

Judge Changes Mind; Osawa, Takahashi Sentences Increased

United States District Judge Lloyd L. Black today added two years to the sentences he imposed Saturday on Charles T. Takahashi and Edward Y. Osawa, former Seattle Japanese exporters convicted last fall by a jury of violation of the United States embargo on exports to Japan.

The sentences were increased from three to five years' imprisonment. Judge Black said he was not satisfied with the original sentence.

Judge Black had given his judgment orally at 4 o'clock Saturday after a three-hour explanation of why he had denied the Japanese a new—and third—trial.

The signing of the written judgment of the three-year sentences imposed Saturday was to have occurred this forenoon, and the change in Judge Black's decision and his refusal to sign the judgment came as a surprise in the courtroom.

New Term Called Fair

"I had said Saturday that I was not satisfied with the sentence," Judge Black explained. "I should have continued the matter until today. If the conviction is reversed on appeal, the defendants will not be hurt, regardless of sentence. But if the sentences are served, they should be the right ones."

Judge Black further stated that the new sentences were "only fair in respect to others," and that he should not have imposed shorter sentences than the minimum recommended by J. Charles Dennis, United States attorney, on Saturday. Dennis had suggested not less than five years and not more than nine. Dennis pointed out that United States District Judge John

C. Bowen had given a nine-year sentence in a similar case.

Tracy Griffin, counsel for Osawa, and Samuel B. Bassett, Takahashi's attorney, both objected to the change, questioning the court's power to reconsider a sentence where no intimation that he contemplated such action had been given by the court or where there had been no continuance. The case was continued Saturday only for formal signing of the sentence and not for imposition of sentence, the attorneys contended.

Griffin described the change as "an abuse of discretion."

Judge Defends Change

"The court has not only the right but the duty to sign the sentence the court thinks is right," Judge Black replied. "If it is not right, the defendants are not hurt, because of the right of appeal." The sentence that counts is the one the court signs."

"There is no question, no argument on that," Dennis interposed.

"I wasn't arguing, just excepting," Griffin said.

Judge Black closed the matter by saying, "It is proper to take exception."

Judge Black said that he had been "fatigued" on Saturday.

The two Japanese had their first trial almost a year ago, when the jury was unable to reach a decision. The second trial ended in conviction on three counts. Judge Black denied the defendants a third trial.

In orally imposing sentence Saturday, Judge Black gave each of the Japanese two years on each of the first two counts, and three years on the third count, the sentences to run concurrently. Today's change was on the third count, making it five years instead of three. Osawa and Takahashi, both of whom posted appeal bond, were returned today to the Japanese relocation camp at Hunt, Idaho.