

Restricted

HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
2 August 1949

UNITED STATES OF AMERICA VS TETSUTARO KATO

Review of the Staff Judge Advocate

1. The attached record of re-trial of Tetsutaro Kato at Yokohama, Japan, tried from 15 June 1949 to 24 June 1949, by a Military Commission appointed by paragraph 1, Special Orders No. 119, dated 7 June 1949, Special Orders No. 123, dated 13 June 1949, and Special Orders No. 124, dated 14 June 1949, Headquarters Eighth Army, United States Army, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Tetsutaro Kato	DATE OF CONFINEMENT: 9 November 1948
AGE: 32	DATE OF ARRAIGNMENT: 15 June 1949
RESIDENCE: 733 Shinmaruko, Kawasaki City, Kanagawa Prefecture	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 15 June 1949 to 24 June 1949
RELATIVES: Father, mother, two brothers, two sisters	DATE OF SENTENCE: 24 June 1949
EDUCATION: Graduate of Keio University	SENTENCE: CHL for life
VOCATION: News Reporter	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: December 1940 to termination of war. (First Lieut.)	

2. Synopsis of Charges, Pleas, Findings and Legal Sufficiency:

<u>Charges and Specifications</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
Charge: Accused, at the times and places set forth in the specifications hereto attached did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: That on or about 19 July 1945, at or near Tokyo Area Prisoner of War Camp 5-B, Niigata, Honshu, Japan, the accused, did willfully and unlawfully bayonet and did order, direct and cause others under his command to bayonet Frank Spears, an American Prisoner of War, thereby causing his death.	NG	G	Yes
Sp 2: That between 28 August 1944 and 1 October 1944, at or near Tokyo Area Prisoner of War Camp 5-B, Niigata, Honshu, Japan, the accused did willfully and unlawfully mistreat Michel O. Caron, a Canadian Prisoner of War, by beating him with fists and sword and kicking and otherwise abusing him into insensibility.	NG	G except the words "and otherwise abusing" and the words "into insensibility"; of the excepted words NG.	Yes