Cross-examined by the judge advocate:

71. Q. Do you know of your own knowledge if the Japanese took Lieutenant Davis' car?

A. I do not remember of the date.

72. Q. Did you know that of your own knowledge?

A. Yes, sir.

73. Q. Explain how you know it.

A. The way I know it is I heard lot of people talking they were going to take all American cars and civilian cars from the civilians.

74. Q. Did you see the Japanese take Davis' car?

A. No.

75. Q. Then you do not know whether or not they took it of your own knowledge?

A. This only I know. This man had a car belonging to American, yes, sir.

76. Q. Who took Davis' car?

A. I do not know.

77. Q. You delivered food to the accused more than one time, did you not?

A. Two times, I remember.

78. Q. To his residence?

A. Yes, sir.

79. Q. Did you ever see where that food was used after it went to his residence?

A. No, I did not see that. They just told me to take it over to Shinohara's house and leave it there, so I just delivered it there and unloaded it and came back to work.

80. Q. That food was taken from the Japanese Navy where you were working to the accused's residence by you, is that correct?

A. Yes, sir.

81. Q. Where did the accused live at that time?

A. He lived next to Pedro Martinez's residence.

82. Q. What city?

A. Agana.

83. Q. You said that "when the accused got out of jail", what jail did he get out of?

A. He got out of the civil jail.

84. Q. Where was that civil jail?

A. Right by the plaza.

85. Q. How long had he been in jail?

A. I do not remember.

86. Q. In addition to your work at the Japanese Navy, you did run a business of your own in Agana during the Japanese occupation, did you not?

A. Yes, sir, you had to do something.

87. Q. Was there a license required from the Japanese Military Government at that time to run a restaurant?

The accused objected to this question on the ground that it was incompetent, 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 overruled.

The question was repeated.

A. Yes, sir.

88. Q. Did you have a license to run a restaurant?

A. I had a license to open a bar that time and at the same time told me to have a restaurant, but it was not complete restaurant at that time because I don't have food yet. So I just run soup and coffee.

89. Q. You served soup and coffee?

A. Yes, sir.

90. Q. Where did you get the materials to make the soup?

A. I worked for the Japanese Navy and about three times a week, they had a cattle for the navy and I happen to have part of the bones. I chopped up the bones and the vegetables I got from the natives.

91. Q. Did you charge for that soup and coffee?

A. Yes, sir.

92. Q. You say you never saw Governor McMillin after the Japanese came in, is that right?

A. No, sir, I did not see him after the Japanese came in.

93. Q. Do you know where Governor McMillin lived December 10, 1941?

A. Yes, sir, he lived at the palace.

94. Q. Do you know Felix Nauta?

A. Yes, sir.

95. Q. Do you know Ignacio Salas?

A. Yes, sir, same fellow used to be one of the police.

96. Q. Do you know if they were members of the Insular Guard of Guam?

A. Yes, sir, I remember they were.

97. Q. Salas and Nauta?

A. Yes, sir.

98. Q. Did you see them on December 10, 1941?

A. No, sir, I did not see them because when I was in the plaza you can't move, you just sat down.

99. Q. Which way were you facing that day?

A. Facing the palace, sitting down on the grass and facing the palace. You can't move. If you move you are gone.

100. Q. Was anybody in front of you?

A. Yes, sir.

101. Q. A guard with a gun?

A. Yes, sir.

102. Q. Do you know at what time the accused got out of jail on December 10?

A. No, I do not know what time, but it was in the same morning, December 10.

103. Q. You do not know what time it was?

A. No, sir.

104. Q. Did you see the accused when he was in jail December 10?

A. I did not see him.

105. Q. How did you know he was in jail?

A. I know, because the word came out that they have to take all Japanese put in jail. That is all I know, so he must be there in jail.

106. Q. Do you know who let him out of jail?

A. I do not know the man. I do not know his name, but supposed to be the Japanese Government.

107. Q. What nationality was the man who let him out of jail?

A. I do not know; either navy or civilian.

108. Q. What nationality?

The accused objected to this question on the ground that it has already been asked and answered.

The judge advocate replied.

The commission announced that the objection was overruled.

The question was repeated.

A. I do not know.

109. Q. Did you see the man who let him out of jail?

A. No, sir.

Examined by the commission:

110. Q. When you were taken out of jail and detailed as cook, were you a prisoner?

A. Yes, sir.

111. Q. How long did you continue in that status as prisoner?

A. I worked for the Japanese since 10 December until when the first shell came in from the ship.

112. Q. Was that under charge of a sentry or a prisoner at large?
A. I was working in the galley.
113. Q. But were you under any restriction, if so, what were they?
A. They sent me home every night.
114. Q. You lived at home at that time?
A. Yes, sir.
115. Q. You said that you operated a restaurant in Agana, how long after the Japanese occupation did you start that?
A. About 6 months after the Japanese came in.
116. Q. At that time were you still a prisoner of war?
A. Yes, sir, I was still working for the Japanese.
117. Q. Were you given time off to operate the restaurant by the Japanese?
A. Yes, sir, they gave me that privilege, but I did not attend to my restaurant, my family did that.
118. Q. You still continued to work?
A. Yes, sir.
119. Q. Who took your automobile?
A. When I came down from my ranch that morning, I went over to work at 7:00 o'clock and came back at 11:00 o'clock to the house. At that time my engine was gone from the car, so I asked my neighbor who took the engine out and they said some of the soldiers.
120. Q. Was that all they took just the engine and left the rest sitting there?
A. Yes, sir.
121. Q. Did they ever take that?
A. No, sir. I found that after my house was burned right beside my house.
122. Q. When you used the name, Shinohara, throughout your testimony, did you at all times refer to the accused?
A. Yes, sir, that is what I know his name to be, Shinohara.
123. Q. Where you have mentioned the name Shinohara, you were referring to the accused, that individual there, is that right?
A. Yes, sir.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, residence and occupation.
A. Miguel Angel Olana, Bishop of Guam, resident of San Ramon Street, Agana.

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

Examined by the accused:

3. Q. On what date did the Japanese invade Guam?
A. On 10 December 1941.
4. Q. Where were you at that time?
A. I was at that time in the morning, in the house of Judge Vicente Camacho at a place called Maite.
5. Q. In Guam?
A. In Guam.
6. Q. Did you remain in Guam throughout the Japanese occupation?
A. I remained here for one month.
7. Q. Then where did you go?
A. After that I was taken prisoner and sent to Japan.
8. Q. On what date did you leave Guam?
A. I left Guam on 10 January 1942.
9. Q. How long had you been in Guam prior to the Japanese occupation of Guam?
A. 23 years.
10. Q. Do you know Captain George J. McMillin, U.S. Navy?
A. Yes, sir, I know him.
11. Q. Who was the Governor of Guam at the time the Japanese came here?
A. It was Captain McMillin, United States Navy.
12. Q. Did you see Captain McMillin in Guam after the Japanese came here?
A. When once I was taken to the hospital for sick call, I passed by the rooms of the hospital and there he was leaning, Captain McMillin, and he told me, "Good morning, bishop, how do you do".
13. Q. Have you seen Governor McMillin since that time he spoke to you when you were going to the hospital?
A. Yes, sir, Monday before our departure to Japan. One day before - 9 December 1942.
14. Q. What date did you depart to Japan?
A. We departed 10 January.
15. Q. You say you saw the Governor one day before you departed for Japan. What was the date, that you have in mind, as the date you saw the Governor?
A. I told you before I saw him at the hospital on the 9th of January, 1942.
16. Q. Where did you see the Governor the day before you departed for Japan?
A. In the cathedral.
17. Q. You say you saw the Governor the day before you departed for Japan?

A. I also had a talk. Then I saw him on the day of departure on the 10th of January. I talked with him on the 9th of January and on the 10th of January, I saw him and he told me, "Good morning", that is all.

18. Q. Where did you see him on the morning you departed for Japan?

A. In the cathedral of Agana.

19. Q. What time was that when you saw him?

A. About 4:30 in the morning.

20. Q. Then where did you go after seeing the Governor at 4:30 that morning?

A. I went to the plaza De Espania.

21. Q. Did anyone else go to the plaza that morning?

A. All prisoners civilian and military, all together.

22. Q. Did you see Governor McMillin?

A. I cannot remember because before me was a big crowd of people, I could not see.

23. Q. What time did you leave the plaza that morning?

A. We left the plaza on Sunday, 7:00 o'clock in the morning.

24. Q. Tell us, if you know, whether or not Governor McMillin left the plaza at that time.

A. When I left the place, the Governor of Guam and the military and civilians remained in the place because I went on the military truck.

25. Q. Have you seen Governor McMillin since that time when you left the place?

A. I did not see him until he arrived at the Argentina Maru in the evening 2:00 o'clock.

26. Q. Did you see Governor McMillin after you left the plaza that morning?

A. I cannot remember. I cannot see him because as I told you they were on lines and he was behind and I could not see the Governor.

27. Q. Tell us, if you know, whether or not Governor McMillin left Guam that day.

A. I say that the Governor of Guam, Captain McMillin left Guam on December 10 for Japan in the evening about 6:00 o'clock.

28. Q. You say December 10, is that right?

A. Excuse me, January 10.

29. Q. What year?

A. 1942.

30. Q. Did you see the accused at the plaza on the morning of January 10, 1942?

A. No, sir.

31. Q. Where were you after leaving the cathedral and until you left the plaza that morning?

A. I was in the plaza in the side of the cathedral until we went to the military truck. I was near the cathedral east side of the plaza.

32. Q. Did you see any civilian near where you were during that time who were not held by the Japanese as prisoner?

A. Yes, sir, I have seen them but not near, but near the school Dorn Hall, some native girls.

33. Q. That is across the plaza where you were, is that correct?
A. I was on the east and they were on the west.
34. Q. Did you see any Guamanian on the east side of the place during that period of time?
A. No Guamanian was allowed.
35. Q. Did you know anyone in Guam by the name of Francisco I. DeLeon?
A. Yes, sir.
36. Q. Did you see him that morning, January 10, 1942?
A. I did not see him.
37. Q. At the time the Japanese invaded Guam, did you have an automobile?
A. Yes, sir, I had a car after the occupation but for two days only.
38. Q. Then what happened to that car?
A. When my Secretary Brother was driving my car, Mr. Shinohara approached to him and said, "Hey, Brother, where is the key of your car?" and he said, "Here". Then Shinohara took the key and sent him away.
39. Q. Did you ever see that car again?
A. I saw it very many times.
40. Q. In whose possession?
A. Japanese officers.
41. Q. Did the church in Guam have any cars here when the Japanese invaded Guam?
A. Yes, the church has cars.
42. Q. How many?
A. About 12 cars.
43. Q. Tell us whether or not the church continued in possession of those cars after the Japanese came to Guam?
A. After two days of occupation, all cars were confiscated by the Japanese Government.

The judge advocate objected to this line of examination regarding other cars, 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 overruled.

Examination by the accused continued:

44. Q. How many cars of the church were so confiscated?
A. 12 cars and one truck.
45. Q. Did you see any of those cars after they were confiscated by the Japanese Government?
A. I saw most of the times my car, but I could not distinguish the others because they were all of the same shape, but I could distinguish my car.

46. Q. And who was in possession of your car when you saw it?
A. Japanese officers.

47. Q. Did you ever see any of the cars you knew to be confiscated later in the possession of civilians in Guam?
A. Never.

Cross-examined by the judge advocate:

48. Q. Did you ever see anyone driving your personal car after you gave it up?
A. I saw officers, but the name, I do not know.

49. Q. Japanese officers?
A. Yes, sir.

50. Q. That is the same car the accused took?
A. Yes, the same car.

51. Q. When you were on the plaza, December 10, did you recognize everyone who was on the plaza individually?
A. Prisoners or what?

52. Q. Everybody?
A. Not everybody, because we were so many - 600 people.

53. Q. Then some individual could have been there but you could not see them?
A. Yes, Mr. Underwood, civilian, was there, but not all of them.

54. Q. Did you know who used your car belonging to the church after you left Guam?
A. I have no information.

Examined by the commission:

55. Q. I believe you said you were taken to the plaza at 4:30 in the morning of 10 January, is that correct?
A. Yes, sir. I saw Governor McMillin 4:30 that morning and he saw me and said, "Good morning, Bishop".

56. Q. You were taken out to the plaza at 4:30 that morning?
A. No, not the plaza, inside the cathedral.

57. Q. What time did you arrive at the plaza?
A. After 6:30.

58. Q. What was the state of the weather?
A. It was daylight.

59. Q. It was reasonably daylight?
A. Yes, sir.

60. Q. You stated that the Japanese confiscated cars belonging to the church, by that I assume they just took them and did not give you receipt for that property, is that correct?
A. What happened to the world happened here.

61. Q. In other words, as far as you know, your automobile was confiscated by the Japanese, is that correct?

A. I think so.

Recross-examined by the judge advocate:

62. Q. You came to court today as witness in answer to a subpoena, did you not?

A. Yes, sir, as witness according to the note I signed.

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 commission then, at 11:20 a.m., adjourned until 9:00 a.m., tomorrow, Tuesday, 21 August 1945.

Nineteenth Day

HEADQUARTERS,
ISLAND COMMAND, GUAM.

Tuesday, 21 August 1945.

The commission met at 9:30 a.m.

Present:

Colonel Walter T.H. Galliford, U.S. Marine Corps,
Major Foster H. Krug, U.S. Marine Corps Reserve,
Major Harry S. Popper, junior, U.S. Marine Corps Reserve,
Major Robert H. Gray, U.S. Marine Corps,
Captain Quentin L. Johnson, U.S. Marine Corps Reserve,
Captain Alfred J. Dickinson, junior, U.S. Marine Corps Reserve,
Lieutenant George W. Dean, U.S. Naval Reserve, members, and
Lieutenant Colonel Teller Ammons, Army of the United States, judge
advocate.

Joaquin C. Perez, civilian, reporter.

Isabel P. Zafra, civilian, interpreter.

The accused and his counsel.

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

No witnesses not otherwise connected with the trial were present.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

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

A. Jesus S. Sayama, resident of Yona, not employed at present.

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

A. I do, Mr. Shinohara.

Examined by the accused:

3. Q. How long have you lived in Guam?
A. Going on 36 years.
4. Q. Were you in Guam at the time the Japanese invaded Guam?
A. Yes.
5. Q. Were you in Guam throughout the time of the Japanese occupation of Guam?
A. Yes.
6. Q. Do you speak Japanese?
A. Yes, sir.
7. Q. Do you read Japanese writing?
A. I didn't go too far in school and I have been here for a long time so when it comes to those difficult characters I cannot read them.
8. Q. Tell us if you know the name used by the Japanese for the Island of Guam during the time they were here?
A. Omiya To.
9. Q. What does the word To mean in English?
A. It is commonly used for Island.
10. Q. Are you familiar with the Japanese term Dai Nisei?
A. Yes.
11. Q. What does that mean in English?
A. It means children of Japanese extraction.
12. Q. I heard you use the word, "mestizo", what does that mean?
A. It means the children of Japanese extraction with Chamorro mother and Japanese father or vice versa.
13. Q. During the time the Japanese were in Guam, were there Dai Nisei here?
A. Yes.
14. Q. Tell us, if you know, whether the Dai Nisei ever held meetings in Guam during the time the Japanese were here?
A. Yes.
15. Q. Were you at any such meeting?
A. Yes.
16. Q. Where was it held?
A. At the Omiya Kaikan.
17. Q. What is the meaning of the term, "Omiya Kaikan"?
A. It means something like Guam Club. It could be used as restaurant too.
18. Q. What word means restaurant?
A. Kai means gathering or a group and Kan is usually used in connection with restaurant.
19. Q. Thinking again of the meeting you say you attended of the Dai Nisei, who presided at that meeting?
A. A member of the Menseibu.

20. Q. Do you recall his name?

A. I remember there was a meeting held once and a man by the name of Homura presided.

21. Q. Tell us, if you know what Homura's position was with the Menseibu?

A. He was the highest man at the Menseibu.

22. Q. What is the meaning of the term Menseibu?

A. It means something like Governor of the Island.

23. Q. Was the accused present at that meeting?

A. Yes.

24. Q. What, if any part, did he take at that meeting?

A. The accused interpreted what the presiding man had to say.

25. Q. Tell us what the presiding man said at that meeting?

A. He said that now that the Japanese are here, you children of Japanese extraction should learn the Japanese language as well as the Japanese ways and in case of fire or something of the sort you should help.

26. Q. Did the Dai Nisei do anything along that line - helping while the Japanese were here?

A. Yes, the members were assigned to go out in case of blackout to see that the order was carried out.

27. Q. Are you familiar with the term, Seinendan?

A. Yes.

28. Q. What does that mean?

A. To me, it means something like the Boy Scouts.

29. Q. Was there such an organization as Seinendan in Guam during the time the Japanese were here?

A. Yes.

30. Q. Who was eligible for membership in that organization?

A. Both Japanese and natives of Guam were eligible and they were divided into two groups. One for the Japanese and another for the natives.

31. Q. How did the Seinendan as a club differ from the Dai Nisei as a club, if they had any?

A. There is very little difference.

32. Q. Did the members of the Seinendan ever have drill - marching?

A. Yes.

33. Q. Did the Dai Nisei ever have drills - marching?

A. Yes, they drilled too, but the Dai Nisei really means those of Japanese extraction.

34. Q. Tell us, if you know, whether there was an organization as such called the Dai Nisei in Guam?

A. Yes.

35. Q. Did you ever see the drills of the Seinendan?

A. Yes.

36. Q. Did you ever see the drills of the Dai Nisei?
A. The Dai Nisei members were Seinendans too, so they had to drill.
37. Q. Was there any difference in the drilling done by the Dai Nisei and the drilling done by the other members of the Seinendans?
A. They were the same.
38. Q. Were guns carried by the people who did the marching?
A. No.
39. Q. Did the Seinendan include as members both Chamorros and Dai Nisei?
A. Yes, but they were not grouped together.
40. Q. Did the members of the Seinendan do any work while the Japanese were in Guam as such members of the group?
A. Yes.
41. Q. Tell us, if you know, whether they were paid for that work?
A. I do not know about the Chamorro Seinendan but the Japanese Seinendan were not paid at the beginning but towards the end they were.
42. Q. How do you know they were paid towards the end?
A. Because the highest man of the Kohatshu gave me money to pay the workers.
43. Q. And did you use that money to pay the workers?
A. Yes.
44. Q. What is the meaning of the term Kohatshu?
A. Name of a firm something like the Atkins, Kroll.
45. Q. What type of work did the Kohatshu do on Guam?
A. It handled all business concerns.
46. Q. You say you got the money from the Kohatshu and paid the people that worked. What was the daily rate of pay of the people you paid, if you know?
A. Three yen per person per day.
47. Q. Were you in Guam the day the Japanese occupied Guam?
A. Yes.
48. Q. What was that date, if you recall?
A. December 10.
49. Q. What year?
A. 1941.
50. Q. Where were you at the time the Japanese invaded Guam on that day?
A. I was in jail.
51. Q. Where was the jail located?
A. At Agana.
52. Q. When were you released from jail?
A. On the same day, December 10.
53. Q. About what time?
A. About 7:00 o'clock in the morning when the Japanese came and broke the gates because they were locked.

54. Q. Tell us, if you know, where the accused was when the Japanese came to the jail and before you were released from jail?

A. We were together at the prison.

55. Q. Tell us if you know the time he was released from jail?

A. We went out together.

56. Q. Does that mean you were released the same time?

A. Yes, we all lined up and got out together.

57. Q. Then where did you go?

A. We were marched to the plaza.

58. Q. The area within these white lines is drawn to show the plaza; here is shown the jail across the street from the plaza. All the way across the plaza on the other side is the palace; here on this side of the plaza marked Dorn Hall; here on this side of the plaza the cathedral and church building. From your recollection of the plaza, jail, the palace, the Dorn Hall, the cathedral and church building, are those correctly drawn?

A. Yes.

59. Q. Where were you taken on the plaza when you left the jail?

A. (The witness drew a circle to show where he was).

60. Q. Did you see other people on the plaza that time when you arrived?

A. On this place, I saw many Guam service boys (the witness drew a big circle below the first circle).

61. Q. Did you see any American in the plaza at that time?

A. Some Americans were here (witness drew another circle below the second).

62. Q. When you left the jail and came to the plaza, were you under guard or orders as to what you were going to do when you went out of the jail?

A. No, not under guard.

63. Q. Then what did you do?

A. I could wander about for a little ways because I was not under guard and Father Calvo came around and told us that there was quite a number of dead bodies that had to be buried, so I helped in obtaining shovels.

64. Q. From the time you arrived at the plaza until you left the plaza, about how long a time do you think it was?

A. I was at the plaza practically all day, but I left the place only in case I was sent out on errand to get water or something for the Japanese.

65. Q. Thinking of this as a line between the grass at the edge of the plaza and the street. Is this place in the plaza the location of the Guamanian service personnel correctly spotted on the diagram?

A. Yes.

66. Q. Did you know Captain George McMillin, United States Navy?

A. Yes.

67. Q. Did you ever see him in Guam prior to the Japanese occupation of Guam?

A. Yes.

68. Q. On the morning of which we are speaking, December 10, 1941, did you see Governor McMillin that morning?

A. I did not see him.

69. Q. Did you see the accused on the plaza that morning after you left the jail and arrived at the plaza?

A. When we were released from the jail, I saw him, but after that I did not see him.

70. Q. When the Japanese invaded Guam, did you or did you not own an automobile?

A. Yes.

71. Q. Where was that automobile at that time?

The judge advocate objected to this 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 sustained.

72. Q. You say you were at the plaza December 10, did you see any automobile near the plaza that day?

A. Yes.

73. Q. Tell us whether or not you saw Japanese take automobiles and leave the plaza that day.

A. Yes.

74. Q. Describe in more detail what you saw.

A. On that day, December 10, I saw some of the Japanese driving automobiles and at a later date I was also sent out to round up some cars.

75. Q. When you say Japanese driving automobiles, you mean Japanese who had been living on Guam before that time or Japanese military personnel?

A. I meant the army soldier.

Cross-examined by the judge advocate:

76. Q. Did you live on Guam 36 years?

A. Yes, going on 36 years.

77. Q. How long have you known the accused?

A. Since his arrival on Guam.

78. Q. What date was that?

A. I do not remember that.

79. Q. What year did you arrive on Guam?

A. 1910.

80. Q. The accused was already here at that time, wasn't he?

A. I do not know that because when I first arrived I lived at the ranch.

81. Q. The word, Omiya Kaikan; does the word, Omiya, mean temple in Japanese?

A. No, it means something similar to Guam.

82. Q. What is the word for temple in Japanese?

A. Kiyokai.

83. Q. Does Omiya mean shrine in English?
A. No, Omiya Kiyokai means shrine, the two words together.
84. Q. Does Kaikan mean organization?
A. Yes.
85. Q. Does it mean also restaurant?
A. The last syllable there Kan refers to restaurant.
86. Q. Doesn't always refer to restaurant?
A. Yes.
87. Q. Does Omiya Kaikan mean temple or meeting place of an organization?
A. No.
88. Q. Do you know Jesus B. Sayama?
A. I do not know him, I know Jesus S. Sayama.
89. Q. Who is that man?
A. That is me.
90. Q. Do you know Pedro Sayama?
A. Yes.
91. Q. Who is he?
A. My son.
92. Q. Do you know Jose B. Sayama?
A. Yes.
93. Q. Who is he?
A. My son.
94. Q. Where is he?
A. He is in Japan.
95. Q. Is he a prisoner?
A. I do not know. I have not heard from him since the war.
96. Q. He was on Guam, was he not, during the Japanese occupation?
A. No, he left the Island before the war was declared.
97. Q. Then you never have seen him on the Island since the war was declared?
A. No.
98. Q. Have you not a son by the name of Jesus Sayama also?
A. Yes.
99. Q. What is his initial?
A. Jesus B. Sayama.
100. Q. Then you do have a son by the name of Jesus B. Sayama?
A. Yes.
101. Q. Was he a member of the Dai Nisei?
A. Yes.
102. Q. Was Pedro B. Sayama, your other son, a member of the Dai Nisei?
A. Yes. They are all members; they all had to be members.

103. Q. Why did they have to be members?
A. Because Dai Nisei is only for the Japanese.
104. Q. Do you understand any English?
A. No.
105. Q. Is it not a fact that Jose B. Sayama, your son, is in the Japanese Army?
A. Yes, so I heard.
106. Q. Is it not a fact that he was on this Island with the Japanese invasion force?
A. No, he did not come here.
107. Q. How many meetings of the Dai Nisei did you attend?
A. Two.
108. Q. Was there any one present but the members of the Dai Nisei?
A. No.
109. Q. Is that private or public meeting each one you attended?
A. No, it was not public.
110. Q. Who is in charge of the Dai Nisei Club on Guam?
A. The number one man of the Menseibu.
111. Q. Did you see the accused at both meetings that you were at of the Dai Nisei?
A. Yes.
112. Q. What was the name of the man that was in charge of the Dai Nisei?
A. Homura.
113. Q. What position did he hold, if any, on the Japanese Government?
A. He was the Island Governor.
114. Q. What nationality was he?
A. Japanese.
115. Q. How do you know he was in charge of the Dai Nisei?
A. Because he presided at the meeting.
116. Q. Was the accused the interpreter at this meeting where this Japanese presided?
A. Yes.
117. Q. Was the accused the interpreter of both meetings you were present at?
A. Yes.
118. Q. Did you see the accused present on the times you saw the Dai Nisei drill?
A. Yes.
119. Q. What was the accused doing at that time?
A. Just like we did, just stood on one side and watched.
120. Q. How many times did you see the Dai Nisei drill?
A. Many times.
121. Q. Did you see the accused present at all those times?
A. Sometimes he was not present.

122. Q. Were you a member of the Dai Nisei Club?

A. No.

123. Q. How did you happen to be at the meeting of the Dai Nisei Club?

A. It was not mentioned what kind of meeting so I just went there to find out.

124. Q. Who told you about the meeting?

A. The order came from the Menseibu and Shinohara passed the word around.

125. Q. By Shinohara, you mean the accused?

A. Yes.

126. Q. Do girls belong to the Dai Nisei?

A. Yes, girls were members of the Dai Nisei but when meetings were held, they were not present.

127. Q. Girls were never present at the meetings, is that correct?

A. Yes. Sometimes they were present but I do not know what kind of meeting it was.

128. Q. How do you know they were present?

A. Because I was present too and I saw them.

129. Q. What dates were the meetings you attended?

A. I forgot.

130. Q. What length of time after the Japanese came in on December 10, was the first meeting you attended?

A. Maybe about 6 months later.

131. Q. Six months after the Japanese came in was the first time you attended a meeting of the Dai Nisei, is that correct?

A. Yes.

132. Q. Who was the head of the Seinendan of Guam?

A. Homura.

133. Q. Was that the same Homura, the head of the Dai Nisei?

A. Yes.

134. Q. What was the purpose of the Seinendan?

A. I understand it is similar to the Dai Nisei - to learn the Japanese language as well as the customs and to help in case of fire, typhoon and to know how to drill.

135. Q. What was the purpose of the drills?

A. Just to learn the drills so in case something happened they would know just how to go about it.

136. Q. In case what did happen?

A. In case of fire, in case they do not understand the language then they can't give orders.

137. Q. What language would the order be given in?

A. Japanese.

138. Q. What were the age requirement belong to the Seinendan?

A. I am not very certain, but I believe it was from 16 to 24 years. In case of girls; even if they were married before reaching the age of 24 years, they become members.

139. Q. What was the age requirement of the Dai Nisei?

A. No certain age necessary. Even right after birth you can be a Dai Nisei.

140. Q. On members of the Dai Nisei organization on Guam, what were the age limits?

A. I do not know the age requirement, but I believe they take any age.

141. Q. In these meetings you attended of the Dai Nisei, how many small boys did you see?

A. I did not see any.

142. Q. What is your nationality?

A. Japanese.

143. Q. Did you attend this Dai Nisei Club?

A. Yes.

144. Q. Did you see other full blooded Japanese in the Dai Nisei Club?

A. There were others present but I forgot their names.

145. Q. Did you see any Guamanian Chamorro at the meetings you attended of the Dai Nisei?

A. No.

146. Q. Could you state the purpose or principles of the Dai Nisei Club?

A. For the members to learn the Japanese language, the Japanese customs and to help in case of typhoon or fire.

147. Q. Is that all the purposes they were organized for?

A. That is all I know.

148. Q. Do you know if the members of the Dai Nisei Club ever worked on any air field?

A. I do not know if they worked as a Dai Nisei or Seinendan, but they worked.

149. Q. Do you know if any member of the Dai Nisei worked on the communication lines during the Japanese occupation?

A. Yes.

150. Q. Do you know if members of the Dai Nisei Club worked on tunnels, fox holes?

A. Yes. That was an order from the Menseibu. I also helped.

151. Q. Did members of the Dai Nisei work on these air fields, communication lines and tunnels in a group?

A. Yes.

152. Q. Do you know if any member of the Dai Nisei Club gave their services free when working at the air field at Sumay?

A. Yes, their services were free.

153. Q. Do you know who assigned them that work?

A. Yes.

154. Q. Who was that?

A. Menseibu Cho Homura.

155. Q. Did he personally assign them that work?
A. He didn't personally go around, but he had an order passed out.
156. Q. Did anyone ever come to your house to order your son Jesus B. Sayama to go to work on the air field?
A. Yes.
157. Q. Who was that?
A. I forgot who the person was that came. There was a paper passed around.
158. Q. Was it the accused?
A. No.
159. Q. Did the members of the Dai Nisei when they got paid, get their pay from the Kohatshu?
A. In the event that they were working for the air field then the air field manager took care of it; when they worked for the electrician group then the electrician took care of it, but they turned over to the Kohatshu and then the Kohatshu paid them.
160. Q. Did the Kohatshu consist of many organizations?
A. I do not quite understand that, but perhaps the Kohatshu had charge of it under order from the groups.
161. Q. Where did you get the money that you paid the members of the Dai Nisei?
A. From the Kohatshu.
162. Q. How did you know how to pay the members of the Dai Nisei?
A. A list of names came with the money.
163. Q. That is the first you knew you were to pay them when that list of names came with the money, is that correct?
A. A book of the list of workers was kept and from that book one could tell how many days work was done.
164. Q. And that book came with the money and by that you knew who to pay?
A. No, not that book.
165. Q. In fact your son Jesus B. Sayama kept that book, did he not?
A. Every day there was one local Japanese that took charge of the list of workers.
166. Q. And your son Jesus B. Sayama then did not give you the list of names of who to pay, is that right?
A. No.
167. Q. Did your son Jesus B. Sayama work on some of these projects, the air field, as member of the Dai Nisei?
A. Yes.
168. Q. Was he not the foreman of the group of workers there with him at that time?
A. At the beginning, he was the time-keeper, he took charge of the book.
169. Q. As time-keeper, did he not submit to you the list of who to pay?
A. Yes.
170. Q. Then your statement where you said that your son Jesus B. Sayama did not keep the record is incorrect, is it not?

A. At the beginning, Jesus kept the names in a small note book and then when he came home, those names were transferred to the big book. Later on when the big book was in use, it was given to one who was to take care of the men. At the beginning there was no record because the service was free, later on when they were to get paid, a record was kept.

171. Q. Who turned you loose from the jail on December 10, 1941?
A. An army soldier.

172. Q. What soldier?
A. Japanese Army.

173. Q. You said that the accused was in jail with you?
A. Yes.

174. Q. And you and the accused were released together?
A. Yes, we were in line.

175. Q. After you and the accused were released from the jail, when was the last time you saw the accused on the morning of December 10, 1941?
A. After we were released and marched over to the plaza and while standing there, that was the last time I saw him.

176. Q. Did you see him leave you at that time?
A. No, I did not see him.

177. Q. While you and the accused were in jail before you were let out, did you hear any conversation between the accused and somebody there?
A. Yes, there were many people there and they were all talking.

178. Q. Do you remember the name of the Japanese member of the armed forces that opened the jail?
A. I do not know.

179. Q. Were you asked for by name at that time?

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

The judge advocate replied.

The commission announced that the objection was overruled.

The question was repeated.

A. No.

180. Q. When were you put in jail?
A. 8 December 1941.

181. Q. Did you see the accused at that time in jail?
A. Yes, we were together.

182. Q. What is Captain McMillin's first name?
A. I do not know.

The witness was duly warned.

The commission then, at 12:05 p.m., adjourned until 9:00 a.m., tomorrow, Wednesday, 22 August 1945.