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THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

Headquarters of the Commander Naval Forces Marianas
Naval Forces Marshalls-Carolines and Marshalls-Carolines Area

Serial:

MILITARY COMMISSION ORDER NO. 11

(In re SHINOHARA, Samuel T., (of Japanese origin) inhabitant and resident of Guam).

1. During period 28 July 1945 to 27 August 1945, SHINOHARA, Samuel T., (of Japanese origin) inhabitant and resident of Guam was tried by a United States Military Commission convened by order of The Island Commander, Guam, dated 21 July 1945 at Headquarters, Island Command, Guam, Marianas Islands on the below listed charges and specifications:

CHARGES: (Preferred 12 May 1945).

CHARGE I - TREASON (one specification)

<u>Spec.</u>	<u>Nature of Offense</u>	<u>Place of Offense</u>	<u>Date of Offense</u>	<u>Name of Accused</u>
1	Did treasonably adhere to Japan and give aid and comfort to Japan by assisting the taking by the Japanese military forces of money and checks in the amount of \$9,300, lawful money of the United States, belonging to the Naval Government of Guam.	Island of Guam	16 Dec. 1941	SHINOHARA

CHARGE II - THEFT (one specification)

<u>Spec.</u>	<u>Nature of Offense</u>	<u>Place of Offense</u>	<u>Date of Offense</u>	<u>Name of Accused</u>
1	Did steal from James E. Davis, lieutenant (junior grade), U.S. Navy, one Chevrolet automobile of the value of about \$1,200.	City of Agana, Guam.	Feb. 1942	SHINOHARA

CHARGE III - ASSAULT AND BATTERY (one specification)

<u>Spec.</u>	<u>Nature of Offense</u>	<u>Place of Offense</u>	<u>Date of Offense</u>	<u>Name of Accused</u>
1	Did assault and strike George J. McMillin, captain, U.S. Navy.	Agana, Guam.	20 Jan. 1942	SHINOHARA

CHARGE IV - TAKING A FEMALE FOR THE PURPOSE OF PROSTITUTION
(two specifications)

<u>Spec.</u>	<u>Nature of Offense</u>	<u>Place of Offense</u>	<u>Date of Offense</u>	<u>Name of Accused</u>
1	Did unlawfully take Alfonsina Flores, a female person, for the purpose of prostitution, procuring her consent thereto by misrepresentation.	Island of Guam.	Feb. 1942	SHINOHARA
2	Did unlawfully take Nicholasa P. Mendiola, a female person, against her will and without her consent, for the purpose of prostitution.	Island of Guam	Feb. 1942	SHINOHARA

ADDITIONAL CHARGES: (Preferred 20 July 1945).

CHARGE I - TREASON (three specifications)

<u>Spec.</u>	<u>Nature of Offense</u>	<u>Place of Offense</u>	<u>Date of Offense</u>	<u>Name of Accused</u>
1	Did treasonably adhere to Japan and give aid and comfort to Japan by aiding the Japanese military forces to take for their use an electric generator of the value of \$500, said generator being the property of Ignacia Bordallo Butler.	Island of Guam.	11 Dec. 1941	SHINOHARA
2	Did treasonably adhere to Japan and give aid and comfort to Japan by organizing the residents of Guam into an organization known as the Dai Nisei for the purpose of assisting the Japanese military forces.	Island of Guam.	Dec. 1941	SHINOHARA
3	Did treasonably adhere to Japan and give aid and comfort to Japan by supplying the Japanese military and naval forces with provisions and refreshments.	Island of Guam.	Apr. 1942	SHINOHARA

CHARGE II - ASSAULT AND BATTERY (two specifications)

<u>Spec.</u>	<u>Nature of Offense</u>	<u>Place of Offense</u>	<u>Date of Offense</u>	<u>Name of Accused</u>
1	Did assault and strike George J. McMillin, captain, U.S. Navy.	Igana, Guam.	10 Dec. 1941	SHINOHARA
2	Did assault and strike George J. McMillin, captain, U.S. Navy.	Igana, Guam.	1 Jan. 1942	SHINOHARA

CHARGE III - DESECRATION OF FLAG (one specification)

<u>Spec.</u>	<u>Nature of Offense</u>	<u>Place of Offense</u>	<u>Date of Offense</u>	<u>Name of Accused</u>
1	Did publicly defile a flag of the United States by using it for the purpose of wiping off a bar.	Agana, Guam.	Feb. or Mar. 1942	SHINOHARA

FINDINGS: The commission on 27 August 1945 made the following findings:

"The specification of the first charge proved.
And that the accused, Samuel T. Shinohara, a civilian, is of the first charge guilty.

"The specification of the second charge not proved.
And that the accused, Samuel T. Shinohara, a civilian, is of the second charge, not guilty; and the commission does therefore acquit the said Samuel T. Shinohara, a civilian, of the second charge.

"The specification of the third charge proved.
And that the accused, Samuel T. Shinohara, a civilian, is of the third charge guilty.

"The first specification of the fourth charge proved in part, proved except the word 'misrepresentation', which word is not proved, and for which the commission substitutes the word 'duress', which word is proved.

The second specification of the fourth charge proved.
And that the accused, Samuel T. Shinohara, a civilian, is of the fourth charge guilty.

"The first specification of the first additional charge proved.
The second specification of the first additional charge proved in part, proved except the word and figures 'December, 1941', which word and figures are not proved, and for which the commission substitutes the word and figures, 'February, 1942', which word and figures are proved.
The third specification of the first additional charge proved in part, proved except the word, 'April', which word is not proved, and for which the commission substitutes the word, 'February', which word is proved.
And that the accused, Samuel T. Shinohara, a civilian, is of the first additional charge guilty.

"The first specification of the second additional charge proved.
The second specification of the second additional charge proved.
And that the accused, Samuel T. Shinohara, a civilian, is of the second additional charge guilty.

"The specification of the third additional charge not proved.
And that the accused, Samuel T. Shinohara, a civilian, is of the third additional charge, not guilty; and the commission does therefore acquit the said Samuel T. Shinohara, a civilian, of the third additional charge."

SENTENCE: The Commission on 27 August 1945 sentenced the accused as follows:

"The Commission, therefore, sentences him, Samuel T. Shinohara, a civilian, to death, to be executed by hanging the said Samuel T. Shinohara by the neck until he is dead, two-thirds (2/3) of the members of the Commission concurring."

2. The Island Commander, Guam, the convening authority, on 13 October 1945, approved the proceedings, findings and sentences in this case.

3. The Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas and Military Governor, Guam, the reviewing authority, on 30 January 1946, subject to remarks, approved the proceedings, the findings as to all charges and specifications except that on the first specification of Charge IV, which he disapproved, the sentence and the action of the convening authority except as it referred to the first specification of Charge IV.

4. The Acting Secretary of the Navy, on 24 Aug 1948 approved the remarks and recommendations of the Judge Advocate General dated 28 April 1948, set aside the findings on Charge I and the specifications thereunder, Charge III and Additional Charge II and the specifications thereunder, and specification 3 of Additional Charge I, and the action of the convening and reviewing authorities thereon; in accordance with the provisions of Section D-14, Naval Courts and Boards, 1937, commuted the sentence of death in this case to imprisonment at hard labor for a period of fifteen years, time served by Shinohara since the thirteenth day of October 1945 to be regarded as time served with respect to the sentence as commuted; and directed that Shinohara be transferred to Japan for imprisonment at such place as may be designated by the Supreme Commander for the Allied Powers.

C. A. POWNALL,
Rear Admiral, U. S. Navy,
The Commander Naval Forces, Marianas.

cc: CinCPacFlt (3)
JAG, USN (3)
SCAP (3)
ComdGen U.S. 8th Army, Japan (3)
National War Crimes Officer, Wash., D.C. (3)
CO, Marine Barracks, Guam (3)
ComMarianas Liaison Officer, Tokyo, Japan (3)

AUTHENTICATED:

H. D. Vanston
H. D. VANSTON,
Flag Secretary.