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Authority: NND 760050 (1945-1949)

By: NARA NARA Date: 1976

MEGURU ISONO & NOBORU NAKAJIMA

(3 JUN 1946)

(150838)

0409

Case of

Captain Meguru Isono, IJA;
Captain Noboru Nakajima, IJA.



RECORD OF PROCEEDINGS

of a

MILITARY COMMISSION

convened at

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands,

by order of

Commander Marianas Area.

Copy furnished

150838

Filed 159/1947

04 10

Captain Noburu Nakajima, Imperial Japanese Army

and

Captain Meguru Isono, Imperial Japanese Army

Trial by Military Commission

in the

Marianas Islands

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ALC-25/FF12/
13/50-21

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 4943

5 April 1946

From: The Commander Marianas Area.
To: Rear Admiral Arthur G. ROBINSON, U. S. Navy.
Subject: Precept for a Military Commission.

1. Pursuant to the authority vested in me by the Commander-in-Chief, U. S. Pacific Fleet (CinCPac conf. serial 0558, of March 8, 1946), and Pacific Ocean Areas, and Military Governor of the Pacific Ocean Areas, a Military Commission is hereby ordered to convene at the Headquarters, Commander Marianas on Guam, Marianas Islands, at 10 o'clock a.m. on Monday, April 8, 1946, or as soon thereafter as practicable, at the call of the president, for the trial of such persons as may be legally brought before it.

2. The Military Commission is composed of the following members, any five of whom are empowered to act, viz:

Rear Admiral Arthur G. Robinson, U. S. Navy
Colonel James V. Ware, Infantry, Army of the United States
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States.
Commander John C. Poshepny, Supply Corps, U. S. Navy
Lieutenant Colonel Adolph Zuber, U. S. Marine Corps
Commander Joseph O. Christian, U. S. Navy
Lieutenant Colonel William A. Rygg, U. S. Marine Corps, and of

Lieutenant William P. MAHONEY, U. S. Naval Reserve and
Lieutenant Edward L. FIELD, U. S. Naval Reserve, as judge advocates, either of whom is authorized to act as such.

Lieutenant Commander Donald H. DICKSEY, U. S. Naval Reserve, Lieutenant Commander Koso HIRATA, IJN, and Lieutenant Hisao MAKASATO, IJN, are available and are hereby authorized to act as defense counsel. This authorization does not preclude as defense counsel others who are available and are desired by the accused.

3. The Military Commission shall be competent to try all offenses within the jurisdiction of exceptional military courts. It shall have jurisdiction over all persons in the custody of the convening authority at the time of the trial charged with war crimes committed against United States nationals and any white person whose nationality has not prior to ordering of the trial been established to the satisfaction of the convening authority. Nothing herein limits the jurisdiction of the Military Commission as to persons and offenses which may be otherwise properly established.

4. The military commission upon conviction of an accused is empowered to impose upon such accused any lawful punishment including the death sentence, imprisonment for life or for any less term, fine or such other punishment as the commission shall determine to be proper.

5. The proceedings of the Military Commission will be governed by the provisions of Naval Courts and Boards, except that the commission is permitted to relax the rules for naval courts to meet the necessities of any particular trial, and may use such rules of evidence and procedure, issued and promulgated by the Supreme Commander for the Allied Powers, Western General Headquarters, Supreme Command for the Allied Powers, APO 900, 3 December 1945, ALC 000.5 (5 Dec. 45)15, Subject: "Regulations Governing the Trials of Japanese War Criminals," as are necessary to obtain justice. The commission may adopt such other rules and forms, not inconsistent herewith, as it considers appropriate.

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Subject: Precept for a Military Commission.

6. Detachment of an officer from his ship or station does not of itself relieve him from duty as a member or judge advocate of the commission. Specific orders for such relief are necessary.

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

/s/ C. A. Pownall
C. A. POWNALL
Rear Admiral, U. S. Navy
The Commander Marianas Area.

Copies to:
Members of Commission
Judge Advocates

Certified to be a true copy.

CERTIFIED TO BE A TRUE COPY

WILLIAM P. MAHONEY,
Lieutenant, U. S. Naval Reserve,
Judge Advocate.

Edward L. Fisk
Lt. J.S.P. h.
Judge Advocate

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

A17-25/FF12
13-JDM-aa

25 April 1946

Serial: 5671

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. ROBINSON, U. S. Navy,
President, Military Commission.

Subject: Change in membership of commission.

1. Captain Eric B. Hoag, DC, U. S. Navy, is hereby appointed a member of the military commission of which you are president, convened by my precept of 5 April 1946, vice Lieutenant Colonel William A. Rygg, U. S. Marine Corps, hereby relieved.

C. A. POWNALL

Copy to:
Captain Hoag
Lieut. Col. Rygg

CERTIFIED TO BE A TRUE COPY

Edward L. Fink
Cl. U. S. N. H.
Judge Advocate

"B"

0414

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

AL7-25/FF12
13-JDM-0a

27 April 1946

Serial: 5744

From: The Commander Marianas Area.
To : Lieutenant William P. MAHONEY, U. S. Naval Reserve,
Judge Advocate, Military Commission.

Subject: Relief as Judge Advocate from Military Commission.

1. You are hereby relieved as Judge Advocate of the Military Commission of which Rear Admiral Arthur G. Robinson is president, convened by my precept of 5 April 1946.

C. A. POWNALL

Copy to:
President, Military Commission

CERTIFIED TO BE A TRUE COPY

Edward L. Fick
U. S. N. R.
Judge Advocate

"C"

04 15

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

AL7-20/FF12
13-JIM-fag

1 June 1946

Serial: 7060

From: The Commander Marianas Area.
To: Rear Admiral Arthur G. ROBINSON, U. S. Navy,
President, Military Commission.

Subject: Change in membership of military commission.

1. Commander Martin E. Carlson, U. S. Naval Reserve, is hereby appointed a member of the military commission of which you are president, convened by my precept of 5 April 1946, vice Lieutenant Colonel Adolph Zuber, U. S. Marine Corps, hereby relieved, upon completion of trials already begun, and except in event of revision of cases already tried.

C. A. POWNALL,
Rear Admiral, U. S. Navy,
Commander Marianas Area.

Copy to:
Commander Martin E. Carlson.
Lieutenant Colonel Adolph Zuber.

CERTIFIED TO BE A TRUE COPY

Edward L. Field
Lt. J.S.T.B.
Judge Advocate

"DP"

04 16

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

AL6-2/FF12
13-JDM-rdc

1 June 1946.

Serial: 7032

From: The Commander Marianas Area.
To: Rear Admiral Arthur G. ROBINSON.
Subject: Appointment of a Judge Advocate to Commission.

1. Lieutenant Daniel FLYNN, United States Naval Reserve, is hereby appointed a Judge Advocate of the Military Commission of which you are president, convened by my precept of 5 April 1946.

C. A. POWNALL,
Rear Admiral, U. S. Navy,
Commander Marianas Area.

Copy to:
Lieutenant Daniel Flynn, USNR.

CERTIFIED TO BE A TRUE COPY

Edward L. Field
St. J. L. P.
Judge Advocate

"E"

0417

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

A17-20/YF12
13-JDM-fag

1 June 1946

Serial:

From: The Commander Marianas Area.
To : Rear Admiral Arthur G. ROBINSON, U. S. Navy,
President, Military Commission.

Subject: Change in Membership of Military Commission.

1. Major Donald B. COOLEY, Jr., U. S. Marine Corps, is hereby appointed a member of the military commission of which you are president, convened by my precept of 5 April 1946, vice Commander Joseph O. CHRISTIAN, U. S. Navy, hereby relieved, upon the completion of trials already begun, and except in event of revision of cases already tried.

C. A. POWNALL,
Rear Admiral, U. S. Navy,
Commander Marianas Area.

Copy to:
Major Donald B. Cooley, Jr., USMC.
Commander Joseph O. Christian, USN.

CERTIFIED TO BE A TRUE COPY

Edward L. Fied
Lt. J.S.L.H.
Judge Advocate

spn

0418

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

AL7-25/FF12/
13-JDM-ro

28 May 1946

Serial: 7031

From: The Commander Marianas Area.
To : Lieutenant Daniel FLYNN, USNR, or Lieutenant Edward L.
FIELD, USNR, Judge Advocates, Military Commission, Commander
Marianas.

Subject: Charge and Specification - in the case of:

Captain ISONO, Meguru, Imperial Japanese Army.
Captain NAKAJIMA, Noboru, Imperial Japanese Army.

1. The above named men will be tried before the Military Commission of which you are Judge Advocate upon the following charge and specification. You will notify the president of the commission accordingly; inform the accused of the date set for trial, and summon all witnesses, both for the prosecution and for the defense.

CHARGE

MURDER

SPECIFICATION

In that ISONO, Meguru, then a Captain, IJA, and NAKAJIMA, Noboru, then a Captain, IJA, and other persons unknown, attached to the three hundred and eighth (308th) Battalion of the military installations of the Imperial Japanese Army at CHICHI JIMA, Bonin Islands, and while so serving at said military installation of the Imperial Japanese Army at CHICHI JIMA, Bonin Islands, did, each and together, on or about February 23, 1945, on CHICHI JIMA, Bonin Islands, at a time when a state of war existed between the United States of America and the Japanese Empire, willfully, maliciously, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, assault and strike, with their hands and with a stick, about two feet long and one inch in diameter, further description to the relator unknown, a certain American prisoner of war, name to the relator unknown, then and there held captive by the Armed Forces of Japan, at the Headquarters of the said three hundred and eighth (308th) Battalion, and, did, then and there, inflict a mortal wound upon the head and body of the said American prisoner of war, of which said mortal wound so inflicted, as aforesaid, the said American prisoner of war died, on or about February 23, 1945, this in violation of the laws and customs of war and the moral standards of civilized society.

C. A. Pownall
C. A. POWNALL,
Rear Admiral, U. S. Navy,
Commander Marianas Area.

Copy received

29 May 1946

磯野 周

中島 昇

Copy received

"G"

0419

昭和二十二年五月二十七日

領「アリイ」方西司令官
宛「アリイ」方「通司令」等附法務官
本國海軍大尉「エドワード・ルース・マール」殿
同 海軍大尉「エドワード・ルース・マール」殿
左記ノ者ニ對スル告訴並ニ調査ノ件

記

大日本帝國陸軍大尉
同 陸軍大尉

磯野 周
中島 昇

前記ノ者ハ晝ニ官ガ法務官タル軍法會議ニ於テ
後記ノ告訴並ニ軍狀項目ニ付キ裁判セラルベシ
貴官ハ裁判長ニテ之ヲ通告シ被告ニ裁判ノ
日時ヲ通知シ原告並ニ被告兩側ノ全證人
ヲ集合セシムベシ。

CERTIFIED TO BE A TRUE COPY

Edward L. Fied
P. O. S. 116
Judge Admet

"H (1)"

0420

告 訴

罹 狀 項 目

大日本帝國陸軍大尉(當時)磯野 周
同 陸軍大尉(當時)中島 昇

右ノ者及び其ノ他不詳者ハ小笠原列島ノ父島
所在ノ大日本帝國陸軍部隊ノ三〇八大隊ニ配屬
勤務中、夫々共同シテ、アメリカ合衆國ト大日
本帝國トガ戦争状態ニ在リタル昭和二十年
二月二十三日頃意思的ニ悪意的ニ、違法的ニ
企圖ト要意ヲ以テ正當ナ理由モナク、適當
ナ公判其ノ他然ルベキ手續モセズ前記大日
本帝國陸軍部隊手ニ柳田シアリシ某米
俘虜二名(姓名不明)ヲ手ト長サ約二呎、直
徑約一寸(其ノ他ノ詳細不明)アル棒ヲ以テ同
三〇八大隊ノ本部デ殴打シ、同米俘虜ノ頭ト
身体ニ瀕死ノ重傷ヲ加ヘ、因テ昭和二十年
二月二十三日頃同米俘虜ヲ死セスルニ至ラシメ
タリ、仍テ右行爲ハ戦争法規並ニ慣習及び
文明社會ノ道義ニ違反シタルモノナリ。

CERTIFIED TO BE A TRUE COPY

Edward L. Field
U. S. P. R.
Judge Advocate

附 (2)

0421

FIRST DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.

Monday, June 3, 1946.

The commission met at 9:50 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Poshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, Jr., U. S. Marine Corps, members, and
Lieutenant Daniel Flynn, U. S. Naval Reserve, and
Lieutenant Edward L. Field, U. S. Naval Reserve, judge advocates.

Alton C. Staples, sergeant, U. S. Marine Corps, entered with the accused, and reported as provost marshal.

The judge advocate introduced Howard D. Rittmaster, yeoman third class, U. S. Naval Reserve, as reporter. 241

The judge advocate asked each of the accused if he desired defense counsel.

Each of the accused stated that he requested Lieutenant Commander Donald H. Dickey, U. S. Naval Reserve, and Mr. Shigeatsu Ijichi to act as his counsel.

Lieutenant Commander Donald H. Dickey, USNR, and Mr. Shigeatsu Ijichi took seat as counsel for each of the accused.

The judge advocate read the precept and modifications thereof, copies prefixed marked "A", "B", "C", "D", "E", and "F".

The judge advocates did not object to any member of the commission.

Each of the accused stated that he did not object to any member.

The judge advocates, each member of the commission, and the reporter were duly sworn.

The judge advocate introduced Ensign Robert F. Durden, Ensign Martin P. Arvey, and Fumio Tamamura as interpreters. They were duly sworn.

The judge advocate asked each of the accused if he had received two

copies of the charge and specification in this case, one in English and one in Japanese.

The defendants, Captain Isono, Meguru, IJA, and Captain Nakajima, Noboru, IJA, stated that they had each received a copy of the original charge and specification preferred against them, in both English and Japanese, on 29 May 1946.

The judge advocate asked each of the accused if there were any objections to the charge and specification as preferred.

The accused replied in the affirmative, stating that the defense objects to the inclusion of the term "the moral standards of civilized society" as being improper and non-legal; that the specification in Japanese contains an error in that it says the accused are attached to the 108th Battalion rather than the 308th Battalion as in the English version; and that the specification contains a surplus of wordage in using both the expressions "maliciously" and "malice aforethought."

The judge advocate replied.

The commission was cleared. The commission was opened. All parties to the trial entered.

The commission directed the judge advocate to correct the manifest translation error pointed out by the accused in the original Japanese specification and in the copies in the hands of the accused. The commission further announced that the other objections of the accused were not sustained, and that it found the charge and specification otherwise in due form and technically correct.

The judge advocate asked each of the accused if he was ready for trial.

Each of the accused stated that he was ready for trial.

No witnesses not otherwise connected with the trial were present.

The judge advocate read the letter containing the charge and specification, original prefixed marked "G", in English; then, an interpreter read in Japanese one copy, prefixed marked "H".

Each of the accused was arraigned as follows by the judge advocate:

Q. Captain Isono, Meguru, IJA, you have heard the charge and specification preferred against you; how say you to the specification of the charge, guilty or not guilty?

A. Not guilty.

Q. How say you to the charge, guilty or not guilty?

A. Not guilty.

Q. Captain Nakajima, Noboru, IJA, you have heard the charge and specification preferred against you; how say you to the specification of the charge, guilty or not guilty?

A. Not guilty.

Q. How say you to the charge, guilty or not guilty?

A. Not guilty.

The prosecution began.

The judge advocate then made his opening statement, a brief of which is appended, marked "I".

The judge advocate asked the commission to take judicial notice of the fact of the existence of a state of war between the United States and Japan between December 8, 1941, and August 14, 1945; the Hague Convention of October 18, 1907; the Geneva Prisoners of War Convention of 1929; and of the U. S. War Department Communique No. 74 of January 24, 1942, regarding the election of Japan to abide by international convention relating to captured prisoners of war. C.L.F.

A judge advocate then took the stand and was sworn as a witness for the prosecution.

Examined by the judge advocate:

1. Q. State your name, rank and present station?

A. Lieutenant Edward L. Field, USNR, Commander Marianas, judge advocate military commission.

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

Each of the accused stood when pointed out and then resumed his seat.

A. The man standing on the left is Captain Isono and the man on his right is Captain Nakajima.

3. Q. As judge advocate of this commission, are you the legal custodian of the copy of a certain dispatch sent to the Navy Department, regarding the trial of these accused?

A. I do have in my custody such a copy of a dispatch.

4. Q. Can you produce that dispatch?

A. No, the original of this dispatch has been sent to the Chief of Naval Operations in Washington, D. C.

5. Q. Do you have a copy of the dispatch?

A. Yes, I have in my possession a certified true copy of this dispatch.

6. Q. Can you produce that copy for the commission?

A. I can.

7. Q. Can you produce that original?

A. I cannot produce the original.

8. Q. Where is the original, if you know?

This question was objected to by the accused on the ground that it had been asked once before.

The judge advocate withdrew the question.

9. Q. To what does the dispatch refer?

A. The dispatch is a notice to the Chief of Naval Operations, who in turn is requested to inform the Japanese Government of the proceedings of this trial before the commission.

10. Q. Where did you get this copy?

A. This is a copy from the Legal Office, Commander Marianas.

11. Q. What is the date on the dispatch?

A. The date of this dispatch is 27 May 1946.

(2) A document was submitted to the accused and to the commission and by the judge advocate offered in evidence. There being no objection, the document was so received and marked "Exhibit 1".

The accused did not desire to cross-examine this witness.

The commission did not desire to examine the witness.

The witness said that he had nothing further to state.

The witness resumed his seat as a judge advocate.

Prosecution's Exhibit 1 was then read in English by a judge advocate, and in Japanese by an interpreter.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. Will you state your name?

A. Maikawa, Fukuchiro.

2. Q. Where are you presently living?

A. I am living at a farm.

3. Q. And what is your status at this farm?

A. I do not know.

4. Q. Under whose jurisdiction are you at the farm, under what government?

A. I am doing work for the American government.

5. Q. How long have you been stationed at this farm?

A. I reached Guam on the 31st of March, and I have been stationed at this farm since the 2nd of April.

6. Q. Are you a disarmed military person at this farm?

A. I think so.

7. Q. Where did you come from before you came to Guam?

A. I was at Chichi Jima.

8. Q. Where or rather what were you doing at Chichi Jima?

A. When?

9. Q. Previous to the time you came to Guam?

A. I was in the Army.

10. Q. What army?

A. In the Japanese Army.

11. Q. How long had you served on Chichi Jima with the Japanese Army?

A. I was conscripted by the Army at Chichi Jima on September 17, 1941, and have been in the Army since.

12. Q. Were you on duty with the Japanese Army on Chichi Jima in February, 1945?

A. Yes, I was.

13. Q. What were your duties that month?

A. I was a member of a fishing party.

14. Q. Did you ever have any contact with nationals of another country during that month of February, 1945?

A. I have had no other contact, except when I found an American flyer.

15. Q. Where did you find the American flyer?

A. I found him at Tamana Beach, which is in the vicinity of Takinoura on Ani Jima.

16. Q. How far is Ani Jima from Chichi Jima?

A. I think it is about a thousand meters; it may be 1,500 meters.

17. Q. What were you doing when you found this flyer?

A. I went to Ani Jima to fish in the morning and around ten o'clock in the morning, about fifteen large American planes made a bombing raid, and I landed on Ani Jima to avoid this raid; and after the raid had ended, I went out in the canoe again, and that is when I spotted the flyer on Tamana Beach.

18. Q. Was anybody else in the canoe with you?

A. There was a Gunzoku of Chichi Jima, named Yamada Tsutomu with me in the canoe.

19. Q. Will you explain for the record what a Gunzoku is?

A. Gunzoku is a native of the locality where he is conscripted to aid in the war effort.

20. Q. Were you a Gunzoku or army personnel?

A. At that time, I was in army personnel.

21. Q. Are they in the Army such as other Japanese soldiers?

A. At that time they were almost the same as army personnel.

22. Q. What was the flyer doing when you saw him?

A. He was standing on land facing us with one of his arms raised.

23. Q. What did you do then, if anything, after seeing this flyer?

A. When I saw him this Yamada cried out, "There he comes," and when I saw him I thought that naturally the prisoner had arms with him, so I wanted to go back to Chichi Jima and come back with a larger party of men to capture him. As the prisoner came toward us and I knew a little English, I cried out, "Come here," and then the prisoner started walking toward a wharf.

24. Q. Will you continue with your story?

A. This wharf rises out from the water a little, and when we put our canoe along side this wharf, the prisoner came toward the canoe and then this Yamada raised his arms and took the prisoner and put him in the boat.

25. Q. What did you do with the prisoner after you got him in the boat?

A. When we put the prisoner in the boat, I was sitting in the rear, and Yamada in the front. We tried to talk with him, asking him questions about when he had been on Ani Jima, but as we could not understand him, we could not communicate with him and then this prisoner took out of his pocket a celluloid container. This container was sixty per cent full of water, and then this flyer pressed this container to his mouth as if he were drinking, and also put his hand to his throat, and did this several times; and Yamada said that it may be whiskey and why don't I take a drink too, so I got this container from the flyer and drank a little, but it did not have any taste; and then Yamada said that American whiskey didn't have any taste, but it turned out to be just water.

26. Q. What did you do with the flyer if anything?

A. Then we guessed that this flyer was very hungry, and so we gave him a cigarette and lighted it for him, and the flyer smoked the cigarette joyously, and we took him to Miyano Hama, and our house was situated about twenty meters above this beach. We took the flyer there, and there was a corporal named Matsue there. This corporal Matsue telephoned the unit headquarters, and the unit headquarters told him to bring this flyer to the unit headquarters. Corporal Matsue told me that the unit headquarters had instructed him to bring the flyer to the headquarters. I was scheduled to go fishing again, and as Yamada was waiting for me at the beach, I do not know exactly when they took the flyer to headquarters.

27. Q. You turned over the flyer to Corporal Matsue. Is that right?

A. The corporal was the leader of our party, so it is natural that I handed him over to Corporal Matsue.

28. Q. Can you recall the date that you picked this flyer up?

A. It was either the 22nd or the 23rd of February, last year.

29. Q. How long were you with the flyer, that is how long was he in your presence?

A. The flyer was with me from the time we picked him up at Tamana Beach until we came to Miyano Hama, and that was about thirty minutes.

30. Q. Did you observe his general appearance, his clothing, the way he was dressed?

A. This flyer had a new leather jacket on him, and he had blunt shoes, that is shoes with blunt tips, and he had a dark green pair of trousers on.

31. Q. Did he have a hat?

A. He had no hat.

32. Q. Did you observe his physical condition during the time you were with him?

A. I can tell whether a fellow Japanese is in good condition or not, but I could not tell about an American because his face was redder than the normal Japanese, and I am not sure of the condition he was in; but one thing I am very sure of is that he was very hungry. This is because of the way he drank the water we gave him, and the way he ate some hard tack we gave him.

33. Q. Did you observe the condition of his clothes?

A. The flyer had a new leather jacket on, and his trousers were new also.

34. Q. What was your rate or rank at the time you took this flyer prisoner?

A. I was a leading private.

35. Q. Did you ever again see this flyer whom you took captive after you turned him over to Corporal Matsue?

A. No.

36. Q. You referred to unit headquarters. What unit is that, if you can explain further?

A. The corporal telephoned the unit headquarters of the 308th Battalion.

37. Q. Were you connected with any battalion at that time?

A. I was a member of the 308th Battalion, and I was in the fishing party the 308th Battalion formed in July, 1944, at Miyano Hama.

38. Q. Now you have stated that this individual you took prisoner was an American flyer. Will you tell the commission on what you base that statement?

A. I could tell clearly because of his clothes and because he had long hair. We do not have any such hair in the Japanese Army.

39. Q. Previous to that time had you ever seen an American?

A. No, I did not.

40. Q. Previous to that time had you ever seen any American service men?

A. No, I did not.

41. Q. Did you observe the color of this prisoner's skin?

A. He had almost white eyebrows and long red, really red, hair, and the hair on his hands was also white, and the color of his face, his skin, was rather red than white.

42. Q. How big a man was he if you can tell?

A. After that, I have seen many Americans, and I realize that he was a very small man for an American. I have never seen such a small man since I came to Guam.

43. Q. Did you see American service men since the time you captured this prisoner?

A. I did not see any until the cessation of hostilities.

44. Q. Did he wear any mark of rank or insignia?

A. He did not have any of those things.

The commission then, at 11:45 a.m., took a recess until 2:10 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

The judge advocate introduced Robert Oldham, seaman first class (yeoman), U. S. Navy, as reporter.

The reporter was duly sworn.

Maikawa, Fukuchiro, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

(Examination continued.)

45. Q. In your testimony this morning, Maikawa, you stated that you did not previously see any other American soldier or service man on Chichi Jima. I will now ask you to consider that question, if you were mistaken when you made that answer?

A. On the 18th of February of that year, I worked under Warrant Officer Soya, and found two flyers at sea.

46. Q. Do you know how long the flyer you and the Gunzoku captured was on this island?

A. I do not know clearly, but I think it is a flyer from one of the planes that was brought down on the 18th of February.

Cross-examined by the accused:

47. Q. Do you see any evidence on Chichi Jima either then or at a later date that the prisoner had been there for some time?

A. I did not.

48. Q. Was there much food on Ani Jima?

A. There was one battalion of army troops stationed on Ani Jima, but I do not know about the food there.

49. Q. You testified that the flyer had seemed hungry; what made you believe that?

A. We could not tell at first but seeing the way he drank the water and pressed his throat with his hand and later we knew that he was very hungry, but at first we could not tell.

50. Q. How did you know at first he was hungry?

A. I knew he was hungry because of the way he ate our hard tack. I had heard before that the Americans did not eat such things, but by the way he ate this hard tack, I knew he was hungry; but I did not have any other way to know he was hungry. c/f

51. Q. Did the flyer become exhausted after walking for a short distance?

A. No.

52. Q. Did the flyer talk very much?

A. He did not say anything; besides we could not tell what he spoke.

53. Q. Did he attempt to speak in English?

A. He tried to say something at first; but as we could not understand, the flyer kept silent later.

54. Q. Did he attempt to indicate by pressing his throat that he had a sore throat?

A. I do not think so.

55. Q. Why do you think he kept pressing his throat when he drank?

A. We thought that when the flyer drank the water and pressed his throat he was just trying to show us that he was drinking the water.

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

The commission did not desire to examine the 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?

A. Saburo Soya.

2. Q. And when did you arrive on Guam?

A. On the 31st of March.

3. Q. And prior to coming to Guam, where had you been located?

A. Chichi Jima.

4. Q. When did you first come to Chichi Jima?

A. In September, 1942.

5. Q. And while on Chichi Jima were you with the Japanese Armed Forces?

A. Yes.

6. Q. And what unit of the Japanese Armed Forces were you attached to?

A. I have been changed quite frequently.

7. Q. In the spring of 1945, what unit were you attached to?

A. Independent Infantry, 308th Battalion.

8. Q. And who was the commanding officer in the spring of 1945 at the 308th Battalion?

A. Major Matoba.

9. Q. In the spring of 1945, did you have occasion to see any persons captured by the Japanese?

A. I did.

10. Q. Will you explain under what conditions you happened to see these prisoners that were captured.

A. I saw two of them and also the one that Corporal Matsue rescued out of the sea.

11. Q. Did you have occasion to see any other prisoners?

A. I saw another at the fortress headquarters at Chichi Jima in June, 1944.

12. Q. Going back to the prisoner that Corporal Matsue captured, when did this take place?

A. I think it was in the last ten days of February, 1945.

13. Q. And when did you first learn that this man had been captured?

A. I heard that happened at one o'clock in the afternoon of the day when he was captured in the headquarters by a message from the fishing party.

14. Q. Then after you heard that this man had been captured, what did you do?

A. I immediately communicated with Captain Kanmuri and asked what to do with this flyer.

15. Q. And what reply or what advice did Captain Kanmuri give you?

A. I was instructed to immediately bring this flyer to the headquarters.

16. Q. How did this flyer get into your custody?

A. I believe members of my fishing party communicated with me.

17. Q. Do you remember how and who communicated with you?

A. I think it was Corporal Matsue who communicated with me.

18. Q. And after Corporal Matsue communicated with you, what took place?

A. When Corporal Matsue communicated with me, I communicated with the adjutant and he told me to immediately bring the flyer to the headquarters.

19. Q. And did you take the flyer to the headquarters?

A. Corporal Matsue brought him to the headquarters.

20. Q. Did you have occasion to see this man?

A. I saw him.

21. Q. Will you describe what this man looked like as far as his size and appearance?

A. He was about five feet. He had a high nose. His features were typical American.

22. Q. Do you recall how he was dressed?

A. He had a brown shirt and trousers on. I do not remember the color of the trousers.

23. Q. What did Captain Kanmuri say when you reported to him about the prisoner?

A. He told me to immediately bring the prisoner to the headquarters.

24. Q. When you were at the headquarters did you see anyone other than Captain Kanmuri?

A. Yes, I did.

25. Q. Who did you see at the headquarters at this time?

A. I saw the company commander that was there, and I saw some soldiers of the battalion.

26. Q. Who was this company commander?

A. Captain Nakajima.

27. Q. If you see Captain Nakajima present in the court, will you please indicate him?

Captain Nakajima stood as pointed out by the witness and then resumed his seat.

A. It is the man on the right with the Japanese uniform on.

28. Q. And at this time what was your rate or rank?

A. I was a warrant officer.

29. Q. And after this what did Captain Kanmuri order you to do?

A. I think that I continued with my independent duties.

30. Q. Did you ever see this man again?

A. I did not see him again after I handed him over to Captain Kanmuri.

31. Q. Did you, by any chance, happen to know the name of this prisoner?

A. I did not know.

32. Q. Was the prisoner injured when you found him?

A. I did not see that he was injured.

Cross-examined by the accused:

33. Q. Where did you see Captain Nakajima at the headquarters?

A. I think it was in the entrance.

34. Q. And what was Captain Nakajima doing?

A. I think he had left the unit guard house and was walking back toward the company.

35. Q. Who was the unit commander?

A. Major Matoba.

36. Q. Did you see Captain Isono in the vicinity?

A. I heard that Captain Isono was at the unit commander's room, but I had not seen the accused that day.

37. Q. How long did you remain with the flyer after you left headquarters?

A. It was three or four minutes before I handed the flyer over to Captain Kanmuri.

38. Q. Did Captain Kanmuri take him personally in charge?

A. Yes.

39. Q. Were there any other persons around?

A. There was one non-commissioned officer who had come along with the flyer and he was handing the flyer over to the captain in charge of the guard house. There was some guards standing in the entrance.

40. Q. Was the flyer tied or bound in anyway?

A. No.

41. Q. Did Captain Kanmuri do anything with the flyer?

A. I think that he did not do anything.

42. Q. What do you understand about him, Captain Nakajima, coming out of Major Matoba's headquarters?

A. In the afternoon, I heard that Captain Nakajima had killed the prisoner with a stick.

43. Q. Did you also hear that Captain Nakajima was under the influence of liquor?

A. As this took place at the end of the party when the Captain was returning from the party, and as I saw Captain Nakajima, I believe that he was drunk.

44. Q. Did you testify before a Board of Investigation at Chichi Jima on January 11, 1946?

A. Yes, I was questioned.

45. Q. And did you testify that under the influence of liquor Captain Nakajima beat the flyer to death?

A. I do not remember how I put the fact, but I believe that I stated that Captain Nakajima was under the influence of liquor when he beat the flyer to death.

46. Q. Did you also testify at the same time that, "Evidently Captain Nakajima beat the flyer to death while in a drunken stupor"?

A. I do not remember clearly.

47. Q. Was the flyer, when you took him into custody, exhausted and weak?

A. By the way he walked, when I took him to the headquarters and how he sat down when I brought him to the guard house, I believe he was exhausted.

48. Q. Did he also appear to be very hungry?

A. I think it is true that the prisoner was very hungry.

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

The commission did not desire to examine the witness.

The witness made the following statement:

I remember that the flyer was taking hard tack out of a bag and eating it on the way to headquarters, but he did not exactly have enough power to eat this hardtack.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. Will you state your name?

A. Kanmuri, Yoshiharu.

2. Q. Where do you now live?

A. I am now living in a place adjacent to the headquarters of Captain Rentz.

3. Q. Where?

4. On Guam.

4. Q. Do you recognize the accused in this case?

A. I do.

5. Q. Do you see them in the court room?

A. I do.

6. Q. Will you point them out and name them as you point them out?

The witness indicated Captain Nakajima who stood when pointed out and then resumed his seat.

A. Captain Nakajima.

7. Q. Do you recognize any one else who is an accused in this case?

A. There is one person whose name I know, but I do not know whether he is accused or not.

8. Q. Before coming to Guam, where were you living or stationed?

A. At Chichi Jima.

9. Q. What is your present status here on Guam?

A. I do not know what is meant by this.

10. Q. Are you a disarmed military person on Guam?

A. When I came to Guam, I heard from Captain Rentz that I was to be treated as a disarmed prisoner, and I believe that is what I am now.

11. Q. What were you doing on Chichi Jima before coming to Guam?

A. I was adjutant of the 308th Battalion; after the cessation of hostilities, I was attached to the second company.

12. Q. How long were you stationed on the island of Chichi Jima?

A. A year and nine months.

13. Q. Were you stationed on Chichi Jima during the year of 1945?

A. Yes, I was.

14. Q. What was your rate or rank?

A. I was a lieutenant.

15. Q. Did you at a recent date receive a promotion to Captain?

A. Yes.

16. Q. When were you promoted to Captain?

A. On the 20th of August, 1945.

17. Q. During the year of 1945 on Chichi Jima, did you have occasion to contact or see military personnel of any other country other than Japan?

A. Yes.

18. Q. From what other country did you see personnel on Chichi Jima?

A. I think it was the United States.

19. Q. When did you see these prisoners?

A. About the 18th of February, 1945, I saw two and about the 24th or 25th of February, 1945, I saw one. I also saw another around August, 1944.

20. Q. Where did you first see this prisoner that you said you saw on the 24th or 25th of February, 1945?

A. In front of the guard house.

21. Q. Who was with him, if anyone?

A. There was Warrant Officer Soya and one non-commissioned officer from the fishing party. I do not remember his name. There were several others also.

22. Q. How was the prisoner treated?

A. I have forgotten.

23. Q. Did you have occasion to observe his appearance?

A. Yes.

24. Q. Will you describe him?

A. He was rather small and his body was also small, and in weight, I do not believe more than 14 Kan (115 pounds). He had a red face and looked very weak, that is exhausted.

The commission then, at 3:12 p.m., took a recess until 3:30 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

Kanmuri, Yoshiharu, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued.)

25. Q. What was the occasion of you being around the guard house when you saw the prisoner?

A. Now previous to this time I saw the prisoner in front of the guard house.

26. Q. Did you previously hear of this prisoner being on Chichi Jima?

A. I did not receive any report.

27. Q. The prisoner you saw on the 24th or 25th of February, how do you remember that he was on Chichi Jima?

A. On the same date that I saw the prisoner, I received a message from Warrant Officer Soya stating that he had caught a prisoner and asked for instructions on what to do with him.

28. Q. And as a result of that message, did you do anything?

A. After I received this report, I immediately reported this to my unit commander, Major Matoba, and asked him what I should do. My unit commander told me to have the prisoner brought immediately to the headquarters, and I gave this order to Warrant Officer Soya.

29. Q. How did this message from Soya reach you?

A. Warrant Officer Soya came himself to the scene of the party.

30. Q. And did he deliver this message personally to you?

A. I remember so.

31. Q. Was it after this that you saw the prisoner in front of the guard house? After receiving the message?

A. Yes.

32. Q. And did you again see that prisoner?

A. Yes.

33. Q. How long afterwards?

A. I think it was about 30 or 40 minutes.

34. Q. Where did you see him?

A. There was a bath hut about 40 to 50 meters in front of the guard house,

and I saw the flyer in there.

35. Q. Did you see him again after seeing him in the bath hut?

A. Yes.

36. Q. And where did you see him the last time?

A. In the same place.

37. Q. Who was present?

A. On the third time, I only took one glimpse at him. I do not recall who was at the scene.

38. Q. After seeing him the third time, what did you do?

A. After the third time, I reported to Major Matoba that the prisoner was dead, and Major Matoba ordered me to bury the body, and I only got a glimpse of the body, and I ordered the non-commissioned officer who was on weekly duty, and he had this carried out. C.F.

39. Q. Was that on the same day when you first saw the prisoner in front of the guard house?

A. It was the same day.

40. Q. Now after you saw the prisoner at the guard house the first time, what did you do?

A. I reported to my unit commander that the prisoner was being kept at the guard house and whether this was right or wrong.

41. Q. Then what did you do?

A. My unit commander ordered me to make preparations to take the prisoner to the brigade headquarters, and so I was preparing to select guards and getting a car for the transportation of the prisoner.

42. Q. Did you take the prisoner to the brigade headquarters?

A. No.

43. Q. Why?

A. That is because Captain Nakajima beat and killed the prisoner so I could not take him to brigade headquarters. C.F.

44. Q. After you reported to Major Matoba and he instructed you to take the prisoner to the headquarters, when did you see the prisoner again?

A. Some time passed after I reported to Major Matoba and I was busy making preparations for the transportation of the prisoner until I went to see him. It was about thirty to forty minutes, and when I went there the second time, the prisoner was in the guard house, and there were about six or seven men standing in front of the bath hut about forty meters in front of the guard house.

45. Q. Where was the prisoner?

A. The prisoner was inside the bath hut in front of which the people were standing.

46. Q. Who were the people? Did you recognize the people?

A. I saw them, but those I clearly remember are Captain Nakajima, Captain

Sato, and Sergeant Kanemori. I do not recall the others.

47. Q. Do you know if Captain Isono was there?

A. I do not think so.

48. Q. What was Captain Nakajima doing?

A. Captain Nakajima had a broken stick.

49. Q. Where was he standing in relation to the prisoner?

A. I think he may have been two meters away from the prisoner. *C.K.F.*

50. Q. How was Captain Nakajima standing? Was he standing upright or bent over or can you further describe how he was standing there?

A. I cannot explain how he was standing.

51. Q. Did Captain Nakajima say anything?

A. I cannot tell whether he did say or did not say anything, but I remember he was very much excited.

52. Q. How was he ^{holding} the stick if you can recall?

A. I think he was holding the stick pointed downward. As it had been broken off, it was rather short. *C.K.F.*

53. Q. How thick was it.

A. About two centimeters.

54. Q. Was Nakajima holding the stick still or was he moving it?

A. He was patting the stick against his foot.

55. Q. Did you look at the prisoner as he laid there?

A. I only got one glimpse of the prisoner at that time.

56. Q. Did you see his face and head?

A. A little.

57. Q. Will you describe how his face and head looked to the best of your knowledge?

A. When I went there, I heard that Captain Nakajima had killed the prisoner and felt that it was my duty to report this to my unit commander, and so after only catching one glimpse of the prisoner and Captain Nakajima, I turned back so I did not get a good look at the body, but I am sure that there was blood around the prisoner's mouth.

58. Q. Did you see blood around the prisoner's mouth?

A. Yes, I did.

59. Q. How was the prisoner lying?

A. I do not remember.

60. Q. Did you ever again see the prisoner?

A. Yes.

61. Q. How long afterwards?

A. About ten minutes afterwards.

62. Q. On the later time you saw the prisoner, did you again observe blood on his face?

A. The third time there were not many people at the scene and I only saw the body from the distance I was passing through, so I could not tell.

63. Q. Was the body still or moving on the third time you saw it?

A. I think it was not moving.

64. Q. You spoke of receiving this message that the flyer was on the island at a party. Where was this party?

A. This party was held at the room of the battalion commander of the 308th Battalion.

65. Q. Was the accused, Nakajima, at this party?

A. He was.

66. Q. Was the accused, Isono, at this party?

A. Yes.

67. Q. Did you ever see Nakajima leave this party?

A. No.

68. Q. Did you know whether Nakajima had been drinking or not?

A. Yes, he was drinking.

69. Q. Did you ever bury this prisoner?

A. Major Matoba told me to have the non-commissioned officer with the weekly duties to bury the body so I relayed the message to the non-commissioned officer.

70. Q. Do you know whether or not this prisoner's body was buried?

A. I know that the body was buried.

71. Q. When was it buried?

A. When I reported to Major Matoba that Captain Nakajima had killed the prisoner, the Major told me to have the body buried immediately, so I took steps to have this carried out.

72. Q. Was Nakajima in the same unit that you were in?

A. Yes.

73. Q. Do you know Nakajima personally?

A. Yes.

74. Q. How long have you known him?

A. About a year and nine months.

75. Q. How often had you had contact with Nakajima during that year and nine months?

A. I cannot exactly state how often I was in contact with Captain Nakajima.

76. Q. Well, can you give an estimate; was it monthly, weekly or daily?

A. About two or three times a month. We lived in separate places.

77. Q. Had you ever attended any other parties with Captain Nakajima?

A. Yes.

78. Q. How often had you attended parties with him, to the best of your memory?

A. I do not know exactly how many times.

79. Q. More than once? More than one party you did attend with him, I take it?

A. Of course, it is more than one time.

80. Q. Can you further describe the appearance and actions of Captain Nakajima as he stood beside the body of the prisoner holding the stick?

A. I cannot describe him in more detail than I have just told you.

81. Q. How long have you known Captain Isono?

A. I have known Captain Isono for about a year and seven months.

82. Q. How often have you had contact with Captain Isono? Was it monthly, weekly or daily?

A. Just the same as Captain Nakajima, I cannot exactly say how often it was. About three or four times a month.

83. Q. How long was the stick that Nakajima was holding?

A. I believe that this stick was a short stick so it was about two feet long before it was broken.

84. Q. How long was it after it was broken, to the best of your ability to estimate?

A. It was broken about just in half.

85. Q. Had you ever seen that stick before?

A. I do not remember.

86. Q. Do you know whether or not Captain Nakajima had been in the habit of carrying a stick on him?

A. Yes, I do.

87. Q. Had he been in the habit of carrying a stick?

A. It was his custom to take a stick with him.

88. Q. What did he use that stick for?

A. As the roads were steep and mountainous, he used it as a walking stick to help him along.

89. Q. Were you present when Captain Nakajima left the scene where this prisoner was lying on the ground?

A. I was not there.

90. Q. Now is the Nakajima you saw holding the stick standing over the prisoner the same Nakajima here in the court room this afternoon?

A. Yes.

91. Q. Did you have any conversation with Nakajima at the party?

A. I do not remember just what we talked about at the party.

92. Q. Do you know what the policy was of the 308th Battalion as in regard to the treatment of prisoners?

A. That was in a separate policy for treating prisoners at the brigade, but it was considered proper to have any prisoner sent to the brigade headquarters.

Cross-examined by the accused:

93. Q. Captain Kanmuri, what sort of a party was taking place at Major Matoba's headquarters?

A. The party was a meeting of company commanders, but I did not know exactly what we met for.

94. Q. Was it primarily a drinking party?

A. The commander of the 308th Battalion was a man who liked to drink, and so there usually was drinking at a party when we met.

95. Q. How long had the drinking been going on before Captain Nakajima left?

A. I think it was about two hours.

96. Q. Was there a large amount of saki available for drinking?

A. There was as much saki as usual.

97. Q. Did you see Captain Nakajima at other drinking parties?

A. Yes.

98. Q. Was he known as a heavy drinker?

A. He was a man who drank rather heavy.

99. Q. Was Nakajima drunk when he left this party?

A. Yes.

100. Q. Is Isono known as a violent person?

A. He was known as a calm person rather than a violent one.

Re-examined by the judge advocate:

101. Q. Did Captain Nakajima ever talk to you about this prisoner after the incident which was just described?

A. No, I did not hear anything.

102. Q. Did you know the name of the prisoner?

A. No.

103. Q. On what do you base your opinion when you say Nakajima was drunk?

A. I stated that he was drunk because he was drinking.

104. Q. You did not see Nakajima walk down from the party to where this prisoner was in front of the bath hut, did you?

A. I did not see him.

Examined by the commission:

105. Q. You stated in your testimony that Nakajima beat and killed the prisoner. How do you know that?

A. When I went to the scene the second time, those on the scene told me so, but I do not exactly remember who it was that told me so.

106. Q. As adjutant of this Battalion, do you know if there was an investigation conducted on this incident?

A. Yes, there was no investigation.

107. Q. Was this prisoner tried for any offense?

A. No.

108. Q. Did he cause any trouble whatever?

A. I think not.

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

The witness made the following statement:

It is just that I feel rather strange that Captain Isono is here.

The witness was duly warned and withdrew.

The commission then, at 4:30 p.m., adjourned until tomorrow, 9:10 a.m., Tuesday, 4 June 1946.

SECOND DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.

Tuesday, June 4, 1946.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Poshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, Jr., U. S. Marine Corps, members, and
Lieutenant Daniel Flynn, U. S. Naval Reserve, and
Lieutenant Edward L. Field, U. S. Naval Reserve, judge advocates.
Howard D. Rittmaster, yeoman third class, U. S. Naval Reserve, reporter.
Each of the accused and his counsel, and the interpreters.

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

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.
A. Sato, Kesakichi.
2. Q. When did you arrive on Guam?
A. March 24th.
3. Q. Prior to coming to Guam, where were you located?
A. In the Sugamo Prison at Tokyo.
4. Q. Have you ever been on Chichi Jima?
A. Yes, I have been on Chichi Jima.
5. Q. When did you arrive on Chichi Jima?
A. In June, 1944.
6. Q. When did you leave Chichi Jima?
A. In December 1945.
7. Q. While on Chichi Jima, were you connected with the Japanese

military installations?

A. Yes.

8. Q. And what was the unit to which you were connected at Chichi Jima?

A. The Independent Infantry, 308th Battalion.

9. Q. What is your rank?

A. A captain.

10. Q. What were your duties in the 308th Battalion?

A. Education and the directing of the building of positions and their supervision.

11. Q. Were you attached to the headquarters of the 308th Battalion?

A. Yes, I was attached to the headquarters.

12. Q. How many companies were in the 308th Battalion?

A. There were five companies.

13. Q. Do you know the commanding officers of these companies?

A. Yes.

14. Q. Will you please state them?

A. The First Company commanding officer, Captain Isono, Meguru; the Second Company commanding officer, Captain Watanabe, Toshio; the Third Company commanding officer, Captain Kukumi, Shoji; the Machine Gun Company commanding officer, Captain Nakajima, Noboru; the Infantry Gun Company commanding officer, Captain Kariya, Yasuki. C.K.T.

15. Q. This Captain Isono of the First Company. If you see him present in court today, will you please point him out?

Captain Isono stood as pointed out by the witness and then resumed his seat.

16. Q. And the commanding officer of the Machine Gun Company, will you point him out?

Captain Nakajima stood as pointed out by the witness and then resumed his seat.

17. Q. Approximately how long have you known Captain Isono?

A. I was the commanding officer of the First Company until September, 1944, and was relieved by Captain Isono. I have known him since.

18. Q. And what kind of an officer is Captain Isono?

A. Captain Isono is a high-spirited, straight-forward and honest man. C.K.T.

19. Q. And how long have you known Captain Nakajima?

A. I have known him since June, 1944.

20. Q. And what kind of an officer would you say Captain Nakajima was?

A. He was also a high-spirited and honest man.

21. Q. Was Captain Isono well liked by the men in his company?

A. They trusted him.

22. Q. Insofar as you know, was Captain Nakajima well liked by the men in his company?

A. Yes, it was the same.

23. Q. And who was the commanding officer of the 308th Battalion?

A. Major Matoba, Sueo.

24. Q. And how long have you known Major Matoba?

A. I think it was in August, 1944, that he became the commanding officer. I have known him since.

25. Q. And what kind of an officer would you say Major Matoba was?

A. Major Matoba was also a high-spirited man, but he was not trusted by his subordinates.

26. Q. Was Major Matoba also well liked?

> This question was objected to by the accused 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 of the accused was not sustained.

A. Major Matoba was not liked by his subordinates.

27. Q. In February of 1945, did you see any prisoners on Chichi Jima?

A. Yes.

28. Q. Will you explain when and how many you saw in February of 1945?

A. I saw one prisoner in February.

29. Q. And when in February did you see him, what was the date?

A. I have forgotten the date.

30. Q. And when did you first learn that this prisoner was on Chichi Jima?

A. I have forgotten the date, but it was during February.

31. Q. Then how did you first learn that this prisoner was on Chichi Jima?

A. I did not receive any report on him, but he was placed near my office.

32. Q. And who placed this prisoner near your office?

A. I do not know.

33. Q. How do you know he was placed near your office?

A. I knew this for the first time, because there was a crowd gathered around the spot.

34. Q. And what did you do when you observed this crowd around the spot?

A. I went to the mountain to see the construction of positions, and then I came back to take my meal, and then I saw this crowd gathered, and for the first time, I knew that there was a prisoner there.

35. Q. And then what did you do after you returned from the mountain and observed that there was a prisoner there?

A. When I saw the crowd, I peeked in and saw the prisoner, and as I was very busy I went to my office and made preparations for my afternoon's work. C17.

36. Q. About how far from your office was the spot in which the prisoner was located?

A. About thirty meters.

37. Q. And about how far was this spot from the headquarters of the 308th Battalion?

A. My office was at the headquarters of the 308th Battalion.

38. Q. And what was taking place at this time in the 308th Battalion?

A. I do not know.

39. Q. Was a party taking place in the 308th Battalion Headquarters?

A. Yes.

40. Q. Who was at this party?

A. I thought it was the company commanders.

41. Q. Were you at this party at any time?

A. No.

42. Q. Are you absolutely certain that you were never at the party?

A. I am sure.

43. Q. What company commanders were at this party, if you know?

A. The company commanders I mentioned before were all there.

44. Q. Was Major Matoba at this party?

A. Yes.

45. Q. When you peeked in at this prisoner, describe what you saw. What did he look like?

A. He was about five feet six inches tall. He had red hair and I think it was long. He was the slender type, and he had on a green or maybe a blue suit.

46. Q. And what was the nationality of this prisoner that you saw?

A. I do not know clearly, but I think it was an American.

47. Q. And who was in this group that were standing around?

A. I think there was fifteen or sixteen enlisted men standing around him.

48. Q. And what was taking place during this time?

A. The enlisted men were trying to ask the prisoner something, but the language could not be understood by the prisoner.

49. Q. And was the prisoner sitting or standing during this time?

A. He was sitting.

50. Q. And what did you do when you observed these enlisted men were putting questions to the prisoner?

A. As they were not doing anything rude, I did not tell them to stop or go away or anything like that.

51. Q. Did you question the prisoner yourself?

A. No, that is because I do not understand English.

52. Q. Did any of the group of enlisted men who were questioning the prisoner understand English?

A. I do not know clearly.

53. Q. And during this time, did you see any officers present in this group?

A. There were no officers.

54. Q. Did you at any time see any officers standing around?

A. After I took a peek at this prisoner, I went into my office and made preparations for my afternoon's work, and then I heard the sound of Captain Nakajima coming out from the party, and he went to the prisoner and I heard him shout in a loud voice, and so I went to see this.

55. Q. And what was Captain Nakajima shouting?

A. I cannot recall exactly what the Captain was shouting, but I do know that he was shouting in a loud voice.

✓ 56. Q. And when you went to the scene, what did you see?

A. Captain Nakajima beat the prisoner with a stick.

57. Q. And about how large was this stick?

A. It was about one meter long, and it was about five centimeters thick.

58. Q. And who else did you see at the scene at this time?

A. I could not see the faces of the enlisted men clearly, and I cannot recall what officers were there at the time.

59. Q. Was Captain Isono present at this time?

A. I do not remember clearly.

✓ 60. Q. How close were you to the prisoner when he was being beaten by Captain Nakajima?

A. I was very near to him, about two meters away.

61. Q. And did Captain Nakajima try to question this man?

A. As I did not ask him, I cannot state definitely, but I think perhaps he may have questioned the prisoner.

62. Q. Did you see him question him while you were standing there?

A. I heard him shout in a loud voice, but I could not understand what he was saying.

✓ 63. Q. And approximately how long did Captain Nakajima continue to beat this man?

A. I thought it was about ten minutes.

64. Q. And would you explain what happened after he stopped beating him?

A. When Captain Nakajima left the scene, so I returned to my office also to make preparations for my afternoon's work, so I do not know what happened afterwards.

65. Q. Did you accompany Captain Nakajima when he left the scene?

A. Yes.

66. Q. How far did he walk with you to his office?

A. As the office is near, I think that I walked to the office with the Captain, and Captain Nakajima went home after that.

67. Q. Did you attempt to prevent Captain Nakajima from beating this man?

A. As Captain Nakajima was beating the prisoner severely, I said, "Stop, stop," but as the captain was drunk, he kept on beating him.

68. Q. Did anyone else at the scene attempt to stop him from beating this prisoner?

A. No.

✓ 69. Q. Was the prisoner dead when you left the scene?

A. I cannot state clearly, but he looked as if he were dead.

70. Q. Do you know what disposition was made of his body?

A. As I went to the mountain immediately afterwards, I do not know.

71. Q. Were you surprised to see that this man was beaten to death?

A. Yes, I was surprised.

72. Q. Was Captain Nakajima given any reprimand so far as you know?

A. He was not reprimanded by the Unit Commander.

73. Q. As a company commander of the 308th Battalion, what were your orders with respect to the treatment of prisoners?

A. I did not receive any special orders on the treatment of prisoners.

74. Q. What was the general policy concerning the treatment of prisoners in the 308th Battalion?

A. The battalion commander did not make clear to us any policy on the treatment of prisoners, but I personally thought that they must be treated the same as Japanese soldiers.

75. Q. Have you ever seen Captain Nakajima beat anybody else except this prisoner?

A. No.

Cross-examined by the accused:

76. Q. Was the prisoner brought to the headquarters where you saw him before or after the party had started in Major Matoba's quarters?

A. As the prisoner was brought after I had gone to the mountain, I do not know.

77. Q. Was the party in progress when you went to the mountain?

A. Yes.

78. Q. About how long after you first saw the prisoner did the party last?

A. I do not know when the party ended, but it was about thirty minutes after I saw the prisoner that Captain Nakajima came out.

79. Q. How long did it take you to go up the mountain and back on your work?

A. About three hours and a half.

80. Q. Were these parties primarily drinking parties?

A. Yes.

81. Q. Did Nakajima frequently become violent and enraged when he was drinking?

A. Yes.

82. Q. Did Nakajima have a reputation as a heavy drinker?

A. Yes, he did have such a reputation.

83. Q. Did you testify before a Board of Investigation on April 9, 1946?

A. No.

84. Q. Are you sure of that answer?

A. Yes, I have forgotten the date but I was questioned after I reached Guam.

85. Q. After you arrived at Guam, did you testify that Captain Nakajima was not responsible for the beating because he was drunk?

A. No.

Re-examined by the judge advocate:

86. Q. When you accompanied Captain Nakajima from the scene of the execution to the headquarters, what did he say to you at that time, if anything?

This question was objected to by the accused on the ground that the re-direct examination had nothing to do with the cross-examination.

The judge advocate withdrew the question.

Examined by the commission:

87. Q. Did you ever hear Captain Nakajima express his opinion as to how prisoners should be treated?

This question was objected to by the accused on the ground that it has no connection with the original examination, and that the witness's opinion has no bearing on the case.

The commission announced that the objection was not sustained.

A. No.

88. Q. Were you a member of the Battalion Commander's Staff?

A. Yes.

89. Q. Being a member of this staff, do you know if this prisoner was ever tried?

A. I do not know.

90. Q. Did the prisoner ever cause any trouble of any kind?

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 10:40 a.m., recessed until 11:00 a.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of 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.

A. Kanemori, Kizutoshi.

2. Q. And are you now living with the Japanese prisoners of war on Guam?

A. I am living in the stockade where the other suspects are confined.

3. Q. Do you recognize the accused in this case?

A. Yes.

4. Q. Will you name them and point them out?

A. Yes.

5. Q. Do so. Who are the accused?

A. Nakajima, Noboru.

6. Q. Do you recognize any other accused?

A. No.

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7. Q. Will you point out Nakajima?

Captain Nakajima stood as pointed out by the witness and then resumed his seat.

8. Q. Where did you come from to Guam?

A. From the homeland.

9. Q. And before you went to the homeland, where were you?

A. I was at Chichi Jima.

10. Q. And what were you doing at Chichi Jima?

A. I was a sanitary corpsman of the 308th Battalion.

11. Q. What was your rate or rank?

A. Army Sanitary Sergeant.

12. Q. How long were you stationed on Chichi Jima?

A. One year and ten months.

13. Q. Were you on Chichi Jima during the forward part of the year, 1945?

A. Yes.

14. Q. Did you ever see any prisoners of war on Chichi Jima in the forward part of 1945?

A. I saw prisoners.

15. Q. On how many occasions?

A. Three times.

16. Q. Approximately when was the date of the last occasion?

A. I do not remember clearly.

17. Q. Where did you see this prisoner or prisoners?

A. At the guard house of the battalion headquarters.

18. Q. How many prisoners were there?

A. There was one prisoner, which was the last one I saw.

19. Q. Was anyone present with this prisoner when you saw him?

A. There were many people there, but I do not remember their names.

20. Q. What was the prisoner doing?

A. The prisoner was sitting.

21. Q. Now will you tell the commission what you saw as you observed that prisoner sitting?

A. As there was a crowd there, I looked in from the rear and felt sorry for this prisoner. The enlisted men and the non-commissioned officers there were giving cigarettes to the prisoner, and it looked as if the prisoner was exhausted. I tried to see if the prisoner was injured or not, but he was not injured. I went with the prisoner when the prisoner was moved to the spot where he was executed. I did not see the execution myself. This was

because I went to the dispensary to get some equipment. This was the last prisoner I saw.

22. Q. Do you know who executed the prisoner?
A. Corporal Nakamura.

23. Q. Who executed the prisoner?
A. Corporal Nakamura.

24. Q. You said you saw prisoners on three occasions. On the second occasion, when did you see the prisoner on that occasion.
A. I do not remember the date.

25. Q. Do you remember where you saw the prisoner?
A. I saw the prisoner the second time in the bath hut.

26. Q. Who was present with the prisoner?
A. There were many people present, but I do not recall their names. I remember Captain Sato being there.

27. Q. What was the prisoner doing?
A. He was sitting there in the bath hut and was being questioned.

28. Q. Who was he being questioned by?
A. I remember that he was being questioned by an enlisted man, but as this man was not in my company, I did not know his name.

29. Q. Did you see any officers questioning the prisoner?
A. Yes.

30. Q. Do you know the name of the officer who was questioning the prisoner?
A. Yes.

31. Q. Will you name him?
A. Nakajima, Noboru.

32. Q. What position was the prisoner in?
A. He was sitting.

33. Q. How was Nakajima attempting to question this prisoner?
A. He was standing.

34. Q. Was he questioning him in English or Japanese?
A. It was not Japanese. I do not know English, but I am sure that he was talking in English.

35. Q. Who was talking in English, Nakajima or the prisoner?
A. It was Nakajima.

36. Q. Do you know whether or not Nakajima touched the prisoner?
A. I saw him beat the prisoner.

37. Q. What did he beat the prisoner with?
A. He had a stick.

38. Q. How long was the stick?

A. A little over one meter.

39. Q. How big around was the stick?

A. The large end was about one and one-half inches, and the diameter of the stick tapered and was much less.

40. Q. On ^{what} ~~that~~ part of the prisoner's body was Nakajima hitting him?

A. Mainly his head and face.

41. Q. Will you describe the appearance of the prisoner?

A. He had on a light brown pair of trousers. He had a green or brown shirt. He had no cap or hat, and that is all I distinctly remember now.

42. Q. Was the prisoner bleeding?

A. Yes.

43. Q. Where on the prisoner did you see the blood?

A. On his head, face, chest and back.

44. Q. How many times did you see Nakajima strike the prisoner with the stick?

A. I do not remember the number of times exactly, but it was over ten times.

45. Q. Did the prisoner remain in the sitting position?

A. No, after about three strikes he fell over.

46. Q. Did Nakajima continue to strike the prisoner after he fell over?

A. When the prisoner rose up again, he started beating him.

47. Q. Did the prisoner remain upright the second time or did he fall back down?

A. He fell over again.

48. Q. Did Nakajima hit him again?

A. Yes.

49. Q. Was that after the prisoner was lying on the ground?

A. It was not on the ground. The prisoner was lying on the wooden floor of the bath hut.

50. Q. Was he lying flat?

A. He was lying with his back to the floor.

51. Q. Did you hear Nakajima say anything?

A. He was saying in a loud voice, "This bastard."

52. Q. Did he say that in Japanese or in English?

A. In Japanese.

53. Q. Did you hear him say anything else?

A. And he also said, "What do you mean by I don't know?"

54. Q. Did Nakajima say that in Japanese or in English?

A. In Japanese.

55. Q. Did the prisoner attempt to answer?

A. That is what Captain Nakajima said just before he beat him for the first time. The prisoner was sitting there without saying anything and he looked restless as he could not understand Captain Nakajima's English.

56. Q. When Nakajima began beating the prisoner, was the prisoner standing up or sitting down?

A. When he started beating the prisoner, the prisoner was sitting down.

57. Q. Can you remember whether or not Nakajima said anything else while he was beating the prisoner?

A. He did not say anything else while he was beating the prisoner. He only said in the beginning, "This bastard. What do you mean by I don't know?"

58. Q. How long did you remain at the scene of this beating?

A. I was there until the last, that is until the prisoner died.

59. Q. Was there anyone else that came there after Nakajima stopped beating the prisoner?

A. I do not remember.

60. Q. Was the prisoner dead or alive when you left?

A. While I was there, the prisoner was still breathing.

61. Q. Did you ever see the prisoner dead?

A. Yes.

62. Q. How long after Nakajima quit beating him did you see him dead?

A. Doctor Teraki was standing at the door of his room and he told me to go to the dispensary and get some medical equipment to treat the prisoner. I went there and got the equipment from Corporal Iso, and when I returned, Doctor Teraki told me that the prisoner is dead, so we have no need for the medical equipment, so I went back.

63. Q. Did you see the prisoner when you returned with the medical equipment?

A. Yes.

64. Q. Did he appear dead or alive?

A. I did not go near the body, so I could not tell myself, but Doctor Teraki told me he was dead.

65. Q. Do you know the nationality of this prisoner who was beat to death by Nakajima?

A. I think he is from the United States.

66. Q. On what do you base your opinion that he was from the United States?

A. I imagined so from his hair, his eyes, and the hair on his arms and legs.

67. Q. What color was his skin?

A. It was white.

68. Q. Did you notice whether or not he had any insignia of his rate or rank?

A. I did not see any.

69. Q. Did you see any identification marks in the way of tags or bracelets on him?

A. I did not see any.

70. Q. Did you notice any writing on his clothing?

A. No.

71. Q. What kind of shoes or boots was he wearing?

A. The kind of shoes that I am wearing now.

72. Q. How long have you known Nakajima?

A. After I was transferred to the 308th Battalion in July, 1944, I knew him as he was a company commander in the same unit, and at times I saw him once a week and sometimes only once a month, but as his rank was well above me, I did not get to speak intimately with him. CCT

73. Q. Did you ever see him carry the stick with him before?

A. He had a walking stick with him.

74. Q. Why did he carry that stick?

A. I do not know whether it was to help him up the mountainous roads or whether it was to maintain his dignity.

75. Q. Did you ever see him use that stick for any other purpose?

A. Yes.

76. Q. What did you see him use it for?

A. I saw him come to the battalion headquarters and get drunk and go after the non-commissioned officers and enlisted men with the stick.

77. Q. Did you ever see him hit them with his stick?

A. Yes.

78. Q. Did you ever see him hit any officers with the stick?

A. Yes.

79. Q. Whom did you see him hit?

A. Doctor Taraki. CCT

80. Q. Did he ever hit you with the stick?

A. No.

81. Q. Do you know how Nakajima was liked by the men under him?

A. I believe that he was not liked by his men.

82. Q. Was it because of this stick?

This question was objected to by the accused on the ground that it was irrelevant.

The judge advocate replied.

The commission announced that the objection of the accused was not sustained.

A. Yes.

83. Q. Where did you know Captain Isono?

A. I have known Captain Isono since he came to the 308th Battalion.

84. Q. I will now ask you to look over the persons in this room and tell us whether or not you see Captain Isono sitting in this room.

Captain Isono stood as pointed out by the witness and then resumed his seat.

A. Yes, I see him there.

85. Q. Did you see Captain Isono at the scene where this prisoner was being beaten?

A. No.

86. Q. Did you see Captain Sato at or near the scene where this beating was taken place?

A. Yes.

87. Q. What was Captain Sato doing there?

A. He was just standing there and watching.

88. Q. Did you see him leave with Captain Nakajima?

A. No.

89. Q. Did Captain Nakajima appear to be angry at the time he was beating this prisoner?

A. Yes, he was very angry.

90. Q. Did he appear to be excited?

A. Yes.

91. Q. Did you ever see him miss the prisoner at any time he struck at him?

A. No, he did not miss the prisoner.

The commission then, at 11:45 a.m., took a recess until 2:08 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the interpreters, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

Kanemori Kizutoshi, the witness under examination when the recess was taken, entered. He was warned that the oath previously taken was still binding, and continued his testimony.

Cross-examined by the accused:

92. Q. Was the flyer exhausted from lack of food?
A. Yes.

93. Q. Had he apparently been exposed to the weather for quite some time?
A. I think it was so.

94. Q. Was the flyer able to stand or was it necessary for him to sit down?
A. When I went there the prisoner was already sitting. That was the only position in which I saw him, so I do not know.

95. Q. Were these drinking parties at Major Matoba's quarters quite frequent?
A. Yes.

96. Q. Had you seen Nakajima drunk on previous occasions?
A. Yes.

97. Q. About how often?
A. I do not remember how often, but I often saw him drunk.

98. Q. Did Nakajima often become violently enraged when he was drunk?
A. Yes.

99. Q. Was Nakajima drunk when he beat the prisoner?
A. I do not know how much saki Nakajima had been drinking, but he was drunk a little.

100. Q. Did you testify before a board of investigation the 8th of April this year?
A. Yes.

101. Q. Did you testify before that board in regard to this beating of the flyer by Nakajima as follows: "Nakajima left the party that was going on at headquarters and came up to the scene. He was very drunk and he pushed the men away and took over the questioning himself."?
A. Yes.

102. Q. If you saw a person lightly slapping the face of a fainting or weak man to revive him would you consider that a usual practice?
A. I do not.

103. Q. How would you revive a fainted man if you had no medicine?
A. First, I would make him drink some water or pour some water on him. Then I would try artificial respiration.

104. Q. Would you expect Captain Isono to be the sort of man who would knock down a weak officer, a weak prisoner?

A. When Captain Isono was at the company he was not such a bad man and personally I do not think he was such a man.

Re-examined by the judge advocate.

105. Q. After you saw the prisoner sitting did you see the prisoner in any other position?

The accused objected to this question on the ground that it was improper re-direct examination since it had not been covered in cross-examination.

The judge advocate replied.

The commission announced that the objection of the accused was not sustained.

A. The only change in position I saw was when he fell down and laid there as result of Captain Nakajima beating him.

106. Q. Kanemori, did it appear to you that Captain Nakajima at the time he was beating this prisoner was rational and knew what he was doing?

A. I think that Captain Nakajima knew what he was doing.

107. Q. Do you happen to know the name of this prisoner?

A. I do not know.

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

The commission did not desire to examine the witness.

The witness made the following statement:

I absolutely did not see Captain Isono strike the prisoner while I was on the scene. But I reached the scene when the interpreter was questioning the prisoner and there was a crowd gathered there. So I was not there from the beginning and from what I saw I thought this flyer was very young. He must have been 17 or 18. And at the time I was questioned I stated that Captain Nakajima's stick broke while he was beating the prisoner. That is true. I forgot to mention this. That is all.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

1. Q. State your name.

A. Wada, Seiji.

2. Q. And were you ever stationed on Chichi Jima?

A. Yes.

3. Q. When did you arrive on Chichi Jima?

A. I arrived at Futamiko on the 31st of May, 1944.

4. Q. And when did you leave Chichi Jima?

A. I think I boarded a vessel on December 15, 1945, and the vessel left on the 16th.

5. Q. And while on Chichi Jima were you connected with the Japanese Army?

A. Yes.

6. Q. With what unit were you connected?

A. Headquarters of the Independent Infantry 308th Battalion.

7. Q. Who is the commanding officer of the 308th Battalion?

A. Major Matoba Sueso.

8. Q. In February of 1945 did you have an occasion to see a prisoner of war?

A. I do not remember what month it was but I did see a prisoner.

9. Q. Will you explain under what conditions and circumstances you saw the prisoner?

A. I saw a prisoner at the guard house in front of the unit headquarters. They had brought this prisoner from Ani Jima.

10. Q. And will you describe what this prisoner looked like?

A. One of them was a large man. There was another one I saw through the window but I can not describe him.

11. Q. Tell what you saw through the window?

A. I saw a prisoner in the bath hut through the window.

12. Q. And what was taking place?

A. When I saw the prisoner through the window I saw Captain Nakajima beating the prisoner about five times with a stick.

13. Q. Did you continue to watch this beating?

A. I did not count how many times he beat him but I think it was about five times. I do not know what happened after that.

14. Q. How is it that you do not know what happened after this?

A. Because I did not go to see the prisoner.

15. Q. What did you do?

A. I continued with my work.

16. Q. To the best of your knowledge what was the nationality of this prisoner you saw Nakajima beating?

A. I do not know.

17. Q. How then do you know he was a prisoner?

A. Before Captain Nakajima started beating the prisoner he shouted something in a loud voice and at the time I heard, that is the prisoner that came up today.

18. Q. Were you observing the scene prior to the time that Nakajima started to beat the prisoner?

A. I witnessed the scene after Captain Nakajima started shouting in a loud voice.

19. Q. And when you first began to witness the scene was Nakajima beating the prisoner at that time?

A. He was not beating him when he shouted but after he said a few words, after that he started beating him.

20. Q. What was Nakajima doing when he wasn't beating him?

A. I do not recall exactly what Captain Nakajima was doing but I think there was a meeting of company commanders at that time.

21. Q. Was anyone else at the scene of the beating except Captain Nakajima?

A. I did not witness anybody else on the scene.

22. Q. Is it correct then that when you saw the prisoner, Nakajima and the prisoner were alone at the scene?

A. I can not tell exactly how many, but there was some people spread out in front of the hut but I do not remember the faces.

23. Q. How do you happen to remember Nakajima was beating this prisoner and you don't remember any of the others in this group?

A. I know clearly that it was Captain Nakajima because he shouted and beat the prisoner with a stick.

24. Q. Did you see Captain Isono at the scene?

A. No, I did not witness him on the scene. I do not remember.

25. Q. Did this flyer die as a result of the beating he received?

A. I do not know what caused his death. But I saw him being beaten.

26. Q. Were you surprised to see a prisoner being beaten by Nakajima?

A. Yes, I was surprised.

Cross-examined by the accused:

27. Q. How far was the window from the bath hut?

A. I think it was about between 25 to 30 meters.

28. Q. Did you just testify that there was a number of people around the bath hut that you could not identify?

A. Yes.

29. Q. Then how could you see what was happening in the bath hut?

A. There was no door to the bath hut.

30. Q. Were you aware of the party that went on at Major Matoba's quarters?

A. I did not know about this party.

31. Examined by the commission:

CLF

31. Q. You testified that you heard Captain Nakajima shouting, what did you hear him say?

A. I think he was not saying anything but just yelling at the prisoner at getting no response to his questions.

32. Q. ~~Did~~^{if} you see Captain Nakajima in this room now, will you please point him out?

A. That is Captain Nakajima.

Captain Nakajima stood as pointed out by the witness and then resumed his seat.

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

The witness was duly warned and withdrew.

The commission at 2:55 p.m., took a recess until 3:10 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of 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.

1. Q. State your name and rank?

A. Robert Doyle Shaffer, Major, United States Marine Corps.

2. Q. If you recognize the accused in this case will you please point them out?

A. Captain Nakajima, Noboru. Captain Isono.

Captain Nakajima, and Captain Isono stood as pointed out and then resumed their seats.

3. Q. Are you a member of any board of investigation?

A. I am senior member of the board of investigation convened on Chichi Jima, Bonin Islands, to inquire into the deaths of allied prisoners of war.

4. Q. And who convened this board of investigation?

A. Colonel Preston M. Rixey, United States Marine Corps, Commanding Officer of the Occupation Forces, Bonin Islands.

5. Q. And were you empowered by the precept of that board of investigation to administer oaths to persons who appeared before you?

A. I was.

6. Q. And did Captain Isono appear before you as a witness at that board of investigation?

A. He did.

7. Q. And did you interrogate Isono?

A. Yes.

8. Q. Will you explain to the commission under what conditions the interrogation took place?

A. Captain Isono was returned to Guam from Japan as a witness for the board of investigation of which I am senior member. He appeared before the board as a witness concerning the death of an American aviator beaten to death by Captain Nakajima.

9. Q. Did Captain Isono freely, voluntarily answer the questions you put before him?

A. He did.

10. Q. Do you have in your possession the original interrogation of Captain Isono?

A. I do.

11. Q. Do you also have in your possession a certified true copy of the interrogation of Captain Isono?

A. I do.

12. Q. I show you this document and ask you if this can be identified?

A document was handed to the witness.

A. Yes, this is the certified true copy of Captain Isono's testimony before the board.

13. Q. Is the original of this interrogation part of the original record of the board of investigation?

A. It is.

14. Q. Is the entire original of the board of investigation in your possession?

A. It is.

A document was submitted to the accused and to the commission and by the judge advocate offered in evidence.

Cross-examined by the accused:

15. Q. Major Shaffer, was Captain Isono given the right against self-incrimination before your board of investigation?

A. He was warned when he first appeared to testify that it was not required of him to testify. That the testimony he gave should be of his own free will.

16. Q. Is this entered in the original record of the board of investigation that such warning was given to Captain Isono?

A. Such warning is not required in Naval Courts and Boards in the Record.

The accused stated the answer was not responsive and requested that the witness be directed to answer the question.

The commission directed that the question be repeated and that the witness answer the question.

The question was repeated.

17. Q. Is this entered in the original record of the board of investigation that such warning was given to Captain Isono?

A. No.

18. Q. When it became apparent that Captain Isono was at least an interested party were the rights of section 734, accorded him?

A. No. It was not possible to fully accord Captain Isono his rights in section 734, Naval Courts and Boards because of - - - - -.

The accused interrupted the witness and requested that the remainder of the answer after "No" be stricken as non-responsive and self-serving.

The commission stated that it desired the witness to continue his answer.

The accused objected on the ground that the witness was under cross-examination and the commission was making the witness its own.

The commission announced that the objection was not sustained and the commission directed the witness to complete his answer to the question.

A. No. It was not possible to fully accord Captain Isono his rights in section 734, Naval Courts and Boards because the volume of evidence received by the board was so involved and because it was not possible to name proper defendants and interested parties until all the evidence had been received.

The accused did not desire further to examine the witness.

The commission did not desire to examine the witness.

The accused objected to the admission of this document on the ground that it is not in accord with Naval Courts and Boards, particularly Section 221, Section 219(c) and article 60, Articles for the Government of the Navy.

The judge advocate did not reply.

The commission was cleared.

The commission was opened, all parties to the trial entered, and the commission announced that the objection was not sustained.

There being no further objection the document was so received and is appended marked "Exhibit 2".

(Examination continued by the judge advocate.)

20. Q. Did Captain Nakajima submit a statement to the board of investigation?

A. He did.

21. Q. Will you inform the commission when, where and under what conditions this document was submitted to the board of investigation?
A. After testifying on or about the 12th of January 1946, Captain Nakajima was given the opportunity to write a statement regarding his actions. C.F.

22. Q. And did Captain Nakajima submit such a statement?
A. He did.

23. Q. Was this submitted in English or Japanese?
A. In Japanese.

24. Q. And who translated the original of this statement from the Japanese to English?
A. Daniel N. Williams, Lieutenant (j.g.), United States Naval Reserve.

25. Q. And did Lieutenant Williams, certify to you that the original of this document contained the signature of Captain Nakajima?
A. He did.

26. Q. And do you have in your possession a certified true copy in Japanese of the original statement submitted by Captain Nakajima?
A. I do.

27. Q. Who made the copy of the original in Japanese?
A. Ensign Arvey.

28. Q. I show you this document. Can you identify it?

A document was handed to the witness.

A. I can. It is Captain Nakajima's statement.

29. Q. I show you this document and ask you if you can identify this one?

A document was handed to the witness.

A. I can. It is a true copy certified by Ensign Arvey of Captain Nakajima's original statement.

30. Q. Is this original statement of Captain Nakajima's part of the original record of the board of investigation?
A. It is.

A document was submitted to the accused and to the commission and by the judge advocate offered in evidence.

There being no objection it was so received, and is appended marked "Exhibit 3A". C.F.

The judge advocate offered in evidence the prosecution's Exhibit 3B, which is the English translation by a commission interpreter of Exhibit 3A.

There being no objection it was so received, and is appended marked "Exhibit 3B".

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

The commission did not desire to examine the witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The judge advocate read in English "Exhibit 2", the interrogation of Captain Isono.

The interpreter read in Japanese "Exhibit 2", the interrogation of Captain Isono.

The judge advocate read "Exhibit 3B", the English translation of the statement of Captain Nakajima.

The interpreter read in Japanese "Exhibit 3A", the statement of Captain Nakajima.

The prosecution rested.

The commission then at 4:25 p.m., adjourned until 9:15 a.m., Wednesday June 5, 1946. 267

THIRD DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.

Wednesday, June 5, 1946.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States.
Commander John C. Roshepny, Supply Corps, U. S. Navy,
Commander Martin E. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, Jr., U. S. Marine Corps, members, and
Lieutenant Daniel Flynn, U. S. Naval Reserve, and
Lieutenant Edward L. Field, U. S. Naval Reserve, judge advocates.
Howard D. Rittmaster, yeoman third class, U. S. Naval Reserve, reporter.
Each of the accused and his counsel, and the interpreters.

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

The defense made a motion to the commission that a directed verdict of "not guilty" be entered in behalf of the defendant, Captain Isono, on the ground that the evidence did not support the charge and specification as drawn against him.

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 not sustained.

The defense began.

The accused, Isono, Meguru, Captain, Imperial Japanese Army, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. Are you Isono, Meguru, an accused in this case?
- A. Yes, I am.

Examined by the accused:

2. Q. Captain Isono, how long before Captain Nakajima left the party did you see the prisoner?

A. I went to the scene just after the party had started. I do not know of Captain Nakajima's actions.

3. Q. Was Captain Nakajima at the place where the prisoner was kept at any time you were there?

A. He was not there.

4. Q. How hard did you slap the flyer?

A. I did not hit the prisoner. When I went to the scene and saw him, he was pale and I felt sorry for him, and then the prisoner fell toward the left and I unconsciously bolstered him saying, "Are you all right?"

5. Q. Didn't you slightly slap his face to revive him?

A. I was standing about three paces away from this prisoner. When he suddenly fell toward the left, I put out my arm to bolster him and hit him lightly on the cheek, but I did not have any will to strike him.

6. Q. When you hit him lightly on the cheek, did it knock him down?

A. It did not knock him down. I felt that he was smiling at me.

7. Q. Did it make him stagger?

A. He did not.

8. Q. Was there any evidence of blood from the slapping?

A. No, there was absolutely no blood. I only bolstered him.

9. Q. Did you and Major Matoba agree in all matters?

A. No, I disagreed.

10. Q. In what respects?

A. Major Matoba was a very reckless person and an irresponsible character, and he said anything he wanted to regardless of the effects.

11. Q. Did you ever try to resign your position as company commander?

A. Yes.

12. Q. Why?

A. I arrived at Chichi Jima on the 2nd of October, 1944, and immediately went to pay my respects to Major Matoba and was scolded there. I did not know the reason for this, and though I asked many times later, he did not instruct me; and at that time, the daily working hours were fifteen hours per day, and then at that time the men were getting very little food and they were gradually weakening, and sick patients were increasing. I thought that we could not continue long in this state, and so I let my men rest appropriately, and I was called in by Major Matoba and severely reprimanded. There are many other times when I offered my opinions to the Major, but he did not lend an ear to these, and I was forced to do anything he said whether it be unreasonable or not. On the 3rd of January, 1945, Chichi Jima was shelled by American war ships, and at that time, the Third and the First Platoons were destroyed. I immediately went to see Major Matoba taking the platoon commanding officers with me to apologize for this, and after I had apologized and returned, I thought that this incident was finished; but about the 20th of January, there was a gathering of all of the officers of the battalion, and before all of the other officers, I was

scolded by the Major for about thirty minutes. Of course, I know that I was to blame for this, but if I had to keep on doing blindly what the Major told me, and if the Major was not going to listen to anything I said, I felt that it would be too hard upon my subordinates although I could bear the ordeal; so I came to a conclusion that if I was not transferred to submit my resignation about the 20th of January. C.H.

13. Q. Was this resignation accepted?
A. No, it was not accepted.

Cross-examined by the judge advocate:

14. Q. When did you first learn this prisoner was on Chichi Jima?
A. I heard this for the first time at about the end of the conference when some soldiers passed in front of the conference room.

15. Q. What prompted you to go see the prisoner?
A. I have no reason.

16. Q. When you arrived at the spot where the prisoner was located, what was taking place?
A. Nothing was taking place; there were just soldiers there.

17. Q. Who did you see at the spot when you arrived?
A. I saw some enlisted men, but I do not remember their names.

18. Q. Were there any officers present when you arrived?
A. No, there were no officers there.

19. Q. Did you ever see Captain Sato at the site?
A. Yes.

20. Q. While you were at the site, did you see Captain Sato do anything?
A. Suddenly Captain Sato said something. It may have been something to bolster the prisoner up or something else, and then Captain Sato struck him twice. C.H.

21. Q. After Captain Sato struck this prisoner, what took place?
A. When I saw Captain Sato strike the prisoner, I said to myself, "That's a little bit too much," and I went there and picked him up while an enlisted man helped me. I dusted the prisoner and so did this enlisted man. C.H.

22. Q. After this, what did you do?
A. I retreated from the scene feeling sorry for him when I met Master Sergeant Wada. I clearly remember that when I said, "I feel sorry for him," Master Sergeant Wada with his arms locked said the same thing. Then Master Sergeant Wada walked to the front of the prisoner, but I am not sure whether Wada struck the prisoner or not. I said, "Do not do anything rude to the prisoner," and then I went my way, and I do not know what happened later.

23. Q. Do you recall with what hand you slapped the flyer?
A. My right hand.

24. Q. At the time you slapped the flyer, what was the position of your left hand?

A. I think that I had my left hand pressed against the flyer's chest.

25. Q. Did your left hand support this flyer to the extent of preventing him from falling?

A. I thought it was sufficient. He did not fall again.

26. Q. When you let loose of the flyer, was he standing, sitting, or in what position?

A. He was standing.

27. Q. Did he continue to stand while you were observing him?

A. Yes, he was standing while I was on the scene? P.A.T.

28. Q. When you left the scene, where did you go?

A. I returned to the party.

29. Q. At the party, did you comment about seeing the prisoner?

A. No. I did not comment on the prisoner.

30. Q. Was anyone at the party talking about the prisoner?

A. No.

31. Q. Have you been to other parties given by Major Matoba?

A. Yes.

32. Q. Approximately how many have you attended?

A. I do not remember clearly, but around February there were parties about once a month, and when they were frequent they were held two or three times a month.

33. Q. And was your presence at these parties always ^{by} invitation? P.A.T.

A. Yes, I have never gone to the battalion commander's place unless it was a gathering of company commanders.

34. Q. And who invited you to these parties?

A. It was the battalion commander.

35. Q. Is this the same man that you describe as severely reprimanding you?

A. Yes.

36. Q. Insofar as you know, was any trial given this American flyer, this prisoner?

A. I do not know.

37. Q. As a commanding officer of a company in the 308th Battalion what was the policy of the 308th Battalion concerning the treatment of captured prisoners?

This question was objected to by the accused on the grounds that it was beyond the scope of direct examination. CIT

The judge advocate withdrew the question.

Re-examined by the accused.

38. Q. Do you know why you were invited to Major Matoba's parties if you and Major Matoba disagreed?

A. As I was an officer under Major Matoba, I had to go to these parties when my battalion commander invited me.

39. Q. Did you have the right to refuse to go to those parties?

A. When I refused, he phoned me and urged me to come or send somebody to get me, so it was quite impossible to refuse, and I always went to these parties. CLF

Examined by the commission:

40. Q. When you went to the scene where the prisoner was, was this place outside or was it in the bath hut?

A. He was standing outside of the guard house on the road.

41. Q. When you left the scene and went back to the party, was Captain Nakajima still at the party?

A. Yes, he was.

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 resumed his status as an accused.

The defense made a motion to the commission that a directed verdict of "not guilty" be entered in behalf of the defendant, Captain Isono, on the grounds that the evidence did not support the charge and specification as drawn against him. CLF

The judge advocate did not reply.

The commission announced that the motion of the accused was not sustained.

The defense rested.

The accused Isono, Meguru, Captain, IJA, read a written statement in Japanese in his defense, appended, marked "J".

An interpreter then read an English translation of the statement of Captain Isono, Meguru, IJA, appended marked "K".

The accused Nakajima, Noboru, Captain, IJA, read a written statement in Japanese in his defense, appended, marked "L".

An interpreter then read an English translation of the statement of Captain Nakajima, Noboru, IJA, appended marked "M".

The commission then, at 11:05 a.m., recessed until 2:00 p.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the interpreters, each of the accused and his counsel.

No witnesses not otherwise connected with the trial were present.

A judge advocate then read a written opening argument, appended marked "N".

Shigeatsu Ijichi, a counsel for the accused, read a written argument, appended marked "O". An English translation of Shigeatsu Ijichi's argument was then read by an interpreter which is appended marked "P".

Donald H. Dickey, a counsel for the accused read a written argument, appended marked "Q".

A judge advocate then delivered a closing argument, appended marked "R".

The trial was finished.

The commission was cleared.

The judge advocates were recalled and directed to record the following findings:

^AAs to the accused ISONO, Meguru, formerly Captain, Imperial Japanese Army, the specification of the charge not proved. c14.

And ISONO, Meguru is of the charge not guilty, and the commission does therefore acquit the said ISONO, Meguru of the specification and of the charge.

As to the accused NAKAJIMA, Noboru, formerly Captain, Imperial Japanese Army, the specification of the charge proved in part, proved except the words "ISONO, Meguru, then a Captain, Imperial Japanese Army and " and "each and together," and "with their hands and", which words are not proved.

And that the accused NAKAJIMA, Noboru is of the charge guilty.

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

The commission announced its findings.

The accused, ISONO, Meguru, was excused from further attendance by the commission.

The commission then at 5:37 p.m., adjourned until 9 a.m., Thursday, June 6, 1946.

0472

FOURTH DAY

United States Pacific Fleet,
Commander Marianas,
Guam, Marianas Islands.

Thursday, June 6, 1946.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Captain Eric B. Hoag, Dental Corps, U. S. Navy,
Colonel James V. Ware, Infantry, Army of the United States,
Colonel Pierre B. Denson, Coast Artillery Corps, Army of the United States,
Commander John C. Peshepny, Supply Corps, U. S. Navy,
Commander Martin M. Carlson, U. S. Naval Reserve,
Major Donald B. Cooley, Jr., U. S. Marine Corps, members, and
Lieutenant Daniel Flynn, U. S. Naval Reserve, and
Lieutenant Edward L. Field, U. S. Naval Reserve, judge advocates.
Howard D. Rittmaster, yeoman third class, U. S. Naval Reserve, reporter.
The accused and his counsel, and the interpreters.

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.

The accused stated that there was no evidence in mitigation.

The commission was cleared.

The judge advocates were recalled and directed to record the sentence of the commission as follows:

*The Commission therefore sentences him,
Takajima, Raborn, Captain, Imperial Japanese
Army, to be hanged by the neck until
dead, two-thirds of the members concurring.*

Arthur G. Robinson

ARTHUR G. ROBINSON,
Rear Admiral, U. S. Navy.

Eric B. Hoag

ERIC B. HOAG,
Captain, Dental Corps,
U. S. Navy.

James V. Ware

JAMES V. WARE,
Colonel, Infantry,
Army of the United States.

Pierre B. Denson

PIERRE B. DENSON,
Colonel, Coast Artillery Corps,
Army of the United States.

John C. Poshepny

JOHN C. POSHEPNY,
Commander, Supply Corps,
U. S. Navy.

Martin E. Carlson

MARTIN E. CARLSON,
Commander, U. S. Naval Reserve.

Donald B. Cooley, Jr.

DONALD B. COOLEY, JR.,
Major, U. S. Marine Corps.

Daniel Flinn

DANIEL FLINN,
Lieutenant, U. S. Naval Reserve, Judge Advocate.

Edward L. Field

EDWARD L. FIELD,
Lieutenant, U. S. Naval Reserve, Judge Advocate.

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

The commission then read and pronounced the sentence to the accused.

The commission, having no more cases before it, adjourned to await the action of the convening authority.

Arthur G. Robinson

ARTHUR G. ROBINSON,
Rear Admiral, U. S. Navy, President.

Daniel Flynn

DANIEL FLYNN,
Lieutenant, U. S. Naval Reserve, Judge Advocate.

Edward L. Field

EDWARD L. FIELD,
Lieutenant, U. S. Naval Reserve, Judge Advocate.

OPENING STATEMENT

by

Lieutenant Daniel Flynn, USNR.

Gentlemen of the commission,

The prosecution realizes that each member of the commission knows that the opening statement is not a matter of evidence, and it is the desire of the judge advocates for the commission to understand that. But we simply make an opening statement to make an outline for the commission, so that they can better understand how we expect to shape up our evidence and proof in this case. We expect to prove to this commission that on or about 23 February 1945, two individuals connected with the Imperial Japanese Army, one a corporal and one a forced laborer, who were working on the shores of Chichi Jima, came upon an American prisoner. He appeared to be weak physically, and they turned him over to authorities. This prisoner ended up in the headquarters of the 308th Battalion, which was one of the Japanese military installations at Chichi Jima. He was placed in the guard house of the 308th Battalion. On or about the 23rd of February, the same day the prisoner was captured, the accused in this case Isono, Meguru, and Nakajima, Noboru, were both captains in the Imperial Japanese Army, and both serving and attached to the 308th Battalion on Chichi Jima and on the evening of this day that the prisoner was taken into custody, these two accused were at a party. Some time during the course of this party, word came through that there was an American prisoner at the guard house, and for some reason, to either interview the prisoner or observe him, they proceeded to the guard house, whether together or separately I do not know, but they were together in the prisoners' presence at the same time. They came upon the prisoner along the way, and he was under the custody of several Japanese Army personnel, who were questioning him. The prisoner was apparently unable to deliver the right answer because of language difficulty or some reason, and the accused Captain Isono attempted to get answers by striking him and beating him with his hands, and the accused Captain Nakajima took over the questioning and he was unsuccessful and he struck the prisoner over the head and shoulders with a walking stick. The prisoner was in a squat position while he was lying prone on the ground, and the prisoner fell over and died on the ground. There was some evidence that the accused Nakajima was drinking at the party he had just come from, and we have no knowledge of the name of the American prisoner.

"I"

0476

陳述

磯野 周

私ハ此ノ浮世ニ對シテ絶對無意ヲ持ッテ居マセシメ
ニシ。唯浮世ノ可愛想ヲ汝フ一寸ト見テ倒レカケ
ウトシタラヌヘタケデシタ。絶對ニ彼ヲ打ツタヤウナ
コトニアリマセン。無謀ナ者カ居ツタ爲ニ嫌疑カ覺リ
ヘ外ニ至リデアリマス。其ニ其重々御念ミ下サイ。
此ノ可愛想ヲ浮世カ私ノ見タ最初ノ浮世デシタ。
後ニ彼カ殺セシタト聞キアノ可愛想ヲ汝カ印象
ニ留メ残リ今モ腦裡ヲ去リマセン。

私カ此ノ浮世ニ對シテ執ツタ行爲カ罪ニナル様
デシタラ世界人類凡テカ罪ニナルト思ヒマス。天カ
知ッテ居マス。神様カ知ッテ居マス。地下ニ眠ル
英靈カ私ニハ一晝ノ夜ニイテ晝ノ事ヲ知ッテ居
ル以テアリマス。

(終)

磯野 周

STATEMENT OF ISONO, MEGURU

I had absolutely no ill intentions toward this American prisoner. I took a glance at the prisoner's pitiful shape and bolstered him when he fell down. I absolutely did not hit him. I am quite surprised that I have become a suspected criminal because there were many more violent people than I. I beg that you kindly take this point into your consideration.

This poor fellow was the first prisoner I had ever seen, and hearing afterwards that he had been killed, the deep impression that I received of him has still not left my mind.

If I am convicted for the action I took towards this prisoner I think that everyone in the world is also guilty. Heaven knows, God knows, and the spirit of this departed soul must know that there is not a shadow of guilt in me.

ISONO, MEGURU

I certify the above to be a correct and complete translation to the best of my ability.

M. D. Arvey
M. D. ARVEY,
Ensign, U.S.N.R.,
Interpreter.

"K"

0478

陳述

中島 昇

私は釣場そばに命ぜられた修繕の詰問
を致しました。

自分の詰問に対し何等の返事を致
しませんでした。私は当日の會合で酒
を相當飲んで泥酔して居りました。
為めつゝ持つて居た、スリッパを振
り上げたのでした。

決して初めから修繕を致さうとの
考へは持つて居りませんでした。

まして致さうとの考へは先願持つて
居りませんでした。

全し泥酔の結果意に無いこと
を致しました。

願何卒御寛大なる御考慮を御
願ひ致します。

中島 昇

STATEMENT OF NAKAJIMA, NOBORU

I questioned the prisoner, as ordered by Major Matoba. The prisoner did not reply at all to my questions, and as I was very drunk as a result of drinking a considerable amount of sake at the party that day, I used the stick. I absolutely did not have any idea from the beginning of beating the prisoner and, naturally, I did not have the slightest wish to kill the prisoner. Because I was drunk, I committed an unintentional deed. I beg your lenient consideration.

NAKAJIMA, NOBORU

I certify the above to be a correct and complete translation to the best of my ability.

M. D. Arvey
M. D. ARVEY,
Ensign, U.S.N.R.,
Interpreter.

0480

OPENING ARGUMENT FOR THE PROSECUTION

DELIVERED BY

EDWARD L. FIELD

LIEUTENANT, USNR.

If it please the commission, the prosecution has brought before this commission two defendants charged with the murder of a captured American, held as a prisoner of war at Chichi Jima, Bonin Island. The defendants are further charged, that this murder was carried out wilfully, maliciously and with premeditation and malice aforethought. Let us consider the allegation of this charge in light of the evidence presented.

The only proper appraisal that can be given to evidence in this case in order that its full significance can be completely apprehended is to consider this evidence in view of the extenuating circumstances surrounding the events of this murder and in relationship to the back ground and setting in which this crime occurred.

It is the uncontested fact that on or about February 23, a captured American flier was delivered to the headquarters of the 308th battalion. At the time of the prisoners arrival at the said headquarters, a party of senior officers of the 308th battalion was taking place. All accounts indicate that this was the riotous affair and that such parties were a common occurrence at the headquarters of the 308th battalion. I wish to now point out the statement of Captain Nakajima that orders for the disposal of prisoners were well known by all personnel of the 308th battalion. Stimulated by drink and influenced by the known policy concerning the treatment of prisoners in the 308th battalion, we can readily realize the frame of mind and the underlying intent that encompassed those at the party when they learned that a captured American had been brought in.

It seems from the best evidence that what took place after this news received at the party is as follows. Captain Sato and Captain Isono went out to question the flyer who at the time was in a weak and exhausted condition, and the flyer apparently was unable to understand the questions put to him. This prompted Captain Sato to knock the American to the ground, although he would have us believe by his testimony that he was in the mountains at the time.

Captain Isono then proceeded to slap the flyer without any provocation or justifiable cause. Under these circumstances there is absolutely no reason other than Captain Isono's self-serving statement to believe that he slapped the flyer only once or that it was a light tap. Surrounded by such a diabolical set of fellow officers, it is readily recognizable that Isono acted and was in accord with this environment.

A little later, following the slapping by Isono, Nakajima comes out and proceeds to pummel the victim with his walking stick, and as a result of this treatment the victim soon died. It is entirely a question of fact as to where the chain of causation began which led to the flyer's death. What part the beating and slapping the victim had received before he was beaten by Nakajima, played, in bringing about the death of the victim is for this commission to determine. Is there any real evidence that the flyer would not have died from the beating and slapping by Sato and Isono alone?

It is the contention of the prosecution that Nakajima is but one of the several persons responsible for the death of the flyer, and that the flyer did not die entirely as the result of a beating he received from Nakajima, but that this was but a part of the contributing cause.

The question then evolves does such evidence support the averments of the charge and specification. Murder is defined by Section 53 of Naval Courts and Boards as "the unlawful killing of a human being with malice aforethought."

Malice is defined in the United States vs. Reed, 86 Federal Report as follows: "by malice it is not necessarily meant in the law of malignant spirit, a malignant intention to produce a particular evil. If a man intentionally does a wrongful act which he knows is likely to injure another, that in the law is malice; it is the wrongful purpose, the wrongful doing of an act, which he knows is liable to injure another, regardless of the consequence. That is malice, although the man may not have a specific intention to hurt a particular individual."

In Naval Digest, 1916, page 374 it is stated "An act is, in contemplation of law, done maliciously, where it is wrongful and done intentionally."

Was the slapping and beating of the victim in this case by Captain Isono and Captain Nakajima wrongful? The answer is self evident. Both of the defendants had admitted that there was no cause or justification for their actions. Was the slapping and beating of the victim by Captain Isono and Captain Nakajima intentional? The answer again is emphatically in the affirmative. Captain Isono left the party as he said for no reason at all and proceeds to slap the flyer when the flyer has done nothing to prompt such a slapping by Captain Isono. Such actions on his part are clearly intentional. Captain Nakajima proceeds to leave the party, attempts to question the flyer and then proceeds to beat him with his walking stick upon the flimsy excuse the flyer did not answer his questions. Every action of these defendants indicate unequivocally and positively that they intended to do exactly what they did. The fact that the flyer happened to die as a result of this beating is immaterial insofar as the intent of the defendants to do a wrongful act is concerned. Their conduct is such that any reasonable man would be fully aware that death might result from the same.

The murder of this American was but an act in the furtherance of the general policy that existed at Chichi Jima for disposal of captured prisoners of war. This is clearly evident when we note that Captain Nakajima received no reprimand of higher authority; when we observe the various witnesses at the sight of the beating did not attempt to halt its continuance and by the complete lackadaisical and unconcerned attitude of other persons in the 308th battalion. In my experiences with war crimes the personnel of the 308th battalion were the most diabolical fiends that I have encountered. Captain Isono and Captain Nakajima as senior officers within the unit were thoroughly indoctrinated with its methods of the treatment of prisoners. Their attempt to white-wash themselves and their claims to possess such noble character insult the integrity of this commission.

The killing of this American without any trial was in direct violation of Japan's agreement to abide by international conventions relating to prisoners of war and the hour of reckoning has come when these defendants must be held strictly accountable.

Without in any way weakening our contention that Captain Isono is a self-confessed participant in a murder, I wish to advise the commission that he may be found guilty of any of the lesser included offenses of murder such as manslaughter or assault and battery.

The defendant Isono has before this commission given a judicial confession that he slapped an American prisoner of war without justification or other due cause. The slapping of a prisoner of war under such conditions is a war crime and therefore the defendants must be held accountable.

I command these two defendants to this commission for the punishment they so justly deserve.

Edward L. Field
EDWARD L. FIELD,
Lieutenant, USNR.
Judge Advocate.

"N-(2)-"

0482

辯論 伊地知 厚

先、磯野大尉に（こ）中上です
ほ、磯野大尉は全く無理にありますが 検事側
、何水の証人と磯野大尉が停屍を致したと見
たと証言した者はありません。証人君大尉は磯野
大尉が被告席に（こ）したる事、人々不思議に言
「たはあませんが。磯野大尉は夫れ自身又は
中島大尉と共同して停屍を致した（こ）事は棒を
に（こ）致打した（こ）罪に致した（こ）事實は毛
頭、無（こ）てあります。
検事証據として提出された磯野大尉に
対する証向調書を見ますと、成る程（こ）所に

辯護士 伊地知 厚
法學士 伊地知 厚

磯野大尉が停屍を平（こ）打した（こ）事、陳述がた
りです。然し（こ）所には停屍として（こ）打した（こ）事
め（こ）打した（こ）事とあります。この次には軽く平（こ）
打した（こ）事とあります。然し（こ）る（こ）し（こ）なりする（こ）ため
「軽く」等の言葉の（こ）些く（こ）些く（こ）平（こ）打を致した
して（こ）し（こ）磯野大尉は停屍を起した（こ）事、停屍を
掛（こ）つた（こ）事とあります。停屍に對し（こ）要意（こ）と持（こ）つ
（こ）たる者が（こ）付（こ）つた（こ）停屍の（こ）體（こ）と掛（こ）つた（こ）事、
助け起す事（こ）にあり（こ）ます。
磯野大尉は父島に赴任して（こ）来（こ）り（こ）よ（こ）る（こ）ため
米停屍を（こ）した（こ）事とあります。命令の席と
付（こ）つた（こ）事と見（こ）に行（こ）つた（こ）事。所（こ）が（こ）年（こ）も（こ）若（こ）け

“0(11)”

[illegible]

破野天齋は生来過厚な人物であった。冠天

論は要面目し人物と証言致した。兼森

軍醫は和田替長と同様に部下、信頼あり

停滯を改むべき人種は、たとひ種族として此の

まず。實業部下は、情を

あります。の場から健康、構築¹²（サ

十五時向、労働を命ぜられたが、父島、孤

主から食糧と程度に制限せよ

伊地知重厚用紙

あり、世界大辭は2の労働時向を決定した(2冊)

三 の比類を受け、他人の「前」の「後」と加へて「後」の「前」

2. 破野大康は其の病の第一中隔の

生じ事はあきなり。製了事は、本軍降伏後は

費は、事の成るまで、

記人の不思議に思ふ。木標に50の

牙 儿 初 言 擦 牙 謝 兒 臭 石 卵 下 床 被 告

としのちの謝せしに、其年を不思議に思ふものなり

$$\theta = 90^\circ$$

改以中島大蔵に就任中止す

三 抄 子 2 抄 抄 子 1 中 抄 子 1 抄 子 1 抄 子 1

書に於ては中島大蔵は一九四五年二月廿

西日雲米停務一名が掃はれ、二連のせいにせられ、
「オオ」が、彼は其の停務から伝報を得る秘的場
々に命令せられたと云ふ事。

2. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$ is the probability.

[illegible]
$$\circ \int A_{\theta} \cup \text{終} \text{に}$$

今日の場から、大隊には録下の中隊長と班長が
会議を司り、本が終、本書(食の会食に)して
の「あきすが、大敵の証」の如く、三。、大敵
とは会食には酒が(オレの)とあると相対量の酒
が「特」に水とを「あきす」。

$\frac{1}{\sqrt{2}} \left(\begin{matrix} 1 & i \\ -1 & 1 \end{matrix} \right)$

伊地知重厚用紙

中島大尉はかねて酒は好物であり又相當の量に飲める方である。泥酔する程呑み込むことはあるが。

०-१५६९४२७३

この沈黙の結果平素の風流と云ふ修養が何等の立派なところにもない憤激と憤々たる一途を杖と擔へ上けるのである。

✓ 2 底を敷き、上を塗り、
底を敷き、上を塗り、

父島は彼が戦々たる山地の峻道と上り下り
をすゝる中島大尉は平康歩みと笑ける所
に杖を持ちながら、この所へ来た。これは冠
衣して居ります。信條の訓を修しんと擧げ
て居るにありすが、之を「道」の「道」
の杖の折れぬのにあります。なかの中島大

車庫三五二七(大・室内敷)

"O(3)"

4.

尉は一席奥を占め、折れた杖に又一家又一家と
合計四家を返敵つたのであります。
征矢准尉(尉大尉)の他の証言に在り、これに
係虜は奥座に、腰の杖の穴に在り、これに
を縛る。父を認め、取つた位に在り、これに
焼く位に在り、位に在り、位に在り、位に在り、
とかけ、これに在り、大に在り、これに在り、
島大尉が杖を打下したのを、後頭部に當り
係虜は昏倒したのであります。
中島大尉は最初から係虜を殺害する意図は
あり、これに在り、これを見、これに在り、
とす、これに在り、これに在り、これに在り、
辯護士 伊地知重厚用紙
法學士

“の(4)”

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多しく泥葬に墜く半意識のまゝ、手裏に墜く
過失致へるといふ判断を以て之と信じます。
賢明なる裁判長以下各位の明徹なる御判断
と仰す所と存じます。

伊地知 重厚
印

辯護士 伊地知重厚用紙
法學士

東京三五一七(大森町) 伊地知重厚

〇(5)〇

ARGUMENT FOR THE ACCUSED

DELIVERED BY

SHIGEATSU IJICHI

First, I would like to speak a few words about Captain Isono.

Captain Isono is completely innocent. There has not been one witness for the prosecution who has stated that he saw Captain Isono strike the prisoner. Did not the witness, Captain Kammuri, even say that it was strange that Captain Isono was sitting as the accused?

There is absolutely no truth in the accusation that Captain Isono, by himself or with Captain Nakajima, beat the prisoner by hand or stick, resulting in the prisoner's death. In the interrogation record prepared by the Board of Investigation and submitted as proof by the prosecutor, there are two places in which it says that Captain Isono slapped the prisoner to steady him. And next, mention is made of the Captain's lightly slapping him. But even if there were not the words "to steady him" and "lightly", and it was that Captain Isono simply slapped the prisoner, it could not have been done with ill intent, as the Captain helped the prisoner to stand and also dusted him off. Would a man, with malice toward a prisoner ever pick him up or dust him off?

The prisoner was the first that Captain Isono had seen since he came to Chichi Jima. Leaving the party to go and see the prisoner, the Captain found that the prisoner was young in age and rather small, and furthermore, exhausted. Bolstering the staggering prisoner, he tried to help him regain his strength by lightly slapping him. When the prisoner fell to the ground, the Captain picked him up and dusted him off.

Captain Isono is a mild character by birth. Captain Kammuri testified that he was a serious and calm man. Sargeant Kanemori and Master Sargeant Wada have both testified that Captain Isono was trusted by his subordinates and that he is not the kind of character who would beat a prisoner. He was very considerate about his subordinates, and there was a time when his commanding officer, Major Matoba, ordered him to have his men work fifteen

MP(1)"

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hours a day constructing positions. The Captain could not bear to see his men, who were only getting a very small amount of food because of the food conservation plan adopted after Chichi Jima was isolated, work like this, and reduced the actual working hours considerably. For this, Major Matoba scolded him many times and openly called him a fool, and this to such an extent that Captain Isono submitted a resignation from the post of a company commander to Major Matoba. This is an unthinkable act in the Japanese Army.

I say again that Captain Isono is absolutely innocent, and just as a witness thought it was strange, I who am a lawyer also, judging from the proof and testimony, feel strange that Captain Isono was named as an accused.

According to the confession of Captain Nakajima, presented as proof, an American prisoner was captured by the 308th Battalion about the 24th of February 1945. Captain Nakajima received an order from the Battalion Commander, Major Matoba, to obtain information from this prisoner. It was Captain Nakajima who conducted this interrogation. He could not speak English, so he questioned the prisoner using English words now and then, and making signs and motions with his arms and legs, but did not receive any response from the prisoner.

On that date, at the Headquarters of the Matoba Battalion, an operational conference was being held with all the company commanders of the same battalion attending, and this, coming to an end, turned into a party where, as Captain Kammuri testified, saki was abundant, it being the custom to serve saki at parties at the 308th Battalion.

Captain Nakajima was fond of saki, and able to stand quite an amount of liquor, but on this particular occasion had consumed enough to make him dead drunk.

As a result of his being drunk, he had lost his usual prudence, and suddenly flaring up in indignation when the prisoner did not respond, brandished the stick he had in hand.

"P(2)"

0489

Chichi Jima is a small island but very rugged, and Captain Nakajima usually carried a stick with him to aid him in climbing up and down the mountain roads. (Captain Kammuri has testified to this effect.) When Captain Nakajima questioned the prisoner, he had this stick with him. After swinging it once or twice, the stick broke in two, which enraged Captain Nakajima further, and he struck the prisoner with the broken stick twice more, making a total of four blows.

As Captain Kammuri and Warrant Officer Soya testified, the prisoner was physically exhausted and the need for binding him was not seen. At the time of the interrogation, the prisoner was not standing but sitting on the floor of the bathhut. Captain Nakajima was in a standing position, so the stick that he swung down hit the prisoner on the back of the head, rendering him unconscious.

Captain Nakajima did not have the intention of killing the prisoner from the start, and, seeing him fall unconscious, was confused. He rubbed the prisoner's body, cooling his head with water, but the prisoner did not regain consciousness.

To summarize, Captain Nakajima did not have the least idea of killing the prisoner from the start, but unfortunately happened to be dead drunk at the time, and committed an act of violence which he would not have done if in his proper state of mind. The prisoner was also physically exhausted, and the truth is that these conditions together caused this incident to happen.

To deal with the Captain's action as plain murder would not be proper. I am convinced that this should be regarded as manslaughter, resulting from the semi-conscious act of a completely drunken man.

I beg a clear decision from the wise president and members of the Commission.

SHIGEATSU IJICHI

I hereby certify that this is a true and complete translation.

M. D. Arvey, Ensign USN
Ensign M. D. Arvey
Interpreter

"P(3)"

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ARGUMENT FOR THE ACCUSED

DELIVERED BY

LT. COMDR. DONALD H. DICKEY

If it please the commission, there are two defendants before this court charged with the crime of murder. The specification alleges that they "each and together" assaulted and struck, with their hands and a stick a prisoner of war, so that he died of the effects. Let us first examine the allegation "each and together". There has been absolutely no proof by the prosecution that there was any concerted action by the two accused, or that the actions of either of them were in any way related to the actions of the other. There was no relation in time shown between the acts of the two defendants—whether the alleged assaults occurred within a few moments of each other or an hour or more apart. Further, it has not been shown that there was any concert of action between them, either in preliminary planning, or in the execution. Neither has it been shown that the act of either aggravated the effect of the other's act. There is no more relation between what each of them did than there would be between a person who threw a snowball at a victim who was later struck down by a car, and the driver of that car. There is no evidence that they were conspirators, accessories before the fact or co-actors. The prosecution has not shown that ISONO used a stick—or that NAKAJIMA used his hands. The specification has not been proved as to the words "each and together".

Let us examine the case of ISONO again; the inclusion of this man in this charge must have been a mistake. Frankly, I had originally prepared no argument for ISONO, I was so sure that his case would be dismissed. Not one iota of evidence was given by the prosecution's witnesses that ISONO had even appeared at the scene of the crime. The prosecution had available to it the testimony of over a hundred witnesses who had appeared before a Board of Investigation—and found none in that number who could testify that this man touched or injured or even approached

"(q1)"

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the American flyer. The only evidence before this court is the statement of ISONO himself—and that evidence is that he slightly slapped the flyer to steady him as he was holding him up. (Ex. 2, Q.14). A man helps a prisoner to his feet after someone else has knocked him to the ground, slaps him lightly to revive him—and is charged with murder. There is absolutely no evidence that ISONO in any way inflicted a mortal wound on the prisoner, of which the prisoner died. And the prosecution has offered no proof that it has—only speculation.

The Judge Advocate, in his argument on the motion for a directed verdict, and again in his opening argument, clearly indicated "head hunting" activities in finding victims for this court. Captain ISONO was stationed on an island which the Judge Advocate asserted without proof was "corrupt from top to bottom". Since ISONO was there, he must be guilty of something—so they blithely charge him with murder—not on proof but on a general assumption that he's a Jap from Chichi Jima and therefore evil. Such actions make a tragic farce of war crimes trials and the very name of American justice.

This single item of testimony against ISONO should not be considered be the commission. It is clearly stated in Naval Courts and Boards and in all the texts on evidence, in every court in every state, and in every federal court, that an accused may not be convicted on his extra judicial confession alone. It must be corroborated by independent evidence. And there has been no shred of corroborative evidence offered before this commission. Can this commission ignore the rules of every other court, civil and military, and convict this man on his own statement alone? To find this man guilty of the charge and specification is a travesty of all justice and right thinking. If this be done, then there is no need of defense counsels—all that the defendants require is an interpreter so they can understand the evidence.

Now let us look at the evidence as it relates to Nakajima. We do not

"(Q2)"

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deny that Nakajima struck the prisoner with a stick, and that the prisoner died as a result, but gentlemen of the commission, this was not murder. Murder is the unlawful killing of a human being with malice aforethought. The Laws of Crimes, by Clark and Marshall, in section 237 states "The distinguishing characteristic of murder is malice aforethought. When it exists, the homicide is always murder. When it does not exist, the homicide cannot be murder, but is either manslaughter, or else is justifiable or excusable."

Wharton's Criminal Law, section 516 states this; "When the defendant is in such a state of drunkenness as to be incapable of forming a specific intent to take life, then the offense, if murder at common law, is murder in the second degree. To constitute murder in the first degree, actual malice must be proved. Upon this question the state of the prisoner's mind is material. In behalf of the defense, insanity, intoxication, or any other fact which tends to prove that the prisoner was incapable of deliberation, is competent evidence for the jury to weigh."

Bouvier, in his Law Dictionary, Third Revised Edition, at page 945, reads as follows:

"In this country, courts have gone still further in regarding drunkenness as incompatible with some of the elements of crime. It has been held, where murder was defined to be wilful, deliberate, malicious, and premeditated killing, that the existence of these attributes is not compatible with drunkenness; State v. Bullock, 13 Ala. 413; Swan v. State, 4 Humphr. (Tenn.) 136; Haile v. State, 11 Humphr. (Tenn.) 154; State v. McCants, 1 Speers (S.C.) 384; and when a man's intoxication is so great as to render him unable to form a wilful, deliberate, and premeditated design to kill, or of judging of his acts and their legitimate consequences, then it reduces what would otherwise be murder in the first degree to murder in the second degree; People v. Harris, 29 Cal. 678; Com. v. Jones, 1 Leigh (Va.) 612; People v. Robinson, 2 Park, C. R. (N.Y.) 235; Ayres v. State (Tex.) 26 S. W. 396; Mooney v. State, 33 Ala. 419; State v. Johnson, 41 Conn. 584; Rafferty v. People, 66 Ill. 118; Jones v. Com., 75 Pa. 403. See Bernhardt v. State, 82

Wis. 23, 51 N. W. 1009; State v. Zorn, 22 Ore. 591, 30 Pac. 317; People v. Vincent, 95 Cal. 425, 30 Pac. 581. But where one who intends to kill another becomes voluntarily intoxicated for the purpose of carrying out the intention, the intoxication will have no effect upon the act."

Let us now examine the testimony. The defense was unable to find witnesses in its behalf and has been forced to rely upon the cross-examination of the prosecution's witnesses to prove their points—but in spite of that handicap, it is obvious from the evidence that Nakajima was drunk when the beating occurred—drunk to the point of being unable to judge his acts and their legitimate consequences. Every witness but two have testified to the intoxicated condition of Nakajima. One of these two witnesses Maekawa, was not even present at the scene—he was at the beach or fishing in the straits off Chichi Jima. The other, Wada, gave his testimony in such a manner and with such confusion that no questions were asked since it was obvious that there was no truth in him. But the testimony of those who were in position to know or hear the truth—let's look at that. Soya, the Warrant Officer who brought the flyer to the headquarters, testified both here and before a Board of Investigation that "under the influence of liquor, Captain Nakajima beat the flyer to death" and further, "Captain Nakajima beat the flyer to death while in a drunken stupor." Captain Kammuri advised the commission of the fact that Captain Nakajima was "very drunk", that Nakajima drank heavily at the party, and that the party lasted for quite some time. Captain Sato (who incidentally, may or may not have knocked down the flyer himself) testified that "Captain Nakajima was not responsible for the beating because he was drunk." Kanemori, the medical corpsman, gave the most graphic description of the state of inebriation of Nakajima when he described him pushing his way through a crowd of men and taking over the investigations. Witnesses have testified that Nakajima was habitually a heavy drinker, and that when drunk he became violent and easily enraged. This testimony is further remarkable in that it was given before a Board of Investigation at widely separated intervals of time—part of it in January of this year and part of it in April, by

"(34)"

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persons who were not even friendly towards the accused Nakajima. They had no reason to try to excuse the actions of the accused—it was simply offered as a fact that Nakajima was too drunk to know what he was doing when he beat the flyer.

Every bit of testimony points to the extremeness of Nakajima's intoxication. Would anyone but a man well intoxicated conceive the bright idea of questioning an American flyer—when he himself spoke only Japanese? For I assure you gentlemen, in spite of Kanemori's testimony that Nakajima was talking to the American in English, the accused does not speak English. He may know a few words—just as you and I knew "Kamakaize", "Harikuri", "Banzai" and a few other movie expressions supposed to indicate oriental atmosphere—but not the kind of words by which you could hope to obtain information from a foreigner. A further indication of the far reached stage of drunkenness was the fact that he actually beat the prisoner insensible—before any information could be obtained from him. Every command was extremely anxious to learn all they could about the places from which the flyers had come; the number and types of planes there and further valuable military information, and no officer could expect the appreciation of his superior in command if he eliminated one of the sources of such information before all pertinent facts had been learned. But Nakajima was too drunk to think of that.

We get a fairly clear picture of the events leading up to the beating that afternoon; the subordinate officer at the quarters of the Battalion Commander, who himself liked to drink, spending the afternoon with an unlimited supply of saki. There is some discrepancy in the amount of time that the party lasted, but it was surely two hours, and probably much longer, according to the testimony of Captain Sato. Nakajima drinks heavily always—and when he is drunk, he gets violent and angry. The party breaks up, and Nakajima staggers out and immediately decides to set himself up as an interpreter—an idea which to his saki-dulled brain, seems completely logical at the time, even though he cannot speak the language of the flyer, or hope to find the flyer speaking Japanese. He shoves the men out of the way, shouts more and more loudly in his own tongue to try to make the flyer

understand, and suddenly becomes infuriated at the stupidity of the flyer who is making him appear foolish before the men. His alcoholic stupor can find only one outlet. He hits the flyer—and the deed is done. It is not a pretty picture, I grant you—but it is an accurate one, and shows completely that Nakajima was incapable of possession of the necessary "malice" required to support an act of murder. He was unable to form a wilful, deliberate, and premeditated design to kill, or to judge his acts and their legitimate consequences. There was no "malice aforethought" expressed, or implied.

Drunkenness is not an excuse for murder—but it is incompatible with premeditation or a deliberate intention to take life—and therefore reduces the crime from murder to the grade of manslaughter. In order that there may be no mistake, the testimony points out the obvious fact that Nakajima did not become voluntarily intoxicated for the purpose of carrying out his intention. The drinking party was well under way before the flyer even arrived at Chichi Jima Headquarters—and Nakajima had no knowledge of his presence until long after he was well inebriated.

It is not within the province of the defense to advise the commission of the technicalities surrounding the definition of "malice aforethought". The Judge Advocate has that involved duty. In fact, it is incumbent upon the Judge Advocate to advise the commission on all points of law, not merely those which support the case of the prosecution. Neither is it the duty of the defense to point out the law on the punishments to be adjudged; nevertheless, we do take the privilege of calling your attention to Note (2) of section 53 of Naval Courts and Boards, and the punishments listed in section 474 of that same reference.

To summarize, we contend that the prosecution has failed to prove certain essential elements of the specification, and particularly the phrase "each and together", "with premeditation and malice aforethought", with their hands" as regards the defendant Nakajima—and has failed entirely to prove the specification as regards Isono. And since essential elements of the specification have not been proved, then the charge is not proved.

"(Q6) "

D. H. Dickey
D. H. DICKEY,
Lt. Comdr., U.S.N.R.

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CLOSING ARGUMENT

by

Lieutenant Daniel Flynn, USNR.

Gentlemen of the commission,

The Supreme Commander of the Allied Powers has set up rules and regulations for these trials that has permitted us some leeway in the introduction of evidence, and the examination of witnesses. To some extent, in this case we have taken advantage of those rules. It has been necessary to set those up because of the great language barrier of the accused and all parties to the trial. For the most part, we have thought that the rules of evidence used by our own countries provides great protection to the accused and to the government. Also in the law of this case, we will apply the law of our own land, which of course is preceded from the law of England. The courts of both countries are both known for the protection of the accused and fairness to the prosecution.

Though I am sure that the commission and all parties of the trial are cognizant of many of the facts I will make through my statement preliminary to my argument, I will still make them as a matter of respect. The charge in this case is, of course, the most grave, and if a conviction is determined, the sentence could be most severe. The Government has placed a great responsibility on all the parties of this case because the charge is murder. The responsibility falls not only on the shoulders of the commission, the judge advocates, and the defense counsel, but the court reporter, the interpreters, the orderlies, and even down to the spectators whose responsibility it is to maintain the quiet and dignity for which our courts are famous. I believe that I am not overly impressed by these trials when I say that they are a part of the most famous and historical trials in the world - the war crimes trials. The decisions that we reach and the conduct that we carry out on these trials will no doubt affect the lives of men, the conduct of armies, and political leaders for hundreds of years. So with all these things in mind, I think we have all proceeded carefully and diligently; and, of course, predominant protection for the rights of the accused and still remembering the duty we have to our own government and to all the countries that these trials might affect.

As the counsel for the accused says, it is the duty of the judge advocate to advise the commission of the law. It is not only the duty of the judge advocate to advise the commission of the law, but also the accused. That is also partially correct, but not entirely. Naval Courts and Boards, Section 422, states, "It is improper to misstate any matter of law in an argument, but on matters about which the authorities differ a party may properly state only the views favorable to his side."

The authorities I will present to the court, I have picked to be what I believe is the majority opinion of the courts of our land and the courts of England. Sometimes it is difficult to determine just what a majority of opinion is. At any

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rate, I will diligently attempt to state the most desirable and give the majority opinion.

We will first take the specification and the proof of it. First, comes the 23rd of February, 1945. Now there is some conflict in testimony as to what date this alleged crime was committed, but one witness has testified that he believes it is the 23rd and several have testified that it is around the 23rd. I think that that date is sufficiently proved and the conflict in testimony is not sufficiently prejudicial to the rights of the accused. Next, we come to willfully. I don't have the authorities for what interpretation of willfully is before me at this moment, but we will attempt to find them before closing the argument.

By maliciously, we will see what the authorities say on the term maliciously. In Bouvier's Law Dictionary, page 2067, the following definition of maliciously. "1. The doing of a wrongful act intentionally without justifiable cause; 2. A conscious violation of the law to the prejudice of another; 3. In a legal sense malice is never understood to denote malevolence or unkindness of heart or enmity toward a particular individual, but it signifies rather the intent from which flows any unlawful and injurious act committed without legal justification." We will also consider malice aforethought at the same time. Malice aforethought is described in Bouvier's Law Dictionary, page 2068 as follows: "A technical phrase employed in indictment, which with the word murder must be used to distinguish the felonious killing called murder from what is called manslaughter. In the description of murder the words do not imply deliberation, or the lapse of considerable time between malicious intent to take life and the actual execution of that intent, but rather denote purpose and design in contradiction to accident and mischance; and the intent necessary to constitute malice aforethought need not have existed for any particular time before the act of killing, but it may spring up at the instant and may be inferred from the fact of killing; but premeditation may be an element showing malice when otherwise it would not sufficiently appear.

There are two kinds of malice. There is what is called expressed malice and implied malice. Expressed malice means an actual attempt to kill. An implied malice is that inferred by law from the fact proved. Clark and Marshall on Crimes, Volume 4, page 289 states: "Implied malice is that inferred by law from the facts proved. Implied malice exists where there is no actual intent to kill any person but death is caused by conduct which the law regards as showing such an abandoned state of mind as to be equivalent to an actual intent to kill. From such conduct the law implies malice." In Naval Courts and Boards, Section 53, there is a statement there that concerns malice aforethought, which I shall use at this time: "The use of the word 'aforethought' does not mean that malice must exist for any particular time before the commission of the act, or that the intention to kill must have previously existed it is sufficient that it existed at the time the act is committed." From these authorities we can see that the accused need not have left that party and walked down to where the victim was with the expressed intent to take his life. I am going to read some more on malice inferred. Malice inferred is the crux of our case. We do not allege that the accused, Nakajima, had an express intent to take the victim's life, or the accused Isono meant to take the prisoner's life. Wharton's Criminal Law, Section 438, Vol. 1 says on malice inferred: "The old distinction between express and implied malice cannot be logically maintained. There is no case of malicious homicide in which the malice is not inferred from the attendant circumstances; no case in which it is demon-

"R (2) -"

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strated as express. We have no power to ascertain the certain conditions of a man's heart. The best we can do is to infer his intent, more or less satisfactorily from his acts. Malice in this sense may be considered under the following heads: 1. Intent to kill; 2. Intent to do bodily harm." Section 440, the same citation, says: "Independently of the statutes, it has to be said that though A in anger from preconceived malice, intend only to beat B severely, and happen to kill him, it will be no excuse that he did not intend all the mischief that followed; for what he did was malum in se and he must be answerable for its consequences. He beat B with an intention of doing him great bodily harm, and therefore, answerable for all the harm he did. So, if a large stone be thrown at one with a deliberate intent to hurt seriously, though not to kill him, and it actually kills him, this is murder. But the nature of the instrument, and the manner of using it, as calculated to produce great bodily harm or not, will vary the offense in such cases. If the intent be merely to inflict a slight chastisement, and death arises from some peculiarity in the deceased's constitution (e.g. inflammation from a scratch) then the offense is but manslaughter; and so where the injury is only mischievously inflicted, with no intention to seriously hurt." Where the intent and malice is inferred as we allege it is in this case, I wish to quote further from Clark and Marshall on Crimes, Volume 4, Section 238: "And if a man voluntarily and wilfully does an act, the natural and probable consequence of which is to cause another's death, an intent to kill will be presumed. The intention need not even be to kill any particular person. It is murder wilfully to shoot into a crowd, or to do any other dangerous act, with a general intent to kill or inflict great bodily harm." Absence from intent to kill, section 239, same citation: "One may be guilty of murder at common law, though there may have been no actual intent to kill. Whether or not the offense is murder depends upon the nature and extent of the injury or wrong actually intended. It has been said that there are really only four cases in which an unintentional killing will constitute murder; only four cases, that is, in which the law will imply malice where there was no actual intent to cause death. One of these cases in which there was an intent to inflict great bodily harm." The intent will be inferred in cases in which there was an intent to inflict great bodily harm and death resulted. The same citation, Clark and Marshall, Section 240, states: "All the authorities agree that, where death is caused, though unintentionally, by an act done with intent to inflict great bodily harm, and without justification or excuse, nor under circumstances reducing the homicide to manslaughter, it is murder. The intent shows such a disregard of consequences that the law implies malice, and it is no defense in such a case to say that there was no intent to kill. Thus, killing a person by cruel torture, wantonly inflicted and causing grievous bodily injury, is murder, even conceding that there was no intent to cause death." In Commonwealth vs. Webster, Mass., 52 Am Dec. 711: "No principle is better settled in the criminal law than the principle that a person must be presumed to intend to do that which he voluntarily and wilfully does in fact do, and that he must intend all the natural, probable, and usual consequences of his own acts." Now applying that to the accused. If the commission should feel that either of these accused or both of them set out at the moment that they raised their hand or the stick to inflict punishment or great bodily harm upon the victim, and the commission further feels that because of this bodily harm the victim died, the intent to take life is inferred whether or not the accused mentally had that intent or not.

There is no evidence that this killing was justifiable. We have set up a prima facie case and there is no evidence showing it as justifiable. None of the witnesses knew of any trial. Those who were asked were in a position to know if

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there was one, though they said they didn't know. There is another allegation here, "feloniously," which I would like to read to the commission. Bouvier's Law Dictionary, Volume 1, page 1201 states: "Feloniously: In an indictment it is equivalent to purposely or wilfully." Black's Law Dictionary, page 764 states: "Feloniously is without color of right or justification, and that the word feloniously is a generic term going to distinct certain crimes such as murder, robbery, and larceny from infractions known as misdemeanors." Now if the commission will bear with me, I will have to skip around from point to point as these are different books, and it is hard to keep the citations chronologically. On implied malice, Black's Law Dictionary, page 1147, it states: Malice inferred by legal reasoning and necessary deduction from the res gesta or the conduct of the party. Malice inferred from any deliberate cruel act committed by one person against another, however sudden. What is called "general malice" is often thus inferred. In the definition of "murder" malice aforethought exists where the person doing the act which causes death has an intention to cause death or grievous bodily harm to any person, (whether the person is actually killed or not) or to commit any felony whatever, or has the knowledge that the act will probably cause the death of or grievous bodily harm to same person, although he does not desire it, or even wishes that it may not be caused. The words "malice aforethought" long ago acquired in law a settled meaning, somewhat different from the popular one. In their legal sense they do not import an actual intention to kill the deceased. The idea is not spite or malevolence to the deceased in particular, but evil design in general, the dictate of a wicked, depraved, and malignant heart; not premeditated personal hatred or revenge towards the person killed, but that kind of unlawful purpose which, if persevered in, must produce mischief."

In the definition of murder, I think that the authorities are well settled that in order to be convicted of murder, the accused does not have to have the intent to take life. He has to have the intent to inflict great bodily harm. Malice aforethought may come into being at the very moment he assaults his victim. The defense has raised drunkenness as to the intent to take life. If the commission believes that the accused Nakajima was so drunk that he did not know what he was doing when he was beating up the deceased, they would find him not guilty of murder. If it was found that he was so drunk he could not form the intent to inflict great bodily harm on this victim, then intent could not be inferred to inflict murder. On drunkenness as a defense, I wish to state to the commission that that is a defense that must be considered and accepted by the commission with great caution. The authorities on this are rather lengthy, and it is very important to this case, and it is important to the accused, and it is important to justice that this be brought out. I shall now quote the Court Martial Order which has the general law on drunkenness as a defense that is quoted in other Court Martial Orders on this subject. Court Martial Order 8-1922-12 states: "It is a general rule of law that voluntary drunkenness is not an excuse for crime committed in that condition. But the question of whether or not the accused was drunk and the degree of such drunkenness at the time of the commission of the acts alleged may be material to another important factor in some cases. Thus there are crimes which can be consummated only where a peculiar and distinctive intent or conscious deliberation or premeditation has concurred with the act which could not well be possessed or entertained by a person deeply under the influence of intoxicants. In such cases evidence of the drunken condition of the accused at the time of the commission of the alleged crime is admissible not to excuse or extenuate the acts as such, but to aid in determining whether in view of the state of his mind the

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accused was capable of entertaining the specific intent or premeditation necessary to change the nature or degree of his offense. Thus, in cases of murder, larceny, robbery, or burglary, which require for their commission a specific intent, evidence of drunkenness is admissible, as indication whether the offender was capable of entertaining this intent. The acts constituting burglary for example if with the intent to commit a felony upon the entered premises constitute no more than a trespass if the specific intent is lacking. But even in those cases drunkenness will constitute a defense only where it is shown the accused was by drink so deprived of his reason that he did not have the mental capacity to entertain the necessary specific intent required to constitute the crime and the burden of showing such to have been the case, being a matter of defense, rests upon the accused. In military cases involving, as necessary to constitute the offense, a certain knowledge, or a deliberate purpose or a specific intent, the drunkenness of the accused, if clearly shown in the evidence to have been such as to have incapacitated the accused from having the requisite knowledge, purpose, or intent, will ordinarily be treated as constituting a defense to the specific offense charged." Drunkenness as a defense. Here is Clark and Marshall on Crimes, Fourth Edition, page 136: "Degree of drunkenness. - Voluntary drunkenness is no defense, even when a specific intent or a guilty knowledge is an essential element of the crime charged, unless the accused was so drunk as to be mentally incapable of entertaining the requisite intent, or of possessing the requisite knowledge. It is only material when it negatives the existence of such intent or knowledge." Clark and Marshall on Crimes, page 139: "Manslaughter - The extent to which drunkenness may be shown at common law to reduce a homicide from murder to voluntary manslaughter is not altogether clear. The weight of authority is in favor of the rule that, if the homicide was committed after such provocation as the law deems adequate to reduce a killing under the influence of passion and heat of blood caused thereby to manslaughter, evidence that the accused was drunk at the time of the homicide may be admitted and considered in determining whether the killing was in the heat of blood caused by the provocation, or whether it was with malice. But it must be regarded as settled that the mere fact of drunkenness will not reduce to manslaughter a homicide committed on inadequate provocation after the lapse of a reasonable time for the blood to cool. In other words, if the provocation would not reduce a homicide by a sober man from murder to manslaughter, it will not so reduce a homicide by a drunken man." Wharton's Criminal Law, volumel, section 516: "When the defendant is in such a state of drunkenness as to be incapable of forming a specific intent to take life, then the offense, if murder at common law, is murder in the second degree under the statutes. In behalf of the defense, insanity, intoxication, or any other fact which tends to prove that the prisoner was incapable of deliberation, was competent evidence for the jury to weigh. Intoxication is admissible in such cases, not as an excuse for crime, but as tending to show that the less and not the greater offense was in fact committed. When, however, the defendant voluntarily made himself drunk in anticipation of the crime, the offense consists merely in doing a criminal act, without regard to the intention. The fact that a person is intoxicated at the time of the commission of the crime charged furnished no defense to a prosecution and punishment for such crime, unless it is so excessive, or has continued for such a length of time, as to dethrone the reason, overcome the power to control his actions, and destroy the power - for

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the time being at least - to distinguish between right and wrong in relation to the particular act charged, or to form a criminal intent, or to entertain malice." The United States vs. Roudenbush - Federal Case No. 16, 198. Baldwin 514: "In this case it was said by the court: "If the mind still acts, if its reasoning and discriminating faculty remains, a state of partial intoxication affords no ground of a favorable presumption in favor of an honest or innocent intention in cases where a dishonest and criminal intention would be fairly inferred from the commission of the same act when sober. The simple question is, did he know what he was about? " There is no question that the weight of authority shows that drunkenness will excuse the accused Nakajima only when it is shown that he was so drunk that he did not know what he was doing, that he did not know what it was about, and had no power of reasoning, at the time he applied this beating to the deceased American. The commission will have to apply that law to the evidence that has been brought before this court. In considering Nakajima's statement, it says that he was drunk. That is his conclusion and it does necessarily have to be the conclusion of the commission, though we do not deny he was drunk. We admit he was drunk.

The next question is was he so drunk that he didn't know what he was doing when he hit the American. He states that he hit him four times. He was not so drunk that he didn't remember what he was doing. He says he gave him cold water and rubbed his hands. The witness Kanemori stated that he called the American a bastard and hit him several times and never missed him while striking at him. Other evidence is that he had a stick with him. He wasn't so drunk that he didn't carry his stick, either for support or dignity. The counsel for the accused has ably presented the case in the light that Nakajima was drunk and had all the characteristics of a drunken man. He left the party and staggered to the scene of the crime. There is no evidence that the accused Nakajima staggered. He says he pushed the crowd aside which is evidence of his drunkenness. The testimony of the witnesses shows that that was only an indication of Nakajima's character. Apparently he never hesitated to use this stick on officers and men of his own army. It is not reasonable to believe that he would hesitate to use it on a man from our own forces. There is no question from the evidence that Nakajima with the help of Isono beat this flyer to death. In the confession, he admits that the flyer is dead, and that question is no longer hardly debatable. Again I remind the commission that they will accept the defense of drunkenness with great caution, and that is the holding of many courts of our land. Underhill, Criminal Evidence, Fourth Edition, page 548, states: "The substance of homicide being the felonious killing, proof of a killing in any manner or by means that correspond substantially with the indictment, is sufficient. All details of the offense need not be proved precisely as alleged." Simply that the proof corresponds substantially with the indictment. As to the point the defense counsel brought up, the allegation that the accused did "each and together." This allegation is sufficient to convict both of the accused or either one of them. It is not necessary to show which used the stick or which used his hand. Often times in criminal cases that is not known to authorities until the proof comes out. The law is not so bound that it has to prove an indictment to the last period. A substantial proof corresponding substantially with the main points is sufficient to uphold a conviction. I want to go over

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with the commission this allegation "inflicting a mortal wound upon the head and body." Wharton's Criminal Law, Volume 1, Section 667, states: "When the term 'wound' is used in an indictment for homicide (i.e., in the clause, giving unto the deceased one mortal wound, etc.), the term is used in a popular sense, and is understood to include bruises, etc." Now the word "mortal" from Black's Law Dictionary: "Causing or occasioning death, terminating life, exposing or deserving death; deadly as a mortal wound." There is some question here as to the guilty and innocence of Captain Isono, as there is also in the case of Captain Nakajima. There is in the allegation of this case, "that they did each and together." As I have stated to this commission before, this indictment is perfectly proper to hold either one of them or both of them together; but there is some evidence regarding Captain Isono - that he came down to this victim, struck him on the cheek, and then went back, and that Captain Nakajima was not there at that time. Now Wharton's Criminal Law, Volume 1, Section 432, says: "Death must be imputable to defendant's act. As has been already fully illustrated, the death must be traced to the blow charged to the defendant." If this commission should believe that Captain Isono came down and struck this flyer on the cheek maliciously, and then went up to his quarters, and this had no connection with Captain Nakajima's act, the commission would have to determine whether or not the flyer's death was imputable to this blow. But if the commission should conclude that they acted in consort in a scheme to abuse and inflict bodily harm on this flyer, then it does not have to be shown that the accused Isono was not there at the very moment Nakajima was. It is shown that the victim has been struck by both of the accused, and if they acted in consort, it does not make any difference from which blow death resulted. Again I will state if the commission should find that the accused Isono was not working in consort with Nakajima, then it will have to determine if the death of this American was because of the blow on the cheek, and in reaching that decision whether or not they were in consort working together or working individually, you will have to take in consideration the entire picture of the setup. Both were at this party; both had access to this liquor; both going down there to observe or question, a few moments apart; both of them have enjoyed the same status as company commander; both are captains in the Japanese Army. There is some evidence of this victim being in a weakened condition. I have one more authority that I want to cite on striking of a person who is in that condition. Rex vs. Martin (1832) 5 Car. & P. (eng.) 128 states: "Deceased in delicate state of health at time of receiving blow which accelerates death, accused is guilty of murder." These officers were both captains; they were both soldiers, and it was their duty to protect the weak, especially a disarmed military person of an enemy country who would lay down his arms and who had shown no signs of actions. I can't understand what evidence shows that the accused Nakajima was so drunk that he did not know what he was doing. His own confession negatives that. He says he was drunk. We concede he was drunk. That much cannot be a defense. Again I ask the commission to consider his own confession which negatives that. He remembers what he did. The commission does not have to go outside the evidence on this case to hunt up suspicions. The man was drunk, but there is no evidence that he did not know what he was about. Of course, as in all criminal cases, the prosecution must prove that the accused are guilty beyond a reasonable doubt. A reasonable doubt is hard to define, but here is what I thought was the prominent law in reasonable doubt. Underhill Criminal Evidence, Fourth Edition, Pages 26 and 27, states: "The doubt of the guilt of the prisoner to be a reasonable doubt must have something to rest on. In other words, it must be a substantial doubt."


"R (7) "

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The state is not required to prove the guilt of the defendant beyond a reasonable possibility or probability, or absolutely, or a mathematical certainty, nor beyond all doubt, every doubt, any doubt, or a mere doubt unless it be a real and substantial doubt for which the jurors could give a reason such as would arise in the minds of reasonable men from proper consideration of all the evidence, and not from a consideration apart from the evidence. A doubt that will justify a prisoner's acquittal is not a doubt of any particular fact constituting the sum of the prisoners, but a doubt upon all the evidence that he is guilty. A reasonable doubt is one where the state of the mind of the jurors is such that they cannot say that they feel an abiding conviction that to a moral certainty that the defendant is guilty; and the phrase "To a moral certainty" applicable to the quality or quantity of proof is synonymous with 'Beyond reasonable doubt.' If the commission believes there is a reasonable doubt as to the accused's guilt, there must be a reasonable ground. In the case of Ex Parte Youngblood, 100 So. 88, the Alabama Supreme Court said: "A reasonable doubt is a doubt for which there exists a reason found in the evidence." In Boyd vs. Commonwealth, 157 S.E. 546, the Supreme Court of Virginia states: "The jury is not to go beyond the evidence for the purpose of hunting up doubts, and if after considering all of the testimony, it has an abiding conviction of the truth of the charge, the jurors can say they are satisfied beyond a reasonable doubt."

Again I remind the commission that we do not have to prove that either one of the accused had the intent to take life. All we have to show is that they had the intent to administer great bodily harm to the victim, and that as a result of that bodily harm which they inflicted when they knew what they were doing and what they were about, the victim died. There was no justification for it in that no legal trial has been shown. We have asked the witnesses and none could explain if there was justification. The allegations of this charge and specification has been proved in all the substantial parts, but of course not down to the last period. There would be no convictions, in that case, in courts such as ours where the accused have their rights protected to such an extent. Again I remind the commission that drunkenness is an excuse only where the accused was so drunk he didn't even know he was inflicting bodily harm on the flyer; he didn't even know he was hitting the flyer; he didn't know he was beating him on the head.

The prosecution has presented all of the evidence they have in this case, and the commission has been most considerate. The judge advocates are appreciative of the consideration shown by the commission.


DANIEL FLANN,
Lieutenant, USNR.
Judge Advocate.

"R- (C) "

0504

FROM:
COM MARIANAS

ACTION:
CHIEF OF NAVAL OPERATIONS

RESTRICTED WU HLI CWO RED

INFO:
JUDGE ADVOCATE GENERAL OF THE NAVY
CINCPAC-POA NATIONAL WAR CRIMES
OFFICE WAR DEPARTMENT

TTY

DEFERRED

AS DIRECTED BY CINCPAC IN HIS SERIAL 0558 OF 8 MARCH 1946 REQUEST FOLLOWING INFORMATION
BE FURNISHED JAPANESE GOVERNMENT X PARA 1 X A US MILITARY COMMISSION CONVENED BY COM
MARIANAS WILL ON 31 MAY 1946 OR SOON THEREAFTER ON THE ISLAND OF GUAM BEGIN TRIAL OF
TWO JAPANESE NATIONALS ACCUSED OF WAR CRIMES X NAMELY (1) ISONO, MEGURU FORMERLY
CAPTAIN, IJA, X (2) NAKAJIMA, NOBORU FORMERLY CAPTAIN, IJA X PARA 2 X ACCUSED PRESENTLY
CONFINED AT GUAM X EACH ACCUSED WILL BE TRIED FOR OFFENSES AGAINST THE LAWS OF WAR X
CHARGES AGAINST EACH ACCUSED WILL BE MURDER X SPECIFICATION UNDER THE CHARGE WILL
ALLEGED THE UNLAWFUL KILLING IN FEBRUARY OF 1945 WITH PREMEDITATION AND MALICE AFORE-
THOUGHT WITHOUT JUSTIFIABLE CAUSE ONE U S NATIONAL HELD BY THE ACCUSED AS PRISONER
ON CHICHI JIMA, BONIN ISLANDS X MAXIMUM PENALTY IS DEATH X PARA 3 X ABLE COUNSEL CON-
SISTING OF AT LEAST ONE U S NAVAL OFFICER AND ONE JAPANESE LAWYER APPOINTED BY
JAPANESE GOVERNMENT WILL BE ASSIGNED THE ACCUSED X LAST NAMES FIRST XX XX XX XX
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CERTIFIED TO BE A TRUE COPY

Edward L. Fick
Lt. V.S.N.R.
Ridge Adams

"Exhibit 1"

0505

11 March 1946.

Interrogation of ISONO ^{an}Heguru, formerly Captain, Japanese Army, Tokyo Japan, by Lieutenant PARCELL. *CLT*

Interpreter - Bob T. FUJIHIRO

Recorder - William A. BELL, Yeoman first class.

1. Q. What is your full name and address?

A. ISONO Heguru. My address is MARA-KEN, UDA-GUN, SONI-MURA, CAZA-IGAMI, #116. *CLT*

2. Q. What was your former rank in the Japanese Army?

A. I was a captain in the 308th Battalion and was a company commander of the first company.

3. Q. What dates were you stationed on CHICHI JIMA?

A. From 2 October 1944 to 15 December 1945.

4. Q. Who was the Battalion Commander?

A. Major MATOBA Sueo.

5. Q. Did you witness the execution of an American flyer by Corporal NAKAMURA in February 1945.

A. No.

6. Q. What do you know about this execution?

A. I know nothing at all. I never heard that Corporal NAKAMURA executed a flyer.

7. Q. Was the American flyer's name HALL?

A. I don't know.

8. Q. What do you know about the incident when Captain NAKAJIMA beat a flyer to death?

A. I know nothing about this, but I heard later that Captain NAKAJIMA had beaten a flyer to death.

9. Q. At the party given by Major MATOBA for the company commanders, in February 1945, did you eat human flesh?

A. No.

10. Q. Did you attend the party?

A. I attended a lot of parties. We had them several times a month. However, I attended no parties where human flesh was served.

11. Q. Was human flesh ever eaten by Major MATOBA or anyone else in the 308th Battalion?

A. I do not know. I did not get along with Major MATOBA and was not in his confidence.

12. Q. Did MATOBA have human liver drying in his cook's yard?

A. I never heard of this.

13. Q. Did you ever hear Major MATOBA say that eating human liver was good medicine?

A. No.

14. Q. Did you ever hear Major MATOBA say that when a flyer was executed the liver was to be brought to him.

A. I never heard.

15. Q. Do you know that flesh was removed from the body of the flyer killed by Corporal NAKAMURA and delivered to Major MATOBA?

A. No.

"EXHIBIT 2(1)"

0506

16. Q. Do you know Sgt. KANAMORI?

A. Yes.

17. Q. Was he a medical corpsmen?

A. Yes.

18. Q. Isn't it true that he was the one who removed the flesh and took it to Major MATOBA.

A. I do not know.

19. Q. Do you have any information regarding an American flyer executed by the SUEYOSHI TAI?

A. No.

20. Q. How many American flyers were executed by the 308th Battalion?
A. One killed by Captain NAKAJIMA. I heard of no others.

21. Q. Where was the 1st Company stationed?

A. At OGAMI Mountain.

22. Q. Were you at the party the day Captain NAKAJIMA got drunk and beat the flyer to death?

A. Yes I was, but I left early.

23. Q. Were you there when the flyer was brought in?

A. I did not see the flyer brought in as I had already left.

24. Q. Did Major MATOBA order Corporal NAKAMURA to behead the flyer?
A. I do not know.

25. Q. Did Major MATOBA order Corporal NAKAMURA to beat the flyer to death?
A. I do not know.

26. Q. Do you have any information regarding a party at the 307th Battalion Headquarters when Major MATOBA ate human flesh?
A. No.

27. Q. Do you know Sgt. SUJIYAMA?
A. Yes.

28. Q. Isn't it true that Sgt. SUGIYAMA removed flesh from the body of the flyer executed by the SUEYOSHI TAI and delivered the flesh to Major MATOBA at the 307th Battalion Headquarters?
A. I don't know.

29. Q. Did you ever hear of this?
A. No.

30. Q. Do you have any information regarding cannibalism on the part of Major MATOBA, General TACHIBANA, Commander YOSHII, or anyone else?
A. No.

31. Q. Did you ever hear of it?
A. No.

32. Q. What other Army or Navy units on CHICHI JIMA executed American flyers?
A. I do not know.

33. Q. Did you ever see any American flyers?
A. No.

34. Q. Do you have any additional information to add to your testimony?
A. No.

35. Q. I wish to remind you are under oath. Are you sure you have told us everything you know regarding American flyers?
A. No. I was present at a party in Major MATOBA'S Headquarters when Captain SATO, Captain NAKAJIMA, Major MATOBA and myself were present. We were all drinking and an American prisoner was reported to have been brought in. Captain SATO and I went out to see the flyer and I slapped him once. Captain

"EXHIBIT 2(2)"

0507

SATO then slapped the prisoner twice and knocked him down, whereupon I picked him up. At that time Master Sgt. WADA came upon the scene and struck the flyer one blow. We had all been drinking.

36. Q. Where was the party?

A. 308th Battalion Headquarters.

37. Q. Was this the flyer beaten to death by Captain NAKAJIMA?

A. I believe so.

38. Q. Was Captain NAKAJIMA present at the party?

A. Yes.

39. Q. Were you present when he beat the flyer to death?

A. I was not there but I heard about it later.

40. Q. Were you ordered by Major MATOBA to question the flyer?

A. No.

41. Q. Was this the flyer that was brought to headquarters by Warrant Officer SOYA?

A. I donot know.

42. Q. How did you strike the flyer?

A. I slapped him once with the palm of my hand. I did not knock him down.

43. Q. Why did you slap him? Were you ordered to do it?

A. I was not ordered to do it but I was drunk at the time.

44. Q. How did SATO strike the flyer?

A. I do not recall, but he knocked him down.

45. Q. How did WADA strike the flyer?

A. He slapped him.

46. Q. Did anyone kick the flyer?

A. No.

47. Q. Where did this take place?

A. In front of the battalion headquarters.

48. Q. Was the flyer tied at the time?

A. I think he was not teid.

49. Q. Did the flyer make any outcry when struck?

A. No.

50. Q. Was Captain NAKAJIMA present at this time?

A. No.

51. Q. How did you happen to leave the party to see the flyer?

A. I was curious to see the flyer.

52. Q. Did you return to the party?

A. Yes, and shortly thereafter I went to my quarters.

53. Q. What time of day was this?

A. Early part of the afternoon.

54. Q. Did this take place in February 1945?

A. Yes.

55. Q. Did Major MATOBA go out to look at the flyer?

A. I do not remember.

56. Q. Did Major MATOBA order Captain NAKAJIMA to beat the flyer?

A. I do not know. I did not hear this.

57. Q. Did Major Matoba order Captain NAKAJIMA to question the flyer?

A. I did not hear this.

EXHIBIT "2" (3)

58. Q. Do you know the flyer's name?
A. No.

59. Q. What do you know about cannibalism?
A. I heard that Major MATOBA ordered human liver delivered to General TACHIBANA at the General's headquarters. I do not know any of the details of this or who ate the liver.

60. Q. Were you present when Major MATOBA ate dried human liver in soy sauce at a party for company commanders?
A. I attended many parties but I was not at this party.

61. Q. Did you hear that Major MATOBA ate human flesh?
A. Yes.

62. Q. What did you hear?
A. Major MATOBA told me that he ate human flesh.

63. Q. What did he say?
A. He only said, "I ate human flesh". That is all.

64. Q. Did you see or hear about the liver drying in cook KONISHI'S yard?
A. No.

65. Q. Did you ever see Major MATOBA eat human flesh?
A. No.

66. Q. Did you ever eat human flesh?
A. No.

67. Q. Was human flesh ever served to the men?
A. No.

68. Q. Did Sergeant KANAMORI ever tell you he removed human flesh from the body of a flyer?
A. No.

69. Q. What do you know about Doctor TERAOKI? Did he dissect a body?
A. I never heard of this.

70. Q. How many flyers were captured by the 308th Battalion?
A. I only know of one.

71. Q. How many flyers were executed by the 308th Battalion?
A. I know of only one.

72. Q. Do you have anything to add to your testimony?
A. No, I have told you all I know.

ISONO Higur

I, ISONO Higur, being duly sworn on oath, state that I have had read to me and understood the translation of the foregoing transcription of my interrogation and all answers contained therein, consisting of four (4) pages, are true to the best of my knowledge and belief.

ISONO Higur

Subscribed and sworn to before me this 13th day of April 1946.

Robert E. Powell

Lt. U.S.A.

Edward A. Fick
Lt. J.S.A.R.
Judge Advocate

"EXHIBIT 2(4)"

0509

COMMANDER NAVAL ACTIVITIES JAPAN)

TOKYO, JAPAN

I, Yoshino, Paul, Civil Service, being duly sworn on oath, state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively, and that after being transcribed, I truly translated the foregoing interrogation containing four (4) pages to the witness; that the witness thereupon in my presence affixed his signature (name or mark) thereto.

Paul Yoshino

Subscribed and sworn to before me this 13th day of March 1946.

R. C. Powell
Lt. U.S.N.

COMMANDER NAVAL ACTIVITIES JAPAN)

TOKYO, JAPAN

I, Robert C. Powell Lt. certify that on the 13th day of March 1946 personally appeared before ISONO Heguru, and according to Paul Yoshino gave the foregoing answers to the questions set forth therein; that after his testimony had been transcribed, the said ISONO Heguru had read to him by the said interpreter the same and affixed his signature (name or mark) thereto in my presence.

Robert C. Powell
Lt. U.S.N.

CERTIFIED TO BE A TRUE COPY
Edward L. Field
Lt. U.S.N.
Judge Advocate

"EXHIBIT 2(5)"

05 10

ウ)

陸軍大尉 中島 昇

昭和三十年三月二十四日頃独立歩兵第三。八
大隊部隊本部ニ米軍俘リヨ一名連行セラル
部隊衛兵所ニ監禁セラル部隊長、命
令ニ依リ部隊主任將校、佐藤大尉ト
自分トニ敵、戦況ヲ聞ケト命令ガレ佐藤
大尉が手マネロシマネテ問ヒタルモ答ヘズ。リヨニ
自分ガ佐藤大尉ト綴ツテ問ヒタルモ答ヘ
ナカッタ。ソコデ其、俘リヨヲ長サニ尺位、細ヘ
棒デ後頭部ヲ四ツ程撲ツタラ其、場ニタヲシテ
死スツモリガナカッタノニ急ニアヘテ、手當トシテ
全身ヲサスリ、水デ頭部ヲ冷シタルモニ眼狀態
トナリ、三時間位ニシテツイニ死セシタ。

佐藤大尉ハ其、状況ヲ部隊長ニ報告シテ
其、日、夜方部隊本部ノ近ク、爆ガキ、穴ニ
埋ナタ。其、後、終戦後、掘出シテ大根崎ノ陸
軍墓地デ火葬ニシテ陸軍墓地ニ埋葬シテ
墓標ヲ立テテヤツタ。

其、日自分ハ手當ヲシテ中隊本部ニ歸ツテ後方
俘リヨガ死シタ事ヲ佐藤大尉ヨリ聞ヘテ氣
毒ニ思ヒタ。

米軍俘リヨ死セト云フ。命令ハ師団派遣司令
部旅団司令部ヨリ大隊中隊ニ至ル兵込命令
ヲ受ケテ其、ハ良ク、ツタヘテ居ツタデ、自

(2)

陸軍大尉 中島昇

令ハ上司ノ命令デ死シタノアツク。

シカシ氣味毎ニ思フク。

總テノ命令ハ陸軍デハ師団司令部ヨリ発令セウ
シ其レガ旅団大隊中隊一兵ニ至ル迄ツタヘルノガ
日本陸軍ノ系統デアル。

自分ハ停リヨカラ當時ノ戦況ガ聞キトシタナラ撲ツ
タリ死シタリスル考ハナカツク。

シカシ上官ノ命令デヤム無ク實行シタ。

今ニツタ見ルト誠ニ申訳ガナイト深ク思フデ死シタ
米兵隊ニ御バヒヲシテ居リマス。

何卒此ノ軍法會議ヲ公平ニ實施セラシメ事ヲ
御願ヒ致シマス。

常ニ的場部隊長ハ中島大尉ハ罰ニスル所デ
アルが目下戦争激戦中デアルカラ今ハ許スト
言ツテ居リマス。

死シタノハ自分が一番悪カツタノデ現在モ死シタ
米兵隊ノタイ福ヲ祈リ自分ノ善非ヲ残念ニ
思フテ居リマス。

何卒公平ノ軍法會議ヲ一日モ早ク受ケ立派ニ
法律ノ罰ヲ受ケ度イト思フテ居リマス。

自分デ知ツテ居ル事ハ何ンデモ申シ述べマス。

昭和二年二月十二日

裁判長 殿

"Exhibit 3A (2)"

05 12

4 June 1946

I certify that this is a true copy in Japanese of the original statement of Captain NAKAJIMA, Noboru, to the best of my knowledge and belief.

M. D. Arvey, Ens. U.S.N.R.
M. D. ARVEY,
Ensign, USNR.

"Exhibit 3A (3)"

05 13

STATEMENT OF NAKAJIMA, NOBORU, CAPTAIN, IJA.

On or about February 20, 1945, one American prisoner was brought to the headquarters of the 308th Independent Infantry Battalion and was incarcerated in the unit guard house. Captain Sato, who was senior officer, and I were ordered by our battalion commander to question the prisoner about the enemy /American/ conditions. Although Captain Sato questioned him using all sorts of signs and gestures, the prisoner made no answer; therefore I took over from Captain Sato and questioned him myself but received no answer. Thereupon, I beat the prisoner on the back of the head four times with a slender stick about two feet long and he fell on the spot. Since it was not my intention to kill him, I hurriedly tried to treat him by rubbing his body and cooling his head with water, but he was unconscious. After about three (3) hours he finally died.

Captain Sato reported these circumstances to the battalion commander and that evening buried the body in a bomb crater near unit headquarters. Later, after the war ended, the body was dug up, cremated, and reburied at Onizaki Army Cemetery where a marker was erected and services held.

That day, after treating the prisoner, I returned to company headquarters and later heard from Captain Sato that the prisoner had died. I felt sorry. Since the Detached Division Headquarters had issued orders for killing American prisoners to the battalions, companies, and down to the lowest soldier, I had killed him under orders from my superior office. However, I regretted it.

In the Japanese Army all orders are issued by Division Headquarters and handed down to brigades, battalions, companies, and even to the soldiers.

If I had been told anything of the enemy-conditions at the time of the prisoner there would never have been any idea of beating or killing him. However, I had to carry out the orders of my superiors. When I look back now, I realize well that there is no excuse and I am apologizing to the American soldier.

I pray that this court-martial will be carried out fairly.

Battalion Commander Matoba frequently said that Captain Nakajima should be punished, but that since the war was in such desperate straits at the time he would overlook it.

I was most wrong in killing this prisoner and even now I am praying for the repose in Heaven of the dead American soldier. I regret my former misdeeds.

I wish to receive a just military court martial as quickly as possible and be punished honorably according to law.

I will speak freely on anything to the extent of my knowledge.

January 12, 1946

NAKAJIMA, Noboru

I swear that this is translated from Japanese into English to the best of my knowledge and ability.

R. F. Durdan
R. F. DURDEN
Ens., USNR.

4 June 1946

EXHIBIT "3(B)"

0514

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GENERAL

AND REFER TO:

240:1:240:214
A17-10/04 (9/20/47)

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

- 1 AUG 1947

RESTRICTED

**MEMORANDUM FOR DIRECTOR, NAVY DIVISION, WAR CRIMES OFFICE,
NAVY DEPARTMENT, WASHINGTON, D.C.**

Subject: Reports of the execution of death sentences in the cases of Vice Admiral Kase ABE, I.J.N., military commission case #150087; Rear Admiral Shigemasa SAKAYAMA, I.J.N., military commission case #140831; Lieutenant Colonel Kihaji ITO, I.J.A., military commission case #151254; Captain Noboru HAKAZIMA, I.J.A., military commission case #150086; Superior Private Kiyoshi TAKAHASHI, I.J.A., military commission case #144768; and Seaman First Class Koju SHOJI, I.J.N., military commission case #144768.

1. Forwarded for information and return.

By direction of the Judge Advocate General.

H.D. SYLVESTER,
Captain, U.S.N.

Encls: (A) Comdr. Marianas restricted ltr serial 15540,
dated 16 July 1947, with 1st Encl. and enclosures.
(B) Comdr. Marianas restricted ltr serial 15540,
dated 16 July 1947, with 1st Encl. and enclosures.
(C) Comdr. Marianas restricted ltr serial 15540,
dated 16 July 1947, with 1st Encl. and enclosures.
(D) Comdr. Marianas restricted ltr serial 15547,
dated 16 July 1947, with 1st Encl. and enclosures.
(E) Comdr. Marianas restricted ltr serial 15551,
dated 16 July 1947, with 1st Encl. and enclosures.
(F) Comdr. Marianas restricted ltr serial 15540,
dated 16 July 1947, with 1st Encl. and enclosures.

05 15

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Cincpacflt File

P6

Serial 4549

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMANDER IN CHIEF

JUL 28 17 AM

RESTRICTED
RESTRICTED

FIRST ENDORSEMENT on
ComMarianas letter
FF12/(WC-1)/13-JDM-
cn, serial 15347 dtd
16 July 1947.



24 JUL 1947

RECEIVED
NAVY DEPARTMENT
ENDS - ROUTING SECTION

From: Commander in Chief Pacific and U. S. Pacific Fleet.
To: Secretary of the Navy.

Subject: NAKAJIMA, Noboru, late Captain, I.J.A., report on execution
of Death Sentence imposed on.

1. Forwarded, contents noted.
2. Because of the classification of enclosure (A) to the
basic letter, the classification of this correspondence is upgraded
to Restricted.

Copies to: (1st end. only)
ComMarianas
Director of Security, Guam

H. B. SALLADA
Deputy Cincpacflt



05 16

FF12/(WC-1)/
13-JIM-en

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial: 15347

16 July 1947

From: Commander Marianas.
To : The Secretary of the Navy.
Via : Commander in Chief, Pacific and U. S. Pacific Fleet.
Subject: NAKAJIMA, Noboru, late Captain, I.J.A., report on execution of Death Sentence imposed on.

Reference: (a) SecNav ltr. file JAG:I:MDS:fld A17-10/OQ (3/28/47) 146719 - 148331 - 150837 - 150838 dated 15 April 1947.
(b) ComMarianas despatch 191220 June 1947.

Enclosures: (A) Original of ComMarianas order directing execution of NAKAJIMA, Noboru, serial 0049, dated 17 June 1947, and endorsement thereon with enclosure.
(B) Original of Report of Director of Security, Guam, Serial 6037, relative execution NAKAJIMA, Noboru, dated 28 July 1947 with enclosures thereof.
(C) Photographs of NAKAJIMA, Noboru, one taken immediately before and one taken immediately after execution.
(D) Copy ltr. 4/20/47 from Rev. R.T. Kami, Buddhist Priest.

1. This report is submitted in accordance with paragraph 2 of reference (a) and supplements the report contained in reference (b).

2. The death sentence imposed on NAKAJIMA, Noboru, formally Captain, I.J.A. was put into execution at the Joint Communications Activity Area, Guam, Marianas Islands, on 19 June 1947, at 2116 hours. The execution was by hanging and was carried out in private with only official witnesses and necessary personnel composing the execution detail present.

3. Enclosure (A) is the order which put into execution on 19 June 1947 the sentence of death by hanging imposed on Noboru NAKAJIMA. It sets out among other things the offense on which he was tried before a military commission, the sentence of the commission, and the actions of the reviewing and confirming authorities. On its face there has been written statements, including an acknowledgment by NAKAJIMA, to the effect that the order of execution was read to the condemned man the day before his execution. The first endorsement on this order contains, as enclosure (A) thereof, the certificate of execution signed by George R. Newton, the officer in charge of the Execution Detail.

4. From the time the order for execution was read to NAKAJIMA on 18 June 1947 until the time of his execution on 19 June he was under close guard. He was, however, permitted the use of tobacco; the privilege of writing letters and statements and conferring with a Buddhist Priest who was made available for this purpose. Accompanied to the foot of the gallows by a Buddhist priest, NAKAJIMA entered the place of execution at 2115 hours 19 June 1947 and mounted the gallows. He was dropped through the trap at 2116 hours and was declared dead by the two medical observers at 2130 hours, 19 June 1947. More detailed information concerning his execution is contained in enclosure (A) of enclosure (B) of this report.

0517

FF12/(WC-1)/
13-JIM-cn

Serial: 15347

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

14 July 1947

Subject: NAKAJIMA, Noboru, late Captain, I.J.A., report on execution
of death sentence imposed on.

5. The Receipt for Body of NAKAJIMA, dated 19 June 1947 and signed by R. N. Crane, Lieut. Comdr., (CEC), USN, officer in charge of Burial Detail (Enclosure (K) of Enclosure (A) of Enclosure (B)) shows the place of NAKAJIMA's interment to be Lot 429-6, Plot 4, Asan, Guam, Marianas Islands.

6. Enclosure (C) is two photographs of NAKAJIMA - one of him on the gallows immediately prior to his execution and the other of him in his coffin immediately after his execution.

7. The officer who carried out the immediate act of execution was Lieutenant Colonel George R. Newton, U.S.M.C. His report is contained in enclosure (B) of this report, and contains among other things a certificate of execution, certificates of medical observers, certificates of official witnesses, certificate of personal identification, copy of fingerprints taken prior to and subsequent to NAKAJIMA's execution, a receipt for the body, a photograph of NAKAJIMA, the condemned war criminal and a Report of General Details of the execution. Attention is particularly invited to paragraph 15 of his Report of General Details wherein certain recommendations are contained relative to modifications of the War Department Pamphlet 27-4. The recommendations are concurred in by the Commander Marianas Area.

8. The hangman was First Lieutenant Charles C. Rexroad, U. S. Army, who was made available from the Provost Marshal's Office, U. S. 8th Army, Yokohama, Japan. Lieutenant Rexroad's professional skill as a hangman and his ability and willingness to advise, cooperate with, direct and supervise all personnel connected with the execution left nothing to be desired. The execution of NAKAJIMA was most efficiently and expeditiously carried out with the minimum of suffering to the condemned man.

9. The personal effects of NAKAJIMA, now in the custody of the Island Command Provost Marshal, Guam, will be sent by Commander Marianas to SCAP for delivery to NAKAJIMA's next of Kin upon receipt of information from the Navy Department to the effect the Japanese Government has been officially informed of NAKAJIMA's execution unless otherwise instructed (My desp. 100544Z July refers).

10. All matters relative to the actual act of execution of NAKAJIMA was, prior to his execution and for twelve hours thereafter, classified as secret. Such classification was removed twelve hours after the execution in accordance with the provisions of the Secretary of the Navy's despatch 161633Z

0518

FF12/(WC-1)/
13-JDM-cn

Serial:

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

16 JUL 1947

15347
Subject:

NAKAJIMA, Noboru, late Captain, I.J.A., report on execution
of death sentence imposed on.

of June 1947 and Article 76, U. S. Navy Regulations. Enclosure (A) of this
report was down graded to restricted by my serial 15007 of 10 July 1947.

C. A. Pownall
C. A. POWNALL

cc: (less enclosures)
Director of Security, Guam.

05 19

FF12/(WG-1)/
13-JRM-en

16 JUL 1947

10047

From: Commander Marianas.
To : The Secretary of the Navy.
Via : Commander in Chief, Pacific and U. S. Pacific Fleet.

Subject: NAKAJIMA, Noboru, late Captain, I.J.A., report on execution of Death Sentence imposed on.

Reference: (a) SecNav ltr. file JAG:I:MDS:fld A17-10/00 (3/28/47) 146719 - 148331 - 150837 - 150838 dated 15 April 1947.
(b) ComMarianas despatch 191220 June 1947.

Enclosures: (A) Original of ComMarianas order directing execution of NAKAJIMA, Noboru, serial 0049, dated 17 June 1947 and endorsement thereon with enclosure.
(B) Original of Report of Director of Security, Guam Serial 6037, relative execution NAKAJIMA, Noboru, dated 2 July 1947 with enclosures thereof.
(C) Photographs of NAKAJIMA, Noboru, one taken immediately before and one taken immediately after execution.
(D) Copy ltr. 4/20/47 from Rev. R.T. Kami, Buddhist Priest.

1. This report is submitted in accordance with paragraph 2 of reference (a) and supplements the report contained in reference (b).

2. The death sentence imposed on NAKAJIMA, Noboru, formally Captain, I.J.A. was put into execution at the Joint Communications Activity Area, Guam, Marianas Islands, on 19 June 1947, at 2116 hours. The execution was by hanging and was carried out in private with only official witnesses and necessary personnel composing the execution detail present.

3. Enclosure (A) is the order which put into execution on 19 June 1947 the sentence of death by hanging imposed on Noboru NAKAJIMA. It sets out among other things the offense on which he was tried before a military commission, the sentence of the commission, and the actions of the reviewing and confirming authorities. On its face there has been written statements, including an acknowledgment by NAKAJIMA, to the effect that the order of execution was read to the condemned man the day before his execution. The first endorsement on this order contains, as enclosure (A) thereof, the certificate of execution signed by George R. Newton, the officer in charge of the Execution Detail.

4. From the time the order for execution was read to NAKAJIMA on 18 June 1947 until the time of his execution on 19 June he was under close guard. He was, however, permitted the use of tobacco; the privilege of writing letters and statements and conferring with a Buddhist Priest who was made available for this purpose. Accompanied to the foot of the gallows by a Buddhist priest, NAKAJIMA entered the place of execution at 2115 hours 19 June 1947 and mounted the gallows. He was dropped through the trap at 2116 hours and was declared dead by the two medical observers at 2130 hours, 19 June 1947. More detailed information concerning his execution is contained in enclosure (A) of enclosure (B) of this report.

0520

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FF12/(WC-1)/
13-JIM-en

Subject: NAKAJIMA, Noboru, late Captain, I.J.A., report on execution
of death sentence imposed on.

5. The Receipt for Body of NAKAJIMA, dated 19 June 1947 and signed by R. H. Crane, Lieut. Comdr., (JGQ), USN, officer in charge of Burial Detail (Enclosure (K) of Enclosure (A) of Enclosure (B)) shows the place of NAKAJIMA's interment to be Lot 429-6, Plot 4, Asan, Guam, Marianas Islands.

6. Enclosure (G) is two photographs of NAKAJIMA - one of him on the gallows immediately prior to his execution and the other of him in his coffin immediately after his execution.

7. The officer who carried out the immediate act of execution was Lieutenant Colonel George R. Newton, U.S.M.C. His report is contained in enclosure (B) of this report, and contains among other things a certificate of execution, certificates of medical observers, certificates of official witnesses, certificate of personal identification, copy of fingerprints taken prior to and subsequent to NAKAJIMA's execution, a receipt for the body, a photograph of NAKAJIMA, the condemned war criminal and a Report of General Details of the execution. Attention is particularly invited to paragraph 15 of his Report of General Details wherein certain recommendations are contained relative to modifications of the War Department Pamphlet 27-4. The recommendations are concurred in by the Commander Marianas Area.

8. The hangman was First Lieutenant Charles C. Rexroad, U. S. Army, who was made available from the Provost Marshal's Office, U. S. 8th Army, Yokohama, Japan. Lieutenant Rexroad's professional skill as a hangman and his ability and willingness to advise, cooperate with, direct and supervise all personnel connected with the execution left nothing to be desired. The execution of NAKAJIMA was most efficiently and expeditiously carried out with the minimum of suffering to the condemned man.

9. The personal effects of NAKAJIMA, now in the custody of the Island Command Provost Marshal, Guam, will be sent by Commander Marianas to SGAP for delivery to NAKAJIMA's next of kin upon receipt of information from the Navy Department to the effect the Japanese Government has been officially informed of NAKAJIMA's execution unless otherwise instructed (My desp. 100544Z July refers).

10. All matters relative to the actual act of execution of NAKAJIMA was, prior to his execution and for twelve hours thereafter, classified as secret. Such classification was removed twelve hours after the execution in accordance with the provisions of the Secretary of the Navy's despatch 161633Z

FF12/(WC-1)/
13-JUN-68

Subject: NAKAJIMA, Noboru, late Captain, I.J.A., report on execution
of death sentence imposed on.

of June 1947 and Article 76, U. S. Navy Regulations. Enclosure (A) of this
report was down graded to restricted by my serial 15007 of 10 July 1947.

G. A. POWHALL

cc: (less enclosures)
Director of Security, Guam.

ENCLOSURE (A) of ComMarianas Serial 15347 dated 7-16-47

0523

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FF12/A17-10, (WC-1)/
13-JEM-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

0049

17 JUN 1947

(Date)

SECRET

From: The Commander Marianas Area.
To: The Director of Security, Guam.

Subject: NAKAJIMA, Noboru, captain, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.

Reference: (a) Record of Military Commission case of NAKAJIMA, Noboru,
captain, IJA, convened 5 April 1946.
(b) SecNav's letter file JAG:I:MDS:fld A17-10/OQ (3/28/47)
146719 - 148331 - 150837 - 150838 dated 15 April 1947.
(c) ComMarianas Letter of Instructions, Serial 12187,
dated 8 May 1947, re: Execution of Death Sentences
of Convicted War Criminals.

Enclosure: (A) Unexecuted Certificate of Execution.

1. In accordance with the provisions of Section D-14, Naval
Courts and Beards 1937, the Acting Secretary of the Navy, on 9 January 1947,
confirmed the sentence of death adjudged in the case of Noboru Nakajima,
captain, Imperial Japanese Army, tried for Murder (one specification -
killing one prisoner of war in violation of the law of war) by a military
commission, convened 5 April 1946, by the Commander Marianas Area:

"The commission therefore sentences him, Nakajima, Noboru,
Captain, Imperial Japanese Army, to be hanged by the neck
until dead, two-thirds of the members concurring."

The Commander Marianas Area, the convening authority, on
10 July 1946, subject to remarks, approved the proceedings,
findings and sentence in this case.

The Commander in Chief, United States Pacific Fleet, the
reviewing authority, on 18 July 1946, approved the proceedings,
findings and sentence in this case, and the action of the
convening authority thereon.

CHANGE
CLASSIFICATION
TO RESTRICTED

- 1 -

Com Marianas Serial 15007
8 10 July 1947



0524

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FF12/A17-10, (WC-1)/
13-JDM-cn

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial:

SECRET

Subject:

NAKAJIMA, Neberu, captain, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.

The Secretary of the Navy on 15 April 1947 directed
the Commander Marianas Area to effect the execution of the
sentence as confirmed. He further directed the sentence be
carried into effect at a date to be designated by the
Commander Marianas Area not earlier than 1 June 1947 at
Guam, Marianas Islands.

2. Pursuant to the above you will put into execution on 19
June 1947 at the Joint Communications Activity Area, Guam, Marianas Islands,
the sentence of death by hanging imposed on Neberu Nakajima, captain,
Imperial Japanese Army, at an hour to be determined by the officer designated
by you to carry out the act of execution.

3. The prisoner will be notified of the time of execution no
less than twenty four (24) hours prior thereto, at which time this order
will be read to him. Appropriate record of such notification should be
made on the face of the order read to the prisoner at the time of notifying
the prisoner of the time of his execution, and thereafter special precautions
shall be taken to safeguard him against self destruction.

4. The execution will be carried out and report submitted in
accordance with the provisions of reference (c).

5. Upon execution of the subject named War Criminal and prior
to the submission of the detailed report required, enclosure (A) will be
completed by the Officer in Charge of the execution detail and returned
immediately by you together with this order to the Commander Marianas Area.

*I certify that to the best of my ability I
translated this letter as read by Lt. Col.
Newton USMC to Nakajima, Noboru at
the War Criminal Stockade at 1500
this date.*

cc: CinCPacFlt
SecNav (JAG)

*F. F. Jeamayne
Lt (jg) USNR*

C. A. Pownall
C. A. POWNALL

22. 6. 18.
此命令が 解り 22. 6. 18.
中 島 昇

*I certify that I read this letter to
Noboru Nakajima at the War Criminal
Stockade, Guam, M.I., at 1500 this date.*

*G. R. Newton
Lt Col. U.S. Marine Corps
Island Command, P.O. Box 100
and Officer in Charge of Execution Detail*

TO RESTRICTED
CHANGE
CLASSIFICATION
Cm. Marianas Serial 15087
2109041947

0525

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SECRET

CERTIFICATE OF EXECUTION

19 June 1947
(Date)

I hereby certify that the death sentence by hanging imposed on

NAKAJIMA Neberu Captain,
(Sir Name) (Given Name) (Rank or Rating)

Imperial Japanese Army, a Japanese National, was put into execution at

Joint Communications Activity Area, Guam, Marianas Islands, on 19 June 1947,
(Date)

1947 at 2116 hours.

George R. Newton
(Signature)

GEORGE R. NEWTON, Lt. Col., U.S.M.C.
Island Command Provost Marshall, Guam
and Officer in Charge Execution Detail.

CHANGE
CLASSIFICATION
TO RESTRICTED

Com Marianas Serial 15007 of 1024 1947

0526

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SECRET

FIRST ENDORSEMENT

19 June 1947
(Date)

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: NAKAJIMA, Neberu, captain, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.

Enclosure: (A) Certificate of Execution in case of subject named War
Criminal.

1. Returned. The basic order was complied with this date.
2. Attention is invited to the enclosed executed Certificate
of Execution.

John B. Hill.
(Signature)

JOHN B. HILL, Colonel, U.S.M.C.
Director of Security, Guam.

CHANGE
CLASSIFICATION
TO RESTRICTED

Com Marianas serial 15007 7 16 July 1947

0527

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ENCLOSURE (B) of ComMarianas Serial 15347 dated 16 July 1947

0528

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Marine Barracks, Guam, Marianas Islands

SERIAL: 6637

2 July, 1947.

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: NAKAJIMA, Noboru, captain, Imperial Japanese Army,
Execution of Death Sentence imposed on.

Reference: (a) Commander Marianas Letter of Instruction, Serial
12187 dated 8 May, 1947, subject, Execution of Death
Sentences of Convicted War Criminals.
(b) Commander Marianas order Serial 0049, dated 17 June,
1947, directing execution of subject named person.

Enclosure: (A) Letter from Island Command Provost Marshal dated
23 June, 1947, with enclosures.
(B) Copy of reference (a)
(C) Copy of reference (b)

1. Pursuant to references (a) and (b) the death sentence
imposed on NAKAJIMA, Noboru, captain, Imperial Japanese Army, was
put into execution at Joint Communications Activities Area, Guam,
Marianas Islands on 19 June, 1947, at 2116 hours.

2. All necessary records directed by Enclosure (A) of
reference (a) are transmitted herewith as enclosure (A).

John B. Hill
JOHN B. HILL

0529

BEST COPY AVAILABLE

Marine Barracks, Guam, Marianas Islands

SERIAL: 6037

2 July, 1947.

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: NAKAJIMA, Noboru, captain, Imperial Japanese Army,
Execution of Death Sentence imposed on.

Reference: (a) Commander Marianas Letter of Instruction, Serial
12187 dated 8 May, 1947, subject, Execution of Death
Sentences of Convicted War Criminals.
(b) Commander Marianas order Serial 0049, dated 17 June,
1947, directing execution of subject named person.

Enclosure: (A) Letter from Island Command Provost Marshal dated
23 June, 1947, with enclosures.
(B) Copy of reference (a)
(C) Copy of reference (b)

1. Pursuant to references (a) and (b) the death sentence
imposed on NAKAJIMA, Noboru, captain, Imperial Japanese Army, was
put into execution at Joint Communications Activities Area, Guam,
Marianas Islands on 19 June, 1947, at 2116 hours.

2. All necessary records directed by Enclosure (A) of
reference (a) are transmitted herewith as enclosure (A).

JOHN B. HILL

0530

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O O

ENCLOSURE ▲

0531

BEST COPY AVAILABLE

OFFICE OF THE ISLAND COMMAND PROVOST MARSHAL,
Marine Barracks, Guam, Marianas Islands.

23 June, 1947.

From: The Island Command Provost Marshal.
To : The Commander Marianas Area.
Via : The Director of Security, Guam.

Subject: NAKAJIMA, Noboru, captain, Imperial Japanese Army, execution of death sentence, report on.

References: (a) Commander Marianas Area restricted serial 12187, dated 8 May, 1947.
(b) Director of Security, Guam, restricted letter, dated 19 June, 1947, re: execution of death sentence, case of subject named war criminal.
(c) U. S. Pacific Fleet, Commander Marianas (Island Commander), Guam, Marianas Islands, Execution Plan 2-47, with Modifications, dated 1200K, June 16, 1947.

Enclosures: (A) Certificate of execution.
(B) Certificate of Senior Medical Observer.
(C) Certificate of Junior Medical Observer.
(D) Official Witness Certificate (Col. L. B. Cresswell, USMC).
(E) Official Witness Certificate (Capt. J. B. Dunn, USN).
(F) Official Witness Certificate (Capt. H. R. Demarest, USN).
(G) Official Witness Certificate (Capt. D. D. Hawkins, USN).
(H) Certificate of personal identification.
(I) Copy of fingerprints taken prior to execution.
(J) Copy of fingerprints taken subsequent to execution.
(K) Receipt for body.
(L) Report of General Details of execution.
(M) Report of proceedings.
(N) Photograph of subject named war criminal.
(O) Copy of reference (b).

1. In compliance with the directive contained in reference (b), and in accordance with the procedure outlined in reference (c), the death sentence imposed on NAKAJIMA, Noboru, captain, Imperial Japanese Army, was put into execution at the Joint Communications Activities Area, Guam, Marianas Islands, on 19 June 1947, at 2116.

2. Required reports, receipts, and certificates are submitted herewith as enclosures (A) through (H).

George R. Newton
GEORGE R. NEWTON.

0532

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MARINE BARRACKS
Guam, Marianas Islands

CERTIFICATE OF EXECUTION

19 June 1947
(Date)

I hereby certify that the death sentence by hanging imposed on

NAKAJIMA, Noboru Captain Imperial Japanese
(Surname) (Given name) (Rank or rating)
Joint Communications
(Army - ~~NAVY~~) was put into execution at Activity Guam, Marianas
(Place)

Islands, on 19 June, 1947 at 2116 hours.
(Date) (Time)

George R. Newton
GEORGE R. NEWTON,
Lieutenant Colonel, U. S. Marine Corps,
Island Command Provost Marshal,
Officer in Charge, Execution Detail.

"A"

0533

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MARINE BARRACKS
Guam, Marianas Islands

19 June, 1947.

MEDICAL OBSERVER'S CERTIFICATE

I certify that at 2130 hours, on 19 June 1947, I examined the body of HAKAJIMA, Noboru, Captain, Imperial Japanese Army who was hanged at the Joint Communications Activity, at 2116 hours, Guam Marianas Islands. I found him dead.

C. K. Youngkin
Signature

C. K. YOUNGKIN
Name (typed)

Capt. (22000) USN(MC)
Rank (Serial)

"B"

0534

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MARINE BARRACKS
Guam, Marianas Islands

19 June, 1947.

MEDICAL OBSERVER'S CERTIFICATE

I certify that at ²¹³⁰2130 hours, on 19 June 1947, I examined the
body of NAKAJIMA, Noboru, Captain, Imperial Japanese Army who was hanged at
the Joint Communications Activity, at ²¹¹⁶2116 hours, Guam Marianas
Islands. I found him dead.

A. J. Cerny
Signature

A. J. CERNY
Name (typed)

Capt. (76043)

Rank (Serial)

USN(MC)

"c"

0535

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MARINE BARRACKS
GUAM, MARIANAS ISLANDS

19 June, 1947.

OFFICIAL WITNESS CERTIFICATE

2116

I certify that at 2116 hours on 19 June 1947, at the
Joint Communications Area, Guam, Marianas Islands, I witnessed the
execution by hanging of NAKAJIMA, Noboru, Captain, Imperial Japanese
Army, who was thereafter declared dead.

L. B. Creswell
Signature of witness

L. B. CRESWELL

Name (typed)

Col. (3940) USMC

Rank, Branch of Service, Serial
No. (typed)

"D"

0536

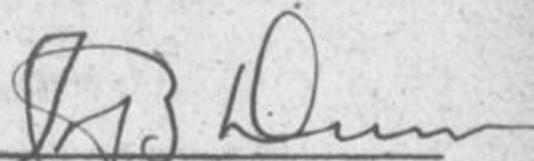
BEST COPY AVAILABLE

MARINE BARRACKS
GUAM, MARIANAS ISLANDS

19 June, 1947.

OFFICIAL WITNESS CERTIFICATE

I certify that at 24¹¹6 hours on 19 June 1947, at the
Joint Communications Area, Guam, Marianas Islands, I witnessed the
execution by hanging of NAKAJIMA, Noboru, Captain, Imperial Japanese
Army, who was thereafter declared dead.


Signature of witness

J. B. DUNN

Name (typed)

Capt 15N57533
Rank, Branch of Service, Serial
No. (typed)

"E"

0537

MARINE BARRACKS
GUAM, MARIANAS ISLANDS

19 June, 1947.

OFFICIAL WITNESS CERTIFICATE

I certify that at ²¹¹⁶2116 hours on 19 June 1947, at the
Joint Communications Area, Guam, Marianas Islands, I witnessed the
execution by hanging of NAKAJIMA, Noboru, Captain, Imperial Japanese
Army, who was thereafter declared dead.

H. R. Demarest
Signature of witness

H. R. DEMAREST
Name (typed)

Capt. (58556) USN
Rank, Branch of Service, Serial
No. (typed)

"F"

0538

MARINE BARRACKS
GUAM, MARIANAS ISLANDS

19 June, 1947.

OFFICIAL WITNESS CERTIFICATE

I certify that at 2116 hours on 19 June 1947, at the
Joint Communications Area, Guam, Marianas Islands, I witnessed the
execution by hanging of NAKAJIMA, Noboru, Captain, Imperial Japanese
Army, who was thereafter declared dead.

David D. Hawkins
Signature of witness

D.D. HAWKINS
Name (typed)

Capt. (63150) USN
Rank, Branch of Service, Serial
No. (typed)

G

0539

MARINE BARRACKS
Guam, Marianas Islands

Date 19 June 1947.

C E R T I F I C A T E

1. I the undersigned do certify that the remains which I have personally viewed are those of:

<u>NAKAJIMA,</u>	<u>(none)</u>	<u>Noboru</u>	<u>Captain IJA</u>
LAST NAME	MIDDLE INITIAL	FIRST NAME	RANK

2. My identification was based on passed acquaintance covering a period of Six (6) months.

3. Remarks None.

Name Signed William Bradford

Name Printed WILLIAM BRADFORD

Rank First Lieut. USMC

Serial 032315

This identification was made in my presence:

Organization 1st AAA Bn.

G. R. Newton

Name Signed

G. R. NEWTON

Name Printed

Lieut Colonel - USMC

Rank

05786

Serial

MARINE BARRACKS, GUAM

Organization

"H"

0540

No. 604		F.P.C. 36 IMM	
Name NAKAJIMA, Neberu		32 OM I. (13)	
Alias		Ref. PRINTS TAKEN PRIOR TO EXECUTION.	
Sex Male	Color Yellow	E. D. Hulet, Cmn - esmc - Records	

1. Right Thumb	2. R. Index Finger	3. R. Middle Finger	4. R. Ring Finger	5. R. Little Finger
16 16		8 8		4 0
6. Left Thumb	7. L. Index Finger	8. L. Middle Finger	9. L. Ring Finger	10. L. Little Finger
4 1	2 2		1 1	13

Impressions *Chas. J. ...*

Date taken 13 June 1947

Signature of Person Fingerprinted *X*

Classified by 中島昇

Four Fingers Left Hand	Left Thumb	Right Thumb	Four Fingers Right Hand

0541

















NAVAL GOVERNMENT OF GUAM
DEPARTMENT OF CIVIL POLICE
GUAM, MARIANAS ISLANDS

Charge	<u>War Criminal</u>	Date	<u>2 Jan 1946</u>
Disposition of Case	<u>Condemned to hang</u>	Date	<u>2 Jan 1946</u>
Arrested by	<u>U.S. Marine Corp</u>	Date	<u>1945</u>
City or Town	<u>Chichi Jima</u>	Municipality	
Marks and Scars			
Birth Date	<u>5 April 1901</u>	Local Residence	<u>Japan</u>
		Other Residence	
Age	<u>46</u>	Nationality	<u>Japanese</u>
Height	<u>6' 5 3/4"</u>	Birth Place	<u>Japan</u>
Weight	<u>150</u>	Education	<u>12 Yrs</u>
Build	<u>Stocky</u>	Occupation	<u>Capt. IJA</u>
Complexion	<u>Yellow</u>	Married	<input type="checkbox"/>
Hair	<u>Black</u>	Single	<input type="checkbox"/>
Eyes	<u>Brown</u>	Social Sec. No.	
		I. D. Cert. No.	
Remarks			
Accomplices			
Previous Record			

0542

No.		F.P.C.	
Name <u>NAKAJIMA, Noboru</u>		Ref. <u>PRINTS TAKEN AFTER EXECUTION</u>	
Alias _____		<u>E. J. Hulet CIVIL USMC Recorder</u>	
Sex <u>Male</u>	Color <u>Yellow</u>		

1. Right Thumb	2. R. Index Finger	3. R. Middle Finger	4. R. Ring Finger	5. R. Little Finger
16 16		8 8		4
				
6. Left Thumb	7. L. Index Finger	8. L. Middle Finger	9. L. Ring Finger	10. L. Little Finger
4	2 2		1 1	
				

Impressions taken by <u>E. J. Hulet</u>		Signature of Person Fingerprinted Deceased	
Date taken <u>19 June 1947</u>		Classified by	
Four Fingers Left Hand	Left Thumb	Right Thumb	Four Fingers Right Hand
			

0543



NAVAL GOVERNMENT OF GUAM
DEPARTMENT OF CIVIL POLICE
GUAM, MARIANAS ISLANDS

Charge War Criminal Date _____
Disposition of Case Condemned to be hanged. Date _____
Arrested by U.S. Marine Corps Date _____
City or Town Chichi Jima Municipality _____
Marks and Scars _____

Birth Date 5 April 1901 Local Residence _____
Other Residence Japan

Age	46	<p>NAKAJIMA, Noboru Captain, IJA</p>	Nationality	Japanese
Height	63-1/4"		Birth Place	Japan
Weight	150		Education	12 Years
Build	Stocky		Occupation	Captain IJA
Complexion	Yellow		Married	
Hair	Black		Single	
Eyes	Brown		Social Sec. No.	
			I. D. Cert. No.	

Remarks CERTIFICATE
I certify that the prints on the reverse side of this card were taken after
Accomplices the above named war criminal had been pronounced dead, from hanging, on
Previous Record 19 June 1947.
Ernest D. Hulett
Ernest D. Hulett, Commissioned Warrant Officer, USMC, Execution Recorder.

0544

MARINE BARRACKS
GUAM, MARIANAS ISLANDS

19 June, 1947.

RECEIPT FOR BODY

Received of Lieutenant Colonel George R. NEWTON, U. S.
Marine Corps, Island Command Provost Marshal, Guam, Marianas
Islands at 2205 on 19 June 1947, the remains of
hours
NAKAJIMA, Noboru Captain
Last Name First Name Rank or Rating
Imperial Japanese Army, for internment according to the laws
Branch of Service
of Guam, Marianas Islands. in Lot 429-6, Asan. An appropriate marker
will be placed on grave.

Rab
R.N. Crane
Signature

R.N. Crane
Name Printed

Lieut. Cmdr. (CEC) USN
Rank

OinC Burial Detail
Official Capacity

"K"

0545

20 June 1947.
(Date)

1. Name NAKAJIMA, Noboru Citizenship JAPANESE
Color YELLOW Race ORIENTAL
Rank Captain
2. Soldier - Civilian IJA Serial Number _____
Status War Criminal
3. Height 63-1/4" Weight 150# Condition of
Muscles Good
Length of drop 79"
4. Was collapse board used? No What kind _____
5. Place of execution JOINT COMMUNICATION AREA, GUAM, M.I.
Date 19 June 1947
6. Time trap sprung 2116 hrs Time pronounced dead 2130 hrs
7. Execution directed by George R. NEWTON, Lieutenant Colonel, U. S.
Marine Corps.
8. Public or private execution PRIVATE
9. Number of witnesses FOUR (4)

- 22 -

“上”

0546

11. Number of officials participating ELEVEN (11)

Duties Island Command Provost Marshal (In Charge) - Director of execution. Planning and Coordination of all details attendant thereto. Assistant to Island Command Provost Marshal - Recorder. Officer in Charge - War Criminal Stockade - Security of Prisoners and delivery to place of execution. Assistant to Officer in Charge - War Criminal Stockade - To carry out normal duties of Officer in Charge - War Criminal Stockade during his absence. Officer in Charge - Place of Execution - To safeguard place of execution from molestation by individuals before, during and after executions. Assist Official Hangman as required. Island Public Works Officer - Provide and construct all material required and furnish necessary maintenance, police and utilities. Area Chaplain Provide religious assistance or Priests as required and/or requested. War Crimes Legal Officer - Provide legal, clerical and language assistance as required. Provide the Island Command Provost Marshal with findings and sentence in the case of each condemned war criminal. Medical Officer in Command, U.S. Naval Medical Center - Provide necessary Medical Officers (3) to witness execution and furnish necessary data regarding time of death, fingerprints, first aid for witnesses as required and affix identification discs to remains and coffin. Official Hangman - To execute those condemned War Criminals as designated by the Island Command Provost Marshal, Guam, M.I. Civil Administrator - Provide the necessary transportation and personnel to receive and interment remains and to provide suitable markers for graves. Maintain accurate record showing location of graves of each condemned War Criminal.

12. Type of scaffold: Lever Action.

Size of rope: 3/4"

Type of Rope: Manila Hemp.

Condition of rope: Excellent

Kind of Knot: Plain loop - Sliding
Keeper

13. Were pictures made: Yes

14. Name of executioner: First Lieutenant Charles C. Rexroad, U.S. Army.

Assistants: Captain John H. Griffin, USMC Technical Sergeant George
W. Dinning, USMC Staff Sergeant Steve Morris, USMC.

15. Remarks of technical details with observations and recommendations:

The construction of the Gallows was changed from that contained in War Department Pamphlet 27-4 in the following respects:

1. Trap door was enlarged by 2 inches per side.
2. An iron strap was fastened on trap door such that when the trap was sprung, the door was locked against the studding of the gallows and could not swing back against the hanged body.
3. A pulley was mounted directly above trap door over which the rope was passed instead of the conventional eye bolt.
4. A cleat was secured against the center upright of the Gallows at a height of 40 inches above the platform to secure the free end of the hangers rope.
5. A cylindrical wooden block 2" in diameter and 5" long was used in place of the hanger's knot on the rope.
6. The use of the cleat, the pulley and the cylindrical wooden block allowed quick lowering and removal of rope from hanged man, and also allowed the same rope to be used over again.

It is recommended that the above changes be made in the above named pamphlet and incorporated by the Navy for use in all future hangings in the United States Navy.

George R. Newton
GEORGE R. NEWTON

Lieutenant Colonel, U.S. Marine Corps.
Officer in Charge of Executions.

0548

MARINE BARRACKS,
Guam, Marianas Islands.

20 June, 1947.

Execution of captain NAKAJIMA, Noboru, Imperial Japanese Army, report
of proceedings.

At 1300, 18 June 1947, NAKAJIMA, Noboru, captain, Imperial Japanese Army, a convicted and condemned war criminal was taken from his cell in confinement hut #3 at the War Criminal Stockade, Guam, Marianas Islands, and taken to the shower. After bathing he was issued a pair of cotton drawers and a pair of shoes with no laces. He was then placed in the death house in a solitary cell in hut #1. The cell in which he was placed had been thoroughly searched and was found to be secure enough to prevent escape, and that it contained no instrument or material with which the captain might take his own life. From this point until he was taken from the cell for the trip to the place of execution he was under the constant surveillance of a military policeman.

At 1520, 18 June 1947, NAKAJIMA was removed from his cell in the custody of two (2) military policemen and brought before Lieutenant Colonel George R. Newton, U.S. Marine Corps for the publishing of the death sentence, and to be informed of his time of execution. Present: Lieutenant Colonel George R. Newton, U.S. Marine Corps, Officer in Charge of Executions, Commissioned Warrent Officer Ernest D. Hulett, U.S. Marine Corps, Execution Recorder, Yeoman 1/c J. B. Jarvis, U.S.N., Execution Reporter, Captain William H. Rafferty, U.S.N., (ChC), Colonel L. B. Creswell, U.S. Marine Corps, Representative of Commander Marianas, Colonel John B. Hill, U.S. Marine Corps, Director of Security, Guam, First Lieutenant William Bradford, U.S. Marine Corps, Officer in Charge, War Criminal Stockade, First Lieutenant Charles C. Rexroad, U.S. Army, Official Hangman, Mr. Rikize T. Kami, a Buddhist Priest, Lieutenant (j.g.) F. F. Tremayne, U.S.N.R., Interpreter, and an official photographer from the staff of Commander Marianas.

NAKAJIMA stood at attention while the sentence was read in English and translated into Japanese. He listened to the Japanese translation and appeared quite nervous and upset at hearing the death sentence and the time of execution.

Colonel Newton then informed NAKAJIMA that he would be permitted the use of tobacco and that he would be allowed to write his friends and family. He then asked NAKAJIMA if he desired to make an oral or written statement. NAKAJIMA replied that he would prefer to make a written statement. After some little consideration NAKAJIMA stated that he would make his final statement orally. He said, "After coming from Chichi Jima to the stockade here on Guam, I was treated very kindly by the members of this headquarters and I wish to express my gratitude. I would like to write my family and would like to have my belongings sent to my family." Colonel Newton assured him that he would be allowed to write his family, after returning to his cell, but that authority to send his belongings home would have to come from the higher command.

At 1529 NAKAJIMA was returned to his cell and placed under the close custody of a military policeman.

- 1 -

"M"

0549

BEST COPY AVAILABLE

Execution of captain NAKAJIMA, Noboru, Imperial Japanese Army, report of
proceedings (Continued).

After returning to his cell NAKAJIMA was very quiet and appeared lost in deep thought with tears coming to his eyes at frequent intervals. Later he began writing busily until interrupted by a visit from the Buddhist Priest. NAKAJIMA appeared most willing to accept spiritual consolation from the Priest and listened eagerly to everything the Priest had to say. The Priest gave him a wrist charm which would bring tears to his eyes each time he looked at it. Until 2400, NAKAJIMA alternately read from his prayer book, and wrote letters, all the while smoking furiously. At 2400 NAKAJIMA retired and spent a restless night, finally arising at 0400, 19 June 1947. Immediately upon arising he commenced reading his prayer book and read most steadily for four hours. The balance of the morning was spent smoking, pacing the deck, and occasionally writing. His only remarks, "I have been a very long time here" and "Are you happy in America?" were addressed to the military policeman. NAKAJIMA was visited by the Buddhist Priest during the afternoon and again seemed to gather a great deal of consolation from the words of the Priest.

At 1945 NAKAJIMA was dressed in a shirt and a pair of trousers, his arms were handcuffed behind his back and draw strings placed around the bottom of his trousers. He then was placed in the conveyance which took him to the place of execution. The trip to the place of execution was made in about twenty (20) minutes and was without incident.

At 2020 the conveyance is opened and NAKAJIMA identified by the four (4) official witnesses. At 2110 NAKAJIMA was removed from the conveyance and his hands removed from the handcuffs to be re-handcuffed with his hands in front of his body and the binding strap placed around his arms and body and the straps for the leg shackles placed around his ankles.

Accompanied by the Buddhist Priest to the foot of the gallows, captain NAKAJIMA entered the place of execution at 2115. He appeared to be oblivious to surroundings and persons, his hands were clasped as well as his bindings would permit and he appeared to be repeating his prayers as he mounted the gallows. Leg shackles, hood and noose were placed and NAKAJIMA was dropped through the trap at 2116. He was declared dead by the two (2) official Medical Observers at 2130, 19 June 1947.

George R. Newton
George R. Newton,
Lieutenant Colonel, U.S. Marine Corps,
Officer in Charge of Execution.



~~ITO, KIKUJI~~

~~Lieutenant Colonel IJASON~~

NAKAJIMA, NOBORU

CAPTAIN, IJA

0552

HEADQUARTERS,
DIRECTOR OF SECURITY, GUAM, M.

19 June, 1947.
(Date)

From: The Director of Security, Guam.
To : The Island Command Provost Marshal, Guam, M.I.
Subject: Execution of Death Sentence imposed on BARATINA, HIRSHI.
Reference: (a) War Department Restricted Pamphlet No. 27-4 dated 12 June 1944, Subject, Procedure for Military Executions.
(b) ComMarianas Ltr. Serial 12187, dated 8 May 1947.
(c) ComMarianas Ltr. Serial 6013, dated 17 June 1947.
Enclosure: (A) Unexecuted Certificate of Execution.

1. Pursuant to reference (c) you will put into execution on 19 June, 1947 at The Joint Communication activities area, Guam, Marianas Islands, the sentence of death by hanging imposed on BARATINA, HIRSHI, which sentence was confirmed by the (acting) Secretary of the Navy 15 April, 1947.
(Date)

2. By copy of this order, the following officers are directed to attend the execution in the capacity indicated:

Lt. Col. George R. NEWTON, USMC (05786), Marine Barracks, Guam, OinC, Execution Detail.
Capt. William H. RAFFERTY, USN (ChC) (58482), Commander Marianas, Area Chaplain.
Capt. Alvin J. CERNY, USN (MC) (76043), U.S. Naval Medical Center, Guam, Medical Observer.
Capt. Carl K. YOUNKIN, USN (MC) (22000), U.S. Naval Medical Center, Guam, Medical Observer.
Comdr. James H. BUNN, USN (MC) (107656), U.S. Naval Medical Center, Guam, Medical Observer.
Capt. David D. HAWKINS, USN (63150), Fleet Training Command, Official Witness.
Capt. Joseph B. DUNN, USN (57533), NAS Agana Official Witness.
Capt. Harold R. DEMAREST, USN (58556), Joint Communication Activities, Official Witness.
Col. Leonard B. CRYSWELL, USMC (3940), Commander Marianas, Official Witness.
Lt.(J.E.) Fredrick F. TRIMAYNE, USNR, Commander Marianas, Interpreter.
Col. John B. HILL, USMC (04457), Marine Barracks, Guam, Director of Security.
Comdr. Ralph F. ERMST, USN (CEC) (70142), Island Public Works, OinC Construction.
Lieut. Comdr. R.N. CRANE, USN (CEC) (0190941), Island Public Works, OinC Burial Detail.
Capt. John H. GRIFFIN, USMC (09053), Marine Barracks, Guam, OinC Place of Execution.
Lieut. Joseph H. KERRELL, USN (0918275), Commander Marianas, Public Information Officer.
1st Lieut. William (n) BRADFORD, USMC (032315), 1st AAA Bn, OinC War Criminals.
1st Lieut. Charles C. KEXROAD, USA (02032111), Corps Provost Marshal's Office, 8th Army, Official Hangman.
CWO Ernest D. HULETT, USMC (019272), Marine Barracks, Guam, Recorder.

3. The execution will be private and will be attended only by such additional personnel as necessary to properly carry out the execution or as further authorized by this command. Upon execution of this sentence, enclosure (A) will be completed by you and returned to this command. A detailed report together with Medical Observers and Witnesses certificates will be submitted by the Recorder.

4. The provisions of references (a) and (b), except as modified by higher authority, will be complied with.

Copy to: Commander Marianas(4)
War Crimes Legal Office(2).
Each Officer concerned has been advised.

John B. Hill
(Director of Security, Guam)

BEST COPY AVAILABLE

FF12/A17-10
13-JDM-rhj

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

MAY 8 1947

~~3 July, 1947.~~

Serial: 12187

RESTRICTED

From: The Commander Marianas Area and Governor Of Guam.
To : The Director of Security, Guam.

Subject: Execution of Death Sentences of Convicted War
Criminals, - instructions concerning.

Reference: (a) War Department Restricted Pamphlet No. 27-4 dated
12 June 1944, subject, Procedure for Military
Executions.
(b) SecNav dispatch 281515 (Jan 1947) to Governor Of
Guam.

Enclosures: (A) Form- Report of Execution.
(B) Form- Receipt for Body.
(C) Form- Medical Observer's Certificate.
(D) Form- Official Witness's Certificate.
(E) Sample-Order to be issued to person designated to carry out
immediate act of execution and other members of execution
detail. (Actual order must be appropriately worded to cover
circumstances).

1. Subsequent to 1 June 1947, on dates to be designated by the
Commander Marianas Area, the convicted War Criminals in your custody who have
been sentenced to death by military commission and whose death sentences have
been duly confirmed by the Secretary of the Navy will be executed. The execu-
tions will be carried out in the vicinity of the Tumon Bay Annex, War Criminal
Stockade, Guam, Marianas Area, or at such other place on Guam as may be select-
ed by the Director of Security with the approval of the Commander Marianas.

2. You are hereby delegated the duties connected with carrying out
of the execution of the above referred to War Criminals. You are authorized
and directed to make plans for such executions. You will provide all essentials
for such executions from personnel and material under your command and made
available to you from other commands hereafter indicated. Separate orders for
execution will subsequently be issued to you by the Commander Marianas Area in
each specific case. You will upon receipt of such subsequent orders designate
by written orders the person to carry out the immediate act of execution and the
other members of the execution detail.

3. In carrying out executions you will comply in so far as practic-
able, with the provisions of reference (a) except where such provisions are
inconsistent with this directive.

4. Executions will be private and will be attended only by the
following:
Officer in Charge of execution detail to carry out immediate act
of execution.

One (1) Professional Hangman, to be furnished by Commander
Marianas (In case of hanging).

Two (2) Chaplains, preferably of the prisoner's choice if avail-
able. The Chaplains may be members of the U.S. Armed Forces
(Navy or Army) or civilian.

One (1) Representative of the Japanese Government if approved by
higher authority.

Two (2) Medical Observers.

Four (4) Official Witnesses.

One (1) Interpreter to be furnished by Commander Marianas.

ENC. "B"

0554

One (1) Recorder.

Commander Marianas Public Information Officer, and such press representatives and photographers as he may, with the specific authority of Commander Marianas, designate.

Such additional personnel as necessary to properly carry out the execution.

If personnel indicated above are not available to the Director of Security, prior to the date set for an execution, report to this effect will be made to the Commander Marianas Area.

5. Upon completion of an execution, the remains will be delivered to the Civil Administrator and Chief of Staff to Governor of Guam or his duly authorized representative for interment locally in accordance with the laws of Guam at a place designated by the Civil Administrator, Guam. A receipt in the form of enclosure (B) will be obtained from the person to whom the remains are delivered. This receipt will show on its face the place where the remains are to be interred.

6. A complete detailed report together with Medical Observers and witnesses certificates will be submitted covering each execution. For guidance and aid in facilitating your report, enclosures (A), (B), (C) and (D) are furnished. These enclosures may not cover all matters pertaining to the executions and are not to be interpreted to exclude items that should be reported.

7. By copy of this directive, the first five information addressees are directed to report to the Director of Security, Guam for the purpose of providing him personnel, material, services and facilities considered necessary by the Director of Security for carrying out ordered executions.

C. A. POWNALL

CC To:

Civil Administrator and Chief of Staff to Governor of Guam.
Medical Officer in Command, U.S. Naval Hospital, Guam.
ComMarianas Area Chaplain.
ComMarianas Island Public Works Officer, Guam.
Commanding Officer, U.S. Marine Barracks, Guam.
Rear Admiral E.L. Marshall, U.S.F. (CEC).
Medical Officer in Command, Naval Medical Center, Guam.
CinCPac and U.S. PacFlt.

ANNEX "A"

0555

REPORT FORM

RESTRICTED

(Date)

From: The Director of Security, Guam.
To : The Commander Marianas Area.

Subject: _____, Execution of Death Sentence
imposed on.

Reference: (a) Commander Marianas Letter of Instruction, Serial _____,
dated _____, 1947, subject, Execution of Death
Sentences of Convicted War Criminals, instructions concerning.
(b) Commander Marianas order Serial _____, dated _____,
1947, directing execution of subject named person.

Enclosures: (A) Receipt for body of deceased.
(B) Copy of reference (a).
(C) Copy of reference (b).
(D) Copy of order designating officer to carry out immediate act
of execution and other members of execution detail.
(E) List of all official members of execution detail.
(F) Certificate of Medical Observer.
(G) Certificate of Medical Observer.
(H) Certificate of Official Witness.
(I) Certificate of Official Witness.
(J) Certificate of Official Witness.
(K) Certificate of Official Witness.
(L) (Any other appropriate enclosures).

1. Pursuant to references (a) and (b), the death sentence imposed
on _____ was put into execution at _____
_____, Guam, Marianas Islands on _____, 1947 at _____ hours.

2. The following report of proceedings is submitted regarding the
execution by hanging of the above named war criminal.

(Give details- see attached sample wording
covering an actual case of hanging in an
other theater).

3. Enclosure (A) was obtained upon delivery of the body to proper
authority for disposal. Enclosures (E) to (J) are certificates of Medical
Observers and Official Witnesses.

(Director of Security, Guam)

"A"

0556

RESTRICTED

SAMPLE WORDING OF REPORT COVERING AN ACTUAL CASE OF HANGING IN ANOTHER THEATER.

A procession, consisting of the following personnel, arrived at the cell block of the condemned man at 1421 hours, 12 January 1946.

(Names of officiating personnel - such as Officer in Charge, Chaplain, Military Guards, etc.)

At 1422 hours (Name of War Criminal) was lead through the cell block by two prison guards, followed by (Name of Chaplain) the Prison's Chaplain. (Name of War Criminal) and the Chaplain were shown their position in the procession. As the procession proceeded to the scaffold the Chaplain offered prayers of the (Name of Church) for the condemned man. Upon arrival at the scaffold (Name of War Criminal) hands were bound behind his back and at 1424 hours he ascended the 13 steps to the gallows. (Name of Officer in Charge of Execution Detail) read the execution order in English and the interpreter, (Name of interpreter), read the official translation in (prisoner's language). While the order was being read two Military Police Guards held the arms of the condemned man and his feet were bound by the Assistant Hangman. (Name of War Criminal) seemed very cool and collected and listened intently while the order was being read in (his language). After the order had been read the following statements were made, each being translated by the interpreter from English to (prisoner's language) or (prisoner's language) to English as necessary:

(Name of Officer in Charge of Execution Detail) :

(Name of War Criminal), do you have any statement to make before the order directing your execution is carried out?

(Name of War Criminal) :

I was not a civilian at that time. I was at that time a member of the home guard and was under orders. We were not under the orders of Police***. If I had not carried out my orders I might have been imprisoned, *** or been shot. I had no personal advantages, ***. I therefore request a pardon.

(Name of Officer in Charge of Execution Detail) :

(Name of War Criminal), do you have a last statement to make to you minister before your death?

(Name of War Criminal)

No.

The scaffold was then ordered cleared of all except the condemned man, the Hangman, Assistant Hangman, and two Military Police Guards. A black silk hood was placed over the head of (Name of War Criminal) and the rope secured around his neck. Upon a signal from (Name of Officer in Charge of Execution Detail) the trap was sprung at 1432 hours by (Name of Hangman) the hangman. The rope was wet and the force of the condemned man plunging through the trap stretched it enough that his feet hit the ground. It was necessary for the Assistant Hangman, (Name of Assistant Hangman), to pull up and hold the rope from the top of the gallows until it was certain that the condemned man was unconscious. At 1447 hours (Name of Officer in Charge of Execution Detail) signaled the Medical Observers to come forward and make their examination. (Name of War Criminal) was determined to be dead at 1450 hours by the three Medical Observers. (Name of Chaplain) then administered the last rites of the prisoner's church. The rope was slipped from around the condemned man's neck and the body received by Prison Officials at 1453 hours, for disposal according to (Name of Place) Law.

(Name and signature of Reporting Officer).

(13 Exhibits were attached)

0557

RESTRICTED

RECEIPT FOR BODY

(Date)

Received of _____, USMC, Director of Security,
Guam, Marianas Islands, the body of the deceased, _____,
who was executed by hanging at _____, Guam, Marianas
Islands at _____ hours on _____, 1947, for interment, accord-
ing to the laws of Guam at _____.

Signature _____
(Official receiving body)

(NAME TYPED) (RANK AND OFFICE)

"B"

0558

RESTRICTED

MEDICAL OBSERVER'S CERTIFICATE

(Date)

I certify that at _____ hours on _____, 1947, I examined the body of _____ who was hanged at _____
(Name of War Criminal)
_____ hours on that day at _____, Guam, Marianas Islands. I found him dead.

Signature _____
(Medical Observer)

(NAME TYPED)

(Rank) (Serial) USN

"CP"

0559

RESTRICTED

OFFICIAL WITNESS'S CERTIFICATE

(Date)

I certify that at _____ hours on _____, 1947, at _____
hanging of _____, Guam, Marianas Islands, I witnessed the execution by _____
cleared dead. _____ who was thereafter de-

Signature _____
(Official Witness)

(NAME TYPED)

(Rank) (Serial) USN

"D"

0560

SAMPLE ORDER FORM TO BE ISSUED TO PERSON DESIGNATED TO
CARRY OUT IMMEDIATE ACT OF EXECUTION AND OTHER MEMBERS
OF EXECUTION DETAIL. (ACTUAL ORDER MUST BE APPROPRIATELY
WORDED TO COVER CIRCUMSTANCES).

RESTRICTED

(Date)

From: The Director of Security, Guam.

To : (Name of person charged with immediate act of
execution).

Subject: Execution of Death Sentence imposed on _____.

Reference: (a) War Department Restricted Pamphlet No. 27-4 dated
12 June 1944, Subject, Procedure for Military
Executions.
(b) ComMarianas Ltr. Serial _____, dated _____.
(c) ComMarianas Ltr. Serial _____, dated _____.

Enclosure: (A) Unexecuted Certificate of Execution.

1. Pursuant to reference (c) you will put into execution
on _____, 1947 at _____, Guam, Marianas Islands, the sent-
ence of death by hanging imposed on _____
which sentence was confirmed by the (Acting) Secretary of the Navy
_____ 1947
(Date)

2. By copy of this order, the following officers are dir-
ected to attend the execution in the capacity indicated:

Name	Serial Number	Station	Officer in Charge
"	"	"	of Execution Detail
"	"	"	Chaplain
"	"	"	Chaplain
"	"	"	Medical Observer
"	"	"	Medical Observer
"	"	"	Official Witness
"	"	"	Official Witness
"	"	"	Official Witness
"	"	"	Official Witness
"	"	"	Interpreter
"	"	"	Military Escorts
"	"	"	and Guards
"	"	"	Others as required
"	"	"	Recorder

3. The execution will be private and will be attended
only by such additional personnel as necessary to properly carry out
the execution or as further authorized by this command. Upon execu-
tion of this sentence, enclosure (A) will be completed by you and
returned to this command. A detailed report together with Medical
Observers and Witnesses certificates will be submitted by the Record-
er.

4. The provisions of references (a) and (b), except as
modified by higher authority, will be complied with.

(Director of Security, Guam.)

cc: Each officer para 2.

"E"

-1-

0561

CERTIFICATE OF EXECUTION

(Date)

I hereby certify that the death sentence by hanging imposed
on _____, Imperial
(Surname) (Given Name) (Rank or Rating)
Japanese (Army or Navy), a Japanese National, was put into execution
at _____, Guam, Marianas Islands, on _____
1947 at _____ (Place) hours (Date)

(Signature and Rank)

(Officer in Charge Execution Detail)

0562

~~SECRET~~

SECRET

(Date)

From: The Director of Security, Guam.
To : The Commander Marianas Area.
Subject: NAKAJIMA, Noboru, captain, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.
Enclosure: (A) Certificate of Execution in case of subject named War
Criminal.
1. Returned. The basic order was complied with this date.
2. Attention is invited to the enclosed executed Certificate
of Execution.

(Signature)

JOHN B. HILL, Colonel, U.S.M.C.
Director of Security, Guam.

ENCL. "C"

0563

BEST COPY AVAILABLE

7712/A17-10/(WD-1)/
13-JHM-em

0049

SECRET

17 June 1947
(Date)

From: The Commander Marianas Area.
To: The Director of Security, Guam.

Subject: NAKAJIMA, Heberu, captain, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.

References: (a) Record of Military Commission case of NAKAJIMA, Heberu,
captain, IJA, convened 5 April 1946.
(b) SecNav's letter file JAG:I:MDS:fld A17-10/00 (3/28/47)
148719 - 148331 - 150837 - 150838 dated 25 April 1947.
(c) ComMarianas Letter of Instructions, Serial 12187,
dated 8 May 1947, re: Execution of Death Sentences
of Convicted War Criminals.

Enclosure: (a) Unexecuted Certificate of Execution.

1. In accordance with the provisions of Section D-14, Naval
Orders and Boards 1937, the Acting Secretary of the Navy, on 9 January 1947,
confirmed the sentence of death adjudged in the case of Heberu Nakajima,
captain, Imperial Japanese Army, tried for Murder (one specification -
killing one prisoner of war in violation of the law of war) by a military
commission, convened 5 April 1946, by the Commander Marianas Area:

"The commission therefore sentences him, Nakajima, Heberu,
Captain, Imperial Japanese Army, to be hanged by the neck
until dead, two-thirds of the members concurring."

The Commander Marianas Area, the convening authority, on
10 July 1946, subject to remarks, approved the proceedings,
findings and sentence in this case.

The Commander in Chief, United States Pacific Fleet, the
reviewing authority, on 18 July 1946, approved the proceedings,
findings and sentence in this case, and the action of the
convening authority thereon.

0564

PP12/ATP-20/(NO-1)/
13-JDE-am

SECRET

Subject: HAKAJIMA, Noboru, captain, Imperial Japanese Army -
Execution of Death Sentence adjudged and confirmed in the
trial of war crimes and related offenses in the case of.

.....

The Secretary of the Navy on 15 April 1947 directed the Commander Marianas Area to effect the execution of the sentence as confirmed. He further directed the sentence be carried into effect at a date to be designated by the Commander Marianas Area not earlier than 1 June 1947 at Oson, Marianas Islands.

2. Pursuant to the above you will put into execution on 19 June 1947 at the Joint Communications Activity Area, Oson, Marianas Islands, the sentence of death by hanging imposed on Noboru Hakajima, captain, Imperial Japanese Army, at an hour to be determined by the officer designated by you to carry out the act of execution.

3. The prisoner will be notified of the time of execution no less than twenty four (24) hours prior thereto, at which time this order will be read to him. Appropriate record of such notification should be made on the face of the order read to the prisoner at the time of notifying the prisoner of the time of his execution, and thereafter special precautions shall be taken to safeguard him against self destruction.

4. The execution will be carried out and report submitted in accordance with the provisions of reference (c).

5. Upon execution of the subject named War Criminal and prior to the submission of the detailed report required, enclosure (A) will be completed by the Officer in Charge of the execution detail and returned immediately by you together with this order to the Commander Marianas Area.

C. A. POWHALL

0565

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SECRET

~~CONFIDENTIAL~~

(Date)

I hereby certify that the death sentence by hanging imposed on

NAKATTA Isamu Captain
(Sic Name) (Given Name) (Rank or Rating)

Imperial Japanese Army, a Japanese National, was put into execution at

Joint Communications Activity Area, Guam, Marianas Islands, on _____
(Date)

1947 at _____ hours.

(Signature)

GEORGE R. NORTON, Lt. Col., U.S.M.C.
Island Command Provost Marshall, Guam
and Officer in Charge Execution Detail.

0566

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ENCLOSURE (D) to ComMarianas Ltr. Serial 15347 dated 2-16-47

0567

ENCLOSURE (C) of ComMarianas Serial 15347 dated 7-16-47

0568



Captain NAKAJIMA, Noboru, IJA being escorted on the gallows by Master Sgt.
MACKOWVINSKI, P.F., USMC and Staff Sgt. MAJORS, C.P. USMC.

OFFICIAL U.S. NAVY
PHOTOGRAPH

19 JUN 1947

0570



Photograph of NAKAJIMA, Noboru, late Captain, Imperial Japanese Army taken
in coffin immediately after his execution.

0572

Guam, Marianas
20 June 1947

TO: Commander Marianas
SUBJECT: Execution War Criminals

1. My mission to console the six Japanese war criminals executed last night has been accomplished and I am departing Guam 1630 this date.

2. I feel that all the condemned men were grateful for my presence in their final hours and that every possible religious comfort was given them by your command.

3. I wish to express my deepest appreciation to the Commander, Marianas, for his deep consideration in providing religious comfort for the condemned prisoners so they could be guided fearlessly to the land of peace and eternity.

4. I sincerely think that they left this world happily, knowing fully that the Lord Buddha was smiling down to give them everlasting peace and happiness.

5. I request that the Commander Marianas, if he deems it proper, forward a copy of this communication to the Secretary of the Navy so that he shall know that the condemned men had spiritual comfort.

/s/ REV. SHUNDO T. KANE
Rev. Shundo T. Kane
Buddhist Minister.

0573

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Cincpacft File

P6

Serial 4549

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET
HEADQUARTERS OF THE COMMANDER IN CHIEF

RESTRICTED
~~RESTRICTED~~

24 JUL 1947

FIRST ENDORSEMENT on
ComMarinas letter
FF12/(NO-1)/13-JIM-
cn, serial 15347 dtd
16 July 1947.

From: Commander in Chief Pacific and U. S. Pacific Fleet.
To: Secretary of the Navy.
Subject: MAKAJIMA, Noboru, late Captain, I.J.A., report on execution
of Death Sentence imposed on.

1. Forwarded, contents noted.
2. Because of the classification of enclosure (A) to the
basic letter, the classification of this correspondence is upgraded
to Restricted.

H. B. SALLADA
Deputy Cincpacflt

Copies to: (1st end. only)
ComMarinas
Director of Security, Guam

0574

JAG:I:MDS:fld
A17-10/OQ
(3/28/47) 146719 - 148331
150837 - 150838

COPY

15 April 1947

From: The Secretary of the Navy.
To: Commander Marianas Area.
Via: Commander in Chief, United States Pacific Fleet.
Subject: Actions upon records of Military Commission trials.

1. In accordance with the provision of Section D-14, Naval Courts and Boards, 1937, the Acting Secretary of the Navy, on 9 January 1947, confirmed the following sentences of death, adjudged by Military Commissions:

(a) In the case of Vice Admiral Koso Abe, I.J.N., tried in joinder with Captain Yoshio Obara, I.J.N., and Lieutenant Commander Hisakichi Naiki, I.J.N., by a military commission, convened 5 April 1946, by the Commander Marianas Area -

"The commission therefore sentences him, Abe, Koso, Vice Admiral, Imperial Japanese Navy, to be hanged by the neck until dead, two-thirds of the members concurring."

The Commander, Marianas Area, the convening authority, on 3 July 1946, subject to remarks, approved the proceedings, findings and sentence in this case.

The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 20 July 1946, approved the proceedings, findings and sentence, in this case, and the action of the convening authority thereon.

(b) In the case of Rear Admiral Shigematsu Sakaibara, I.J.N., tried in joinder with Lieutenant Commander Seichi Tachibana, I.J.N., by a military commission, convened 3 November 1945 by the Commander Marshalls Gilberts Area -

"The commission, therefore, sentences him, Shigematsu Sakaibara, Rear Admiral Imperial Japanese Navy, to be hanged by the neck until dead, two-thirds of the members concurring."

The Commander, Marshalls Gilberts Area, the convening authority, on 4 January 1946, subject to remarks, approved the proceedings, findings, and sentence in this case.

The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 19 April 1946, subject to remarks, approved the proceedings, findings, and sentence in this case, and the action of the convening authority thereon.

Sent out 4/17/47
by REGISTERED
AIR MAIL -
No. 3227294

0575

JAG:IS:ND:FLA
A17-10/04 (4/2/47)
146719 - 148331 -
150837 - 150838

✓ (c) In the case of Captain Noboru Nakajima, I.J.A., tried in joinder with Captain Nagura Iseno, I.J.A., by a military commission, convened 5 April 1946, by the Commander Marianas Area -

"The commission therefore sentences him, Nakajima, Noboru, Captain, Imperial Japanese Army, to be hanged by the neck until dead, two-thirds of the members concurring."

The Commander Marianas Area, the convening authority, on 10 July 1946, subject to remarks, approved the proceedings, findings and sentence in this case.

The Commander in Chief, United States Pacific Fleet, the reviewing authority, on 18 July 1946, approved the proceedings, findings and sentence in this case, and the action of the convening authority thereon.

2. Subject to any directives issued by the Commander in Chief, United States Pacific Fleet, the Commander Marianas Area is hereby directed to effect the execution of the sentences as confirmed. It is further directed that the sentences be carried into effect at a date to be designated by the Commander Marianas Area not earlier than 1 June 1947, at Guam, Marianas Islands, and that a report of the execution of the death sentence in each instance be submitted to the Secretary of the Navy.

/s/ James Forrestal
Secretary of the Navy.

Copy to:
Chief of Naval Operations.

0576

ADDRESS REPLY TO

AND REFER TO

JAG:I:AES:lmh
Mil.Com.-Nakajima, Noboru/A17-20
(10-14-46)

NAVY DEPARTMENT

WASHINGTON 25, D. C.

9 JAN 1947

The sentence of death, to be executed by hanging by the neck until dead, in the foregoing Military Commission case of Captain Noboru Nakajima, Imperial Japanese Army, tried in joinder with Captain Meguru Isono, Imperial Japanese Army, is hereby confirmed.

ACTING

John T. Sullivan
Secretary of the Navy.

0577

30 Oct 46

OFFICE OF THE UNDER SECRETARY

Date: _____

From: _____

Capt. W. V. SAUNDERS _____
Capt. R. N. McFARLANE ✓ _____
Capt. D. N. SCHAFER _____
Comdr. G. E. PELLETIER _____
Comdr. J. A. DOOLAN *Dark.* _____
Comdr. A. W. DICKINSON _____
Comdr. R. R. GUEST _____
Mr. A. BROWN _____
Capt. C. M. WIGGIN, USMCR _____
Capt. A. L. JACKSON, USMC _____
Lt. C. M. DORRIS _____
Mrs. E. H. BLOYER _____
Mrs. L. LOWRY _____

For Information _____
For Comment & Recommendation _____
For Appropriate Action _____
Please Investigate _____
For Reply _____
For Initials _____
Please send me information _____
Please see me about this _____
Please return _____
Retain _____

REMARKS:-

*NAKAJIMA convicted of
murdering and American
flyer name unknown.
Sentenced: To be hanged
Concur. J. H. H. H. H.
Digest & Testimony attached.*

PLEASE RETURN ALL CORRESPONDENCE TO
ROOM 2702 OR IF PASSED ON CALL 3849
AND REPORT DISPOSITION

0578