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JAMES P. KENNY, LT, USN.

AL6-2(17-C)
FF12/07:Gt

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial No. 03293

C-O-N-F-I-D-E-N-T-I-A-L

25 SEP 1945

From: Commander Marianas.
To: Island Commander, GUAM.
Island Commander, SAIPAN.
Island Commander, TINIAN.
Island Commander, PELELIU.

Subject: Japanese Prisoners of War - Uniformity in
procedure for care, treatment, work, etc.

Reference: (a) TM 19-500.
(b) ComGenWesPacBasCom Secret ltr. QM 383.6
dated 23 July 1945.

1. In order to insure uniformity of treatment
and work of Japanese POW's in the Marianas Area, interpretation
of applicable articles of reference (a) to conform with Geneva
Convention are promulgated herewith.

(a) The Provost Marshal General exercises Staff
supervision over the internment, care and treatment of
prisoners, and is charged with the application of the terms
of the Geneva Convention.

(1) The camp of detention and quarters for
housing POW's should be adequate to prevent undue discomfort
from cold, rain, or heat. Space allocated per person should
be minimum consistent with health requirements as generally
practiced by Japanese people. Quarters should be devoid of
unnecessary comforts, conveniences, decorations, particularly
photographs and pictures of "pin-up girls", Japanese officials
or so called heroes. Statues, or similar items used in worship
are permitted.

(2) Food should be provided in accordance with
reference (b) and not to exceed the allowed per day calories
per person. For laborers this should be between 2000 and 2400
calories; for other males not to exceed 1800 calories per day.
Under no circumstances should the same menu, or quantity
furnished our forces, be provided. Additional calories may
be provided whenever malnutrition deficiency diseases in-
dicate necessity for change of diet.

(b) Prisoners of all ranks, whether in a super-
visory capacity or otherwise, will be compensated at the
rate of 80 cents per full 10 hour working day of diligent
work.

(1) Attention is particularly invited to
the requirement that "diligent work" must be performed to
qualify for compensation at 80 cents per day. This is in-
terpreted as ten hours full time work, quantitatively and
qualitatively comparable to ten hours of American labor. Time

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JAMES P. KENNY, LT, USN.

A16-2(17-C)
FF12/07:R1

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

Serial No. 03293

25 SEP 1945

C-O-N-F-I-D-E-N-T-I-A-L

Subject: Japanese Prisoners of War - Uniformity in
procedure for care, treatment, work, etc.

off for lunch or rest periods shall not be counted as part of the ten hours of labor. Accordingly only trained, stern and just guards should supervise the work. Daily work performance records for pay purposes shall be maintained by the immediate Commanding Officer of the POW stockade. Unsatisfactory work performance of any individual shall be reported by the guard at the end of the day to the Stockade Commander. Said officer shall take necessary disciplinary action within the limits of the Geneva Convention and disallow pay for the unsatisfactory work, subject to review and final decision by the Provost Marshal of the Island Command.

(2) Activities to whom POW's are allocated for work are responsible for strict compliance with (a) (2) and (b) (1), and shall initiate positive control.

(c) Every prisoner will be allowed a rest of 24 consecutive hours every week preferably on Sunday.

/s/ G. D. Murray
G. D. MURRAY

Copy to:
Cincpac & Cincpoa

CERTIFIED TO BE A TRUE COPY:

James P. Kenny
JAMES P. KENNY, Lieutenant, USN,
Judge Advocate.

"Exhibit 40 (2)"

1153

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

28 June 1948:

I hereby certify that the annexed excerpt is a true excerpt from the record in the case of KAWASKI, Susumu, et al, as filed in the office of the Director War Crimes, Pacific Fleet, Commander Marianas.

This excerpt consists of the entire testimony of Captain Susumu Kawasaki, including direct examination, cross examination and re-direct examination.

Herbert L. Ogden
Herbert L. Ogden,
Commander,
United States Navy.

"Exhibit 41 (1)"

1154

The accused, Susumu Kawasaki, Captain, Imperial Japanese Navy, was, at his own request, duly sworn as witness in his own behalf.

Examined by the judge advocate:

1. Q. Are you Susumu Kawasaki, an accused in this case?
A. Yes, I am.

Examined by the accused:

2. Q. What was your rank in the year 1942?
A. Naval Captain.
3. Q. You were on Wake Island in 1942?
A. I was.
4. Q. What was your official position on Wake Island?
A. Commanding Officer of the 65th Navy Guard Unit.
5. Q. How long were you commanding officer of the 65th Navy Guard Unit on Wake Island?
A. From the 7th of January 1942 to the 12th of December 1942.
6. Q. About how many prisoners of war were left on Wake Island from the period May to August 1942?
A. About 400 prisoners were on Wake during that period.
7. Q. Who was in charge of the prisoner of war compound at that time?
A. Lieutenant (jg) Tadayuki Nomoto.
8. Q. Were the food supplies for the prisoners of war plentiful at that time?
A. As much as possible we had American type food and it was relatively plentiful.
9. Q. What was the situation on Wake with respect to enemy action from January to August 1942?
A. In the latter part of February 1942 there was a strong raid by an American task force and there were raids every month during that period from air planes and submarines and especially were the submarines active from April on, in the vicinity of Wake.
10. Q. Did any American prisoners of war escape from Wake Island while you were there?
A. Yes, there was an escape.
11. Q. Do you recall any details of that escape?
A. About one month before the incident which we are investigating here two prisoners stole food and in a boat, escaped from Wake Island.
12. Q. After that did you publish any rules to the prisoners of war, directing a penalty for attempting to escape from the compound?
A. Yes, I did.
13. Q. Did you recall what that rule was?
A. I do.
14. Q. What was it?
A. The rule said that prisoners must not try escaping from the compound and if such an attempt is made they will probably be punished with death.

"Exhibit 41 (2)"

15. Q. Kawasaki, did you make a written statement on March 5, 1946, which you gave to Lieutenant Mahoney and Lieutenant Osborn?

A. Yes, I gave such a document to Lieutenants Mahoney and Osborn on 6 March of this year.

16. Q. In that statement did you say: "The investigation concerning the above criminal, Mr. K (name unknown to me) was undertaken by the officer-in-charge of the prisoner of war compound and the officer of the guard, Lieutenant Somia Ogawa, who got the people concerned in the investigation together and carried out a thorough examination of the matters, in a military disciplinary court"?

A. Yes, I did say such a thing in my statement.

17. Q. What was the nature of this military disciplinary court?

A. This court was based on the regulations of the Imperial Allied Japanese Fleet. It is a court especially for the purpose of maintaining order and discipline in occupied areas and combat zones.

18. Q. Is it a regular military court or is it an exceptional military court?

A. It is an exceptional military court.

19. Q. Who was empowered to convene this court?

A. The commander of every fleet has the authority for convening this court. However, in especially troubled areas the highest ranking officer is mandated the authority to convene the court.

20. Q. What is the jurisdiction of this court over personnel?

A. This court has jurisdiction over people of occupied areas and prisoners.

21. Q. Does it include jurisdiction over Japanese military personnel?

A. This exceptional military court does not have jurisdiction over Japanese military personnel.

22. Q. What members make up the court? What is its composition?

A. Three judges, one judge advocate, a reporter, and an interpreter.

23. Q. Do the regulations of the Japanese Allied Fleet make provisions for a defense counsel in such courts?

A. There is no such provision in the regulations of the Imperial Japanese Fleet.

24. Q. Is the court open or secret?

A. There is no specification concerning this. Either is possible.

25. Q. Did you, as commander of Wake Island in 1942, have authority to convene such a court?

A. As I have said, I was given this authority according to the Allied Fleet regulations.

26. Q. Did you convene a court of this type for the purpose of trying a prisoner of war on Wake in 1942?

A. I did.

27. Q. Do you recall any of the members assigned to that court?

A. I remember two names, Lieutenant (jg) Tadayuki Nomoto, and Lieutenant Somia Ogawa. And there are many other names in my head but I cannot remember clearly.

"Exhibit 41 (3)"

28. Q. Do the Japanese Fleet regulations provide details on the rules for procedure for these courts?

A. They are provided for in the Allied Fleet Regulations.

29. Q. Is it required that the death sentence imposed by this court be approved by the Commander in Chief of the combined fleets or commander of the 4th Fleet?

A. The commander of each fleet must agree to this sentence or else the highest ranking officer in the local areas, to whom this authority is given.

30. Q. Is it necessary for the highest ranking officer in the local area to report the findings of a death sentence to the commander of the 4th fleet before that sentence is executed?

A. It is not necessary.

31. Q. Is there an appeal from this court to any higher court or authority?

A. There is no appeal from this court.

32. Q. Does the authority for the exceptional military court originate in the law making bodies of Japan?

A. No, it does not. It is a military authority.

33. Q. Do you recall with what offenses the prisoner was charged before this court?

A. I do remember them.

34. Q. Will you tell the commission what these charges were?

A. This certain prisoner escaped from the compound one night and broke into the canteen warehouse. These were the first charges.

35. Q. Were there others that you recall?

A. In addition the prisoner stole food and when the sentry attempted to arrest him he resisted arrest and one of the sentries was injured. Also, previously this prisoner had caused trouble several times and we believed he had a plan for escaping.

36. Q. After the court finished this trial of the prisoner was any report of the findings and sentence made to you?

A. A report of the findings of this court was made to me, together with a specification of the type of punishment.

37. Q. What were the findings and the specifications as to the type of punishment that the court reported to you?

A. It was death penalty that the court reported to me.

38. Q. To the best of your knowledge had the trial been carried out by the court according to the rules and regulations of the Imperial Japanese Navy governing courts of this nature?

A. Yes, the procedure was in accordance with the regulations of the Imperial Fleet.

39. Q. Did you confirm or approve the sentence of the court?

A. At the time the findings of the court were brought to me I thought the matter over very carefully and attempted to think of some method or means of mitigation but in order to maintain the discipline of the prisoners I finally agreed to the sentence.

"Exhibit 41 (4)"

40. Q. Whom did you direct to carry out the sentence of the court?

A. As it is provided in the rules that the judge advocate of the court shall carry out the sentence, there was no necessity of my giving an order relating to the execution of the sentence.

41. Q. Who was the judge advocate of the court, as you recall?

A. Lieutenant Somin Ogawa.

42. Q. Do you recall what other duties Lieutenant Ogawa had at Wake Island at that time?

A. Lieutenant Ogawa was the officer in charge of the Military Police Unit.

43. Q. Do you recall whether Commander Cho was involved in any way in the decision of the court?

A. Commander Cho was not involved in the decision of this court.

44. Q. Do you recall whether Cho was involved in any way in the execution of the prisoner?

A. I do not remember that Commander Cho had any special connection in the execution of this prisoner.

45. Q. Do you recall whether Commander Cho was in any way involved when you agreed to approve the sentence of the court?

A. I do not remember any such connection.

46. Q. Captain Kawasaki, as commanding officer of the 65th Navy Guard Unit on Wake Island, did your subordinate officers or petty officers ever refuse to carry out an order issued by you?

A. There has never been a refusal to carry out any of my orders.

47. Q. What would be the usual penalty in the Japanese Navy if a Warrant Officer refused to obey an order given to him by a superior officer?

A. That depends some on the contents of the order but in the Japanese Navy a Warrant Officer who refused to carry out an order would certainly be punished.

48. Q. In the questioning of you by Lieutenant Mahoney in Tokyo, as shown in prosecution's exhibit #5, on page 5, last paragraph, you stated: "I had no authority, as commander of Wake Island, to inflict death penalty". Is that a true statement?

A. As in this case, in translating from Japanese to English, it is extremely difficult and I could not say exactly if that is what I said or not.

49. Q. During the time when you were commanding officer on Wake Island, give us a little more of the details concerning the treatment of prisoners, attitude towards the prisoners, and such.

A. During the time when I was commanding officer on Wake Island we had an excellent regard for the American prisoners. Also, I gave orders to my junior officers concerning treatment based on this high regard. I will give you a few specific examples of these conditions. We did as much as possible to allow the prisoners to live in their American fashion and we had the rooms divided separately, in the American style. We did as much as possible to give the American prisoners the food which came from Japan. The prisoners worked 2 1/2 hours in the morning and 2 1/2 hours in the afternoon and when it was especially hot, they were given rest periods. Since the physical condition of the prisoners was important, we had a special prisoner's sick bay in the compound and there were three American doctors and one American dentist. In times of combat we took special consideration of the safety of the American prisoners. Near the compound there were air raid shelters of steel construction which were the best on the island, even better than those usually provided for the Japanese soldiers. For example, when one of my prisoner friends was sent to Japan in October of that year, he especially told me goodbye. Our relationship was that of friends. Around April or May of this year the prisoners became a bit restless and fearing an incident of attempt escape, we encouraged exercise and athletic events.

"Exhibit 41 (5)"

The judge advocate asked that the relativeity between the details of the question and the charge be shown to the court.

The accused replied.

The commission stated that the witness should go on with the question.

The witness continued:

There are various other examples that I could give, but rather than take the time, I request that consideration be made of this.

The commission stated that the witness is able to finish his testimony if he so desires.

The witness continued:

It should be especially called to attention that this incident occurred under these circumstances. American submarines were active in the vicinity of Wake day and night, and planes flew over Wake on reconnaissance almost every day and it was imperative at the time that we do everything possible to keep information concerning the conditions on Wake from leaking out to the Americans. This incident occurred in such a specially active period of the war. Consequently, there was necessity for carrying out the sentence of the court as quickly as possible. Lieutenant (jg) Nomoto was a person of sterling character and therefore I trusted this matter to him implicitly.

50. Q. How long after the event of the prisoner's arrest by the sentry unit the trial was held?

A. The prisoner was caught at night and I remember that he was put to trial the next day.

51. Q. How long after the trial was the sentence of execution carried out?

A. I do not remember clearly on that point but it was not many days before the sentence was carried out.

Cross-examined by the judge advocate:

52. Q. Captain, have you previously, following conversation with American authorities, submitted a signed statement and a signed interrogation?

A. Yes.

53. Q. And at that time you took an oath to tell the truth and the whole truth concerning the incidents relating to the death of American prisoners of war?

A. Yes, I did take such an oath.

54. Q. And how then, Captain, do you explain that prior to taking the stand today, in your own defense, you have failed to ever mention the so called Allied Fleet Regulations?

A. Because in the interview in the Meiji Building there was no such question given me.

The judge advocate showed prosecution's exhibit #5 to the defendant, and asked if the signature subscribed thereon was his.

The defendant answered in the affirmative.

The judge advocate read to the court, from prosecution's exhibit #5, the following: "Q. Did you receive any verbal or written policy from higher authority in the Japanese Navy with relation to the treatment of prisoners of war, especially during an emergency, such as an impending invasion? A. I never received any policy from higher up but I, as commander, decided the policy in regard to the prisoners on Wake Island. I prescribed in written form the rules for the treatment of the prisoners and issued them."

"Exhibit A1 (6)"

55. Q. These regulations that you have mentioned, the so called Imperial Allied Fleet Regulations, are Japanese rules and regulations covering Japanese Navy. Is that correct?

A. They are the rules of the allied fleet.

56. Q. That is the Japanese Allied Fleet?

A. Of course, that is so.

57. Q. These are not international rules governing the conduct of prisoners?

A. They are rules of the Japanese Allied Fleet.

58. Q. Captain, do you know that in January 1942 Japan informed the United States that she would abide by the 1929 Geneva Convention for the treatment of prisoners of war?

A. I know nothing of that.

59. Q. Captain, are you aware that ignorance of the law is no excuse?

A. Since I was under the command of the superior commander of the Allied Fleet, I abided by the orders he gave.

The judge advocate again read to the court from prosecution's exhibit #5, the following: "Q. Did you receive any verbal or written policy from higher authority in the Japanese Navy with relation to the treatment of prisoners of war, especially during an emergency, such as an impending invasion. A. I never received any policy from higher up but I, as commander, decided the policy in regard to the prisoners on Wake Island. I prescribed in written form the rules for the treatment of the prisoners and issued them."

60. Q. How then do you explain your answer to this previously given question?

A. As I answered in this way because the question was especially clear with the phrase, "especially during an emergency, such as an impending invasion".

61. Q. Captain, in this so called court, whose procedure you have described, did they sentence this American or merely propose to you that such action be taken?

A. This court gave the decision of the death penalty to me.

62. Q. Does your signed interrogation of 4 March 1946 contain any statement about the sentence of this so called court?

A. This question was not asked me.

The judge advocate read to the court, from prosecution's exhibit #5, the following: "Q. And you did give your assent, or agreement, to this execution - is that right? A. It is as I said before, I agreed with the very earnest and well founded proposal of the men in charge of the prisoners."

The accused objected that the judge advocate was testifying and not cross-examining.

The commission announced the objection was not sustained.

63. Q. Captain, you have testified that this execution could not have taken place without your consent. Is that correct?

A. I testified in that answer.

64. Q. And this execution did take place with your consent. Is that correct?

A. Yes, that is right.

"Exhibit 41 (7)"

65. Q. Captain, is it Japanese policy to execute a man for being a common thief?

A. In Japanese law there is no such thing as the execution of a man for common theft.

66. Q. Then, Captain, was the penalty given this American prisoner of war an extraordinary penalty for being a thief?

The accused objected that the question was argumentative, and that the charges against this prisoner have included more than theft.

The objection was sustained by the commission.

67. Q. Were Americans present at the execution of this prisoner of war?

A. I think that there were American prisoners present at this execution.

68. Q. Captain, do you know whether American prisoners were present?

A. They were.

69. Q. Captain, were these prisoners present with your consent?

A. The head of the prisoner's stockade handles matters of this nature and I was not concerned in it.

70. Q. Captain, what was the purpose of these prisoners observing the execution of one of their fellow countrymen?

The accused objected, that the statement of Kawasaki does not show the presence of American prisoners or reason for their being there.

The judge advocate replied.

The commission announced the objection was not sustained.

A. As the commanding officer of the island I would have no relation with such a reason, but it would be a matter under the authority of the chief of the prisoner of war stockade.

The accused objected to the translation of the answer given. The question was again put to the witness, as follows:

71. Q. Captain, what was the purpose of these prisoners observing the execution of one of their fellow countrymen?

A. I did not give my authority for the prisoners to go here and there, and I only did my work as commanding officer of the Allied Fleet.

72. Q. Captain, was the presence of these American prisoners, at the scene of the execution of one of their fellow countrymen, prescribed due to the fact that an example was being made of the victim?

A. As this execution was a legal act, as a result of the court, and not my personal act, the execution was not an example for the other American prisoners. It was absolutely no such thing as that.

73. Q. Captain, were you present at the scene of the execution?

A. I went there late. However, I had no connection with the proceedings of the execution.

74. Q. Prior to your arrival at the scene, Captain, had preparations for the execution been made?

A. Since I arrived at the time they were ready to perform the execution, of course the preparations had been made.

"Exhibit 41 (8)"

75. Q. However, Captain, the execution did not take place until you arrived on the scene, yes or no?

A. My arrival and the execution of the death sentence have no relation.

76. Q. Did you attend the scene of the execution in the capacity of the commanding officer of Wake Island?

The accused objected to the question as immaterial, and states that since Kawasaki was commanding officer of Wake Island, he could not have attended the execution in any other capacity.

The judge advocate replied.

The commission announced the objection was not sustained.

A. The judge advocate of the court was the officer in charge of this scene.

The judge advocate objected to the answer given as not responsive to the question.

The commission directed the witness to answer the question clearly and directly.

The question was again put to the witness:

77. Q. Did you attend the scene of the execution in the capacity of the commanding officer of Wake Island?

A. I do not understand the meaning of the question.

The question was withdrawn by the judge advocate.

78. Q. Why were you present at the scene of the execution?

A. I went as an individual to see the general condition of things.

79. Q. Captain, did Lieutenant Ogawa report to you that all was ready at the scene of the execution?

A. He did not.

80. Q. Captain, how many days, approximately, lapsed between the incident in which the prisoner was apprehended and the day when the execution took place?

A. In this point I do not remember clearly. All I know is that it wasn't a long period of time.

81. Q. Captain, how many days lapsed between the time you agreed to kill this man and his execution took place?

A. I do not remember.

82. Q. Can you give approximately how many days?

A. It is very difficult to remember that at the present time.

83. Q. Was any notice of this execution passed on to Switzerland, as a protecting power of the United States, in accordance with international law?

A. That would be something that would be taken care of from Tokyo. I sent no such notice. If there was a necessity for such a thing, certainly Tokyo would have taken care of it.

"Exhibit 41 (9)"

Redirect examination by the accused:

84. Q. Did the rules of the Japanese Navy contain any directions for the treatment of prisoners of war?

A. Yes, there are regulations written in the Imperial Navy Regulations concerning the treatment of prisoners.

85. Q. On what did you base your rules and regulations with regard to the prisoners of war on Wake Island?

A. I based them on the laws for the treatment of prisoners.

86. Q. Where did you learn, or what was your source of these laws for the treatment of prisoners?

A. They were rules which were received in printed form from Tokyo.

87. Q. Received when?

A. I believe it was January of this same year.

88. Q. Was the officer in charge of the prisoners a member of the court?

A. Yes, he was.

89. Q. Did he discuss the sentence of the court with you as the officer in charge of the prisoners, or as a member of the court?

A. At first he discussed these matters with me as a member of the court and asked that I quickly agree with the findings and sentence which had been reached by the court.

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

The commission did not desire to examine the witness.

The witness resumed his seat as the accused.

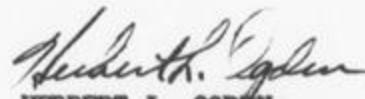
"Exhibit 41 (10)"

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

28 JUNE 1948

I hereby certify that the annexed excerpt is a true excerpt from the record in the case of Colonel OISHI, Chisato, IJA, et al, as filed in the office of the Director War Crimes, Pacific Fleet, Commander Marianas Area.

This excerpt consists of the entire testimony of a witness for the prosecution, KANEKAWA, Anyoku, including direct examination, examination by the commission, cross-examination by the accused, reexamination by the commission, further examination by the commission, and recross-examination by the accused.


HERBERT L. OGDEN,
Commander,
United States Navy.

"Exhibit 42"

A witness for the prosecution entered and was duly sworn. The oath was carefully explained to the witness by the President through an interpreter.

Examined by the judge advocate:

1. Q. State your name and nationality.
A. My name is Anyoku Kanegawa. I am a Korean.
2. Q. Do you recognize any of the accused?
A. I remember those at Mille Island.
3. Q. Do you recognize this man? (indicating Lt. Fusta)
A. Yes, I remember him.
4. Q. What is his name?
A. I just know his face but not his name.
5. Q. Where did you last see him?
A. I saw him in the North Sector on Mille Island.
6. Q. Do you recognize this man? (indicating Ens. Motomura)
A. I do not know him.
7. Q. Have you seen him before?
A. No.
8. Q. Do you recognize this man? (indicating Ens. Tanaka)
A. I did not see him before.
9. Q. Do you recognize this man? (indicating Warrant Officer Manako)
A. I did not see him before.
10. Q. Do you recognize this man? (indicating 1st Lt. Kadota)
A. I did not remember him.
11. Q. Do you recognize this man? (indicating Capt. Abe)
A. I know him, but I do not know his name.
12. Q. Where did you last see him?
A. Enigeto Island.
13. Q. On what atoll is that island located?
A. On Mille Atoll.
14. Q. Do you recognize him as being in the Army or Navy?
A. He is in the Army.
15. Q. Do you recognize this man? (indicating Maj. Takarada)
A. Yes, I remember him.
16. Q. What is his name?
A. I do not remember clearly, but I think it was Takarada.
17. Q. When last did you see him?
A. In the North Sector of Mille.
18. Q. Do you recognize this man? (indicating Maj. Nakao)
A. Yes, I remember him.

"Exhibit 42 (1)"

19. Q. What is his name?
A. I do not know his name.
20. Q. Where last did you see him?
A. In the North Sector of Mille.
21. Q. In what capacity, if you know?
A. He is the Commander of the Mountain Artillery Battalion.
22. Q. Do you recognize this man? (indicating 1st. Lt. Moorl)
A. I did not see him before.
23. Q. Do you recognize this man? (indicating Col. Oishi)
A. Yes, I remember him.
24. Q. What is his name?
A. I do not know his name.
25. Q. Where last did you see him?
A. I saw him at the Army Headquarters near the Naval Garrison Forces.
26. Q. Where?
A. On the main island of Mille.
27. Q. During the year 1944, where were you located?
A. I was on the outlying islands.
28. Q. What outlying island?
A. Lukunor Island in Mille Atoll.
29. Q. What was your position or job?
A. I was in the Construction Battalion.
30. Q. Were you attached to the Japanese Army or Naval forces during your stay on Mille?
A. I was attached to the Navy.
31. Q. During the year 1944, did you see any American fliers shot down?
A. I saw a plane fall down.
32. Q. Explain what you saw?
A. One day, I went to the Headquarters Area for a working party and at the entrance of the bomb shelter were some guards and I asked if there were any American prisoners there and I was able to see the American prisoners. About the time of the execution, I saw the prisoners at the North Sector of the island.
- The interpreter stated that he was having difficulty understanding the witness. One of the other interpreters took over.
33. Q. During the year 1944, did you see any American planes shot down?
A. Yes.
34. Q. Tell us exactly what you saw.
A. I did not actually see the planes crash.

"Exhibit 42 (2)"

35. Q. What did you see?
A. I saw the American fliers were kept in an air raid shelter in Headquarters Area.
36. Q. Did you see any people in a life raft in the lagoon?
A. Yes, I saw people on a rubber raft.
37. Q. How many people did you see on the raft?
A. Five.
38. Q. What nationality were these people?
A. They were American fliers.
39. Q. About what time of the year did you see this incident?
A. I do not remember clearly, but it was about February or March.
40. Q. Do you remember the invasion of Kwajalein by the Americans?
A. I do not remember clearly.
41. Q. Did you see the Americans come ashore?
A. I did not see the American fliers come ashore.
42. Q. Did you see the American fliers at any time during this day?
A. I did not see the American fliers on this day.
43. Q. When next did you see the fliers?
A. The second time I saw them was in the air raid shelter in the Headquarters Area.
44. Q. How many did you see at this time?
A. Five.
45. Q. Explain exactly what you saw?
A. The air raid shelter was dark and I could not see very clearly whether the fliers were wounded or not.
46. Q. Was anyone questioning the fliers at this time?
A. No.
47. Q. What time of the day was this?
A. Just about noon when I saw them the second time.
48. Q. When next did you see the American fliers?
A. The third time I saw them was in the Mountain Artillery Area when the American fliers were being executed.
49. Q. How many fliers did you see in the Mountain Artillery Section?
A. I saw two.
50. Q. What was the occasion of this meeting?
A. The occasion was the American fliers were going to be executed on that day. I was in my quarters when my friend came over to call me. My friend's name was Kanemitsu. When I came out, I saw the two American fliers by the vehicle.
51. Q. About what time of the day did this event transpire?
A. It was about sunset.

"Exhibit 42 (3)"

52. Q. Where did you go after Kanemitsu called you?
A. When Kanemitsu came to call me, I went by the car.
53. Q. Where was the car located?
A. It was located near the air raid shelter in the Mountain Artillery Area.
54. Q. How many people were gathered around at this time?
A. I do not remember clearly but I think it was about 15 or 16 men.
55. Q. Did you see the two American fliers in the car?
A. Yes, I did.
56. Q. Were the fliers taken from the car?
A. I did not see the American fliers taken from the car.
57. Q. What next did you see?
A. The second time I saw was when someone swung the sword.
58. Q. What distance were you from where the sword was swung?
A. The distance was about 36 to 37 meters.
59. Q. Did you see an American flier?
A. Yes.
60. Q. What position was the American flier in?
A. I saw the American fliers blind folded and sitting on something, but could not tell what it was.
61. Q. How was the flier dressed at this time?
A. The American fliers wore the aviator's suit.
62. Q. Were the fliers' hands tied?
A. Yes.
63. Q. Was anyone standing in front of the flier?
A. Three men were standing in front of the flier.
64. Q. Were these men armed?
A. They all had rifles with fixed bayonets.
65. Q. Who was standing behind the flier?
A. The Commander of the Mountain Artillery Battalion was standing in the rear.
66. Q. Who was the Commander at the Mountain Artillery Battalion at that time?
A. Yes, I know the Commander is present here.
67. Q. Was the Battalion Commander present at the time of the incident you are talking about?
A. Yes.
68. Q. Is the Commander who was present on this particular night present here today?
A. Yes.
69. Q. Identify him?
A. The witness stood and indicated Major Nakno.

"Exhibit 42 (4)"

70. Q. Explain the relative positions of other people attending this meeting.

A. 1st Lt. Nakajima and another Lt. was standing on both sides of the American flier. There was another 1st Lt. on the left side of the American flier.

71. Q. Were these officers holding swords?

A. Yes, they had swords.

72. Q. Then what did you see?

A. The next thing I saw the American fliers were being buried.

73. Q. Was this an American flier or fliers?

A. I do not know whether it was flier or fliers.

74. Q. Did you see an execution at this time?

A. Yes, I did.

75. Q. Explain what you saw?

A. When someone swung the sword, the American flier fell, and I positively saw the American flier buried in a hole which was right in front of him.

76. Q. Who swung the sword, if you know?

A. I do not know who swung the sword exactly, because they were surrounded by the men.

77. Q. Who issued the order for the carrying out of this execution?

A. The Commander of the Mountain Artillery Battalion.

78. Q. Is that the same man that you pointed out in court this morning?

A. Yes, he is the same man.

79. Q. Describe the order issued.

A. I heard the Commander issue the command on the third count, but I did not hear the first and second count very clearly. He gave a command of one, two, and three.

80. Q. At the third count, what did you see?

A. I saw the person swing the sword on the third count.

81. Q. Was this the only swing of the sword that you saw?

A. Yes.

82. Q. Was the head of the flier severed with this one swing?

A. I could not see whether the head was separated or not.

83. Q. What, if anything, did the three people in front of the flier with fixed bayonets do?

A. I do not know what the three men standing in front did.

84. Q. Did they use the bayonets on the flier at any time either before or after the execution?

A. I positively saw one of the three men bayonett the American flier when he was put in the hole.

85. Q. Was this before or after the execution?

A. It was after the beheading.

86. Q. Did you see the American flier after the execution?

A. No, I have not seen any of them since then.

87. Q. That is, after the execution, did you see the flier in the hole?

A. No.

"Exhibit 42 (5)"

88. Q. Do you know the name of the person who carried out the execution, who actually swung the sword?

A. I do not know the name of the executioner.

89. Q. Did this execution appear to be a secret affair?

A. Yes, it appeared to be very secret.

90. Q. Why were you allowed to be present?

A. I was ill and in my quarters and I did not have to go out to work, so when my friend came over to call me, I ran and was watching the execution.

91. Q. Were you allowed to see the execution?

A. No, I was not allowed to watch the execution, therefore I hid myself and was watching the execution.

92. Q. Do you know what happened to the other fliers?

A. I do not know what happened to the other fliers.

93. Q. Did anyone other than himself view the execution?

A. I do not know exactly who saw the execution besides me, but I think Kanemitsu might have seen it too.

94. Q. Who is Kanemitsu?

A. He is one of my men.

95. Q. Was he a Korean laborer?

A. Yes.

96. Q. Approximately how long after the appearance of the Americans of Mille did the execution take place?

A. I do not exactly remember how many days after the American fliers arrived at Mille, but I heard it was about the time Kwajalein and Roi were being invaded by the American forces.

97. Q. Can you describe the American flier who was executed on that particular night?

A. He was the tallest among the group.

98. Q. Other than that, can you describe the flier?

A. No.

99. Q. During the investigation that was conducted on Mille, in September of this year, did you point out the approximate spot where the flier was buried?

A. Yes.

100. Q. What, if anything, was found?

A. Yes, we found the American flier's bones.

101. Q. Was this position that you pointed out well-bombed?

A. The vicinity where I have spotted was not bombed very severely.

102. Q. Was anything else found other than the bones?

A. Yes, a belt of the American flier appeared.

Examined by the commission:

103. Q. After the execution, how many bodies did the witness see, one or two?

A. I only saw one.

"Exhibit 42 (6)"

104. Q. How much time elapsed between the execution and the burial?
A. I do not remember how much time elapsed between those times.

105. Q. Where was the place of burial in regard to the place of execution?
A. The place of burial was the same place where the execution was carried out.

106. Q. Was the grave dug and prepared before the sword was swung?
A. Yes, the grave was all prepared.

107. Q. Did you know of any other executions that took place?
A. No.

108. Q. Did you see any other burial grounds?
A. Yes, sometime ago, when dead American fliers drifted ashore, I buried the American fliers myself.

109. Q. Was the body you buried decapitated, or how did death occur?
A. The body of the American flier was dead and just drifted to shore.

110. Q. What killed him?
A. I do not know what killed him, but he was the pilot of one of the fighter planes.

111. Q. Was the head attached to the body?
A. Yes.

112. Q. How do you know that the belt found in the grave was the American flier's belt?
A. American soldiers told me it was an American flier's belt.

113. Q. Where did you see the American soldiers?
A. I saw him in the same area, same place.

114. Q. When?
A. When we dug up the bones.

115. Q. Describe the belt.
A. The width of the belt was about three or four inches and it was curved and was rotten, so if you lifted it up, it would fall into pieces, so I do not know the length of the belt.

116. Q. Was it leather or cloth?
A. It was cloth.

Cross-examined by the accused:

117. Q. You said there were two fliers in the car. Do you know what happened to the other one?
A. No.

118. Q. How near were you to the fliers in the car?
A. About twenty meters.

119. Q. Did you actually see the bayonet go into the body?
A. Yes.

"Exhibit 42 (7)"

120. Q. How far were you from the crowd around the flier?

A. As I have stated, before, about 36 or 37 meters.

121. Q. Were guards placed near the location of the execution to keep others away?

A. No, the guard was not placed around but the soldiers were standing around to keep others away.

Reexamined by the commission:

122. Q. Tell us again all that you saw from the time that you arrived at the place of execution, beginning with the arrival of the fliers and yourself at that scene?

A. I saw about two officers standing on both sides of the American flier. The flier was blind folded and his hands tied and the next I saw when he was being executed, when the sword was swung and his body fell into the hole and he was bayoneted by one of the three men who were standing in front of the American flier. The last I saw, he was being buried at the spot. That is all I have to say and nothing to add.

123. Q. Who was doing the burying?

A. I do not know.

124. Q. But did it occur immediately after the execution?

A. Yes, it occurred immediately after the execution.

125. Q. Did you know if the head of the flier was buried with the body in the same spot?

A. That I do not know.

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

The witness made the following statement:

Sometime ago, when I went with you (OKUBO-interpreter) to Mille to investigate on this case, the Mountain Artillery Commander and I, KANEKAWA, slept on the same ship one night. At that time the Battalion Commander came to me directly and told me that he had hit the American flier with a sword. This he told to KANEMITSU and I. That is all.

Examined by the commission:

126. Q. Explain what you mean by the statement of the officer to the effect that he hit an American flier with a sword.

A. I can not tell you exactly what the statement means because the person actually told me what I have told you.

127. Q. Who was that officer?

A. The Mountain Artillery Commander.

128. Q. Is that person present in court and if so will you point him out?

A. The witness indicated Major NAKAO.

"Exhibit 42 (8)"

129. Q. Did you ever see any notice or any order issued by the Japanese authorities which mentioned the execution?

A. No, I have not.

130. Q. Who was the senior officer present at the execution?

A. The Battalion Commander of the Mountain Artillery Command.

131. Q. Was Captain Shiga present?

A. Captain Shiga was not present.

Recross-examined by the accused:

132. Q. Did you know Captain Shiga?

A. Yes, I could recognize him.

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.

"Exhibit 42 (9)"

戰時國際法規綱要

昭和十二年五月

海軍大臣官房

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(2) 俘虜トナル將士人

(3) 俘虜，取扱

(4) 俘虜，逃走

第四. 附 略

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條約 668 頁

第六部 陸戦法規摘要

第三. 俘虜

一定資格ヲ有スル者ガ敵ニ捕ハレル場合ニハ 俘虜トシテ取
扱ハルベク、之ニ虐待ヲ加フベカラザルハ勿論、必要ナル拘束ヲ加
ル以外ニ於テハ、其ノ權限ニ收メラル國ノ軍人ト同様ノ待遇ヲ
與フベシトノ觀念廣ク行ハル。陸戦條規ハ全ク右ノ趣旨ニ基キテ
規定セラレタリ (敵將兵ト雖モ皆ハ此ノ義務ニ服シ其ノ國家ノ身
身命ヲ抛タレタリト朝モモナレバ善ク情ニ於テ之ヲ敬愛スベキナリ)

(一) 俘虜トナルベキ人 (有略)

(二) 俘虜トナレザル人 (有略)

(三) 俘虜ノ取扱

俘虜ハ敵政府ノ權限 (部隊ニ非ズ) ニ屬スルモノトシテ人道ヲ以テ
取扱フベキモノトス (陸戦條規 第四條 参照)

俘虜ノ取扱ニ關シテハ陸戦條規 第五章ニ詳細規定セラレタリ
一九二九年別個ノ新條約調印セラレタリ (帝國ハ批准セズ)

(註) 明治三十八年法律第三十八号 俘虜處理ニ關スル
法律 大正三年勅令第百九十一号 俘虜情報局官制
明治三十七年達第廿三号 海軍俘虜取扱規程

参照。

前記「海軍大臣官舎」并「戦時国策出現綱要」中、
正確に披露。誤りあり証明す。

一九四八年六月二十九日

辯護人 佐 藤 毅

Wartime International Law Manual

May 1937
Navy Minister Secretariat

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Part VI. Outline of Land Warfare.

3. Prisoners of War.

Persons who fall into a certain category when captured by the enemy shall be treated as prisoners of war. It goes without saying that they shall not be subjected to mistreatment, but except for the necessary restraint imposed upon them, they shall be afforded the same treatment as the soldiers of the state in whose custody they are held. The foregoing idea has been widely practiced and indeed the Treaties governing Land Warfare were established pursuant to the foregoing spirit. (The officers and men of the enemy also, as they have had to obey imperative duties and have resolved to stake their lives for their country, should be treated with respect and kindness).

- (1) Who may claim to be prisoners of war.
- (2) Who may not claim to be prisoners of war.
- (3) Treatment of prisoners of war.

Prisoners of war are in the power of the hostile Government (not of the unit) and must be humanely treated. (See article 4 of Regulations respecting laws and customs of war on land).

As to the treatment of prisoners of war, a separate and new treaty was signed in addition to the detailed regulations set forth in Chapter 2 of the Treaty clauses on Land Warfare. (This treaty was not ratified by the Japanese Empire).

N.B. Refer to Laws pertaining to punishment of Prisoners of War Law No. 38 issued in the 38th year of Meiji (1905); Imperial Ordinance No. 192 promulgated in 1914 entitled "Prisoner of War Information Bureau Organization;" Navy Minister Order No. 33 issued in the 37th year of Meiji (1904) entitled "Navy Regulations concerning treatment of prisoners of war."

I hereby certify the foregoing to be an accurate excerpt from the Wartime International Law Manual issued by the Secretariat of the Navy Minister.

June 29, 1948

SANAGI, Sadamu,
Defense Counsel.

I hereby certify the foregoing, consisting of two typewritten pages, to be a true and complete translation of the original document in Japanese, to the best of my ability.

Eugene E. Kerrick, Jr.
EUGENE E. KERRICK, Jr.,
Lieutenant, U.S. Naval Reserve,
Interpreter.

To the Chief Judge,
Military Court, Guam.

I beg to be permitted to submit a brief statement concerning the former Vice-Admiral Masashi Kobayashi.

Many years ago, when I was commanding the Japanese Patrol Force on the Yangtze River, I requested the Navy Authorities in Tokyo to have as many internationally-minded officers as possible assigned as commanders of the vessels under my command. Kobayashi, just graduated from Navy Staff College, was among those appointed in compliance with my request.

Throughout the period that I was carrying out patrol duty on the Yangtze, I attached the greatest importance to the observance of the internationally accepted code of conduct. Kobayashi, during nearly two years of service under me, discharged his duties in a manner which fully satisfied my expectations in that respect.

It was in those days that I first recognized that he was an officer with a future full of great promise. I have since followed his career with interest, as he climbed from one important position to the next in the Navy Department, including a period of duty in the Navy Personnel Bureau in a post where strict impartiality and selflessness were considered essential. With two periods of service in the United States, his personality became ever more mature and mellow. Our intercourse has been unbroken through these many years, and frequent have been his calls at my house.

It was therefore with great surprise that I learned that Kobayashi, a naval officer of such a modern and enlightened type, was being detained as a suspect. It is of course impossible for me not to feel deep sympathy for him. His well-being is a matter of constant concern to me; and I anxiously await the day when he will return to his home completely cleared of all suspicion.

But since he is being held by your Military Court which proceeds on the principle of fairness and justice, I recognize that there must be some facts which warrant the suspicion. As I have stated above, however, it is impossible for me to believe that he could have perpetrated any base or atrocious act, or have been himself guilty of a breach of international law.

In closing, I venture to beseech your Court to carry out the fullest investigation of his case and to adjudge him justly in the light of his record as an able and upright Navy Officer, - one who, to the best of my knowledge and belief, was a credit to the service.

Kichisaburo Nomura

Kichisaburo Nomura,
Former Admiral, I.J.N.

Exhibit 44

仁 林

氏、温健優雅ニシテ人道ヲ重シシ平
和ヲ愛ス。今次大戦ニ對シテ、私見トシテ
、反對ニシテ常ニ輕舉暴動ヲ戒ム。居
リトイフ一方亦ソノ態度嚴正ニシテ氏
部下タルト否トラ問ハス苟モ非行アリ

モノニ對シテハ彼は是偏スルコトナク極テ
公平、要宜ヲ採リリト聞ク

入寄テ文便館甘武官トシテ數ヶ年
華府ニ勤務セル、時妻子ヲ帝同
子女、教養ト家庭、改善ニ力、能
外國、實生活ヲ體驗シ常ニ親愛ト感

"Exhibit 45 (1)"

11181

謝、念ヲ以テ相テニ接シタリ
叙上、如キ氏、資質ニ察スルハ氏、
自ラ殘虐行為ヲ敢テスルカ如キテ、思
ヒモ寄ラサルコトト認ム

昭和二十一年十月

(海軍大臣
米内光政)

米内光政 自筆

"Exhibit 45 (2)"

11183

RE MASASHI KOBAYASHI

The former Vice-Admiral Masashi Kobayashi was a man of gentle temperament and refinement who had a high regard for humanity and loved peace.

I have heard that he was personally opposed to the last war and always counseled against rashness and impulsive action. In matters of discipline, moreover, his attitude was most stern; and he never hesitated to take strictly impartial measures whenever any misconduct was brought to his attention, irrespective of whether or not the guilty parties were his subordinates.

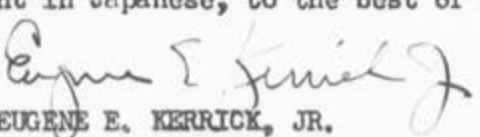
When he was stationed in Washington as Naval Attache of our Embassy, he took his wife and children with him in the belief that such action would serve as a step toward the elevation of the culture of Japanese womanhood and improvement of our home life. During his sojourn abroad he made earnest endeavor to profit from his experiences actual living conditions there, and at all times met his associates in a spirit of intimate friendliness and appreciation.

When the above qualities of the man are considered, it is hard to believe that he could be guilty of an atrocious act.

/s/ Mitsumasa Yonai
Former Admiral, IJN.

October 1946.

I hereby certify the foregoing to be a true and complete translation, of the original document in Japanese, to the best of my ability.


EUGENE E. KERRICK, JR.
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 45(a)"

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STATEMENT REGARDING VICE-ADMIRAL MASASHI KOBAYASHI

Vice-Admiral Kobayashi and I being from the same province, and both having aspired to service in the navy, we have been on terms of specially close friendship for many years. I therefore knew his character well and looked upon him as a sincere and generous gentleman to whom I felt a great attachment and held in highest esteem. So when it was brought to my attention that he was to be brought to trial for his responsibility in connection with the inhumane atrocities charged to some of his subordinates at Truk, I was moved to take this step in order to make known to the Judges what I know of Kobayashi the man, as well as of certain points in his mental attitude toward war, - all to the end that it might serve as material upon which your fair and just judgement might be based.

1. Yonezawa, our native-place, has always been known for its traditional spirit of unswerving humanity and justice, and of charity and humility. And for the soldiers, in particular, those virtues have formed the very basis of their spiritual education and culture. In his possession of a character in which these virtues of humanity and charity were combined, I firmly believe that Kobayashi was a typical native of Yonezawa.

His first name Masashi is represented by one Chinese character which may also be read "makoto", which is a word signifying the virtues of humanity and righteousness. And he was frequently wont to say that it was up to him to live up to his name, both in

"Exhibit 46 (1)"

1185

speech and action. That this inborn nature and acquired culture both found full play in all aspects of Kobayashi's actions, both public and private, I am fully convinced.

2. Kobayashi has long been an ardent admirer of his seniors, Admiral Kichisaburo Nomura and Admiral Mitsumasa Yonai, and may be said to belong to the same ideological category, especially as regards his extremely liberal ideas. As Naval Attache to the Embassy, moreover, he was stationed in Washington for over two years, together with his family, and had many friends among educated Americans of all classes. Through his long residence in America and contacts with Americans he came to understand America well and to respect her people, - so much so that he had the reputation among his colleagues of being one of the outstanding members of the pro-American clique in our navy. And that reputation, incidentally, was one which pleased him not a little.

3. When the relations between America and Japan became acutely strained, his anxiety and chagrin knew no bounds. Knowing both America and Japan so well as he did, he felt deeply apprehensive of the impending rupture, and not only asked the authorities concerned to proceed with caution but sought to safeguard against any rash, impulsive action by the navy by airing his views among his colleagues.

For a time after the outbreak of the war, he served as Commander in Chief of the Osaka Naval Station. When the uncertain conditions prevailing in the city came to his full knowledge, he became so deeply apprehensive concerning the future of the war that he began

"Exhibit 46(2)"

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to demand vociferously that it was high time to make a decision to bring the hostilities to an end. I have but little doubt that he was branded as a traitor by the principal war-mongers in those days.

4. It would be superfluous to say that once war had broken out, Kobayashi performed his duties faithfully in positions of command on land and at sea. I say superfluous, for he was a naval officer on the active list; and it is the duty of all officers, once war comes, to do their very best in all matters of tactics and strategy, - to that there can be no alternative course of action.

But that is not to say that there was in him any pernicious, scheming intent which could possibly brand him as a collaborator and abettor in an aggressive war. Of that, there is no room for the slightest doubt in my mind. Although the war itself he could not but regret, I believe that he was just, open and above-board in all acts relating to his duties in the service through the period of the hostilities.

5. In connection with what I have set forth in the above paragraphs, I wish to hear to touch on the crux of the question, viz. the question of his responsibility for the mistreatment of war prisoners by some of his subordinates. If it had been possible for him to know that a part of his subordinates had perpetrated such inhumane acts against the prisoners as have been reported, I feel firmly convinced that he, far from excusing or condoning, would have meted out severe, summary punishment.

"Exhibit 46 (3)"

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This conviction of mine is fully warranted, I believe, by my knowledge of his inborn nature and by what I have seen of his conduct through these many years, and of his love for his fellow-men. So I cannot but feel the deepest sympathy for him as he awaits trial, perhaps in anger at the wholly unexpected actions of his subordinates who have brought themselves to their present pass.

6. In support of what I have already stated regarding the principles of humanity and charity by which Kobayashi has always been guided in his actions, I recall hearing from him of his visit to Wake Island shortly after its occupation. He said that when he saw the pitiful conditions in which the prisoners were living there, he stopped to converse with them and afterward instructed the local commander to exercise greater attention and care regarding their treatment.

Kobayashi had always strongly insisted that justice and humanity was the secret of victory in war. And it seems to me that his real character is very truthfully revealed by the Wake episode.

Suffice it to say that not only to me, but to all of his naval colleagues who knew his heart well, the very thought of his being included among those held responsible for atrocities perpetrated against prisoners of war is both wholly unexpected and mortifying.

I therefore ^{beg} ~~ask~~ to bring the above facts to the attention of the Honorable Judges, in the sincere hope that they might receive their sympathetic consideration and that Kobayashi might be fairly and justly judged.

20 October, 1946.

Seizo Sakonji
Former Vice-Admiral Seizo Sakonji
"Exhibit 46(4)"

01

0

"Exhibit 46"

1189

昭和二十一年十二月三十一日

東京都目黒区柿の木坂一丁目

澤本頼雄

軍事裁判長閣下

突然一書ヲ呈シテ御清鑑ヲ乞ヒトスル無狀ヲ御許
シ下サシ

松「小林仁君トハ少尉時代ヨリ今日ニ至ルマデ三十余
年親交ヲ續ケテ居ルモノニシテ君ノ性行所信等ニ
付テハ最モ良ク深知シテ居ルモノ一人デアリマス
小林君「一言ニシテ評スルハ精練セラレタル眼界廣ク民主
的紳士型ノ人物ニシテ夫「是ニ富國強兵ヲ絶叫

2.

スル如キ偏狭ナル一部軍人トハ全ク趣ヲ異ニス。
君ハ性穩健着實ニシテ思慮周密小至ト虽苟モ
ズ決シテ輕挙妄動スル人デハアリマズ又ホテ正義
ヲ愛シ正邪曲直判定明確ニシテ人通ニ及スル如キ行
爲ハ極端ニ嫌惡スルト共ニ一面人情味ト親切心ニ富
ミ克ク之ヲ對テモ充スル雅量ヲ有シテ居リマス。
其経歴モホテ海軍要職ニ終始シ軍政軍令
至リ所ハ才腕ヲ振シ上下敬愛ヲ得テ居ルコトハ
萬人認ムル所デアルト信シマス。
米國ニ在勤スルコトニ因テ英國滞在約半年中草
民國方面ニ勤務スルニテ數回忠政米歴遊セルコトアリ、
軍令部情報部ニ親交ノリレコトモアリ海外事情精

3
通シ、國際情勢ヲ詳知スル爲ニ、部内一人者ヲ
評アリ、徒ニ日米戦争、對シテハ予テ極力曲辭ヲ主張シ、
又用戰後ノ戰ヲ、帰趨、就テ夙・明察シアリ、
其行動、目、慎重ナルヘキハ、情、當然デアリマス、松
小林君が如何ナル事、件、關シ客疑者ニナリ居ルハ全然
承知シテ居ナ、デアリマスガ、前後、事情ヲ考ヘ、何故
收監セラレタルカニ付テハ、全ク不思議ナリト思フデアリマス、
若シ反、部下ニ不都合アリタリトスルモ、上述、如キ君ノ
性行、鑑ミ、充分酌量ノ餘地ガ、アルベキナリカト信スル
ニアリマス、素ヨリ裁判ハ公平無私ニシテ他ノ意見ヲ許
シ、又其ノ承知シテ居ルデアリマスガ、松、若干デモ之、
公正ナル資料ヲ提出セシテ敢テ欲求ヲ披瀝シテ

片鱗ヲ拵ル次ハテアリマシ

(3)

"Exhibit 47 (4)"

1193

Tokyo, Japan
23 December 1946.

TO: The Honorable Presiding Judge of the United States Military Tribunal in Guam.

FROM: Yorio Sawamoto
110, Kakinokizaka, Meguro-ku,
Tokyo, Japan.

SUBJECT: Affidavit in testimony of Masashi Kobayashi.

Honorable Sir:

I have been associating with Mr. Masashi Kobayashi for the past thirty years or more since our ensign days, and therefore, I am one of the persons most well acquainted with his character, conduct and opinions.

Summarily speaking, Mr. Kobayashi is a refined, democratic type of man with a wide-range viewpoint, and he is entirely different from other narrow-minded military men who clamor for the enrichment and strengthening of the country.

His character is sound and trustworthy, his considerations precise and even in the smallest things he does not take rash and thoughtless action. He always loves justice and has a clear judgment of good and evil, and right and wrong. On the other hand, he has a definite aversion to all acts contradictory to human principles, and at the same time, he is full of human sympathy and kindness which he is so magnanimous in amplifying to others. I believe that his qualities were recognized by everyone by the fact that he always held important posts in the navy, and that through the manifestation of his efficiency at the various naval military administrations, he gained the respect of both superiors and subordinates.

Mr. Kobayashi served in the United States twice, stayed in England for about six months, and several times in China as well as other parts in Europe and the Americas. Since he was also section chief of the information department of the naval staff, he was well acquainted with foreign affairs, and he was the leading exponent on international affairs in the naval staff. Consequently, he strongly emphasized averting war with the United States. After war broke out, he had a general insight in regards to the tendency and conclusion of the war, and it was only natural of his human nature to undertake serious actions.

I am totally unfamiliar with the circumstances leading to his arrest as a war crimes suspect, but in view of the past circumstances, I believe it is indeed strange that he should be confined. If in case there should be any impropriety on the part of his subordinates, I believe there is ample room for consideration in view of Mr. Kobayashi's character and conduct as stated above.

"Exhibit 47 (a) (1)"


0094

I am fully aware that the trials are conducted fairly and unselfishly and that outside interference is not permitted, but I have here set forth my inmost feelings in submitting some correct data which would be helpful for this case.

Respectfully submitted,

Yorio Sawamoto

I hereby certify the foregoing to be a true and complete translation, of the original document in Japanese, to the best of my ability.


EUGENE E. KERRICK, JR.
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 47 (a) (2)"

8195

元海軍中將小林仁に對する人格證明書

東京都中野區仲町一七

戸 塚 道 太 郎

私、戸塚道太郎は元海軍中將小林仁とは同窓生の一人として公私生活を
通じ約四十年の長きに亘り特別の親交を結ひ相識り相連するに至り同人
の性格については信念を以て次の如く證明する次第であります

小林は一九二六年より約一年半米國駐在員として米國「メリーランド」
州「ボルティモア」に滞在し「ジョーリン」「ボブキンス」大學に於て國
際法及び歴史を懸識し引續き當時の武官山本五十六大將（當時大佐）の
許に武官補佐官として約一年間米國に勤務したのであります。其の間に
於て得た國際的知識の外、人間的にも米國國民性に強い感銘を受けた彼
は一九三三年再度米國に大使館附武官として補せられるや家族を同伴駐
米し更に深く米國の實態に觸れ最大限の尊敬と信頼の念を以て日本に歸
國したのであります。其の他之に先じては一九三二年一戦軍縮會議隨員
として「ジュネーブ」に、又其の後には一九三六年在外武官會議出席の

爲歐米各國に出張する等彼小林の國際法に對する認識、他國民との融和
協調或は正義人道に關する觀念を深める等彼の人格は愈々廣く且重きを
加へて來たのであります。斯くて米國駐在中體驗した米國民の美點を模
會ある毎に稱揚し正義「フエアプレー」「ソランクネス」等の美德を彼
一生の行動に具現せしめ、内にあつては家庭の設計、子女の教育に之を
活かし、外にあつては正義人道、公明正大を指導の理念として部下に訓
へ彼自身も之を處世の訓とした事例は枚舉の暇ありませんでした。
而も之に加へるに彼生來の細心冷靜なる判斷力、優雅なる趣味は遂に小
林をして「仁將」の名を爲さしめたものであります。
之を要するに以上は小林の人格の片鱗を示すに過ぎぬものであります。が
之等によつて窺ひ得る如く彼が艦隊司令長官として第一線に出た場合と
雖も稀に見る此の親米主義者の持つ國際的識見は畢に臨み獨斷的輕舉盲
動を許さず必ずや公明正大、正義人道を旨とし國際法に則りその責任を
果たしたものと強く確信する次第であります。

昭和二十三年三月一日

於東京

戸塚道太郎

"EXHIBIT 48(2)"

1198

"EXHIBIT 48"

1199

CHARACTER EVIDENCE REGARDING FORMER
VICE ADMIRAL MASASHI KOBAYASHI

By Dotaro Tozuka,
17, Nakamachi, Nakano-ku, Tokyo.

1 March 1948

I, Dotaro Tozuka, was a classmate of the former vice admiral Masashi Kobayashi, and we have been especially intimate friends for more than forty years privately and officially. We know each other and understand each other thoroughly and I hereunder testify concerning his character with the fullest conviction.

In 1926, Kobayashi served as member of the attache in the United States for one and a half years and resided in Baltimore, Maryland where he studied history and international law, at John Hopkins University and from there he became assistant naval attache to the then attache Admiral Isoroku Yamamoto (then a captain) for one year. Apart from the wide knowledge in international affairs which he assimilated during his residence in the United States, he was deeply impressed by the character of the American people. In 1933 he again went to the states, this time as naval attache, together with his family, and was able to come into actual contact with the true American spirit, and returned to Japan with the highest respect and the fullest confidence in the American people. Before this, in 1932, he went to Geneva, as member of the suite to the Disarmament Conference, and later in 1936, went abroad to various countries with the object of participating in the attache conference. All this helped him in his deeper appreciation for international law, and it imbued him with the spirit of conciliation and cooperation with other nations and human justice. With this, his vision opened up wider, and his character became more dependable and mature. Praising the good points of the American people through his actual experience there, at every opportunity, he strove to manifest the virtues of justice, fair play and frankness in his whole action. Internally at home, he would utilize it in the field of house keeping and the education of the children, and externally to educate the subordinates with justice and fairness as the guiding principle, and there are numerous instances in which he maintained this as the mean to the conduct of life. In addition his, by nature, careful and coolheaded judgement and his refined tastes earned him name of the "virtuous admiral".

This in short only exhibits just a small part of his character, but even from these very few instances, it is obvious that when he went to the front as commander in chief of the fleet, this pro-American, with an wide vision of international affairs must surely have refrained him from rash and reckless actions and discharged his responsibilities fairly and in accordance with the international law and based on humane justice.

/s/ Kotaro Tozuka.

I hereby certify the foregoing to be a true and complete translation of the original document in Japanese, to the best of my ability.

Eugene E. Kerrick, Jr.
EUGENE E. KERRICK, JR.
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 48 (a)"

1200

KOBAYASHI, MASASHI

(13 MAY 1948)

(VOL. VI)

(165564)

2000

Case of
Kobayashi, Masashi
May 13, 1948

RECORD OF PROCEEDINGS
of a
MILITARY COMMISSION
convened at
United States Pacific Fleet,
Commander Marianas
Guam, Marianas Islands,
by order of
The Commander Marianas Area

VOLUME VI

0003

Tokyo, Japan
25 December 1946

TO: The Honorable Presiding Judge of the United
States Military Court of Guam Island.

FROM: Katsuji Debuchi, Ex-Japanese Ambassador to the
United States.
No. 96, Tanagawa Oyama-cho, Setagaya-ku, Tokyo.

SUBJECT: Affidavit in testimony of Masashi Kobayashi.

Sir,

I have the honor to submit to you a petition concerning Masashi Kobayashi, Ex-Vice-Admiral of the Japanese Navy, who is now under trial in your Court as a war criminal.

When I was Japanese Ambassador in Washington, D.C., from 1928 to 1933, Masashi Kobayashi, then a Captain in the Japanese Navy, served for a time under me as the Naval Attaché to the Japanese Embassy.

Previously, when a Lieutenant Commander, he had been in America studying the general condition of the country. He was regarded in the Japanese Navy as one of the best authorities on American affairs. This fact was fully recognized by me through close personal contact with him.

When the friendly relations between the United States and Japan were seriously menaced as a result of the Manchurian Incident of 1931, he worked strenuously to improve the situation. As a matter of fact, I remember on several occasions, very valuable suggestions were made by him with regard to practical measures for creating a solid foundation for a lasting amity and peace between our two countries.

Unlike the average Japanese Military personnel, Masashi Kobayashi has a fine and benevolent character; a man of broad and intelligent view point.

The admirable qualities of his character were well recognized by his many American friends, among them, I am happy to

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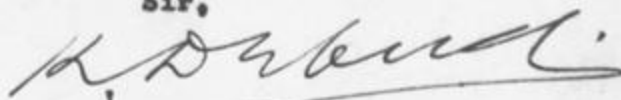
mention the names of Naval Attache Commander Smith-Hutton as well as Counsellor Doonan who served in the American Embassy in Tokyo before the war.

I have the deepest sympathy for Masashi Kobayashi for the fact that in the most unfortunate circumstances, it was his fate to be in command on the first line against the American forces whom he loved and respected.

Needless to say, I do not entertain the slightest doubt as to the course of a fair and just trial under the Stars and Stripes; I only venture to lay the above stated views for your kind consideration in favor of my intimate and trusted friend of long standing.

I have the honor to be

Sir,



Ex-Japanese Ambassador to the
United States

0005

"Exhibit 49"

0006

小林 仁に對する人格證明書

小林 仁氏は余の駐米大使當時の大使館付武官
補佐官にして其の在勤約一年の間、地に於て公私の
交際をなし共に春洋丸にて帰朝したり

この間に於て余は氏がよく米國を理解する温厚
篤實の紳士たることを知りたり

越して一九三二年、ジュネーブに於ける一般軍縮
會議に余は全權として出向したるが小林は其の

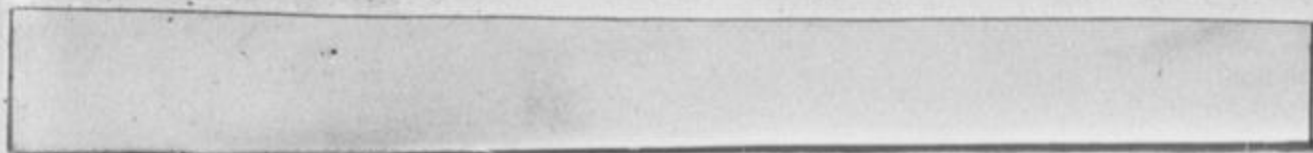
随員ノスルモ勤務シタリ。余ハ氏ガ能ク國際法
に通ジ其ノ言動穩健篤實。常に國際平和も
高調スル公明ノ士ナルことヲ認識スルモノナリ。

一九四八年五月七日於東京

杉本恒雄

"Exhibit 50(2)"

0000



"Exhibit 50"

0009



Attestation to the Personality of KOBAYASHI, Masashi.

Mr. KOBAYASHI, Masashi was an Assistant Naval Attache to the Imperial Japanese Embassy at Washington, D.C., while I was Ambassador to the U.S.A. While there, I associated with him both in public and in private for about a year, and then we returned home together on board the Shunyo-Maru. During these times I came to know that he was a gentleman, moderate, sincere and understanding the United States well.


Later, in 1932 while I was at Geneva as a Plenipotentiary to the General Disarmament Conference, KOBAYASHI also served there as a suite to one of the plenipotentiaries.

From our personal contacts on these occasions I have come to know that he is well versed in the international law; that he is temperate and sincere in his speech and demeanor; and that he is a man of high sense of fairness always stressing international peace.

5 May 1948, in Tokyo.

/s/ Matsudaira Tsuneo.

I hereby certify the foregoing to be a true and complete translation of the original document in Japanese, to the best of my ability.


EUGENE E. KERRICK, JR.
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 90 (a)"

元海軍中將小林仁に對する人格證明書

東京都澁谷區松濤町五番地

榎 本 重 治

(一) 私は一九一四年東京帝國大學英吉利法律科を卒業し一九一五年海軍省參事官（後書記官と名稱變更）として元日本海軍省に入り一九四五年迄三〇年間に涉り同一資格を以て同省に勤務し其の後は第二復員省に次で現在第二復員局に勤務致して居ります。

元日本海軍省に勤務中の私の主たる任務は一般法令の審査事務及國際法規關係事務に關與することでありましたが、同時に私は海軍教授として海軍大學校に於て國際法の教育を擔任しました。

私は一九一八年南洋委任統治諸島の民政情況觀察のため出張しました外元日本海軍省勤務中左記の國際會議に専門委員として出席しました。

(1) 一九二一年「ワシントン」軍縮會議

(2) 一九二二年「ハーグ」に於て開催せられた戰時法規改正法律家委員會

イ、一九二七年「ジュネーヴ」に於て開催せられた米、英、日三國海軍軍縮會議

(ニ)一九三〇年「ロンドン」海軍軍縮會議

(ホ)一九三二年「ジュネーヴ」に於て開催せられた一般軍縮會議

(ヘ)一九三四年「ロンドン」に於ける一九三五年海軍軍縮會議豫備交渉

(ト)一九三五年「ロンドン」海軍軍縮會議

又元日本海軍士官に國際法適用に關する教育圖書として配布せられた戰時國際法規綱要及軍艦外務令解説は私の作製したものであります。私は終戰當時迄長い間日本國際法學會の評議員をして居り元日本海軍省に於ては中將相當の待遇を受けて居りました。

(三)私は元海軍中將小林仁とは彼が海軍大尉であつた頃より友人として交際して居りました。私は一九一八年南洋諸島を視察した際勝力といふ測量艦に乗艦しましたが其の軍艦の航海長が小林仁あつた關係上、更に極めて親密になりました。

其の後小林が海軍省に勤務中常に交際を續けて居りましたが一九三二年の「ジュネーヴ」一般軍縮會議に彼が私と同様専門委員として出席

することになりました際は約一年の間同一ホテルに宿泊し同一事務を擔當しました關係上彼との交際は一層親密となり又彼の公私生活を通じての人物を熟知する様になつたのであります。

(三) 一九二五年末小林は米國駐在を命ぜられました。其の出發前私を訪ねて心得置くべき事があつたならば注意して呉れと申出でましたので、私は華府會議の一般情況及び潛水艦、毒瓦斯に關する五國條約の成立事情を説明し且つ華府條約は一部宣傳家の言ひ立てる様な不公平なものではなく又米國の壓迫によつて出來たものでもなく日本としては其の國力に相應した海軍軍備を整備し得ることとなつたので寧ろ日本のため喜ぶべき條約であるとの私の意見を述べましたところ、小林は全く同感であると申したことを記憶して居ります。

小林は中佐の時人事局局員となり第一課勤務をしたことがあります。この事實は小林が公正にして常職に富み人望のある且つ正確に仕事をする人物であつたことを示すものであります。何んとなれば元日本海軍の人事局第一課は重要職員の任免に關する事務を取扱つた關係上、其の勤務員には優秀な士官中特に公正にして常職に富み人望のある且

つ正確に仕事をするものを充てる慣例であつたからであります。

小林は一九二五年海戦要務令の改正委員會の委員を命ぜられ、又一九三〇年末には軍備制限研究委員會委員を命ぜられました。これ等の委員會の仕事の中には國際法規の研究事項をも含んで居た關係上、私は小林と國際法規の問題について協同研究を行つたことが屢々ありました。従て小林は元日本海軍士官中國國際法規に精通して居る者の一人であつたと言ふ事が言へるのであります。

一九三二年の「ジュネーヴ」一般軍縮會議に於て私は海軍委員會に出席した外に化學戰委員會に出席しましたが、この後者の委員會に於ける議案の研究については小林を最良の相談相手といたしました。

一九三七年十月小林が第四艦隊參謀長に任命せられた際、私は私の著書を彼に贈呈しました。しばらくして彼は「戰時國際法規綱要四五頁以下の『國際法の遵守』と題する項は重要である、特にその中に『近時國際特に戰爭法規の價值を疑ひ甚しきは之を無視することは敢て非議せらるべき行爲に非ずと爲すが如き風潮さへ生じたり斯る風潮を馴致するに至りたるに付ては相當理由の存することは之を認めざるを得

ざるも不軌の行動は究極に於て國の安全名譽を保全し國民の幸福を増進する所以に非ざることは歴史の實證する所なり」さある點は是非軍人全般に周知せしめ置きたい」この旨を認めた彼の手紙を受取りました。

以上の様な次第でありますから今回の戦争に於ては、彼小林は日頃研鑽體得した國際法に基き正しい戦争方法を採用せんことを念願し又規則正しくこの念願を實現せんことを努めたであらうことについて私は少しの疑念も有して居りません。

昭和二十三年五月五日

於東京

後本重治



"Exhibit 51"

00 16

Attestation to the Character of KOBAYASHI, Masashi,
ex-Vice Admiral.

Juji Enomoto, 5 Shoto-cho, Shibuya-ku,
Tokyo, Japan.

1. Graduating from the Department of English Law, Tokyo Imperial University in 1914 I entered the Navy Department in the capacity of Counsellor (this designation was later changed to "Secretary") in 1915 and continued serving in the same capacity until 1945 for thirty years; after which I continued service, first in the 2nd Demobilization Ministry, later in the 2nd Demobilisation Bureau up to the present.

My principal duties while in the service of the Navy Department were concerned with the examination of laws and regulations in general and with matters relating to international law. At the same time I was in charge of education on international law at the Naval War College.

During the period of my service in the Navy Department, besides going out on official tour to inspect the situation of civil administration in the Mandated South Sea Islands in 1918, I attended the following international conferences as a member of the Committee of Technical Experts:

- (a) 1921 - Washington Disarmament Conference;
- (b) 1922 - The Meeting of the Commission of Jurists for the Revision of the Rules of Warfare held in the Hague;
- (c) 1927 - Tri-Power (U.S.A., Great Britain, Japan) Naval Disarmament Conference;
- (d) 1930 - London Naval Disarmament Conference;
- (e) 1932 - Geneva General Disarmament Conference;
- (f) 1934 - London Preliminary Negotiations, preparatory to the Naval Disarmament Conference scheduled for 1935; and
- (g) 1935 - London Naval Disarmament Conference.

Further, I am the author of the Outline of Wartime International Law and the Explanation on Orders Pertaining Duties of Naval Vessels in Overseas, -- books distributed among former Japanese Naval Officers for their education on the application of international law.

I was a Counsellor to the Japan International Law Association for a long time; and in the Navy Department I was treated as an equivalent to a vice-admiral.

2. I have associated with ex-vice admiral Kobayashi, Masashi as a friend since he was a Naval Lieutenant. When I went out on official tour to inspect the Mandated South Sea Islands, I took passage aboard the Survey Ship KATSURIKI, the navigating officer of which happened to be Kobayashi, -- a situation which brought us the more closer.

Later our friendship was resumed while Kobayashi was serving in the Naval Department. But from the time he went out for the Geneva General Disarmament Conference as a member of the Committee of Technical Experts as alike myself, we lodged in the same hotel and took charge of the same affairs, -- a circumstance which brought us still closer. And I came to know his character full well through his life in private as well as in public.

"Exhibit 51 (a) (1)"

3. Toward the end of 1925 Kobayashi was ordered to be resident naval officer in U.S.A. Before his departure he called on me and asked me some advice for what he might take care of. I explained to him the general situation of the Washington Conference and the circumstances in which the 5 Power Treaty concerning submarines and poison gas was brought about, and I expressed my personal view that the Washington Conference was not such unfair one as some propagandists said, nor was it brought about under the pressure of the United States. Japan should, on her part, congratulate herself upon being favored with an opportunity that she was enabled to maintain a naval armament commensurate to her resources. Thereupon he said he concurred fully with me, -- a remark I still remember.

While in the rank of commander, Kobayashi was appointed member of Personnel Bureau and served in its first section, -- a fact which serves to show that he was equitable, rich in common sense, popular among the service, and want to do his business with exactitude. For, since the first Section of the Personnel Bureau was in charge of appointment and dismissal of key personnel, it was customary with the Navy to fill the posts of its members of the first Section with persons specially noted for equitableness, richness in common sense, popularity among the service and diligence to do business with exactitude from among the elite of Naval officers.

In 1925 he was appointed member of Amendment Committee on the Ordinance concerning Strategy and Tactics of Naval Warfare and toward the end of 1930 member of Investigation Committee on Restriction of Armament. The affairs of these Committees comprised matters of investigation concerning international law. Accordingly, it can safely be asserted that he was one of the best versed among the Japanese Naval officers in international law.

In the General Disarmament Conference at Geneva in 1932, I attended, besides the Naval Committee, the Committee on Chemical Warfare, in studying the bills to be presented before the latter Committee, I found my best advisor in him.

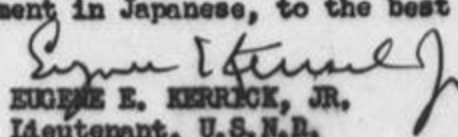
In October 1937 when he was appointed Chief of Staff of the 4th Fleet I presented him with a book of my writing. After a while he wrote to me in effect: "I attach importance to the paragraph under the heading: 'Strict observance of international law', page 45 et seq. of Outline of Wartime International Law. I wish to make thoroughly understood throughout the Armed Services the passage in particular stating: 'In recent years there has even developed a tendency not to censure those who question or even disregard the value of international law, and of wartime law in particular. While it must be admitted that it is not wholly without reason that such a tendency developed, history bears witness to the fact that no turbulent action can in the end contribute to the security and honor of a nation or to a people's welfare and happiness.'"

In the light of these facts I have not the slightest doubt that in the recent war he should have wished to put into practice the method of warfare justified by international law which he had studied and had mastered in time of peace, and that he should have striven hard to realize this wish.

Signed on this fifth day of May, 1948, in Tokyo.

/s/ Enomoto, Juji.

I hereby certify the foregoing two pages to be a true and complete translation of the original document in Japanese, to the best of my ability.


EUGENE E. KERRICK, JR.
Lieutenant, U.S.N.R.
Interpreter.

"Exhibit 51 (a) (2)"

0018

William H. Standley
Admiral, U.S.N. (Ret.)

April 27th, 1948

To the Members of the Court For the Japanese
Charged with War Crimes,

Dear Sirs:

Ex-Vice Admiral Masashi Kobayashi, I.J.N. and members of the defense counsel for Japanese charged with war crimes have requested that I furnish a statement to be used by them in the defense of Ex-Vice Admiral Kobayashi charged with neglect of duty.

When Ex-Vice-Admiral Kobayashi was assistant Japanese Naval attache in Washington in 1927 and 1928, I was assistant Chief of Naval operations and when Mr. Kobayashi was Naval attache in Washington in 1933 and 1934, I was Chief of Naval operations.

During both the above mentioned periods, my duties were such as to bring me into more or less close contact with the Naval attaches and their assistants, and our relations with Japan were such that her Naval representatives particularly were at all times under close observations. These conditions account for the fact that I have a very keen recollection of Mr. Kobayashi and his official behaviour. I recall that Mr. Kobayashi was always meticulously correct in his official conduct and bearing and there was never the slightest indication that he was lacking in knowledge of the fundamental rules of civilized warfare.

At the New York World's Fair in 1939, I had charge of the Foreign participation and I found Mr. Wakasuki, the Japanese representative more meticulous as to his personal honor and integrity, than the representative of any other of the 52 Foreign participants.

I found Mr. Kobayashi equally careful as to his personal honor and integrity and I cannot believe that he would knowingly permit the murder of prisoners of war in violation of the Rules of Civilized Warfare!

Respectfully,
W.H. Standley
W.H. Standley,
Admiral, U.S.N. (Ret.)

WHS/h

Subscribed and sworn to before me this 1st day of May, 1948.

Geo. L. Stillings

Geo. L. Stillings, Notary Public, in and for county of San Diego,
State of California. My Commission Expires April 10, 1950 "Exhibit 52"

0019

"Exhibit 52"

0020

In reply refer to Initials
and No.

NAVY DEPARTMENT
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON 25, D. C.

26 April 1948

Comdr. Martin E. Carlson, USNR
Box 13, Staff Commander Marianas
Postmaster, San Francisco, California

My dear Comdr. Carlson,

This is in reply to your letter of 15 April, 1948, concerning former Vice-Admiral Kobayashi. I remember Admiral Kobayashi as Naval Attache. He was perfectly correct and proper in the execution of his duties as Naval Attache.

In addition, he had a very pleasant personality. I knew nothing of the circumstances or facts concerning the charges made against him.

You are authorized to tell him that I hope he can prove himself to be innocent of the charges brought against him.

Sincerely yours,

W. D. Puleston

W. D. Puleston
Captain, USN (Retired)

Capt. W. D. Puleston, USN
4 Red Cross Avenue
Newport, Rhode Island

0021



"Exhibit 53"

0022

FRED F. ROGERS
63 AYRAULT STREET
NEWPORT, RHODE ISLAND

To whom it may Concern!

This is to certify that I am well acquainted with Vice Admiral Kobayashi Masashi, having known him in Washington D.C. when he was Japanese Naval Attaché there and again in Tokyo, Japan during the period 1933 to 1936 when I myself was Naval Attaché to Japan and Vice Admiral Kobayashi was on duty at the Imperial Japanese Navy Department. I have always found Vice Admiral Kobayashi very kind and considerate of others and very well versed in the habits and manners of Americans and people of the Western civilization. His knowledge of international affairs was extensive and gave him a strong sense of justice and fair play which he manifested on every occasion in my contacts with him. I would say that he would try to emulate them as much as possible - which would be to give everyone a fair trial before taking any drastic action.

Fred F. Rogers
Captain U.S. Navy, (Ret.)

"Exhibit 54"

0024

INTERROGATORY

UNITED STATES

5 June 1948

v.
KOBAYASHI, Masashi

The following interrogatory is requested to be propounded to Russell Allen Phillips, United States Army Air Force, 0276463, residing at 422 South Yale Street, Apartment 1, Albuquerque, New Mexico, a witness for the prosecution in the above entitled case now being tried before the Military Commission convened by authority of Commander Marianas (by precept dated 8 November 1947, as modified) in accordance with authorization of the Military Commission, subject to objections and exceptions, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP, ltr. A.G. 000.5 (5 December 45) IS, Subject "Regulations Governing the Trials of Accused War Criminals," especially Section 5 d (1) (c) thereof, which authorizes the use in evidence of affidavits, depositions or other signed statements.

This interrogatory is respectfully forwarded to the Commandant of the ELEVENTH Naval District with the request that some suitable officer may be assigned to take, or cause to be taken, the deposition of the said witness therein.

Interrogatory:

In your affidavit subscribed and sworn to before M. E. Currie, Commander, U. S. N. R., 11 January 1948, you stated "While in Kwajalein, I was held in custody of and questioned by Japanese Navy officials." In depositions taken before William P. Robertson, Lieutenant, U. S. N., 21 May 1948, in answer to the Nineteenth Interrogatory, "At Kwajalein were you held in custody of the Japanese Army?", your deposition reads, "I'm pretty sure it was the Army." In answer to the Twenty-second Interrogatory, "Who interviewed you at Kwajalein? Was an interpreter used?", your deposition reads, "Naval officers, it seemed - they seemed to speak English themselves."

Were you in the custody of the Japanese Army or in the custody of the Japanese Navy while at Kwajalein?

David Bolton

DAVID BOLTON,
Lieutenant, U. S. Navy,
Judge Advocate.

ENCLOSURE (A)

"Exhibit 55 (1)"

0025

Deposition of Russell Allen PHILLIPS, United States Army Air Force,
witness in the case of United States v. KOBAYASHI, Masashi.

Russell Allen Phillips, the witness above named, having been first
duly sworn by me, Lieutenant William H.P. Robertson, U.S. Navy, acting
Professor of Naval Science, Naval Reserve Officers' Training Corps Unit,
University of New Mexico, Albuquerque, New Mexico, doth depose and say
for full answer to the foregoing interrogatory, as follows:

To the first interrogatory: I think it was Naval Officers who
questioned us - judging from their
uniform. My supposition that I was
in the custody of the Army was based
on the fact that the men who took
immediate care of us wore uniforms
similar to our Army uniforms.

Russell Allen Phillips
Russell Allen Phillips

Subscribed and sworn to before me this 22nd day of June 1948.

William H.P. Robertson
William H.P. Robertson
Lieutenant, U. S. Navy
Acting Professor of Naval Science
Naval Reserve Officers' Training
Corps Unit
University of New Mexico
Albuquerque, New Mexico

ENCLOSURE (B)

"Exhibit 55 (2)"

0026

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

30 JUN 1948

I hereby certify that the annexed excerpt is a true excerpt from the record in the case of Colonel OISHI, Chisato, IJA, et al, as filed in the office of the Director War Crimes, Pacific Fleet, Commander Marianas Area.

This excerpt consists of the entire testimony of Lieutenant FUETA, Kiyoshi, including direct examination, cross-examination, examination by the commission, re-cross-examination, and re-examination by the commission.

Herbert L. Ogden
HERBERT L. OGDEN,
Commander, U. S. Navy.

"Exhibit 56 (1)"

0027

Lieut. FUETA was called as a witness.

Examined by the accused:

1. Q. Do you understand that you don't have to testify in your own behalf unless you so desire?

A. Yes, I know.

2. Q. Knowing that, do you still desire to testify in this case in which you know you are a defendant?

A. Yes, I want to testify.

3. Q. And if you take the stand you must answer questions asked by defense, prosecution and the court?

A. Yes.

4. Q. You were also told that you do not have to testify under oath?

A. Yes, I know.

5. Q. Knowing that, you still desire to be sworn in as a witness?

A. Yes.

The President then warned the witness that he will therefore, taking the stand voluntarily and in his own behalf, be required to answer all questions by defense, prosecution and the court truthfully and fully.

The witness was duly sworn.

Examined by the judge advocate:

6. Q. Are you Kiyoshi FUETA, the accused in this case?

A. Yes, I am.

Examined by the accused:

7. Q. State your name, your age, your rank and the military organization of which you are a member?

A. My name is FUETA, Kiyoshi, Lieut. Sr. Grade, attached to the 66th Garrison Unit, the Commander of the North Sector Unit.

8. Q. At Mille, in the Japanese Navy?

A. Yes.

9. Q. Your age?

A. My age is 45 years old.

10. Q. How long were you stationed at Mille?

A. I was on Mille from September 1943, to September 1945.

11. Q. Were you present in court this morning and heard Warrant Officer MANAKO describe an execution of an American flier that took place at Mille?

A. Yes.

12. Q. Did you know, or did you see, that American flier?

A. I knew him when he was brought to my place and I saw him then.

13. Q. Had you seen him before he was brought to your place?

A. The flier who was brought to my place I did not see him before.

14. Q. Did you see any American fliers at or about the time the execution took place? I mean had you seen any within ten days?

A. Yes, I have. I saw one American flier.

"Exhibit 56 (2)"

0028

15. Q. Where did you see him?
A. I saw him near the air raid shelter by the headquarters.
16. Q. And was that before or after the execution that Warrant Officer MANAKO described?
A. Yes, it was before.
17. Q. Did you talk to any of the fliers?
A. I have not.
18. Q. You saw just two fliers, is that right?
A. Yes, that is right.
19. Q. Can you describe the fliers you saw?
A. Yes, I can.
20. Q. Describe them.
A. The first flier I saw him about two days after they crashed. Two days later I went to the headquarters on the damages done by American bombing.
21. Q. No, I want you to describe the height, color of hair, etc.
A. The first American flier I saw, his height was about 5' 5", his beard was just normal; he had bandage on his head; it was the back view so I don't know his face.
22. Q. Describe the other one?
A. The other fellow, his height was about six feet, his face was oblong and had beard; the color of his hair was red and he wore a regulation uniform with service shoes on. That is about all I remember.
23. Q. I hand you prosecution exhibit #5 and ask you if from these pictures you can identify any of those fliers?
A. I don't remember very clear but I think this is the fellow. (The name of the man indicated on the picture was marked David W. KIMMEY).
24. Q. Is that the one that was executed in the North Sector?
A. Yes.
25. Q. Are you positive that the one you indicated there is the one the North Sector executed?
A. I cannot say positive but I think he is the fellow.
26. Q. Do you know whether or not the one executed by the North Sector was an officer or enlisted man?
A. I do not know.
27. Q. Were you present at any time that any of the fliers were questioned or interrogated?
A. I was not present.
28. Q. Were you present at any conference or meeting wherein the disposition of the American fliers was discussed?
A. I was not present.
29. Q. Did you see the execution which took place in the North Sector?
A. I did not.
30. Q. Did you order Warrant Officer MANAKO to execute an American flier?
A. Yes, I did.
31. Q. And when did you give that order to him?
A. About 20 or 25 minutes later when MOTOMURA brought the flier.

"Exhibit 56 (3)"

0029

32. Q. Do you recall the month, the day and the year?
A. I don't remember exactly the date but I think it was the latter part of January.
33. Q. What year?
A. 1944.
34. Q. Was the order you gave Warrant Officer MANAKO in writing or verbal?
A. It was a verbal order.
35. Q. Did you issue any other orders to any officers under you in connection with the execution?
A. Yes, I did.
36. Q. Describe to whom you issued the order and what the order was?
A. I have issued an order to W.O. TANAKA: "You, TANAKA, will go out to the scene of the execution and take charge of the execution". I ordered TANAKA to supervise and see that MANAKO would properly execute the American flier and see that American flier does not escape.
37. Q. Now, at that time was TANAKA a Warrant Officer and MANAKO a Chief Petty Officer?
A. At that time TANAKA was a Warrant Officer and MANAKO was a first class Petty Officer.
38. Q. Upon what did you base your orders to instruct MANAKO to carry out this execution?
A. I based upon the orders received from the Atoll Commander.
39. Q. Did you receive those orders in writing or were they verbal?
A. Yes, it was verbal orders through the telephone.
40. Q. And can you name the person who gave you those orders?
A. The orders I received through phone was to come over and get prisoner but the orders for the execution Warrant Officer MOTOMURA had brought it back.
41. Q. Was that a verbal or written order which MOTOMURA brought back?
A.. Yes, it was a verbal order.
42. Q. Now, when you issued the order to MANAKO, did you expect him to carry the order out without question?
A. First, before I issue an order to MANAKO, I suggested to MANAKO that I would like him to carry out the execution. However, MANAKO refused and asked me if there was someone else but I told him there was no one else who could do it, so I gave him an order "You, MANAKO, will carry out the execution".
43. Q. Did MANAKO report to you that the execution had been carried out?
A. Yes, I received report from MANAKO and TANAKA.
44. Q. Was it one report from each?
A. There was a separate report from each one? The same reports came at the same time but they were in separate reports.
45. Q. Now to whom did you report the execution had been carried out?
A. Through the Officer of the Day, I had reports to the Atoll Commander.

46. Q. Do you know whether or not the Atoll Commander received the report?

A. When I telephoned to the Officer of the Day TANAKA was by me and later received an answer they had understood my report.

47. Q. Did you ever discuss the execution, either before or after it took place, with any superior officer of yourself on Mille?

A. I have not discussed any matters concerning the execution.

48. Q. Who was your superior officer?

A. My superior officer will be Lieut. Comdr. TOKUNO.

49. Q. Did you question the order which OTANI passed to you to execute the flier?

A. I have not questioned the order because the orders which came from OTANI is also from Atoll Commander.

50. Q. Do you know what happened to any of the fliers other than the one which you ordered MANAKO to execute?

A. I knew one of the fellows in the Southern Sector saying they had executed one American flier. The others I don't know exactly where they were executed. I thought they were also executed by the Navy Unit.

51. Q. Do you know whether or not any conference or meeting had been held by any of the ranking officers of Mille Atoll wherein it was decided to execute the American flier?

A. I do not know.

52. Q. Do you feel that you are more responsible for the carrying out of the execution than both MANAKO and TANAKA?

A. Yes, I do.

53. Q. Have you anything you would like to say to the court at this time about which I have not inquired?

A. I have nothing to say.

54. Q. How many years have you been on active duty with the Japanese Navy?

A. 26 years.

55. Q. Is that active duty?

A. Yes, sir.

Cross-examined by the judge advocate:

56. Q. Was this flier one of a group of five American fliers that arrived on Mille Atoll?

A. I am positive it was one of them.

57. Q. And with reference to the execution, when did you first see the American flier?

A. About five days before.

58. Q. And you originally planned on executing the flier yourself?

A. I have not planned and I was ordered by the headquarters.

59. Q. You planned on conducting the execution yourself, did you not?

A. Yes, I had planned to carry out in accordance with order.

60. Q. And on the afternoon of the execution did you put on your full uniform and proceed to the place of execution?

A. I have given an order to MANAKO and TANAKA to carry out this execution and I was very much dissatisfied and felt very displeased that we had to carry out this execution and I was worrying about this execution so I was about to leave for the execution, then they came back.

"Exhibit 56 (5)"

61. Q. And they advised you at that time that the execution had been carried out?

A. Yes, at that time.

62. Q. Why was this flier executed?

A. That I do not know.

63. Q. Did you make any effort to find out?

A. At first I did not think that American flier was going to be executed at that time I received an order to come over and get the American flier. My area received very little of bombing, therefore, I thought that American flier was going to be kept in the Northern Sector.

64. Q. Why did you not proceed to headquarters to pick up the flier yourself and ascertain the order instead of sending a junior officer?

A. At that time I was very busy with constructing the positions and the orders were not directed to me to come over personally and get it. Therefore, I have sent MOTOMURA. In the Japanese Navy, if the headquarters wanted the Commander to come over and get anybody they will specify in the order, but when they just ordered to come over and get prisoner, why the Commander of that particular unit will not go out and get him.

65. Q. Did you not feel that an order for the execution of a prisoner of war was a most unusual order?

A. Yes, I found that out when MOTOMURA came back.

66. Q. Why did you not hold up the execution until you could further verify the order or protest?

A. This order was given by the Atoll Commander, the order was made directly by him, so I did not protest or question the order.

67. Q. Was a trial ever had?

A. That I do not know.

68. Q. Was this flier guilty of any offense?

A. That I do not know.

Examined by the commission:

69. Q. You have heard the testimony given by your colleagues, the accused here. Do you deny any of the statements which they have made?

A. I have nothing to deny.

70. Q. You have testified to the court that a flier was executed by your unit without you ever having received a direct order for that execution. The manner in which you carried out that order clearly indicates to the court that you had previous knowledge that an execution was to be conducted. Where did that knowledge come from?

A. I did not have any knowledge previous because I did not have a chance to go to headquarters, and when MOTOMURA brought back the prisoner I was surprised.

71. Q. If you were surprised, why then did you permit the execution of this flier when you had received instructions for the execution through subordinate channels?

A. My men have received order to carry out execution that day, so I couldn't do anything. If they had made any suggestions to me or had talked to me about it before I could have expressed my opinion.

72. Q. But that order came to you through the OOD and through OTANI and through MOTOMURA. The question is, why did you carry out an order when transmitted through those subordinates?

A. Orders have no difference whether they come through the subordinate officer or directly from the headquarters Commander.

"Exhibit 56 (6)"

0032

73. Q. You positively deny that you ever received any direct orders from the headquarters Commander or other higher authority than those we have just mentioned?

A. Yes, I deny.

74. Q. What kind of a log or running account of daily events is kept in your units?

A. I have kept a log but it was destroyed by the bombing. That log may have been at the headquarters.

75. Q. That log that you kept: Were all events of interest each day entered in it?

A. Yes.

76. Q. Was the execution of the American flier entered in the log?

A. Yes, it was entered in the log and also at the headquarters.

77. Q. How did the headquarters get the information for entering in their log?

A. The headquarters receive information through phone to enter in their log.

78. Q. Was the Northern Sector log destroyed before or after the execution?

A. It was long after the execution was held.

79. Q. Are you familiar with the rules of land warfare as set forth by the Geneva Convention, insofar as it pertains to prisoners of war?

A. I am not familiar.

80. Q. Is it the custom of the Japanese Services, Army and Navy, to violate the law of humanity, particularly with regard to acts of violence against prisoners of war?

A. That I do not know whether it is customary or not.

81. Q. Did you consider this execution an act of violence?

A. I found out at present now that from the standpoint of law what we did was wrong and was violence.

82. Q. Did you at that time consider the execution as an act of violence?

A. At that time I did not know anything about those things, what the superior officers were thinking.

83. Q. What did you think - that the execution of a prisoner of war was contrary to the law of humanity? Did you consider it as wrong at the time of the execution?

A. At that time I did not know that to execute was actually wrong. I personally thought that to kill a prisoner of war was not the right thing to do. That is, from the standpoint of humanity that I have expressed.

84. Q. Are you familiar with the regulations of the Japanese Navy dealing with the handling of prisoners of war?

A. I did not know anything about it.

85. Q. Do you mean you do not know anything of the rules of the Japanese concerning the rules to be observed in the treatment of prisoners of war?

A. Yes, I did not know any law in regard to the prisoners of war.

86. Q. In 26 years in the Japanese Navy you had no instructions on how to deal with captured Navy and Army personnel?

A. I did not know. I have stated before that I have not gone through the Naval Academy so those things I do not know.

"Exhibit 56 (7)"

0033

87. Q. Did you personally make the entry about the execution in the log or running account in the sector under your command?

A. Yes, I did.

88. Q. To the best of your knowledge and recollection, repeat it?

A. I have entered the day and written "one prisoner executed".

89. Q. Is that the total entry?

A. Yes.

Recross-examined by the judge advocate:

90. Q. Are you acquainted with Lt. TAKAHASHI of the Southern Sector?

A. At that time I did not know him so well. I only know his face, never talked to him.

91. Q. Do you know what happened to Lt. TAKAHASHI?

A. I heard that he was killed in bombing.

92. Q. Do you know any subordinate officers of that unit?

A. I do not know. The Southern Sector only one third left and the rest of them died.

93. Q. With reference to the Navy on Mille, who was the Officer of the Day under?

A. He was under Atoll Commander.

94. Q. And that would be under the Executive Officer, Lieut. Comdr. TOKUNO?

A. That is how it is supposed to be according to duties.

95. Q. Do you know who was the Officer of the Day at this time?

A. I do not know the name of the Officer of the Day.

96. Q. Do you know whether or not they had a permanent Officer of the Day during the day time?

A. Every day there was some different officer.

97. Q. In making the entry in the log regarding the execution, did you enter the nationality of the man executed?

A. I do not know his name and I did not enter the name and nationality.

Reexamined by the commission:

98. Q. Will you please ask the witness if he has any information about which he feels the court should know about which he has not been questioned?

A. Yes, I have.

99. Q. Will you make whatever statement you wish to make on your own behalf?

A. As I was questioned by Judges and Prosecutors, I feel as though you think I have participated in the discussion regarding the disposition of the American prisoner of war. In other words, I feel that you have the suspicion that I have participated in any conference or discussion in regard to this disposition of this prisoner of war. I am not in a position to be at the conferences in the first place, and I did not have any chance or opportunity to go to Headquarters. And another thing is about the chain of command at Mille and also at Majuro, the Atoll Commander had spoke about it. The Atoll Commander had questioned me "What were you asked?" At that time I told the Atoll Commander that I have told that I have carried out the execution by orders from you. At that time he scolded me, the Atoll Commander

"Exhibit 56 (8)"

0034

scolded me, and I told him that even though you scold me, through the regulations of the Navy this order must have come from you and that is how it is according to the regulation of the Navy. And then he said "I can't help if everything turns out that I have issued an order". The Atoll Commander must have worried very deeply and questioned me several times after that but I closed my car to avoid hearing and he must have been insane and he was saying something very unusual. That is about all I have to say.

100. Q. Who was the Atoll Commander you were referring to?
A. Captain SHIGA.

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

The witness said that he had nothing further to state.

The witness resumed his status as accused.

"Exhibit 56 (9)"

0035

IMPERIAL JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE

TO : GENERAL HEADQUARTERS OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS.

FROM : Central Liaison Office, Tokyo.

SUBJECT: Naval Laws and Regulations.

C.L.O. No. 2976(PM)

21 April 1947

1. Reference: Legal Section's Check Sheet No. 7517 LS-Z
dated 9 April 1947, subject: "Request for Documents."

2. a. There was no fleet regulations which particularly
pertain to Jaluit Island.

b. (1) The defense of the Marshall Islands was assigned to the 4th Fleet. When an army unit was detailed to this area, it was placed, as a rule, under the operational command of the Commander-in-Chief of the 4th Fleet in accordance with an Imperial Naval Order. Though the Commander-in-Chief of the 4th Fleet provided later for the chain of command of his forces, the document thereof is lost. It is recalled, however, the senior officer present, whether he be an army officer or a naval one, was usually made responsible for the overall command of both the army and navy units stationed in his locality in the case of the defense of a remotely isolated island.

(2) In the Combined Fleet there were regulations concerning the military punishment and the execution of the same. All of the Japanese fleets applied these regulations to their respective occupation areas, and there were no similar regulations peculiar to each fleet. A Copy each of the Military Punishment Regulation of the Combined Fleet and the Military Punishment Execution Regulation of the same fleet and their translations are herewith enclosed as Annex 1 and Annex 2, respectively.

c. Herewith are enclosed as Annex 3 a copy of the Martial Law Proclamation as promulgated in the form of the DAJOKAN Proclamation No. 36 of the 15th year of Meiji (1882) and its English translation.

(1) The ordinance which made this Proclamation applicable to the Marshall Islands is the Imperial Ordinance No. 1099 dated 13 December 1941 concerning the "Martial Law and Requisition on the Mandated



"Exhibit 57 (1)"

0036

- 2 -

South Sea Islands", which was still effective in 1945. A copy of the whole part of the Ordinance and its translation are attached hereto as Annex 4.

(2) The Imperial Ordinance No. 1099 of 1941 was put into force on the day of its promulgation, and was in full force and effect on Jaluit in the period from January to 15 August 1945. To put the ordinance into effect on Jaluit Island no other factors, conditions, proclamations, orders, etc., were necessary.

3. A copy each of Army Court Martial Law and Army Criminal Law are enclosed herewith as Annexes 7 and 8.

4. A copy each of the Japanese Naval Court Martial Law and the Japanese Naval Criminal Law and their translations are herewith enclosed as Annexes 5 and 6.

FOR THE PRESIDENT:

K. Asakai

(K. ASAKAI)

Director of General Affairs,
Central Liaison Office.

Enclosures: Annexes 1 through 8 as indicated above.



"Exhibit 57 (2)"

0037

"Exhibit 57"

0038

INTERROGATORY

UNITED STATES

9 June 1948

ROBAYASHI, Masashi

The following interrogatories are requested to be propounded to OISHI, Chiato, presently interned at Sugamo Prison, Tokyo, Japan, a witness for the prosecution in the above entitled case now being tried before the Military Commission convened by authority of Commander Marianas (by precept dated 8 November 1947, as modified) in accordance with authorization of the Military Commission, subject to objections and exceptions, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP, ltr. A.G. 000.5 (5 December 45)18, Subject "Regulations Governing the Trials of Accused War Criminals," especially Section 5 d (1) (c) thereof, which authorizes the use in evidence of affidavits, depositions or other signed statements.

These interrogatories are respectfully forwarded to the Supreme Commander for the Allied Powers, Legal Section, Tokyo with the request that suitable officer may be assigned to take, or cause to be taken, the deposition of the said witness therein.

- First Interrogatory: What Units of the Japanese Army did you command during the period from 8 August 1943 to 2 February 1944?
- Second Interrogatory: Did your unit go to Truk. If so when did it arrive and to what command was it assigned?
- Third Interrogatory: Was your unit sent to Kwajalein? If so when did it arrive and to what command was it assigned?
- Fourth Interrogatory: Was your unit sent to Mille? If so, when did it arrive and to what command was it assigned?
- Fifth Interrogatory: What period did you serve on Mille?
- Sixth Interrogatory: What were your duties on Mille?
- Seventh Interrogatory: Who was your direct superior officer?
- Eighth Interrogatory: Who had custody of the prisoners of war on Mille in February 1944?
- Ninth Interrogatory: Who ordered them executed?
- Tenth Interrogatory: Who originated this order?
- Eleventh Interrogatory: At the time of the execution of the POWs in February 1944 was Mille in radio communication with the Sixth Base Force at Kwajalein and with the headquarters of the Fourth Fleet at Truk?

David Bolton
DAVID BOLTON,
Lieutenant, U. S. Navy,
Judge Advocate.

ENCLOSURE A
"Exhibit 58 (1)"

0039

Deposition

Chisato Oishi, the witness above named, having been first duly sworn by me, Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, the Commander Marianas Liaison Officer for War Crimes, Tokyo, Japan, doth depose and say for full answers to the foregoing interrogatories, as follows:

- To the first interrogatory: The First South Seas Detachment (Shitai).
- To the second interrogatory: No, my unit did not go to Truk.
- To the third interrogatory: Yes, they went to Kwajalein. They went to Kwajalein the latter part of September, 1943, and were assigned directly to the commanding officer of the Sixth Base Force.
- To the fourth interrogatory: Yes, it was. The First Battalion arrived around the end of September or the early part of October, 1943, and was assigned to the commanding officer of the Mille Guard Unit. I arrived with the headquarters personnel and one infantry company on or about December 1, 1943, and came under the command of the commanding officer of the Mille Guard Unit.
- To the fifth interrogatory: From December 1, 1943, to the end of the war.
- To the sixth interrogatory: By order of the Mille Guard Unit commanding officer, my duty was the defense of Mille.
- To the seventh interrogatory: Captain Shiga of the Mille Guard Unit.
- To the eighth interrogatory: The navy had the custody of the prisoners of war on Mille in February, 1944, but I do not know who in the navy had custody of them.
- To the ninth interrogatory: Captain Shiga.
- To the tenth interrogatory: I received the order from Captain Shiga. However, I did not know whether Captain Shiga originated the order or whether he received it from the Commander-in-Chief of the Fourth Fleet.
- To the eleventh interrogatory: Mille was in radio communication with the Sixth Base Force at Kwajalein until the Americans landed there, but I do not remember whether this was at the time of the execution of the prisoners of war in February, 1944, or not; however, at the time of the execution of the prisoners of war in February, 1944, Mille was in radio communication with the Fourth Fleet Headquarters at Truk.

ALLIED OCCUPATION FORCES }
TOKYO, JAPAN }

I, Chisato Oishi, being duly sworn on oath, state that I had read to me and understand the translation of the foregoing transcription of my testimony consisting of one (1) page, and that the foregoing testimony is true to the best of my knowledge and belief.

大石千里

Chisato Oishi.

Subscribed and sworn to before me this 18th day of June, 1948.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

I, Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, certify that I truly translated the questions and answers given from English to Japanese and from Japanese to English, respectively; that after being transcribed, I truly translated the foregoing deposition consisting of one (1) page to the witness; and that the witness thereupon, in my presence, affixed his signature thereto.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

C-E-R-T-I-F-I-C-A-T-E

We, Frederick F. Tremayne, lieutenant (junior grade), United States Naval Reserve, and Joseph Kase, junior, yeoman second class, United States Navy, certify that on the sixteenth day of June, 1948, Chisato Oishi personally appeared before us, and according to Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, gave the foregoing answers to the several questions set forth therein; that after his testimony had been transcribed, the said Chisato Oishi again appeared before us on the 18th day of June, 1948, and had read to him the same by Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve; and the said Chisato Oishi affixed his signature thereto in our presence.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

Joseph Kase, Jr.
Joseph Kase, Jr.,
Yeoman Second Class,
United States Navy.

INTERROGATORIES

UNITED STATES

v.
KOBAYASHI, Masashi

24 JUN 1948

The following interrogatories are requested to be propounded to KAWAMURA, Torao, former Commander, Imperial Japanese Navy, a witness for the defense in the above entitled case now being tried before the Military Commission convened by authority of Commander Marianas (by precept dated 8 November 1947, as modified) in accordance with authorization of the Military Commission, subject to objections and exceptions, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP ltr. A.G. 000.5 (5 December 45)LS, Subject "Regulations Governing the Trials of Accused War Criminals," especially Section 5 d (1) (c) thereof, which authorizes the use in evidence of affidavits, depositions or other signed statements.

These interrogatories are respectfully forwarded to the Supreme Commander for the Allied Powers, Legal Section, Tokyo with the request that suitable officer may be assigned to take, or cause to be taken, the deposition of the said witness therein.

- First Interrogatory: Where were you stationed and what were your duties in February 1944?
- Second Interrogatory: Do you remember what happened on Truk on the 17th and 18th of February 1944? And if so what?
- Third Interrogatory: Was there a conference at Headquarters 4th Base Force on the night of the 17th February convened by Admiral Wakabayashi?
- Fourth Interrogatory: Did you attend that conference?
- Fifth Interrogatory: Who else attended the conference?
- Sixth Interrogatory: Who was the commanding officer of the 41st Naval Guard Unit at that time?
- Seventh Interrogatory: Was there a report made by the Commanding Officer of the 41st Naval Guard Unit at this conference?
- Eighth Interrogatory: Did Captain Tanaka the Commanding Officer of the 41st Naval Guard Unit make a report at the conference that POW's had been executed at the Guard Unit that day?
- Ninth Interrogatory: If so, what did he say and to whom did he say it? And when?
- Tenth Interrogatory: Did you after the conference report the results of the conference to the commander in chief of the 4th Fleet? And if so, what did you report?
- Eleventh Interrogatory: Did you report to Commander in Chief, 4th Fleet that you had heard Captain Tanaka say at the conference, that he had disposed of prisoners of war?
- Twelfth Interrogatory: Did you tell anyone that you had heard Captain Tanaka say that he had disposed of prisoners of war at the Guard Unit on February 17, 1944?

Thirteenth Interrogatory: How long did this conference last and if the persons attending were seated tell in what order they were seated.

Fourteenth Interrogatory: When did the conference break up?

Fifteenth Interrogatory: Did all the officers leave this conference at the same time?

Sixteenth Interrogatory: Did the Americans continue their shelling and bombing of Truk the next day?

Martin E. Carlson
MARTIN E. CARLSON,
Commander, U.S.N.R.,
Counsel for the Accused.

Deposition

Torao Kawamura, the witness above named, having been first duly sworn by me, Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, the Commander Marianas Liaison Officer for War Crimes, Tokyo, Japan, doth depose and say for full answers to the foregoing interrogatories, as follows:

- To the first interrogatory: In February, 1944, I was staff gunnery officer at the Fourth Fleet Headquarters on Truk. My primary duties were construction and maintenance of defense installations.
- To the second interrogatory: We received the first big air raids on Truk.
- To the third interrogatory: As the air raids continued all night on the seventeenth, I do not think they could have held a conference. I do not have any recollection of one. I stood on the second floor of headquarters and watched the air raids all night, myself. However, I believe a conference concerning defense installations was convened by Admiral Wakabayashi very soon after the air raids were over.
- To the fourth interrogatory: I attended the conference concerning defense installations convened by Admiral Wakabayashi soon after the air raids were over.
- To the fifth interrogatory: I believe Captain Inoue was probably there, and as it was a conference convened by the commanding officer of the Fourth Base Force, the commanders of the various units should have all been present; however, I cannot say for sure just exactly who was there and who was not there.
- To the sixth interrogatory: I do not remember his name, but it was the commanding officer before Captain Asano was the commanding officer.

To the seventh interrogatory:	I believe the commanding officer of the Forty-first Naval Guard Unit probably did make a report concerning defense installations. I do not recall the contents of his report.
To the eighth interrogatory:	I do not know.
To the ninth interrogatory:	<u>See answer to the eighth interrogatory.</u>
To the tenth interrogatory:	Every time there was a conference, the staff officer whose business was the topic of the conference was responsible for reporting the matters discussed at the conference to the commanding officer; and as this conference concerned defense installations, it was my responsibility and therefore I made the report to the commanding officer. I made a report concerning the conditions of defense installations.
To the eleventh interrogatory:	I have no recollection of matters concerning prisoners.
To the twelfth interrogatory:	No, I did not.
To the thirteenth interrogatory:	I do not remember.
To the fourteenth interrogatory:	I do not remember.
To the fifteenth interrogatory:	I do not remember.
To the sixteenth interrogatory:	I believe this conference was convened after the air raids were over.

ALLIED OCCUPATION FORCES)
MAIZURU, HONSHU, JAPAN)

I, Torao Kawamura, being duly sworn on oath, state that I had read to me and understand the translation of the foregoing transcription of my testimony consisting of two (2) pages, and that the foregoing testimony is true to the best of my knowledge and belief.

河村 富良夫

Torao Kawamura.

Subscribed and sworn to before me this second day of July, 1948.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

I, Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, certify that I truly translated the questions and answers given from English to Japanese and from Japanese to English, respectively; that after being transcribed, I truly translated the foregoing deposition consisting of two (2) pages to the witness; and that the witness thereupon, in my presence, affixed his signature thereto.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

C-E-R-T-I-F-I-C-A-T-E

We, Frederick F. Tremayne, lieutenant (junior grade), United States Naval Reserve, and Joseph Kase, junior, yeoman second class, United States Navy, certify that on the second day of July, 1948, Torao Kawamura personally appeared before us, and according to Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, gave the foregoing answers to the several questions set forth therein; that after his testimony had been transcribed, the said Torao Kawamura again appeared before us on the second day of July, 1948, and had read to him the same by Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, and the said Torao Kawamura affixed his signature thereto in our presence.

Frederick F. Tremayne
Frederick F. Tremayne
Lieutenant (junior grade),
United States Naval Reserve.

Joseph Kase, Jr.
Joseph Kase, Jr.,
Yeoman Second Class,
United States Navy.

INTERROGATORY

UNITED STATES
v.
KOBAYASHI, Masashi

25 June 1948

The following interrogatories are requested to be propounded to SAKAGAMI, Shinji, presently interned at Sugamo Prison, Tokyo, Japan, a witness for the defense in the above entitled case now being tried before the Military Commission convened by authority of Commander Marianas (by precept dated 8 November 1947, as modified) in accordance with authorization of the Military Commission, subject to objections and exceptions, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP, ltr. A.G. 000.5 (5 December 1945) IS, Subject "Regulations Governing the Trials of Accused War Criminals," especially Section 5 d (1) (c) thereof, which authorizes the use in evidence of affidavits, depositions or other signed statements.

These interrogatories are respectfully forwarded to the Supreme Commander for the Allied Powers, Legal Section, Tokyo with the request that suitable officer may be assigned to take, or cause to be taken, the deposition of the said witness therein.

First Interrogatory:

It is alleged that two American prisoners of war were killed at Dublon Island, Truk Atoll, on or about 1 February 1944 by explosions of dynamite. Did you kill two American prisoners of war at Dublon Island on or about 1 February 1944 by explosions of dynamite?

Second Interrogatory:

Did you kill two American prisoners of war at Dublon Island, Truk Atoll, on or about 1 February 1944, by strangulation?

Third Interrogatory:

Did you ever mistreat any American prisoners of war during the time you were on duty at Dublon Island, Truk Atoll?

Fourth Interrogatory:

Did you ever kill any American prisoners of war on Dublon Island, Truk Atoll during the period of time you were stationed on Dublon Island?

Fifth Interrogatory:

During what period of time were you stationed on Dublon Island, Truk Atoll?

Sixth Interrogatory:

What was your rank and your duty during this period?

Martin E. Carlson
MARTIN E. CARLSON,
Commander, U. S. Naval Reserve,
Defense Counsel.

ENCLOSURE (A)

EXHIBIT 60 (1)

0047

Deposition

Shinji Sakagami, the witness above named, having been first duly sworn by me, Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, the Commander Marianas Liaison Officer for War Crimes, Tokyo, Japan, doth depose and say for full answers to the foregoing interrogatories, as follows:

To the first interrogatory: No, I did not.
To the second interrogatory: No, I did not.
To the third interrogatory: No, I never did.
To the fourth interrogatory: No, I did not.
To the fifth interrogatory: I was stationed at Dublon Island, Truk Atoll, from June, 1943, until June or July, 1944.
To the sixth interrogatory: My rank was warrant officer, Medical Corps, Imperial Japanese Navy. Technically speaking, I was in charge of the ~~administration of the hospital~~ building. I was also kamanshikan at the hospital. 坂上信次

ALLIED OCCUPATION FORCES }
TOKYO, JAPAN }

I, Shinji Sakagami, being duly sworn on oath, state that I had read to me and understand the translation of the foregoing transcription of my testimony consisting of one-half ($\frac{1}{2}$) page, and that the foregoing testimony is true to the best of my knowledge and belief.

坂上信次

Shinji Sakagami.

Subscribed and sworn to before me this 30th day of June, 1948.

Frederick F. Tremayne

Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

I, Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, certify that I truly translated the questions and answers given from English to Japanese and from Japanese to English, respectively; that after being transcribed, I truly translated the foregoing deposition consisting of one-half ($\frac{1}{2}$) page to the witness; and that the witness thereupon, in my presence, affixed his signature thereto.

Frederick F. Tremayne

Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

C E R T I F I C A T E

We, Frederick F. Tremayne, lieutenant (junior grade), United States Naval Reserve, and Joseph Kase, junior, yeoman second class, United States Navy, certify that on the twenty-ninth day of June, 1948, Shinji Sakagami personally appeared before us, and according to Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, gave the foregoing answers to the several questions set forth therein; that after his testimony had been transcribed, the said Shinji Sakagami again appeared before us on the 20th day of June, 1948, and had read to him the same by Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, and the said Shinji Sakagami affixed his signature thereto in our presence.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

Joseph Kase, Jr.
Joseph Kase, Jr.,
Yeoman Second Class,
United States Navy.

INTERROGATORIES

UNITED STATES

KOBAYASHI, Masashi

24 JUN 1948

The following interrogatories are requested to be propounded to the Chief of the Liaison Section, Central Liaison and Coordination Office, Japanese Government, a witness for the prosecution in the above entitled case now being tried before the Military Commission convened by authority of Commander Marianas (by precept dated 8 November 1947, as modified) in accordance with authorization of the Military Commission, subject to objections and exceptions, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein and the rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP ltr. A.G. 000.5 (5 December 45)LS, Subject "Regulations Governing the Trials of Alleged War Criminals," especially Section 5 d (1) (c) thereof, which authorizes the use in evidence of affidavits, depositions or other signed statements.

These interrogatories are respectfully forwarded to the Supreme Commander for the Allied Powers, Legal Section, Tokyo with the request that suitable officer may be assigned to take, or cause to be taken, the deposition of the said witness therein.

- First Interrogatory: Isn't it true that Base Force Commanders such as Sixth Base Force Commander were established in order to better administer and control the vast Pacific Ocean Area?
- Second Interrogatory: What was the extent of command of Sixth Base Force Commander?
- Third Interrogatory: Who was Sixth Base Force Commander from April 5, 1943 to February 23, 1944?
- Fourth Interrogatory: How was he selected and by whom appointed?
- Fifth Interrogatory: Give a biographical sketch of his Navy career.
- Sixth Interrogatory: Was he considered by Naval Ministry as a responsible officer?
- Seventh Interrogatory: What was the extent of command of Third Special Base Force Commander?
- Eighth Interrogatory: Who was Third Special Base Force Commander from April 5, 1943 to February 23, 1944?
- Ninth Interrogatory: How was he selected and by whom appointed?
- Tenth Interrogatory: Give a biographical sketch of his Navy career.
- Eleventh Interrogatory: Was he considered by Naval Ministry as a responsible officer.
- Twelfth Interrogatory: What was the extent of command of Fourth Base Force Commander?
- Thirteenth Interrogatory: Who was Fourth Base Force Commander from April 5, 1943 to February 23, 1944?
- Fourteenth Interrogatory: How was he selected and by whom appointed?
- Fifteenth Interrogatory: Give a biographical sketch of his Navy career.

Sixteenth Interrogatory: Was he considered by Naval Ministry as a responsible officer?

Seventeenth Interrogatory: What was the extent of command of Fifth Special Base Force Commander?

Eighteenth Interrogatory: Who was Fifth Special Base Force Commander from April 5, 1943 to February 23, 1944?

Nineteenth Interrogatory: How was he selected and by whom appointed?

Twentieth Interrogatory: Give a biographical sketch of his Navy career.

Twenty-first

Interrogatory: Was he considered by Naval Ministry as a responsible officer?

Martin E. Carlson
MARTIN E. CARLSON,
Commander, U.S.N.R.,
Counsel for the accused.

Deposition

Kenichiro Yoshida, the Chief of the Liaison Section, Central Liaison and Coordination Office, Japanese Government, the witness above named, having been first duly sworn by me, Lieutenant (junior grade) Frederick F. Tremayne, United States Naval Reserve, the Commander Marianas Liaison Officer for War Crimes, Tokyo, Japan, doth depose and say for full answers to the foregoing interrogatories, as follows:

Answer to the First Interrogatory:

Yes.

Answer to the Second Interrogatory:

The Sixth Base Force Commander was, under the command of the C-in-C of the Fourth Fleet, to command his subordinate units and various units and offices specially designated, to take charge of the defense of the Marshall Islands area (inclusive of Wake Island) and to cooperate with other units in their operations in the said area.

Answer to the Third Interrogatory:

The Sixth Base Force Commanders from April 5, 1943 to February 23, 1944 were as follows:-

Rank	Name	Tenure of Office	Remark
Rear-Admiral	ABE Kōsō	Feb. 5, 1942 to Nov. 29, 1943.	This Force was placed under the direct command of the C-in-C of the Fourth Fleet on Feb. 6, 1944.
"	AKIYAMA Monzo	Nov. 29, 1943 to Feb. 6, 1944. (Killed in action).	

Answer to the Fourth Interrogatory:

The Navy Minister selected and appointed him, basing upon the plan drawn up by the Chief of Personnel Bureau, Navy Ministry. In the said selection the opinion of the C-in-C of the Fourth Fleet was not inserted in the least.

Answer to the Fifth Interrogatory:

As set forth in Annex 1 and 2.

Key

O D

O O

EXHIBIT 61 (4)

0054

1 Answer to the Sixth Interrogatory:

Yes.

Answer to the Seventh Interrogatory:

The Third Special Base Force Commander was, under the command of the C-in-C of the Fourth Fleet, to command his subordinate units, and various units and offices specially designated, to take charge of the defense of Gilbert Islands, Naul and Ocean Islands area and to cooperate with other units in their operations in the said area.

Answer to the Eighth Interrogatory:

The Third Special Base Force Commanders from April 5, 1943 to February 23, 1944 were as follows:-

Rank	Name	Tenure of Office	Remarks
Rear-Admiral	TOMONARI Saichirō	Feb. 15, 1943 to July 20, 1943.	This Force was disbanded on Jan. 5, 1944.
"	SHIBAZAKI Keiji	July 20, 1943 to Nov. 25, 1943. (Killed in action).	

Answer to the Ninth Interrogatory:

Same as that to the Fourth Interrogatory.

Answer to the Tenth Interrogatory:

As set forth in Annexes 3 and 4.

Answer to the Eleventh Interrogatory:

Yes.

Key

EXHIBIT 61 (5)

0056

Answer to the Twelfth Interrogatory:

1. The Fourth Base Force Commander was, under the command of the C-in-C of the Fourth Fleet, to command his subordinate units and various units specially designated, to take charge of the defense of the Caroline Islands area and to cooperate with other units in their operations in the said area.
2. As the Fourth Base Force Commander was stationed in Truk Island where the C-in-C of the Fourth Fleet was also stationed, it seems that there were some differences between his command over those units and offices stationed in the said island and the similar cases of the Third and Fifth Special Base Commanders. But the actual circumstances in the said connection are unknown.

Answer to the Thirteenth Interrogatory:

The Fourth Base Force Commanders from April 5, 1943 to February 23, 1944 were as follows:-

Rank	Name	Tenure of Office	Remark
Vice Admiral	TAKEDA Moriji	June 15, 1942 to July 15, 1943.	
Rear Admiral	WAKABAYASHI Seisaku	July 15, 1943 to Feb. 19, 1944.	
"	ARIMA Kaoru	Feb. 19, 1944 to May 1, 1944.	

Answer to the Fourteenth Interrogatory:

Same as that to the Fourth Interrogatory.

Key

EXHIBIT 61 (6)

0058

Answer to the Fifteenth Interrogatory:

As set forth in Annexes 5, 6 and 7.

Answer to the Sixteenth Interrogatory:

Yes.

Answer to the Seventeenth Interrogatory:

The Fifth Special Base Force Commander was, under the command of the C-in-C of the Fourth Fleet, to command his subordinate units and various units and offices specially designated, to take charge of the defense of the Mariana Islands area (inclusive of Guam Island), and to cooperate with other units in their operations in the said area.

Answer to the Eighteenth Interrogatory:

The Fifth Special Base Force Commanders from April 5, 1943 to February 23, 1944 were as follows:-

Rank	Name	Tenure of Office	Remark
Rear Admiral	FUKUZAWA Tsunekichi	Feb. 15, 1943 to Oct. 1, 1943.	
"	TSUJIMURA Takehisa	Oct. 1, 1943 to July 8, 1944. (Killed in action).	

Answer to the Nineteenth Interrogatory:

Same as that to the Fourth Interrogatory:

Answer to the Twentieth Interrogatory:

As set forth in Annexes 8 and 9.

Answer to the Twenty-first Interrogatory:

Yes.

4

Kuy

EXHIBIT 61 (7)

0060

Annex 1.

Curriculum Vitae

Name: ABE Kōsō, Late Vice-Admiral, I.J.N.

Permanent Domicile: No.78, Aza Sanbongi, Oshikiri-mura, Higashi-Tagawa-gun, Yamagata-ken.

Date of Birth: 24 March 1892.

11 Sept. 1909	Cadet, Naval College.
17 Jul. 1912	Midshipman.
1 Dec. 1913	Ensign.
13 Dec. 1915	Lieutenant J.G.
1 Dec. 1918	Lieutenant.
1 Dec. 1924	Lieutenant-Commander.
1 Dec. 1930	Commander.
15 Nov. 1934	Captain.
22 Feb. 1935	Commanding Officer, Special Service Ship ERIMO.
15 Aug. 1935	Attached to Kure Naval Station.
15 Nov. 1935	Commanding Officer, JINTSŪ.
1 Dec. 1936	Commanding Officer, NAKA.
2 Aug. 1937	Commanding Officer, TENRYŪ.
15 Dec. 1938	Commanding Officer, MIKUMA.
20 Jul. 1939	Commanding Officer, MYŌKŌ.
15 Nov. 1939	Commanding Officer, HIEI.
15 Oct. 1940	Attached to Yokosuka Naval Station.
15 Nov. 1940	Rear-Admiral.
1 Jun. 1941	President, Tateyama Naval Gunnery School and concurrently Member, Naval Technical Council.
"	Member, Technical Council of Naval Technical Department.

EXHIBIT 61 (8)

0062

2 Feb. 1942	Attached to H.Q., 4th Fleet.
5 Feb. 1942	Commandant, 6th Base Force.
12 May 1942	Conferred 2nd class Order of Sacred Treasure.
29 Nov. 1943	Attached to Naval General Staff.
27 Dec. 1943	President, Tateyama Naval Gunnery School and concurrently Member, Naval Technical Council.
"	Member, Technical Council of Naval Technical Department.
1 May 1944	Vice-Admiral.
15 May 1944	4th Junior Court Rank.
18 Aug. 1944	Concurrently attached to H.Q., Combined Fleet.
29 Sept. 1944	Relieved of above concurrent post.
25 Apr. 1945	Attached to Sasebo Naval Station.
1 May 1945	Commandant, Sasebo Naval Guards and concur- rently Sasebo Naval Barracks.
10 Jul. 1945	Commandant, Sasebo Combined Special Landing Party and concurrently Sasebo Naval Guards and Sasebo Naval Barracks.
15 Oct. 1945	Placed on Reserve List.
15 Jun. 1946	Naval Officers' Status Ordinance was abolished by Imperial Ordinance No.322 of 1946.
19 Jun. 1947	Died in Guam.

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Kuy

EXHIBIT 61 (9)

0064

Annex 2.

Curriculum Vitae

Name: AKIYAMA Monzo, Late Vice-Admiral, I.J.N.
Permanent Domicile: No. 82, Kunita-mura, Mitoyo-gun, Kagawa-ken.
Date of Birth: 30 December 1891.

11 Sept. 1911	Cadet, Naval College.
19 Dec. 1914	Midshipman.
13 Dec. 1915	Ensign.
1 Dec. 1917	Lieutenant J.G.
1 Dec. 1920	Lieutenant.
1 Dec. 1926	Lieutenant-Commander.
1 Dec. 1932	Commander.
22 Oct. 1934	Staff Officer, Maizuru Minor Naval Station.
2 Nov. 1936	Executive Officer, HARUNA.
15 Nov. 1937	Commanding Officer, Special Service Ship MAMIYA.
1 Dec. 1937	Captain.
15 Dec. 1938	Executive Officer and concurrently Instructor, Kure Naval Barracks.
1 Jun. 1939	Chief of Kanazawa Regional Naval Personnel Office.
15 Oct. 1940	Executive Officer and concurrently Staff Officer, Amoy Area Special Base Force.
15 Jan. 1941	Concurrently Member, Naval General Staff.
15 Oct. 1941	Inspecting Officer of Shipbuilding and Con- struction of Ordnance of Naval Technical Department and concurrently Inspecting Officer of Construction of Ordnance of Depart- ment of Naval Aeronautics.

EXHIBIT 61 (10)

0066

- 2 -

10 Aug. 1942	Director, General Affairs Division, Kure Navy Yard and concurrently Chief of Worker Training Institute thereof.
1 May 1943	Rear Admiral.
15 Nov. 1943	Attached to H.Q., 4th Fleet.
29 Nov. 1943	Commandant, 6th Base Force.
6 Feb. 1944	Vice Admiral.
"	4th Junior Court Rank.
"	Killed in action.

See

EXHIBIT 61 (11)

0068

Annex 3.

Curriculum Vitae

Name: TOMONARI Saichirō, Ex-Rear Admiral, I.J.N.
Permanent Domicile: No.117, Oaza Higai, Minami-Inoue-mura,
Myoto-gun, Tokushima-ken.
Date of Birth: 27 November 1887. *Key*

25 Sept. 1907	Cadet, Naval College.
18 July 1910	Midshipman..
1 Dec. 1911	Ensign.
1 Dec. 1913	Lieutenant J.G.
1 Dec. 1917	Lieutenant.
1 Dec. 1923	Lt-Commander.
30 Nov. 1929	Commander.
"	Member of Personnel Bureau, Navy Ministry. <i>Key</i>
1 Dec. 1932	Executive Officer, HIEI.
15 Nov. 1933	Executive Officer, KONGO.
15 Nov. 1934	Captain.
"	Commanding Officer, Special Service Ship SHIRETOKO.
25 Oct. 1935	Commanding Officer, YURA.
1 Dec. 1937	Commanding Officer, FURUTAKA.
20 Apr. 1938	Commanding Officer, HAGURO.
27 Dec. 1939	Commanding Officer, KIRISHIMA.
19 Oct. 1940	Attached to Yokosuka Naval Station.
15 Nov. 1940	Rear Admiral.
"	Chief of Yokosuka Naval Personnel Office and concurrently Chief in charge of the personnel affairs of Yokosuka Naval Station.
9 May 1941	Conferred 2nd class Order of Sacred Treasure.
15 Sept. 1942	Commandant, 5th Special Base Force.
15 Feb. 1943	Commandant, 3rd Special Base Force. <i>Key</i>

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EXHIBIT 61 (12)

0070

- 2 -

20 July 1943	Attached to Naval General Staff.
6 Sept. 1943	Placed on Waiting List.
10 Sept. 1943	Placed on Reserve List.
2 Aug. 1943	4th Junior Court Rank.
27 Sept. 1943	4th Senior Court Rank.
"	One grade of Court Rank was specially promoted by the Grace of the Throne.

Key

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EXHIBIT 61 (13)

0072

Annex 4.

Curriculum Vitae

Name: SHIBASAKI Keiji, Late Vice-Admiral, I.J.N.

Permanent Domicile: No.22, Yashiki, Mori-mura, Kami-Tojo-mura,
Kato-gun, Hyogo-ken.

Date of Birth: 9 April 1894.

9 Sept.1912	Cadet, Naval College.
16 Dec. 1915	Midshipman.
1 Dec. 1916	Ensign.
1 Dec. 1918	Lieutenant J.G.
1 Dec. 1921	Lieutenant.
1 Dec. 1927	Lieutenant-Commander.
1 Dec. 1932	Commander.
15 Nov. 1934	Attached to Naval Technical Department and concurrently Member of Personnel Bureau, Navy Ministry.
1 Dec. 1936	Commanding Officer, ATAKA.
1 Dec. 1937	Captain.
"	Attached to Kure Naval Station.
15 Dec. 1937	Staff Officer, Kure Naval Station.
25 Dec. 1937	Concurrently Staff Officer, Hoyo Fortress, Shimonoseki Fortress and Yura Fortress.
15 Nov. 1939	Executive Officer and concurrently Staff Officer, Hankow Area Special Base Force.
"	Relieved of above concurrent post.
25 Sept.1940	Chief of General Affairs Section, Hydrographic Department.
15 May 1941	Director, General Affairs Division, Hydro- graphic Department.

EXHIBIT 61 (14)

0074

- 2 -

10 Sept. 1941	Attached to H.Q., China Seas Fleet.	
15 Sept. 1941	Chief of Staff, Shanghai Naval Special Landing Party and concurrently Shanghai Base Force.	
25 Apr. 1943	Commandant, Kure Defense Squadron.	Key
1 May 1943	Rear Admiral.	
9 July 1943	Attached to H.Q., 4th Fleet.	
20 July 1943	Commandant, 3rd Special Base Force.	
20 Dec. 1943	Conferred 2nd class Order of Sacred Treasure.	
25 Nov. 1943	Vice-Admiral.	
"	4th Junior Court Rank.	
"	Killed in action.	

EXHIBIT 61 (15)

0076

Annex 5.

Curriculum Vitae

Name: TAKEDA Moriji, Ex-Vice Admiral, I.J.N.

Permanent Domicile: No.290, Aza Kokoriyama, Takahatake-machi,
Higashi-Oitama-gun, Yamagata-ken.

Date of Birth: 2 April 1889.

21 Sept.1907	Cadet, Naval College.
18 Jul. 1909	Midshipman.
1 Dec. 1911	Ensign.
1 Dec. 1913	Lieutenant, J.G.
1 Dec. 1917	Lieutenant.
1 Dec. 1923	Lieutenant-Commander.
10 Dec. 1928	Commander.
1 Dec. 1932	Captain.
1 Apr. 1933	Commandant, Temporary Naval Defense Corps.
14 Mar. 1934	Commanding Officer, KITAKAMI.
15 Nov. 1934	Commanding Officer, KINUGASA.
15 Nov. 1935	Commanding Officer, MIKUMA.
1 Dec. 1936	Commanding Officer, ASHIGARA.
15 Dec. 1937	Commandant, Kure Naval Barracks.
15 Nov. 1938	Rear-Admiral.
15 Nov. 1939	Commandant, Shanghai Naval Special Landing Patry. <i>Key</i>
15 Oct. 1941	Commandant, 24th Squadron.
20 Mar. 1942	Commandant, 3rd Base Force.
10 Apr. 1942	Commandant, 3rd Special Base Force.
1 May 1942	Vice-Admiral.
15 Jun. 1942	Commandant, 4th Base Force and concurrently <i>Key</i> 2nd Escort Force. <i>Key</i>

EXHIBIT 61 (16)

0078

- 2 -

15 May 1942	4th Junior Court Rank.
3 Jun. 1942	Conferred 1st class Order of Sacred Treasure.
15 Jul. 1943	Attached to Naval General Staff.
6 Sept. 1943	Placed on Waiting List.
10 Sept. 1943	Placed on Reserve List.
27 Sept. 1943	4th Senior Court Rank. ✓ <i>Kay</i>
"	One grade of Court Rank was promoted by the Grace of the Throne.
15 Jun. 1946	Naval Officers' Status Ordinance was abolished by Imperial Ordinance No. 322 of 1946.

14

Kay

0079

EXHIBIT 61 (17)

0080

Annex 6.

Curriculum Vitae

Name : WAKABAYASHI Seisaku, Ex-Vice Admiral, I.J.N.

Date of Birth : 1 March 1889

Permanent Domicile: No. 486-2, Taishido, Setagaya-ku, Tokyo-to.

14 Sept. 1908 Cadet, Naval College

18 July 1911 Midshipman

1 Dec. 1912 Ensign

1 Dec. 1914 Lieutenant J.G.

1 Dec. 1917 Lieutenant

1 Dec. 1925 Lt-Commander

10 Dec. 1928 Commander

" Attached to H.Q., Combined Fleet and concurrently Staff Officer thereof

5 Nov. 1929 Staff Officer, 2nd Submarine Squadron

15 Nov. 1930 Staff Officer, Yokosuka Naval Station

" Concurrently Staff Officer, Tokyo Bay Fortress

1 Dec. 1932 Relieved of above concurrent post

15 Nov. 1933 Captain

" Commanding Officer, Special Service Ship
TSURUMI

1 Nov. 1934 Commanding Officer, YURA

25 Oct. 1935 Attached to Naval Technical Department

15 Nov. 1935 Member, Naval Technical Department and concurrently Member, Naval Technical Council

1 Dec. 1937 Director, General Affairs Division, Kure Navy Yard

15 Nov. 1939 Rear Admiral

" Commandant, 4th Submarine Squadron

17 May 1940 Conferred 2nd class Order of Sacred Treasure

1 Nov. 1940 Attached to H.Q., 4th Fleet

Key

EXHIBIT 61 (18)

0082

22 Nov. 1940	Attached to Naval General Staff
5 Feb. 1941	Concurrently attached to Navy Ministry
19 Dec. 1941	Relieved of main and concurrent posts
"	Division Director, Maritime Affairs Board
1 Jan. 1942	Chief, Navigation Exercising Institute
1 Apr. 1943	Chief, Navigation Training Institute
1 May 1943	Vice Admiral
15 May 1943	4th Junior Court Rank
15 July 1943	Relieved of above post at own request
"	Commandant, 4th Base Force and concurrently 2nd Escort Force
19 Feb. 1944	Attached to Naval General Staff
1 Nov. 1944	Relieved of above post
"	President, Shimizu Higher Mercantile Marine School
"	1st class Kotokan
15 Sept. 1945	Placed on Reserve List
15 June 1946	Naval Officers' Status Ordinance was abolished by Imperial Ordinance No. 322 of 1946

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EXHIBIT 61 (19)

0084

Annex 7.

Curriculum Vitae

Name: ARIMA Kaoru, Ex-Vice Admiral, I.N.J.
Permanent Domicile: No. 3403, Oaza Miyamaru, Miyakonojo-machi,
Kita-Morogata-gun, Miyazaki-ken.
Date of Birth: 15 December 1893.

11 Sept. 1911	Cadet, Naval College.
19 Dec. 1914	Midshipman.
13 Dec. 1915	Ensign.
1 Dec. 1917	Lieutenant J.G.
1 Dec. 1920	Lieutenant.
1 Dec. 1926	Lt-Commander.
15 Nov. 1932	Attached to Naval General Staff.
1 Dec. 1932	Commander.
"	Concurrently Member, Army General Staff.
"	Staff Officer, Naval General Staff and concurrently Instructor, Naval War College.
15 Nov. 1936	Relieved of above concurrent post as Member, Army General Staff.
"	Staff Officer, 1st Squadron.
1 June 1936	Staff Officer, 3rd Squadron.
16 Nov. 1936	Instructor, Naval War College.
1 Dec. 1936	Captain.
20 Aug. 1937	Staff Officer, 2nd Fleet.
3 Sept. 1937	Instructor, Naval War College.
25 Oct. 1937	Staff Officer, China Seas Fleet.
30 Oct. 1937	Concurrently Staff Officer, Central China Area Army.
15 Dec. 1937	Chief of 2nd Section, Education Bureau, Navy Ministry and concurrently Member of Naval Technical Council.
25 Dec. 1937	Relieved of above concurrent post as Staff Officer, Central China Area Army.

Key

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EXHIBIT 61 (20)

0086

- 2 -

15 Nov. 1939	Commanding Officer, KUMANO.
15 Oct. 1940	Commanding Officer, HIEI.
15 Sept. 1941	Chief Equipment Officer, Warship No.2.
5 Aug. 1942	Commanding Officer, MUSASHI.
1 Nov. 1942	Rear Admiral.
9 June 1943	Attached to Naval General Staff.
21 June 1943	Head Instructor and concurrently Chief Discipline Officer, Naval College.
22 Sept. 1943	Vice President, Naval College and concurrently Head Instructor and Chief Discipline Officer, thereof.
1 Dec. 1943	Concurrently Commandant, Kure Training Squadron. <i>Ken</i>
19 Feb. 1944	Commandant, 4th Base Force and concurrently Commandant, 2nd Escort Force.
1 Mar. 1944	Relieved of above concurrent post.
30 Mar. 1944	Concurrently Chief of Staff, 4th Fleet.
1 May 1944	Chief of Staff, 4th Fleet.
20 May 1944	Concurrently Chief Supply Officer, 4th Fleet.
12 Aug. 1944	Attached to H.Q., South-Western Area Fleet.
10 Sept. 1944	Commandant, 31st Special Base Force.
1 Nov. 1944	Chief of Staff, South-Western Area Fleet and concurrently 13th Air Fleet, 3rd South Sea Fleet and Commandant, 31st Special Base Force.
17 Nov. 1944	Relieved of above concurrent post as Commandant, 31st Special Base Force.
5 Feb. 1945	Relieved of above concurrent post as Chief of Staff, 13th Air Fleet.
1 Nov. 1945	Vice Admiral.
15 Nov. 1945	4th Junior Court Rank.
10 Dec. 1946	Placed on Reserve List.
10 Dec. 1946	Naval Officers' Status Ordinance was abolished by Imperial Ordinance No.322 of 1946.

EXHIBIT 61 (21)

0088

Annex 8.

Curriculum Vitae

Name : FUKUZAWA Tsunekichi, Ex-Rear Admiral, I.J.N.

Date of Birth : 25 September 1892

Permanent Domicile: No. 78-1, 1-bancho, Hikocho, Kanazawa-shi,
Ishikawa-ken

12 Sept. 1910	Cadet, Naval College
19 Dec. 1913	Midshipman
1 Dec. 1914	Ensign
1 Dec. 1916	Lieutenant J.G.
1 Dec. 1920	Lieutenant
1 Dec. 1926	Lt-Commander
1 Dec. 1932	Commander
"	Commandant, 25th Submarine Division
20 Apr. 1933	Inspecting Officer of Construction of Ordnance and Shipbuilding, Naval Technical Department
15 Nov. 1935	Commandant, 14th Submarine Division
20 Dec. 1935	Commandant, 30th Submarine Division
1 Dec. 1936	Commandant, 18th Submarine Division
1 Dec. 1937	Captain
20 Sept. 1938	Concurrently Commandant, 30th Submarine Division
15 Dec. 1938	Commanding Officer, TSURUGIZAKI
15 Nov. 1939	Commandant, 15th Defense Corps
15 Nov. 1940	Inspecting Officer of Construction of Ordnance and Shipbuilding of Naval Technical Department
25 Sept. 1941	Commanding Officer, Special Service Ship AKASHI
12 Sept. 1942	Attached to Yokosuka Naval Station
25 Sept. 1942	Attached to Chinkai Minor Naval Station
1 Nov. 1942	Rear Admiral

0089

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EXHIBIT 61 (22)

0090

15 Jan. 1943	Attached to Naval General Staff
12 Feb. 1943	Attached to H.Q., 4th Fleet
15 Feb. 1943	Commandant, 5th Special Base Force
9 Dec. 1942	Conferred 2nd class Order of Sacred Treasure <i>Key</i>
1 Oct. 1943	Chief Inspecting Officer of Shipbuilding and Construction of Ordnance, Naval Technical Department
10 July 1944	Concurrently attached to Navy Ministry
15 Jan. 1945	Attached to Chinkai Minor Naval Station
1 Feb. 1945	Naval Resident Officer in Seoul and concurrently Chief Inspecting Officer of Shipbuilding and Construction of Ordnance, Naval Technical Department <i>Key</i>
10 Aug. 1945	Relieved of above concurrent post
"	Concurrently Director of Naval Munition Inspecting Office in Korea
10 Oct. 1945	Placed on Reserve List
23 Nov. 1945	4th Junior Court Rank
23 Nov. 1945	One grade of Court Rank was promoted by the Grace of the Throne
15 June 1946	Naval Officers' Status Ordinance was abolished by Imperial Ordinance No. 322 of 1946

Key

EXHIBIT 61 (23)

0092

Annex 9.

Curriculum Vitae

Name: TSUJIMURA Takehisa, Late Vice-Admiral, I.J.N.
Permanent Domicile: No.598, Yoyogi-Hatsudai, Shibuya-ku, Tokyo-to.
Date of Birth: 7 March 1893.

11 Sept. 1911	Cadet, Naval College.
19 Dec. 1914	Midshipman.
13 Dec. 1915	Ensign.
1 Dec. 1917	Lieutenant, J.G.
1 Dec. 1920	Lieutenant.
1 Dec. 1926	Lieutenant-Commander.
1 Dec. 1931	Commander.
"	Staff Officer, Naval General Staff and concurrently Instructor, Naval War College and Member, Naval Technical Council.
1 Oct. 1933	Member, Naval General Staff and concurrently Instructor, Naval War College and Member, Naval Technical Council.
20 Oct. 1933	Commandant, 14th Submarine Division.
20 Mar. 1934	Concurrently Commanding Officer, Submarine Ro-27.
15 Nov. 1934	Commandant, 24th Submarine Division.
15 Nov. 1935	Captain.
"	Commandant, 9th Submarine Division.
1 Dec. 1936	Commanding Officer, ITSUKUSHIMA.
1 Dec. 1937	Commandant, Maizuru Defence Corps.
15 Apr. 1939	Commandant, 6th Defence Corps.
5 Oct. 1939	Attached to Naval Technical Department.

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EXHIBIT 61 (24)

0094

- 2 -

15 Nov. 1939	Director, Ordnance Department, Maizuru Navy Yard.
15 Oct. 1941	Rear-Admiral.
15 Jun. 1942	Director, Ordnance Department, Yokosuka Navy Yard.
16 Aug. 1943	Conferred 2nd class Order of Sacred Treasure.
1 Oct. 1943	Commandant, 5th Special Base Force.
1 Mar. 1944	Commandant, 5th Base Force and concurrently Chief of 5th Naval Construction Office (Ken-setsu bu) and Commandant, 2nd Escort Force. <i>W</i>
8 Jul. 1944	Vice-Admiral.
"	4th Junior Court Rank.
"	Killed in action.

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EXHIBIT 61 (25)

0096

ALLIED OCCUPATION FORCES }
TOKYO, JAPAN }

I, Kenichiro Yoshida, the Chief of the Liaison Section, Central Liaison and Coordination Office, Japanese Government, being duly sworn on oath, state that I have read and understand the foregoing transcription of my testimony consisting of twenty-two (22) pages, and that the foregoing testimony, obtained from competent authorities of the Japanese Government, is true to the best of my knowledge and belief.

Kenichiro Yoshida
Kenichiro Yoshida.

Subscribed and sworn to before me this sixth day of July, 1948.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

C-E-R-T-I-F-I-C-A-T-E

We, Frederick F. Tremayne, lieutenant (junior grade), United States Naval Reserve, and Joseph Kase, junior, yeoman second class, United States Navy, certify that on the sixth day of July, 1948, Kenichiro Yoshida, the Chief of the Liaison Section, Central Liaison and Coordination Office, Japanese Government, appeared before us and gave the foregoing answers to the several questions set forth therein; that the said Kenichiro Yoshida, the Chief of the Liaison Section, Central Liaison and Coordination Office, Japanese Government, read his testimony and affixed his signature thereto in our presence.

Frederick F. Tremayne
Frederick F. Tremayne,
Lieutenant (junior grade),
United States Naval Reserve.

Joseph Kase Jr.
Joseph Kase, junior,
Yeoman Second Class,
United States Navy.

EXHIBIT 61 (26)

0097

嘆願書

から島裁判長閣下

私は小林に毎日を

不平に對し、裁判の目も同じに迫つてゐる間、

——たゞ閣下に最後の嘆願をいたします

どうか彼の刑を軽く——作中などにも、

私はもう七十八の年まで生きてゐる世の仕事は畢ん

たと思ひます。今は日本の世の冬は雪深く、小郡本で余

生を送らば、の身子供等既に成人——社會に立つ

べきから、残つてはあつて、健康の嘆息は仁

人にかかるものがある、あつて私の生涯中

一番苦——かつた時の同僚の友だちであり、彼の父が

事業に失敗——家産を失つ——失物と惨憺——

再起の氣力を失つた時、仁は少中であり、——にか

大人の子供をかへて逢方にくれて、私を勵ま——父に代

つて、半姓の面倒を見ることをせよとあり、それで

私は、——家産の難題に悩め、彼は半姓を指導し

て立派に社會人になつて上げたが、あつて、我が家の今

の幸福の半は、彼の創りあげたものであつて、から

彼が父——尊敬を、——と思はれます

自分彼は、この苦境に立ち、自ら成績の悪い、他家の学生たち

を、——を、——に、その結果、彼

等の中、大学に進学し、あつて、敗れたもの

が、——に、——、彼は、今、——、

——、——、私は、半、——、

——、——、米澤、——、

鼓判長閑下 どんがの鶴を おかき下ろす様
如く所を這へて

④

山形果米澤市境

Exhibit 62

0100

25 May 1948

To: The Honorable President of the United States
Military Tribunal on Guam Island.

From: Chie Kobayashi
Yokomachi, Yonezawa-shi, Yamagata Prefecture.

Subject: Affidavit in testimony of Masashi Kobayashi.

Most Honorable Sir:

I am Masashi Kobayashi's mother. Hearing that the day of his trial is drawing near, I am making my last appeal to Your Honor. Please make his sentence as light as possible.

I am 78 years old and feel that my work in this world is done. I am living my last years in this small city which is now buried in snow. My children have all grown and made their way into society, so I have no regrets. My only worries are of Masashi. He was my only companion in time of distress, when his father failed in business and lost all will to rise again. Masashi comforted me, who, with six children on my hands, was at a loss as to what to do. He swore that he would take his father's place in caring for his brothers and sisters. Thus, I strove for revival of our family fortunes, while he guided his brothers and sisters to become full-fledged members of society. He is responsible for more than half of the present happiness of our family, and it is natural that he should receive even more respect than his father.

In the midst of his own misfortune, he helped other students who were doing poorly in school so that they could progress, and some were able to advance to the university. I cannot sleep when I think that those he had saved are now in good fortune while he, the savior, should be awaiting trial.

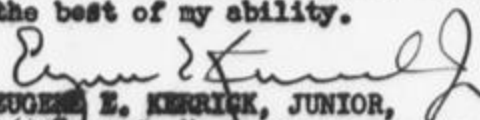
The ancestor of the Yonezawa Clan was Uesugi Kenshin. The story of how he had, during his feud with his rival, Takeda Shingen, sent salt from his seashore land to that of his enemy whose followers in the mountain area were suffering from lack of that vital product, is a family page in the teachings of Bushido. My ancestors were also members of the Yonezawa Clan. A warrior must not only be courageous but righteous as well in order to be called a knight. Having inherited such blood and reared in such traditions, I secretly believe that he could not have committed any shameful deeds. I know nothing and have no strength. All I know is my life with my son and his heart. I have only my aged body and my belief in God. I do not know how far away Guam is, where Your Honor now lives. I do not know Your Honor's name or face nor that of the others. My cries are directed toward the skies. But, I have faith. There is a Island of Guam and Your Honor and the members of the commission are there. My pleas will be heard. Though we are foreign, you will understand my plea. There are no national barriers or distances to sympathy and truth.

Your Honor, I beg that you listen to my request.

Yours respectfully,

Chie Kobayashi.

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter

"Exhibit 62 (a)"

嘆願書

ガム島裁判長閣下

子

私は少林仁の妻でございます。此の夫仁が起訴されて
閣下のもとに審理を委ねてある中、胸を痛める男を先
にとり、一歩即ち中絶をせよと申し立てをします。
如き罪を問はるゝやその言葉は知る由も、けしき人か
家庭人としての彼、非難を蒙るゝや、夫とて父祖父では
あり、たゞ彼、素直に三人の娘の教育の心で、育ちが
つゝ大使館は武官として貴地に轉任し、貴国の美しき
思想文化に習熟し、是非明かすべしと、家族を連れて来り
ました。私等、ワシントンに滞在し、深山の良きお友達と持ち
娘達、五人で、通号——非難を蒙るゝや、右の義を二年間
おつと悲しめ、育ち、娘達、この様子を、貴方の悲化
を、彼ら、貴方、自由平和、沈黙、理解——得る、家庭人と

して事お非幸の志んで居りしに彼に職務上不在候で
 一も如くし娘、さうも又う隠候の中、スリくと教出し目金に
 三人も好所にて衣を母とやり孫が八人といふいます。孫もさうと
 おぢのふね、大船より早く帰るゝる目と候へく居ります
 彼の家でやういづれでやうい友人、深山、孫を居ります
 現在、生憎の事をもて訪ねられ慰めはげすしとて
 事と感謝して居ます。彼、又、情誼、あつゝとて正し
 責任感、強人、に彼の心は、私が一番とて知ると存じます
 和は彼と絶倫の信に、教養、即ち、居ります
 裁判長閣下、何事、は、急、悲、深、い、心、して、寛、大、な、心、で、裁、断、を、な、さ、れ、ま、す、夫、と、お、お、い、て、居、る、様、に、即、ち、お、お、い、て、居、ま、す

昭和廿二年一月九日

小林
 千
 工
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Exhibit 63

0104

Tokyo, Japan
25 May, 1948

TO: The Honorable Presiding Judge of the United States
Military Court in Guam Island.

FROM: Chieko Kobayashi
49, Taira-machi,
Meguro-ku, Tokyo

SUBJECT: Affidavit in testimony of Masashi Kobayashi.

Most Honorable Sir:

I am the wife of Masashi Kobayashi. Hearing that my husband has been placed on trial, I have decided to write a line of appeal to you.

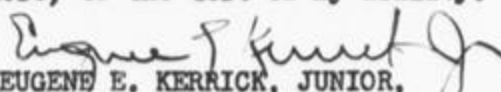
I do not know what the charges are against him, but as a family man, he was a gentle husband, father, and grandfather. He constantly worried about his three daughter's education. During his stay in your country as Naval attache to the Japanese Embassy, he took his family with him, wishing to teach us the beautiful ideas, culture and customs of your country. During our two years' stay in Washington, we made many friends, my daughter attended school, and it was two very pleasant and significant years to us. Our daughters have received your country's influence and are happy that they have a father, who understands liberty, peace and is friendly toward America. Though my husband was often away in line of duty, our daughters grew up and married, and we now have eight grandchildren who are all eagerly awaiting their grandfather's return. Not only was he gentle at home, but he has many friends who often visited us during his trip to Europe to comfort us in his absence. He has deep compassion, while righteous and a strong sense of responsibility. I have the deepest faith and love toward him.

Honorable Judge, with your deep sympathy, please be magnanimous in your judgment of him and save the husband whom I love.

Yours respectfully,

/s/ Chieko Kobayashi

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 63 (a)"

0105

PETITION

To: The Chief Judge,
U.S. War Crimes Tribunal at Guam.

24 October 1946

Sir,

We are the daughters of Masashi Kobayashi who is now to face a trial at the military tribunal at Guam Island.

We do not know on what charges our father will be tried, but from a remote corner of post-war Japan, our mother and we anxiously wait in sorrow our father's fate. Morning and night we are praying for his acquittal and safe return to home.

When we think about father we cannot help writing to you. We wish to inform you a side glance of our father's character which may aid you in your merciful, fair and righteous trial. It is with this desire that we are writing you this letter.

Father was in the naval service and was often away from home. Therefore, we girls spent lesser hours with father than compared to other children. Nevertheless, we remember being raised amidst the deep affections of our father.

Father was a man of deep intellect and affection. He also possessed a strong sense of righteousness, not only as a naval officer but as an ordinary man. He was fond of reading and especially liked 'Yokyoku' or 'Ha' recitations. When father took us to the theatres (dramas) and the scene was about paternal affections or a humanistic play we remember seeing him wiping tears from his eyes. He was really sympathetic at heart while being coal-headed in dealing with matters. He was practical in judging and managing affairs accurately.

Above all, father cherished a very strong sense of righteousness which we are sure never allowed him to act in the wrong. Therefore, we are confident that he would never perform any barbarous thing in violation of humanity nor would he order any one to do so.

When father was a naval-attache in Washington D.C. we were with him in the U.S.. We attended grade school together with our American friends. We learned many of your beautiful customs. Among the many pleasant recollections during our stay in the U.S.. We shall never forget the time when father took us to the Lincoln Monument and the final resting place of George Washington. Father took that occasion to teach us girls the character and achievements of the two great Americans. It was very impressive.

He also presented to the school many flags, both American flags and Japanese flags. He brought the flags from Japan himself.

When we were leaving the U.S. we planted a cherry tree, which symbolized Japan, in the corner of the school premises. This was to commemorate the deep affection shown to us by the American people.

Father has been to the U.S. three times and we know he cherishes a deep respect and love for your country.

He has many friends in the U.S. whom he respects and he used to tell us about these friends.

Lastly, I am sure what we have written here has shown you a glimpse of my father's true character.

Before the trial starts, if this letter should gain the attention of the Chief Judge and the members of the court and our ardent wishes to save father be recognised, we do not know how to express our gratitude.

Sincerely yours,

Kazuko
Kazuko

Ryoko
Ryoko

Toshiko
Toshiko

Exhibit 64

0107

歎願書

裁判長閣下

只今閣下の許に審理を受け居ります義父小林仁^{トサシ}の爲に閣下に対し一書を呈する失礼をお許し下さい

私が彼に別れてから既に二年になります

一昨年の春突如として彼に拘留の命令が下りました

其の時私は如何に愕然としたことでありましたううー

彼は然し思ひの外に落ち着いて心配することはないよと

申して親しい者達の彼を送る送別の宴に列ったので

御座ぬます

爾來私は心を失ふた家庭の留守を守る只一人の養子たる男として、ゆるされて、歸るのを望み、信じつゝ家族をなぐさめ、はげまして参りました

彼の人からや思想に就ては私等家族の者が最もよく

知つて居ると信じています

彼は情誼に厚く又眞に自由と平和を受入れて居りました
私は彼の情誼に厚いのはその本性であり自由と平和を
受ずるのは彼の米國的教養の爲であると考え居りました
それにも拘らず私の時たま氣にかりつたことは戦時中に於ける
彼の自由平和主義の思想が日本社會一般と懸け隔れていた
ことで御座ぬます。このことに就ては彼が米國に前後
約五年滞在して米國の感化を受けたためであると同情して
考へてみましても「この迄も米國を賞讃しなくてもよからうに
と反感さえ覺えたことか御座ぬまいだ。之は私のデモクラシー
に対する認識の不足と更に本質的な父の性格に對し私の
認識の不徹底の至る處であつたことを今はよく理解し
反省しませんでした

かゝる性格と思想の持主である彼が非人道的な行動をする

等がないと信じます

閣下どうか父の歸宅を待ち侘ぶる私達の心情を諒察
せられ御寛大に取計うはれ一日も早く最も親愛する彼
を一家に迎へ再び以前の様に一家團欒平和の生活を送れる
様にして下され度御願ひ申し上げます

一九四八年五月二十三日

東京都目黒区平町四九

小林祐輔（小林）

P E T I T I O N

To the Honorable President
of the United States Military Commission,
GUAM

Sir:

Kindly allow me to present to you a petition on behalf of my father-in-law- Masashi KOBAYASHI who is now being tried by your Commission.

It is already two years since he left me and my family. In the spring of 1946 he was apprehended quite unexpectedly to me. In spite of my great surprise at the order of his arrest, however, he was quite composed and, by saying "Do not worry about me," assured his kins who gathered at an informal farewell dinner held for him. Ever since, it has been my duty as the only male member and son-in-law of a family which was suddenly deprived of its supporting pillar to console and encourage the family, cherishing the hope that some day he will be acquitted and rejoin us.

I believe that the character and thoughts of Masashi Kobayashi are best known and understood by the members of my family. He is kind and warm-hearted; he loves freedom and peace from the very bottom of his heart. I humbly submit that his kind and warm-hearted nature is the essence of his character and that his love of freedom and peace comes from the training and culture which he had the privilege of receiving in the United States.

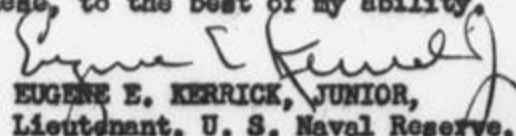
During the war, however, I was sometimes worried at the immense gap which isolated his freedom- and peace-loving thoughts from the actual conditions then prevailing in Japan. Although I fondly thought that that was because of the influence which he received and imbued during his stay of altogether five years in the United States. I could not help feeling at times a kind of mild antipathy toward his too indulgent admiration of America and things American. On reflection, I now realize that this was due to my lack of understanding of the democratic principles and of the essential character of my father-in-law. It is therefore my firm belief that a man of such character and thoughts is incapable of committing any inhumane act.

I most respectfully beseech you, Sir, that by kindly understanding our pitiful desire to have back the one who is so dearly beloved by us all, you will allow him to rejoin his family and thus allow us to enjoy our peaceful and happy family life. I earnestly appeal to your generosity and grace.

I am,
Sir,
Your most obedient servant,
(Yusuke Kobayashi)
No. 49, Teira-machi,
Meguro-ku, Tokio, Japan.
/s/ Yusuke Kobayashi

May 24, 1948.

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 65 (a)"

Dec. 21st, 1946

My Dear Mr. Judge:

I beg you to take the liberty of sending a petition of rescuing Masashi Kobayashi, former Vice Admiral of Japanese Navy.

My wife is his eldest daughter and I am his son-in-law. My own parents had been in the States and got acquainted with Mr. & Mrs. Kobayashi who had then been in Washington as a Naval Attaché. They were used to admire his high personality and noble culture. When they returned home they were gradually feeling the anti-American movement among other people. However, they stood always as pro-Americans and endeavoured to keep peace with America at any price. His thought and action agreed perfectly with my parents', who finally arranged the matrimony with his daughter and myself.

As far as I know, Mr. Kobayashi is a well refined gentleman like any American trained in the States. He is also a highly cultured gentleman of the highest moral standard.

I don't know exactly why he is tried in your court. I cannot imagine that he is now under trial in your court on account of treating the American soldiers cruelly as he had been always friends of the Americans. My dear Mr. Judge, I beg you will be good enough to give him your kindest consideration and rescue him as well as his family.

Very sincerely Yours,

Toshisuke Tanaka
Toshisuke Tanaka

Exhibit 66

0112

Tokyo, Japan
25 December 1946

TO: The Honorable Presiding Judge of the United
States Military Tribunal in Guam.

FROM: Koichi Aoki
49, Taira-machi, Meguro-ku,
Tokyo, Japan.

SUBJECT: Affidavit in testimony of Masashi Kobayashi.

Honorable Sir:

I am the husband of the second daughter of the former Vice-Admiral Masashi Kobayashi, who is now standing trial in the military court under your jurisdiction. I have been living at the home of Masashi Kobayashi since six months before the end of the war. At that time he had already resigned from the navy.

One night the family gathered to play contract bridge. In the midst of the game, I withdrew a card which I put out and replaced with another one. My father-in-law was very displeased to see that. He strongly reprimanded me for breaking the rules of the game. Also, quite often we would jokingly give hints to our partners about which card to play. Each time he rebuked us. Later, when talking to us, he spoke of his experiences while stationed in America, saying that the Americans were very frank and regarded fair play highly. He gave many examples and stated clearly that he firmly believed in them, too.

He was stationed in America for five years as Naval Attache, during which time he studied international law and history at an university. He took part several times in international conferences and was the possessor of a wide international outlook. I cannot understand why one such as he should be facing trial now as a violator of the international law.

Your Honor, I pray that you consider his character as a man, and conduct the trial with leniency.

Respectfully submitted,

Koichi Aoki
Koichi Aoki

Exhibit 67

0113

嘆

願

書

昭和三十一年十一月 日

東京都目黒区平所

平所会会長

高橋俊雄



カカ島米國軍事裁判所
裁判長 殿

小林さんは商店会内には一九三五年から現住して十一年の
長い間住んで居られますが昭和三十一年に團熟した紳士
であります。その方は十一年の長きに亘る間には勿論近隣
の人々との間にいさざこざ一回もなく親切な方だと評判も
よく従つて所々から軍國的な色彩のない軍人と尊
敬されて居ります。又本國にも居る同國の同志も
知つて居られるのが一般の軍人の様な威張ることもなく即ち
民を怖る方でもありません。
それと軍人と云ふから普通の伯父さんとしり所々
からも親しまれて居ります。
今因に小林さんが暴行の責任者として裁かれる日も
待つて居られると聞かされたので小林さんがどうして人
なれと驚いて居るやうです。
小林さんは絶対に非人道的な行爲と指導する方
なれと思ひます。
以上から云へる事も勿論市民は必ず自白青天の
下で帰せられる日を待つて居ります。
吾等市民の切実なる訴へを中絶してしまふと寛大
な裁きも預けられずあります。

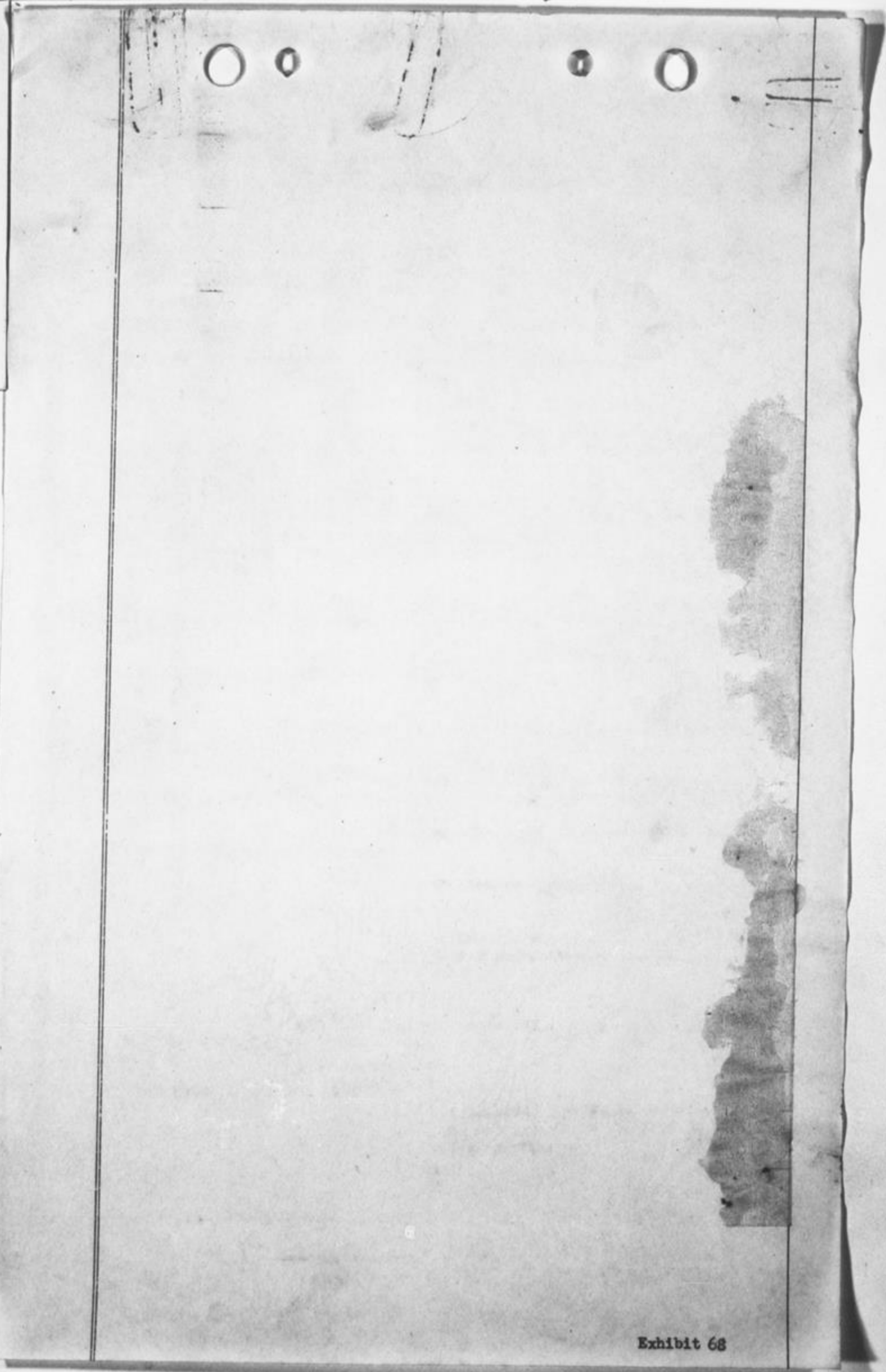
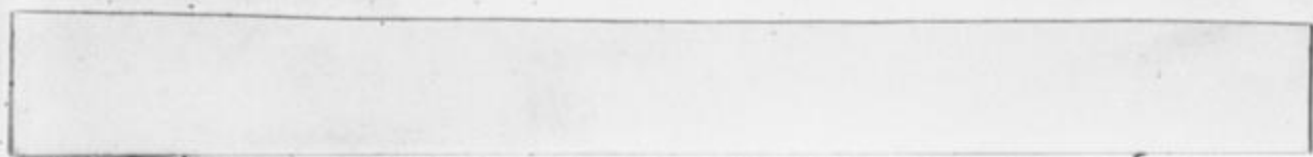


Exhibit 68



PETITION
(For former Vice Admiral Kobayashi)

28 December 1946
Tokyo, Japan

To: The Honorable President of the United States Military Tribunal on Guam.
From: Toshio Takahashi, head of Taira-machi district.
Subject: Affidavit in testimony of Masashi Kobayashi.
Your Honor:

Mr. Kobayashi has been a resident of this district for eleven years since 1935. He is a gentleman, serene and kind to all. That is to say, during the eleven years he has never been involved in any bickering with anyone in the district or, of course, in his township. He is considerate and righteous in his judgments, and has been respected by all as a naval officer with no military overbearance. He has been to America and is familiar with American ideas. Therefore, he is not arrogant like most military men. He may well be described as a democratic person.

After he was released from the navy and put on the inactive list, he was familiarly known among the townspeople as a common man.

I could not believe it when I heard that this same Mr. Kobayashi is now awaiting trial as being responsible for acts of atrocity.

I firmly believe that Mr. Kobayashi could not direct any inhuman deed.

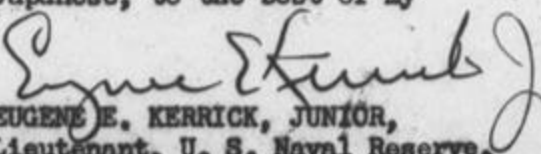
Thus, we, people of the same district, are awaiting the day when he will return, cleared of all charges against him.

We plead that you take our sincere request into consideration and have mercy in your judgment.

Respectfully submitted,

Toshio Takahashi
Head of Taira-machi,
District.

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 68(a)"

0116

Tokyo, Japan
28 December 1946

TO: The Honorable Presiding Judge of the United States Military Court in Guam Island.

FROM: Tsutomu Saito
No. 59, 2-chome, Fukazawa-cho
Setagaya-ku, Tokyo

SUBJECT: Affidavit in testimony of Masashi Kobayashi

Most Honorable Sir:

I am the brother-in-law of Masashi Kobayashi.

The impression that I have received from Masashi Kobayashi is that he is closer to a civilian than a military man.

He possessed liberalistic tendencies which were rarely seen among Japanese military men. This was the result of his actual observations of your country's culture during his term as military attache, and the deep effect he received from your country's high level of civilization and high educational standards of your countrymen, and also, I believe, the result of his innate qualities. This, I believe, is exemplified by the fact that during his naval academy days, in violation of the strict, feudalistic regulations of the institution, he secretly indulged in the reading of western literature. He himself has said that he was a man able to possess interests in problems pertaining to the broad field of culture, and not a special military man with limited views. His strong characteristics in the search for freedom and justice are also contained in this little incident.

The impressions which I received everytime that I had an opportunity to meet him were very pleasant. That was because his strong nature for resenting and despising barbarism, brutality, falsehood and all other human vices could be distinctly observed in his pacific and moderate bearing. Regardless of the situation, it was difficult to discern a particle of rude ideology or will. Therefore, when I learned that he had been recalled to the former battlefield, from which he had retired due to illness,

Exhibit 69

0117

charged with the responsibility of committing inhuman acts, I could not believe it. Just why and what responsibility had he been charged to account for that he should have to face trial before the military court of the United States for which he has always held high respect.

Being merely one of the close relatives of his private life, I have no way of knowing the nature of the problem taken up in your court-room. However, I just cannot connect "inhuman acts" with Kobayashi whom I understand and trust. I am not even able to imagine it. And if through an unfortunate accident, he is responsible for such acts, what a calamity it is!

Your Honor: I am merely a witness to all that I know about Kobayashi's character from the standpoint of a close relative.

In Your Honor's execution of a fair trial, I only wish to entreat that you will remember my testimony so that an "unfortunate accident" will not turn out as an "everlasting misfortune."

Sincerely yours,

Tsutomu Saito.
Tsutomu Saito

Exhibit 69

0118

予、小林君、過去四年、海軍生活に於て同
僚として交友し、又約十五年、再び近隣、居住し
親しく其私生活、親しく公私共、其性格
言行、認識し、信ぜし、同君が最も
仲よく誼、國際道義、同心深し
其、名曰、示か如く仁愛、富く人道の
良、卓越せり。對此大に敬意を表せしむ。

而して、予個人、所見えたる如く、我海軍
一般、同君に對して評タリ。云々

是同君が軍人として善意、其、武士道、修得
し、之に止る。而て米國、互動し、其、國風
、接し、其、良風、を得て、實踐し、依て、思考

ス
、性行、優し、予、同君が殘存行爲、行フ

かや下ニ想像スルニ国耻ト云フナリ
茲ニ予ノ知ル同君性行ノ一般ヲ披瀝シテ裁
判官諸氏ノ諒察ヲ請フ次第ナリ

一九四六年十二月二十日

吉田善吾

(元海軍大将)

20 December 1946
Tokyo, Japan.

To : The Honorable President of the United States Military
Tribunal on Guam.

From: Zengo Yoshida, former admiral of the Japanese Navy.

Subject: Affidavit in testimony of Masashi Kobayashi.

Honorable Sir:

I have carried on intimate relations with Mr. Kobayashi for the past forty years as a fellow serviceman in our navy lives, and for about fifteen years we have been neighbors, so I am well acquainted with his private life as well. I, therefore, have recognized and believed his character and words both in public and private affairs, and I have great respect for his gentleman-like attitude, his deep interest in international morality, his benevolence just as his name implies (T.N. The Chinese character used for his name Masashi means benevolence), and his superb consciousness of humanitarianism,

The above statement is not only my own personal opinion but also the acknowledgment of the entire Japanese navy.

This reputation is not only due to his training in the bona fide truths of "bushido" which he received as a military man, but also to the fact that during his tenure in the United States, he came in contact with the customs of that country and was able to apply these good qualities practically.

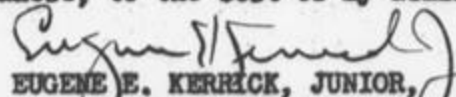
In view of the above mentioned character and conduct of Mr. Kobayashi, it is difficult for me to imagine that he would commit any sort of atrocious act.

I have hereby stated Mr. Kobayashi's character and conduct in general with which I beg you to take the circumstances into consideration.

Respectfully submitted,

Zengo Yoshida.

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 70 (a)"

嘆願書

東京都渋谷区代々木五丁目一〇五三

昭和三十一年十月

九世長谷川

長谷川

清

から島米國軍事裁判所

裁判長閣下

小官、軍事裁判被告として閣下、審理を受けんとし、
海軍中將小林仁子に、通所信を述べ、特、閣下、
希望、してスルモノナリ

小官、小林中將、少尉候補生以来数回監督指導、
立場、在り、其、人爲ヲ知ル、人ナリ、其、人物、温健
快活、誠實ニシテ人ト交ル、胸懷、充、努メ、志ス、
遊、類、人ナリ

小官、米國大使館付武官時代、少佐トシテ語學練習生
トシテ華府及バルタモリニ在リ、能ク米人ト親交ヲ望ム
其、信望ヲ得、

又、今人、情義、厚シ、言動常ニフェア、トシテ遵則
トシ、何事ニモ正義ヲ愛シ、邪惡、念強キ公正、
人ナリト認、

(決)

A PETITION

To His Excellency, the Chief Judge,
Military Court, Guam.

Dear Sir,

I beg to be permitted to submit to you the following statement of my firm belief concerning the former Vice-Admiral Masashi Kobayashi who is about to be tried by you as a defendant in the Military Court. And it is my earnest hope that you may be pleased to give it your sympathetic consideration.

It so happens that during the long years of Vice-Admiral Kobayashi's service since his midshipman days, I on several occasions occupied positions which entailed superintendence and guidance over him. Through those numerous contacts, I found him to be a man of sound temperament, cheerful and sincere; frank and straightforward in his dealings with his fellow-men. I noted in particular that he was of the type who takes both his work and play seriously, working hard at both. When I was stationed in Washington as Naval Attache, he came over as a language officer with the rank of Lieutenant Commander and carried on his study at Washington and Baltimore. He made numerous friends among the American people, among whom he was very popular. It is, moreover, my conviction that in all that he said and did, "fair play" was ever his motto; and that because of that fact, he loved justice and hated wrong.

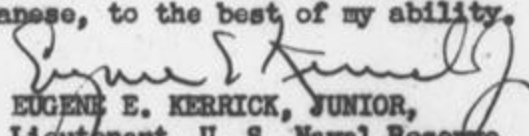
Yours truly,

Former Admiral Kiyoshi Hasegawa

Address: No. 1052, Oyama-cho, Yoyogi,
Shibuya-ku, Tokyo.

23 October 1946.

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 71 (a)"

0123

一九二八年秋、我が國主勳章勳章大佐、彼等武官當時、小
林、中將、武官補佐官、アリ、之、爾來一層、三、彼
、人格、性質、等、ヲ、就、知、之、居、之、ス、カ、彼、過、手、を、進、ま、ス
、紳、子、ヲ、誠、見、奉、越、。交、際、田、滿、テ、アリ、ス、日、米、戦、争、ニ、對、シ、テ
、彼、内、心、を、予、以、反、對、意、見、ヲ、持、ツ、居、リ、コ、ト、カ、唯、命
、令、ニ、從、フ、戰、時、中、彼、任、務、ニ、從、事、セ、シ、タ、リ、ト、彼、日
、常、口、吻、ニ、思、フ、風、ヲ、吹、キ、テ、アリ、コ、ト、
、彼、人、道、ニ、反、ス、ル、如、キ、風、ヲ、吹、ス、ト、彼、人、格、ヲ、誠、ニ、私、其、
、到、底、夢、想、ヲ、想、像、シ、難、イ、所、ヲ、アリ、ス、
、小、林、中、將、カ、ト、ウ、シ、左、勤、務、時、部、下、ノ、者、ガ、發、達、行、為、ト、
、予、當、時、待、等、ヲ、放、テ、シ、タ、ト、云、フ、ス、バ、其、時、彼、病、氣、
、ヲ、シ、テ、得、ス、部、下、ノ、行、動、ヲ、監、視、シ、得、ナ、ク、立、場、ヲ、失、フ、
、為、リ、テ、若、シ、事、前、ニ、對、シ、如、キ、行、為、ガ、彼、耳、ニ、入、リ、テ、做、之、
、ス、バ、彼、對、手、ト、シ、テ、之、ヲ、止、ス、ル、操、令、令、ニ、テ、訓、導、セ、ル、
、ト、カ、對、言、ヲ、得、テ、セ、ス、
、何、卒、此、歎、歎、對、シ、御、考、慮、ヲ、辨、シ、彼、親、友、等、ヲ、以、テ、
、私、信、ヲ、シ、ガ、ル、心、中、ヲ、御、察、察、下、サ、シ、彼、對、シ、實、文、ニ、判、決、
、ヲ、下、シ、テ、シ、タ、御、鑒、申、上、ス、

一九四六年十月十九日

元海軍中將 坂野節重

關島裁判長殿

A PETITION

To the Chief Judge,
Military Court, Guam.

Dear Sir,

Vice-Admiral Masashi Kobayashi served under me as Assistant Naval Attache in 1928 when I was stationed as Naval Attache to our Embassy in Washington. From what I saw of him in those days and through the frequent contacts I have had with him in our later careers, I came to know his character and nature well. I found him to be a warm-hearted and sincere gentleman, of sound judgment and discernment, and genial and affable in his associations.

It is clear from what he often told me that at heart he was strongly opposed to the Japanese-American war, but once the war broke out he discharged his duties throughout the struggle in accordance with orders from above.

To me and those of my colleagues who know him so well, even the idea that he could commit a crime in any way contrary to principles of humanity would not occur even in a dream. Consequently if it is true that some of his subordinates at Truk were guilty of mistreatment of prisoners of war and other similar atrocities, the only plausible explanation is that owing to his illness at the time he was physically in no position or shape to exercise superintendence over the conduct of his subordinates. For I do not hesitate to say most emphatically that had the plans come to his ears in any way before the event, he would certainly have taken the sternest measures to prevent execution of the plan.

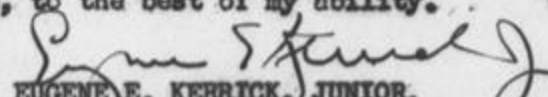
Such being my sincere and honest estimate of the character of Vice-Admiral Kobayashi, I beg to request that this petition be taken into consideration and that you may hence be pleased to show lenience when passing judgment upon him.

Yours respectfully,

Former Vice-Admiral Tsuneyoshi Sakano.

15th October, 1946.

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 72 (a)"

0125

No. 95, 1-chome, Koyamada, I,
Shibara-ku, Tokyo.

23rd October 1946.

To His Excellency, the Chief Judge,
American Military Court,
Guam.

Sir,

The former Vice-Admiral Masashi Kobayashi, now being held in Guam as a war criminal suspect, arrived in Washington D.C. in January 1933 to serve as Naval Attache to the Japanese Embassy. I was the Assistant Naval Attache at the time, and served in that capacity under the then Captain Kobayashi for approximately ten months, i.e. from January to October of 1933.

Down to the time of Captain Kobayashi's immediate predecessor in Washington, it had been more or less a tradition in our Navy that officers assigned to posts abroad should leave their families in Japan. He broke that tradition by having his family, composed of his wife and three daughters, followed him to Washington shortly after. The strained relations between the United States and Japan resulting from the so-called Manchurian Incident of 1931 were still tense at the time, and he seems to have felt that the presence of his family in Washington would be helpful to him in his efforts to ease the difficult situation facing him. That feeling is to be attributed to his knowledge of American society acquired during his earlier assignments in America.

Fully believing that mutual understanding was the principal lubricant needed to improve Japanese-American relations, he, assisted by Mrs. Kobayashi, made many close contacts and friendships with numerous American Naval Officers and their families, as well as with a host of civilians. Through threads of personal friendship he sought to strengthen the ties of friendship between America and Japan, and in particular between the two navies.

I was present at the Kobayashi home one evening when the Kobayashi's gave a party for several couples from the American Navy. In the course of the pleasant conversation which followed the dinner, I had a sudden attack of hiccoughs. When the attack did not stop at once, Captain Kobayashi took me to one corner and, in an unusually stern tone, told me how I might be able to stop it. Now, he was not a man usually given to meddling in personal affairs of others; so I construed his action on that occasion to be a manifestation of his desire to see the American conception of social etiquette strictly observed, - or, in other words, his concern for the feelings of his American guests.

Exhibit 73

0126

As can be seen from the record of his professional career, Vice-Admiral Kobayashi received a part of his education as a Language Officer in America; later saw a term of diplomatic service in the capacity of Assistant Naval Attache; and finally served as Naval Attache. In addition, he spent the better part of a year in Geneva as a member of the Japanese Delegation to the General Disarmament Conference sponsored by the League of Nations in 1932-3. Both in his career and training, therefore, he was as much a diplomat as a navy officer, to whom strict observance of international law had become a matter of common sense. And the hiccough incident already related is but one evidence of his nature which not only dictated his own observance of law and etiquette, but caused him to require that others, especially his subordinates in service, abide by the generally accepted standards of good conduct.

In view of Vice-Admiral Kobayashi's intimate understanding of America and the American people and of the high importance he attached to observance of rules of law, the very idea of mistreatment of prisoners of war appears wholly incompatible with his creed. That he might have permitted, or even condoned, such line of action is therefore inconceivable to me. So strongly do I feel on that point that I am sure that had he been informed of any plans for such action in advance, he would have taken every possible measure to prevent it.

I have ventured to submit the above information to you, Sir, in the hope that you may be pleased to give it your careful and sympathetic consideration in connection with the trial of Vice-Admiral Kobayashi.

Yours respectfully,

Ichiro Yokoyama
(Former Rear-Admiral)

Exhibit 73

0127

謝 願 書

東京都杉並区萩生二、二五

同窓生代表

杉 山 六 藏



外同窓生三十六名

軍事裁判長閣下

本々本書ヲ呈スルノ失礼ヲ御寛容アラントテ布フ

我等ハ

閣下主犯ノ下ニ近ク軍事裁判ニ付セラレタル海軍中將ハ林 仁、約四十年ニ

亘ル同窓生トシテ誤ナキ人間ハ林、実相ヲ不勤、信念ヲ以テ具申シ以テ

閣下ノ御名案ヲ乞ハントスルモノナリ

α. 穩健優雅ニシテ細心冷静ナリ

趣味トシテ多量ノ讀書ハ常に細心冷静ナル判斷力ヲ養成シ穩健優雅ナル人物トナリ

約三十年余ニ亘ル諸曲モ人格、修養ニ資スル処大ナルモット認ム

從テ晩年ノハ林ハ徒ニ門争心強キ武骨漢ニテ莫ク洗練セラレタル紳士道ニ達シ

タリ當時ニ回シ亘ル米國在勤中親シク觀察セル所ニ基キ今次大戦ニ對シ個人

トシテハ反對ヲ表明シ常に輕率盲動ヲ戒メ居リタリ

北支艦隊參謀長時代部下並ニ在勤中人、非行ハ特ニ嚴重ニ之ヲ戒メ非行者ヲ

最罰ニ処スル实例ノ吾人ニ語リタルコトアリ

又公正信義、念強キ人格ハ曾テ人事局員タリシ一事ニ徴スルモ明ナリ

β. 家庭的ニシテ人情味極メテ豊カナリ

友人間ノ不幸困難等ニ際シテハ率先奔走シテ善処解決ニ努メ人情味極メテ

Exhibit 74 (1)

0130

筆名者類數

大野一郎	原清
別府明	福田良三
久保九次	千葉慶藏
佐藤慶藏	鶴池六藏
上野治作	大島良之助
居谷吉春	神山惠平
小林徹理	古瀬倉名藏
横山彌太郎	牧田覺三郎
片岡太司郎	井上達六
三浦友三郎	佐賀祐次郎
青木節郎	戸塚道太郎
加治木智博	松浦永次郎
三塚俊田	樋口通達
友成佐市郎	奥本武夫

坂野民部

後藤傳信郎

中村珍次

澤田嘉瑞穂

水崎正次郎

森口重市

増田寛

土田奇

三浦文三郎

河原田光太郎

赤田大正

井上綱太郎

山崎文三郎

山崎文三郎

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Exhibit 74 (2)

0133

PETITION
(For former Vice Admiral Kobayashi)

To His Excellency, the Chief Judge,
Military Court, Guam.

Dear Sir,

We, classmates at the Naval Academy of the former Vice-Admiral Masashi Kobayashi who is about to be tried before the Military Court over which Your Excellency presides, beg to take this means of submitting to you our estimate of the man as we know him as a result of nearly forty years of living and serving together in the Japanese Navy. It is our fervant hope that you may be pleased to consider this petition sympathetically and in the light of your enlightened judgment.

A. Kobayashi was above all a man of quiet temperament and refinement. Through reading, which has been his hobby for many years, he nurtured a power of judgment which was characterized by prudence and a serene and circumspect attitude towards all things in life. We believe, more-over, that his mastery of the classical "No" song (yokoku), which he practised for upward of thirty years, played no small part in the development of his sterling character.

In his maturer years, therefore, Kobayashi had developed into a polished gentleman free of any tinge of roughness or brusqueness. And because of what he had seen and experienced during his two periods of study and duty in America, he personally voiced opposition to the last war at the outset, and at all times counseled against rashness and blind action. The stern attitude he took towards the questionable practices and misconduct of his subordinates and of the Japanese living in China during the time that he was Chief of Staff of the North China Seas Fleet, and the severe punishment he meted out to the guilty, were matters of common knowledge among all his colleagues. And the fact that he was at one time appointed to a post in the Naval Personnel Bureau must be mentioned as a further evidence of his strong upright character.

B. He was, moreover, a family-man, characterized by kindness and warmth of heart. The fact that whenever there was any misfortune among his friends he was among the first to go to their aid, to offer whatever help, sympathy and comfort he could, is recognized by all who know him.

When Kobayashi was appointed to the post of Naval Attache in Washington, he went accompanied by his wife and three daughters. His avowed purpose in taking his family was to enable them to see the good points in the family life of America, and thereby to contribute toward the culture of Japanese womanhood and improvement of our family life. That was one of the reasons for the view held by his fellow-officers that he was strongly pro-American in sentiment.

C. Kobayashi had a profound understanding of foreigners. It is our firm and sincere belief that because of the experience he had of living for many years in foreign countries he felt a special intimacy and friendly feeling toward foreigners, and was well versed in their manners and customs, as well as in the ways of associating with them.

"Exhibit 74(a) (1) "

We offer the above facts in support of our firm belief that Kobayashi was not a mere officer of the sabre-rattling type so often given to impulsive and rash action, but an officer of cool and sound judgment who had more the attributes of the diplomat. Whether as Chief of Staff or as Commander-in-Chief of a fleet, he has never been known to give way to emotion or to act upon impulse. Because he always placed such high value upon the observance of rules of international law, and of his insistence upon "justice and humanity" as the motto in the education and training of his subordinates, it is inconceivable to us that the atrocities charged against any of them could possibly have been permitted or condoned by him.

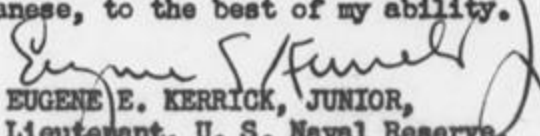
Yours truly,

Ex-Vice-Adm. Rokuzo Sugiyama,
On behalf of the 37 classmates.

Address: - No. 215, 2-chome, Ogikubo,
Suginami-ku, Tokyo.

23 October 1946

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 74(a) (2)"

0135

（一）元海軍中將小林仁に對する人格證明書

熊本縣八代郡宮原町七五七

銅 島 便 策 方

私は小林中將が一九四三年四月より四四年二月迄第四艦隊司令長官であつた當時一九四三年四月より同年十二月迄同長官の許に參謀長として日夜接觸していたものであります従つて小林中將の人格觀見に關しては充分に知悉して居る積りであります
小林中將は若し武將の性格を勇將、智將、仁將の三種に區別する事が出来るならば仁將の部類に屬する人であつて極めて博愛心に富んだ人であります

従つて委任統治占領地住民に對しても作戰上支障とならざる限り常に安住し得る事を目標として事務を處理する様指令せらるるを例として居りました

其の具體的例證として

(イ) 一九四三年五月頃「トラウタ」島着島の巡視に際しては飛行場施設の
ため多数の内地囚人を使用して居たのを見て囚人が作業地以外に出て
現住民に迷惑を及ぼす事のない様取に監督する様指令せられ他方に
於ては模範囚人に對しても優遇法の研究を命ぜられた事があります
(ロ) 一九四三年九月「ヤルバート」「マキン」島巡視に際しては部隊が糧
食庫として使用して居た教會堂を直に住民に開放する様指令せられま
した

(ハ) 工作隊作業中の各離島巡視に際しては工作隊に對し隊員中には軍人に
比較して素質不良のもの交り居る處があるので住民に對し不法行爲の
ない様隊の軍紀風紀を厳重に取締る様指令せられました

以上は委任統治占領地住民に對する實例に過ぎませぬが中將日常の言動
より推測する時は其の愛情は人種の如何の東西に關せず人類全般に對
する崇高なるものであると確信する次第であります

昭和二十三年二月二十三日

於東京

鍋島俊策



Exhibit 75

0138

PETITION
(For former Vice Admiral Kobayashi)

Certification of Character of Former
Vice Admiral Masashi Kobayashi

Shunsaku Nabeshima
757, Miyahara-machi, Yamashiro-gun
Kunamoto Prefecture

During Vice Admiral Kobayashi's tenure of office of Commander in Chief of the Fourth Fleet between April 1943 and February 1944, I served under him as Chief of Staff between April 1943 and December of the same year and was with him day and night. I consider myself therefore to be thoroughly acquainted with his personal character and breadth of view.

If it were possible to divide the character of an admiral into three categories of a courageous admiral, sagacious admiral and a benevolent admiral, vice admiral Kobayashi would come under the benevolent admiral category, such was his character, so richly endowed with good will towards his fellow beings.

Consequently, with respect to the inhabitants of the mandated territories, it was customary for him to issue orders to the effect that so long as it was not detrimental to operations, to dispose of duties with a view to allowing the unmolested and safe livelihood of the inhabitants.

As specific examples to prove the point.

(a) In about May 1943 when he went on a tour of inspection of the island of Moen, Truk Atoll, and saw that a large number of convicts from Japan proper were being employed in the construction of air fields, he gave orders for a stern supervision to be exercised so that convicts did not wander out of their place of work and cause annoyance to the local inhabitants. From another stand-point he was known to have given orders to study methods for better treatment of model convicts.

(b) On the occasion of his visit of inspection of the Island of Gilbert and Makin he ordered the immediate opening of the church which had been used as a provision warehouse for the units there, to the inhabitants.

(c) On the occasion of his inspection of out-lying islands where construction units were engaged in their work, lest there should be among such construction teams persons of undesirable character as compared to military personnel, he gave orders for the exercise of strong control in maintenance of discipline and conduct in the unit, to prevent unlawful acts against the inhabitants.

"Exhibit 75(a)(1)"

0139

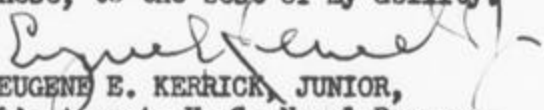
Although the foregoing have been but examples which are concerned with the local inhabitants of the mandated islands, Vice Admiral Kobayashi, to judge from his daily speech and conduct his love and benevolence, is, I am convinced, a most venerable one towards humanity as a whole, regardless of race or nationality.

February 23, 1948

Tokyo

/s/ Shunsaku Nabeshima

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 75(a)(2)"

0140

（4）今次、元海軍中將小林仁に對する人格證明書 邦人士は米英の力量

を、小野、東京朝杉並區善福寺町二丁目

島、新

私、島崎新一は元海軍中將小林仁の人格に關し我國の方式に從ひ宣誓の上左の如く證明します

一、私は小林中將が一九四一年より四三年に至る約一年半に亘り大坂府司令長官であつた當時同長官の許に参謀長として日夜接觸して見た者であります、従つて小林中將其の人の眞實、人格等については充分に熟知して居ります

二、小林中將は曾て駐在員、武官補佐官並に大使館附武官として米國に駐在した経験もあり海外の事情特に米國事情には精通し所謂益められたる民族の自尊心等は少しも持ち合せず又潛米中体得した米國民の種々の美徳の影響を多分に受け爲に日常米式正義觀強き面を各所に發揮したものである、其の証として左の如き事例を列挙することが出来る
即ち

(4) 今次戦争初期に於て日本國內に於て思慮淺き一部人士は米英の力量を過小評價し又其の國民性の弱點を誇大視し爲に侮敵の風潮が一部に發生したことがあつたが其の嚴重官としての小林中將は濰米時代の経験認識によつて我々幕僚に對し取は部外人士との接觸等凡ゆる機會に米國民の優秀性を強調し且尊敬すべき敵であり彼等を徒に侮蔑することのない様顯示し又は戒められたことが屢であつた

(4) 一九四二年四月十八日米機の日本土初襲撃に際し那市の何等軍事施設なき場所を爆撃した時國內一般の輿論は時に其の乘機を極刑に處すべしとの聲が大であつた時でさえ長官たる小林中將は之を恐れ海軍は常に國際法に準據して處理すべきことを強調し我々幕僚にもその事を話したものである

以上に依つて見る如く小林中將は平素より他國民特に米國民の優秀にして尊敬すべきことをよく認識し且第一線の長官となつた場合事實伴處に關する處理に當つた場合も彼の人格觀見は決して感情的に盲動することせず彼の卓越した國際法に關する知識に基いて行動したものと確信

する次第である

昭和二十三年二月十八日

於東京

鳥紙新

Exhibit 76

0143

Character Evidence Regarding Vice-Admiral
Masashi Kobayashi.

by Shinichi Torigoe

I, Shinichi Torigoe, hereby do take oath in conformance with the Japanese custom and make the following evidence in regard to the character of former Vice-Admiral Masashi Kobayashi.

1. From 1941 to 1943 for a period of one and a half years I, as chief of staff, was in constant touch with Vice Admiral Kobayashi who was the Commander-in-Chief of the Osaka Naval Station. Therefore I am fully aware of the vice admiral's ideas and character.

2. By virtue of his experience in the United States as member of the Embassy, assistant naval attache and finally as naval attache vice-admiral Kobayashi was well acquainted with conditions abroad and specially of the United States, and was far from obsessed by the so-called distorted view of radical self-consciousness. During his residence in the United States he was influenced; in many respects, by the virtues of the American people, and would at various occasions show out his American sense of justice and hereunder are some examples to prove the authenticity of the above statement.

(a) At the beginning of this war, there were in Japan some unthinking people who underestimated the potential strength of America and Britain, and exaggerated the weak points in their national character, causing a feeling of contempt for enemy in certain groups.

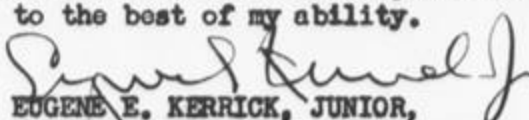
With Vice Admiral Kobayashi's experience during his stay in the United States, he would use every opportunity to emphasize to members of the staff or when associating with outside persons, the high qualities of American people and that we should respect our enemy and never to underate them.

(b) On April 18th, 1942 when the U. S. planes made its first air attack on the Japanese homeland and bombed cities with no military installations, the public opinion loudly clamoured that the plane crew should be severely punished. Vice Admiral Kobayashi as commander-in-chief at that time, fearing the consequence, strongly emphasized to the staff that the navy should act in accordance with international law.

As mentioned above, Vice Admiral Kobayashi recognized the high qualities of the other nations and especially that of the United States which was worthy to respect. When assuming the post of commander-in-chief at first line of battle, even in case of treatment regarding POWs, his character and strong conviction did not permit him to act blindly by passion, and I am convinced that he moved in accordance with his well-wversed knowledge of international law.

Shinichi Torigoe,
244, Zempukuji-machi, Suginami-ku,
Tokyo.

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 76 (a)"

元海軍中將小林仁に對する人格證明書

東京都杉並區阿佐ヶ谷三丁目五〇二番地

木 田 達 彦

私、木田達彦は元海軍中將小林仁の人格に關し左の如く證言します

一、私は二十數ヶ年の海軍生活中小林中將とは私的交際はもとより公務に於ても兩三度に亘り直接勤務と共に致しました。即ち

(イ) 一九三二年小林中將が海軍兵學校教官兼監事であつた際私の分隊監事として一ヶ年

(ロ) 一九三七年小林中將が第四艦隊參謀長時代同艦隊編成の當初より私は同艦隊參謀として七ヶ月半

(ハ) 一九四二年小林中將が大坂警備府司令長官時代私は航空本部部員として任務上大阪に於て屢々會見

ニ小林中將はその溫厚で圓満な人格について海軍部内に於ても稀に見る程の人柄でありまして、夫れは戰前國民一般に充立つた思想が流れて居た

際特に對部外的に軍人として最も六ヶ敷い配當である新工業都市の大阪
警備府司令長官に任ぜられて居る點一つでも判然言ひ得る所であると信
じます。即ち軍人として武骨一片の型ではなくて一般市民としての素養
は特に博く彼に接した大阪市民の人は是れも好感と厚意を以て彼を迎
えて居たことは私の數度の彼の任地に於ける會見に於ても證明し得るの
であります。その實例としては昭和十七年の菊の頃私は別の任務ではあ
りましたが大阪に出張致し彼に敬意を表した際、彼は饗交を蒙り種々物
語の末、丁度當日菊見の招宴があるので私にも隨行すべきことを勧めま
した。その招宴は正式の茶席でありましたが彼は正客として茶道に即し
た立派な態度で主人側である大阪市民の有力者達を充分満足させたのは
私の記憶に残つて居る所であります。彼がその職を去つた時は大阪の有
力者は何れも名残りを惜んだことも後日物語として私は記憶して居りま
す

三 小林中將が第四艦隊參謀長に任命された際私は參謀として艦隊編成の當
初より同じ勤務に服したのでありますが私の海軍兵學校生徒時代の性行
をよく記憶して居て艦になり艦になり公私共に私の勤務を援助して呉れ

ました

特に武人として許りでなく人としての温情は特に深く表立つた職務上の外に私共の仕事についてよく人間性の温かさをそそいで呉れました。その例として第四艦隊が青島を占領する際も内面外面の諸種の状況を念入りに研究して自軍に自軍を取ね連日の航空偵察の結果飽く迄國際法上の不法と人道上無視し得ない暴民の暴舉によつて日一日と青島が荒廢に同ひ斯くては青島市民（當時日本人は一人も居住して居ない）の安寧が危険なりと的確な航空写真による資料を得るに於て始めて同地の攻略を長官に進言する決意を固めたことでも判ります。又同地占領の際には特に人道上の過誤のなき様再三再四の注意を麾下部隊に與えその結果同上陸作戦は全然無血であり陸戦隊上陸の際市民で退市した者は極稀であり市民達の不安も陸戦隊上陸後一、二日中に全く解消したことの事實があります。又平和的な空氣が速に恢復せられた爲同市に對する日本人居留者の復歸は極めて早かつた事實もあります。又海軍が同地占領後陸軍部隊が到着致しましたが同陸軍部隊は長く中華奥地の荒涼たる地方の作戦に従つて居たので同地到着後萬一にも人道上の誤があつてはと麾下に注意を

取ねました結果事實上陸軍部隊も無事安全に上陸して兵士達も和かな國
際的 國氣は同化されて喜んで居たことの事實もあります

青島占領部隊である海軍陸戰隊の一小隊長が最も人道的に振舞ひ賞讃す
べき態度であつた旨の推賞狀を艦隊司令長官宛寄せた歐洲人があつた事
實もあります

青島が終戦後の今日厳しい雪の霽の姿で殆んど無缺で残されて居る事實
が以上の各例證を的確に説明して居ります

叫兵學校教官兼監事時代の小林中將は溫情と風流とで生徒達の心服を得て
居つたことは當時の生徒達全數の一致した見方でありまして私だけが申
上げる必要はないと信じます

以上極めて少い例ではありますが小林中將は右の實例が示す通り人として
正しい道を豊かな情操と高い德行を以て終始した人格者であることを私は
確信を以て證言致す次第であります

昭和二十三年三月十二日

於東京

木田達彦



0149

Exhibit 77

0150

CHARACTER EVIDENCE REGARDING FORMER VICE ADMIRAL
MASASHI KOBAYASHI

By Satohiko Kida, 502, 3-chome Asagaya, Suginami-ku, Tokyo.

March 12, 1948.

I, Satohiko Kida, hereby make the following testimony in regard to the character of former vice admiral Masashi Kobayashi.

1. During the twenty years of my naval career, I not only associated with him in a private capacity but officially worked with him on three different occasions.

- a. In 1932, at the Naval Academy, where he was our troop instructor for one year.
- b. In 1937, I was member of the staff for seven months under him in his days of chief of staff of the 4th Fleet from the beginning of its formation.
- c. In 1942, when vice admiral Kobayashi was commander in chief of the Osaka Naval Guard District, I who was then a member of the Naval Air Headquarters, very often met him in connection with my work.

2. Vice admiral Kobayashi was of mild and temperate character, rarely seen among his fellow colleagues. The very fact that he was placed in the position of commander in chief of the Osaka Naval Guard District, which is one of the most difficult posts for a navy man, whose external associations in a commercial and industrial center, at a time when the people in general were susceptible to ideological emotions, clearly supports my contention. In other words, he was not the coarse military man, but had the inherent culture of an ordinary citizen, and I can prove, through my visits to the Headquarters, the fact that the Osaka people had a very good impression as well as a liking for him. For example, I once payed my respects to the vice admiral in Autumn of 1942 when I went to Osaka on a different mission. He warmly welcomed me and after a pleasant chat, he persuaded me to accompany him to a chrysanthemum show. We attended a formal tea ceremony at the same time, and I recall how gratified the host was, who was a prominent man of Osaka, at his polished manners and stately attitude consistent with the behaviour on such occasions. I also remember hearing how deeply the men in Osaka regretted his departure.

3. When vice admiral Kobayashi was appointed chief of staff of the Fourth Fleet, I was with him from the beginning of the Fleet's formation, as a member of the staff. Knowing my character during my midshipmen days, he would assist me in my work directly and indirectly as well in private as in official life.

He was not only kind-hearted as a military man but as a man he was also helpful in our affairs outside of our duties. As an example, at the time of the landing on Tsingtao, operated by the Fourth Fleet, we carefully studied the internal and external situation of that time and taking every precaution and after days of aerial reconnaissance, and only after we were in possession of facts, obtained from aerial photographs showing that the security and peace of Tsingtao citizens (not a single Japanese resident was there) were imperilled by the uprising of rioters and insurgents daily reducing Tsingtao to ruins and intolerably violating international law and humanism, did he recommend to the commander in chief of the advisability

"Exhibit 77 (a) (1)"

of an invasion. He gave repeated orders to the troops under him, that after the occupation there should be no mistake in the treatment of the citizens and as a result the landing operation was conducted without any bloodshed at all and after landing those who evacuated the town were few indeed, and any uneasiness on the part of the citizens disappeared soon after. Due to the quick recovery of a peaceful atmosphere, the return of the Japanese residents was realized much earlier. When the army arrived later, due to the fact that they had been operating in the dreary parts of interior China, he cautioned them against any offence against humanism, and as a result they were safely landed and the soldiers were able to assimilate themselves harmoniously to the international atmosphere.


There was an incident where a European sent a letter of recommendation to the commander in chief praising the most humanitarian attitude of an officer of the Naval Landing Party in Tsingtao.

4. It is unnecessary for me to point out here, how vice admiral Kobayashi won the admiration and devotion of the cadets by virtue of his mild and temperate character, because this view had been upheld by most of the cadets at that time.

As presented above, although not abounding in examples, it shows the true qualities of vice admiral Kobayashi who as a man had consistently walked the path of the just, with a noble cause and a high sense of morals, and I confidently vouch for the above testimony.

Satohiko Kida.

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 77 (a) (2)"

0152

前記左記の通りである。元海軍中將小林仁に對する人物證明書

佐賀市水ヶ江町會所小嶋一九八〇年三月一日

私本下廣夫は元海軍中將小林仁の人格に關しまして左の如く證明致します。私は小林中將が一九四一年十一月より一九四三年五月に至る約一年半に亘り大坂警備府司令長官であつた當時同長官の許に副官として仕へ日夜接觸してゐた者でありまして小林中將の人格に關しましては詳細知悉して居ります。

小林中將は正義心強く理智型の人であり又博學多才常識豊かにして各方面に亘り精通した方でありまして斯る特質に加ふるに過去に於ける同中將の経歴より生じた體驗が然らしめたものと思ひますが思慮判斷等常に公正中庸でありまして苟くも一方に偏し獨断的なものが如き點は數度も有りません。此の點に關しまして今尚記憶に新なる事がありますが同中將はよく私等に付

對し左記の様な事を圖へられましたが、當時の情勢ありたるも更に停務の待遇は「事案の中には少く共一人位は必ず他の大多數の者と異つた面より物事を判断し意見を計く者の存在することが極めて重要である、何故ならば若し然らざる場合には判断風潮が一方的偏勢的に決せられる虞があり此れは重大なる結果を招来することがある」と云ふことには疑義に在り得ず此の一事を以て判断しまして同中將が極めて理智的で且つ公正中庸を重んじられた方であり偏勢的に一方に偏すると云ふ程の人で無かつたことが立證されると思ひます

此の點は大坂警備府司令長官として部内に對しては勿論のこと部外人士との接衝の間に於きましても顯著に顯はれて居るのでありまして大阪に於ける部外人士に對しましては克く潛米數年に依る體験知識を以て米國民の優秀性、特徴等を強固徒らに感情に激して冷靜正しうなる判断を失ふ如きことなきより戒められたものであります

尚又記憶致しますこととで一九四二年同中將が大坂本津川造船所を視察されし際工場内に於て印度人を交へたる停務の一隊と遭遇した際に案内中の同造船所責任者に對して停務の待遇如何を質問されし所同責任者は停務の待

過は公正懲戒を斯し聊かの遺漏無き旨の回答ありたるも更に件勝の待遇は
出来得る限り懇切なるべき旨の指示を與へられたことを覚えております
以上に依りましたも同中將が極めて公正中庸の方であることが判ると思ひ
ますが同中將の斯くの如き人格は第一級に於ける件勝の取扱待遇に關しま
しても決して感情的一方的に偏すると云ふようなことは絶対に在り得ず私
の知つてゐる同中將の人格が必ずや第一級に於ても反映してゐたことを深
く深く確信するものであります

昭和二十三年二月二十日

於 東京

木下康士

February 22, 1948

Character Evidence
Regarding Former Vice Admiral Masashi Kobayashi

By Yasuo Kinoshita
198 Kaisyoku-ji, Mizugae-machi
Saga City

I, Yasuo Kinoshita, hereby make the following testimony regarding the character of former vice admiral Masashi Kobayashi.

From November 1941 to May 1943, for a period of one and a half years, at the time when he was Commander in Chief of the Osaka Naval Station, I worked under him as aide de camp and was in constant touch with him, so that I am thoroughly acquainted with his character:

Vice admiral Kobayashi had a strong sense of justice, and was an intellectual type, being a man of great learning and versatile talent, abounding in common sense, and well versed in many subjects. In addition to these qualities, he was always fair and moderate, without a vestige of dogmatic self-righteousness, which might have been due to his experience which he was able to acquire from his past career.

On this point, I recall an incident still fresh in my memory. He used to tell us often that:- "It is vitally important that there always exist some person among the staff who see things in a different light, and give different judgment from the rest of the majority, because if there isn't, the judgment and action will be decided in a one-sided and dogmatic way, and this might lead to serious results."

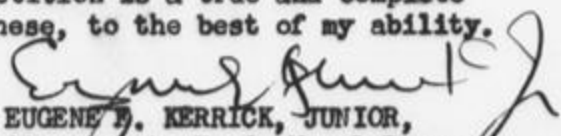
As commander in chief of Osaka Naval Station, this point was notably apparent. From his several years experience in the United States he used to emphasize the high qualities and characteristics of the American people not only within the Navy but in his association with outside persons, and cautioned them that they should not let themselves be overrun by passion but to judge fairly and calmly.

I recall another instant in 1942 when the vice admiral went to make an inspection of the Kizukawa Shipbuilding Yard, where he came across a group of POWs including some indians; he turned around to the responsible officer of the yard who was then acting as a guide, and asked him about the treatment of POWs should be as cordial as possible.

As mentioned above it is easy to see how fair and moderate the vice admiral was. It is unthinkable that such a character as his could be subject to such a one-sided emotion in regard to the treatment of POWs in the first line of battle. I am deeply convinced that his character must surely have reflected at the front line as well.

/s/ Yasuo Kinoshita

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE F. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 78 (a)"

なる方針とす。元海軍中將小林仁に對する人格證明書司令官在任中は一面に於ては支那軍の暴行を抑制するに努めたるが、高知縣土佐郡鏡村大字馬山二九の放火事件に關し、川崎重三郎は一方ならぬ苦心をせしめ、私一九三六年十二月より一九三七年十一月迄小林中將が山城艦長在任中の間艦砲術長として又一九三九年十一月より一九四〇年十一月迄同中將が漢口方面特別根據地隊司令官在任中の同隊大佐參謀として前後二ヶ年に亘り同中將の直接部下として指導を受けました。從て同中將の性格等に關し以下申述べます事は確信を以て且神明に誓ひ眞實である事を斷言致します。

小林中將は極めて溫厚寛容の方で能く部下の意見を採用せられ又一度大要の方針を示された後は細心の實行に徹しては部下に一任せらるるを常とし、また從て部下としては思ふ存分に自分の腕を發揮することが出来まして、誠實な人となつたのであります。然し之が爲時には中將の意思に反する様な結果になる事も有つたのであります。が中將の寛容さは斯様な時にも部下の失敗に對して黙つて責任を取らるるのを常としました。

又此の寛容の精神は對外對敵關係に於ては外人及敵國人に對する寛大公正

なる方針となつて現はれてゐました。漢口方面特別根據地隊司令官在任中は一面に於ては支那事變の進行中で戰闘行爲行はれ他面に於ては復讐なる對外交渉事件が發生致しましたが此の間に於て同中將は兎もすれば放恣粗暴に陥り易き部下を戒めて公正妥當なる處置を取らるる爲一方ならぬ苦心をせられたのであります

例へば同中將が着任前米國砲艦の一乗組員と日本海軍少哨との間に誤解を生じたことに關する懸案中の事件がありましたが同中將が着任せらるるや私を米國砲艦に派遣せられ米艦乗組員の臨頭しありし點を了悟せらるると共に日本側水兵の誤解を率直に認められ事件は兩國海軍の和氣善氣に解決致しました。又當時漢口外人「ボール」場を陸軍側で演習場として使用し馬を乗入れんとする事件が発生しました時には同中將は強硬に陸軍側に交渉せられ演習の爲「ボール」場使用を中止させられました

斯様に國際信義を取んぜられ極めて公正妥當なる方針の下に大小の事件を處理せられました事は私が二ヶ年に亘り中將の部下として悉しく體驗した所でありまして其の後今次の大戦となりますや艦隊長官として各種の複雑なる事件處理に當られました以上申し述べました方針の不變であつたで

あふゝ事を鑑借するものであります

昭和二十三年三月三日

於
東
京

川崎晴貴



Exhibit 79

0159

CHARACTER EVIDENCE REGARDING FORMER
VICE ADMIRAL MASASHI KOBAYASHI

By Harumi KAWASAKI
29 Katsuyama Oaza Kagamimura,
Tosagun, Kochi Prefecture.

I worked under Vice Admiral Kobayashi, for two years, the first from Dec. 1936 to Nov. 1937, as his chief gunnery officer when he was Captain of the battleship Yamashiro, and next from Nov. 1939 to Nov. 1940 as his deputy chief of staff when he was Commander in Chief of the Special Naval Base for the Hangkow area. Consequently I pledge myself before God, and with confidence declare that the following testimony in regard to his character is true.

Vice Admiral Kobayashi was an extremely sincere and tolerant man, very often accepting opinions forwarded by his subordinates and once he decided on the general policy, would leave the matter to men under him enabling them to display their abilities in full, and was a very easy man to work for. But by this very fact, at times there were instances when his intentions were undermined, but he was too tolerant a man to place the blame on his subordinates but would assume the responsibility himself without saying a word.

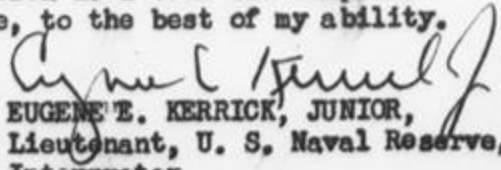
This spirit of tolerance was again exhibited in the form of broad-mindedness and fairness to foreigners and enemy aliens regarding negotiation with foreign and enemy nations. During his term of office as commander in chief of the Special Naval Base for the Hangkow area, it was in the midst of the Sino-Japanese Incident with belligerent activities going on, on the one side and with complicated negotiations with non-belligerent countries being carried on the other, he had occasion to caution against signs of imprudence, and took great pains in order to deal fairly and justly with the situation.

For instance, before his arrival there was an incident pending solution which involved a misunderstanding between a crew of an American gunboat and a Japanese Navy sentinel. As soon as he assumed his post, he dispatched me to the American gunboat and straightforwardly admitted the misunderstanding on the part of the Japanese sailor and at the same time took sympathetic attitude to the fact that the American crew was in a state of intoxication, and the incident was closed with both parties fully satisfied. Again there occurred an incident in which the Japanese army attempted to ride the horses into a golf link owned by Hangkow foreign residents which they wanted to use as maneuver grounds. The vice admiral strongly opposed it and after negotiations with the army prohibited the use of the golf link for purpose of maneuvers.

In this way he dealt with incidents big and small, in a just and fair manner, which I was personally able to observe during my two years under him. Since then with the out break of this war when he was appointed fleet commander in chief, I am convinced that in dealing with various intricate problems, that his policy which I described hereto, still remained unchanged.

/s/ Harumi Kawasaki

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 79 (a)"

当時特に米國人家庭の美点を称揚し子女を米國風に教養し親米家たる鉾芒を随時随處に感ぜしめられていました

それは一九二六年当時少壯有爲の海軍士官として抜んでられて米國に洋行せしめられボルチモアに駐在しジョーン、ホブキンズ大學で國際法や米國歴史を聴講し勉強した以來のことから一層しかりであらうと思われす

右は小林の人格の一端に過ぎませんが要するに同人は稀に見る人情味豊かな円満な人物で常に細心に考慮して事を処し決して感情にとらわゑることなき福徳の人格者なることを確信している者で御座います

昭和二十三年五月六日

於熱海

岡崎勝男



Attestation to the Personality of Kobayashi, Masashi, former Vice-Admiral of the Imperial Japanese Navy.

I, OKAZAKI, Katsuo, former Vice-Minister of Foreign Affairs, currently dwelling at 234, Sakimi-cho, Atami-shi, attest to the personality of KOBAYASHI, Masashi, former Vice-Admiral of the defunct Imperial Japanese Navy, as follows:

While I was a member of the Imperial Japanese Embassy at Washington, D. C. since 1933, KOBAYASHI, Masashi was also serving there as a Naval Attache to the same Embassy. Moreover, it so happened that we were to dwell in one and the same apartment-house. And not only he and I got in intimate terms, but the members of both of our families as well came to associate with one another so closely as if they were relatives. (His family consisted of his wife and three daughters). This intimacy has stood up to now for more than ten years.

Since our field of work differs, I cannot say how he was in his official life. As to his personal life, however, I can safely state with confidence that he was not such a diehard warrior as is often the case with an ordinary naval officer, but was a gentleman of a truly refined type. He read much, and he considered equity, fidelity and humanity as his motto. I was so impressed with his meticulous, sober, gentle and refined character that I could not refrain from admiring and respecting him for the rare quality of his personal virtue.

In those days he especially praised the merits of American home life and brought up his children after the American style. The evidence that he was strongly pro-American was readily noticeable about him.

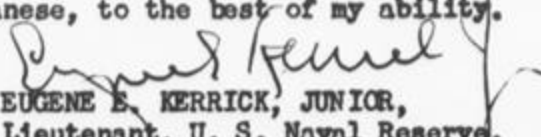
This was, in my opinion, especially true with him because in 1926 he was picked up from among others as a young, able naval officer to be sent to America, where he settled down at Baltimore to attend Johns-Hopkins University to major in the international law and in American history.

The above is only a rough sketch of what a man KOBAYASHI is like. In short, I am fully convinced that he is a man of refined touch of humanity, well-rounded, who weighs every item carefully before he embarks on carrying out a project, never swept away by a fit of temper; - to sum up, he is a man of near-perfect personality.

6 May 1948

OKAZAKI, Katsuo (sealed).

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 80 (a)"

0163

Subject: Petition concerning former Vice Admiral
Kobayashi.

To : The Presiding Officer of the United States
Military Court.

Sir:

I, Shunichi Kase, formerly in the diplomatic service (last position abroad, Minister to Switzerland) residing at 60 Gochome Gotanda, Shinagawa Ward, Tokyo, first made the acquaintance of former Vice Admiral Kobayashi during my service as Second Secretary in Washington D.C. from Sept. 1930 until March 1934.

At that time he was Captain and Naval Attache to the Embassy. He was a genial and sincere man as anyone meeting him could tell at a glance. I found him earnest and always sensible and reasonable in his office work and also a sportsman who knew and observed the etiquette of the game when we played golf together which was quite often. I was frequently invited to his private residence where I met his American friends among whom were quite a few American Army, Navy and Government officials, for he was a good mixer. I was stationed in Washington twice and made the acquaintance of a number of Japanese Army and Navy men, but found Kobayashi one of the most friendly minded to the United States and most sincerely concerned about the American Japanese relations.

Having been stationed abroad continuously for the past 7 years and returning to my country from Switzerland this spring, I was very much pained to hear that Mr.

Kobayashi served in the war though his personal views must have been against the war with the United States of America and also that he had been placed in detention for trial.

Sir, I am well aware of the fairness of the trials taking place under the auspices of the Stars and Stripes. I humbly petition Your Honour particularly to take into consideration, in Mr Kobayashi's case, his fine personal character.

Most respectfully

Date: October 24 1946.

Shunichi Kase

Exhibit 81

0164

Tekyo, January 5, 1947

Excellency,

I have the honor, as a Catholic nun of the Shirayuri Girls' High School, to approach your Excellency in favor of Ex-Vice-Admiral Kobayashi, and to call your attention to the following facts:—

Mr. Kobayashi was a captain in the Japanese navy when I became acquainted with him. It was the day before his departure for America as naval attaché to the Japanese Embassy in Washington that he made his first visit to our School without any previous notice. On that occasion he spoke to me as follows:—

"I am leaving for America in the capacity of naval attaché in Washington. I have three daughters, but no son. I will take my family with me. However, I hope to return in three years, and I should like to request you to take my three daughters under your care in your School on my return."

At the time I did not make much of the case, as it was a question of mind, might change in the meantime, or anything unforeseen might happen before his return to Japan. So I replied merely out of courtesy that I would consider his request.

Exhibit 82

As time passed, both Kobayashi's request and my promise had completely vanished from my memory. Three years had elapsed, when, one day, to my great surprise, Mr. Kobayashi, accompanied by his wife and his three daughters called again at Shirayuri.

"I have just come back from America" he said, "and I should like you to give effect to my request and the promise you gave me before I left for America three years ago".

I tried to persuade him saying that as his daughters had been in America for a fairly long time, it was perhaps superfluous for them to study any further at Shirayuri where French is taught in the foreign language course.

"I do not care what foreign language is taught in your school," he replied; "all I want is to see that my three daughters are brought up to be pure and righteous persons in a religious atmosphere."

I was exceedingly touched at his thorough understanding of the value of a Christian education, and at his strong sense of honor in keeping his word.

His three daughters graduated at Shirayuri and are now an honor to their Alma Mater.

Mr. Kobayashi has remained a staunch friend of the school and a valuable adviser to the school authorities. Whenever a difficulty arises or an important question is to be settled, he is always ready to give as all the help he can.

Exhibit 82

As Superioress of the Shirayuri Girls' High School,
I can guarantee that Mr. Kobayashi is a man of rare character, of great ability, and yet very modest, and that he will play an important part in promoting democracy in new Japan.

During the last war the sisters of the convent always included Mr. Kobayashi among their benefactors in their prayers, and they still continue to do so in order that he may prove innocent and be released at an early date, if such is the will of God.

Hoping that your Excellency will take my plea for Mr. Kobayashi into serious consideration and apologizing for my intrusion,

I remain, as ever,

Yours obediently,

Sister Josephine Yamamoto

Exhibit 82

0167

歎願書

奥本武氏
小林仁氏と親友として又
謠友として親交三十二年に及ぶ候

艱苦の人生乾操なる行路に霜と雪と花と雨とに
藝術の賜と不候
我國に於ける古来藝術能樂道は最も高尚優雅なる
藝術としてちまた我國通一のものと思はれ候 乃ば元親に親しむ
人間は概々上流階級に屬し高深典雅なる紳士の
嗜む所に候 小林仁氏は風流斯道に親しむ
お供として謠友として己に三十年の久きに及り候 又
は師と同志し共に稽古を勵み或時は同好者の會等に
於て氏の熱心なる藝風 淡白溫雅なる人格に接するも
無上の樂しみと致居候
此の度如何なる咎に依り罪と同はるに至りやに全く圓知
し得ざる所に候も氏の如き好人の氏自らの惡意よりなき
罪を犯す如きは想像し得ざる所に候
惡意なき罪は神も憐れ給ふべきに信じて疑はざる所に候也
微衷を申し述べ閣下の憐愍を賜り一層寛になる御裁
定を奉仰度懇願申上候

軍事裁判長閣下

Exhibit 83

0169

Tokyo, Japan
27 Dec. 1946

To: The President of the Military Commission on Guam, M.I.

Subject: Petition for Leniency.

We have had thirty years of intimate association with Masashi Kobayashi as his childhood class-mate and as fellow students in the classic "Noh" classes.

We believe art enriches and brightens life. In Japan, the classical arts and the Noh drama are regarded as the highest forms of aesthetic accomplishments. Therefore all those who participate in them are of the higher classes, and gentlemen with refined and noble mind.

We studied the classical "Utai" (TN. a classical ballad accompanying a Noh drama) with Masashi Kobayashi for thirty years. At times we studied together under the same teacher, and frequently met him at assemblies of fellow lovers of the Noh art. We were always deeply impressed by his noble and serene character and by his enthusiasm for this art.

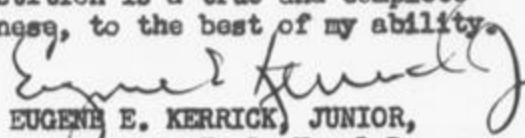
We do not understand why such a person as he should be accused of an crime. We cannot believe that he committed a criminal act of his own accord.

We are of the firm belief that God will be tolerant to those who are innocent. We pray that you have mercy upon him and ask your lenient judgment.

Respectfully submitted,

/s/ Minbu Sakano
/s/ Takeo Omumoto

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 83 (a)"

0170

小林海軍中將に宛する陳情書

私達は何れも小林中將と同郷の後輩でありまして、平素
令中將より懇切なる指導を受け、今日に至つたものであり
ます。

後輩に対する中將の極めて適切なる誘抱とその崇高なる人格
には、常に敬慕措く能はざるものがあります。小林中將が
今般國々すも我犯容疑者として收容せられたるを知り
一同洵に痛心に堪へず、速に自由とならうと日を待望してある
次第であります。

容疑事実は固より承知致しませんが、平素、中將の極めて

公明に大慈愛深き性格より推して、必ずや近く嫌疑の
解け歸還さうな日のあることを信じ、且祈りてあるもので
あります。

郷里には中將の孝養措く暇はござりし老母が居られ心痛
の状、洵に見るに忍びません。

茲に後輩有志相謀りて表情の一端を述べ、當局の
同情ある即取扱を懇願する次第であります。

一九四六年十月三十日

山田 切政 徳
大島 一太郎
和田 三郎



Exhibit 84 (3)

0173

PETITION
(For former Vice Admiral Kobayashi)

To The Chief Judge
U.S. Military Tribunal
Guam Island.

Sir:

We are from the same home town as former Vice Admiral Kobayashi. We were also his juniors in the naval service, and received many kind guidances from him.

We always paid great respect towards the extremely pertinent advices he gave his juniors and to his noble character.

Unexpectedly, we learned recently that Vice Admiral Kobayashi was interned as a war criminal suspect. We are very sorry to hear the news and anxiously wait for the day he shall be freed.

We do not know what the charge against him is, but judging from the character of the Admiral, who was deeply affectionate and esteemed fairness and justice very high, we are confident any suspicions he may face will be cleared and we pray for that day when he will be repatriated.

At the home town of the Admiral his aged mother waits his return. It hurts us to watch his old mother wait in anxiety.

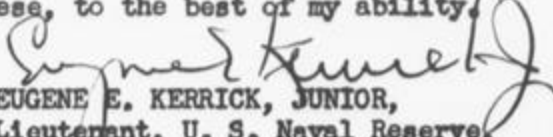
We, as juniors to the Admiral hereby wish to express a fraction of our anxiety through this letter and submit to the authorities of the war crimes section to take into consideration our feelings.

Truly yours,

Masanori Otagiri
Ichitaro Oshima
Saburo Wada

20 October 1946

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 84 (a)"

0174

Mr. Judge.
Guam Island

Dear Mr. Judge.

We beg to take liberty of sending to you a petition with regard to the trial of Masashi Kobayashi. We are his brother and brother-in-laws.

We have not a slightest doubt that he is one of the most refined gentlemen in Japan. In order to verify it, we should like to list the facts as follows.

Firstly, he has travelled to a great many places in the world and made a great many friends in your country as he had been twice military attaché in Washington D.C. During his stay in America, he has developed his character to the high degree of high moral standard of intellectual American people. We trust that he is such a calm and peaceful man in nature that cannot be compared with any other soldiers in Japan. He had and has deep love and sympathy toward other people. Naturally, he has been liked and respected by everybody with whom he got in contact.

Secondly, he loved the poem to such a degree that has developed his moral and intellectual character to uncomparable among Japanese soldiers. He is not only poet, but also he is very skillful in the Japanese art of "NO" dance.

Thirdly, he has always been good father and husband at home and looked after us with most sympathetic eyes with the attitude of most democratic gentleman.

We wish these facts would make it clear that how he loved peace, and therefore, he has never been able to commit brutal thing in spite of war.

We, brothers of Kobayashi, beseech you would be kind, fair, and most tolerant in his trial in your court.

Thanking you in advance for your kind treatment to the matter,
we are,

Very sincerely Yours

A Member of The Lower House
Doctor

Seiichi Li
Seiichi Li
Tatsuo Kobayashi
Tatsuo Kobayashi
Tantomu Saito
Tantomu Saito
Shoji Kanauchi
Shoji Kanauchi

Exhibit 85

0175

[Handwritten signature]

PETITION
(For former Vice Admiral Kobayashi)

Shimonoseki City, Yamaguchi

TO: The Honorable Presiding Judge of the United States
Military Court at Guam Island

FROM: Iwao Nishi
No. 42, Shinmachi, Higashi Otsubo, Shimonoseki
City, Yamaguchi Prefecture

SUBJECT: Affidavit in testimony of Masashi Kobayashi.

Most Honorable Sir:

I am the younger blood brother of Masashi Kobayashi.

Brother Masashi is the eldest of seven brothers and sisters. After our father failed in business when I was yet small and could not restore it, brother Masashi, in place of my father, raised our house from abject poverty and sent us brothers and sisters through technical colleges and universities. Furthermore, it was due to his efforts that our sisters were all married into good families. It might have been his duty to look after us, but for us he is our unforgettable benefactor. When he was asked, he could not say no, and he did his utmost for us. Not thinking of his own prosperity, his chivalrous spirit of helping others extended to relatives and friends alike, and there are many people who have received his aid.

On the other hand, he himself was contented with honest poverty as well as being upright and pure. Once when I was living with my brother, one of his friends was transferred from sea to land duty, but he did not have a suit for his new post. He came to my brother to ask him to give him one. My brother had only two suits, but he gave his friend one of them saying he could have it if it would fit.

Furthermore, my brother was kind to his subordinates, and since he was tolerant with all people, he carried on a wide friendship. Even if there was something which displeased him, he did not rage and scold about it, but instead set an example by himself and waited for the others to become aware of their mistakes.

I did not even dream that my brother would become a war crimes suspect from his past words and actions. I believe that it is some sort of a mistake.

In view of what my affectionate Brother Masashi has done for others in the past, I implore you to give him a magnanimous trial in consideration of the circumstances.

Sincerely yours,

Iwao Nishi

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.

Eugene E. Kerrick, Junior
EUGENE E. KERRICK, JUNIOR
Lieutenant, U.S. Naval Reserve,
Interpreter.

"Exhibit 86(a)"

0178

數 經 書

住所 日本國 東京都世田谷区保木廿二番地

有 姓 甲子子

裁判長閣下

新井 林仁王様へ送る書 足利書國公対一人道書に
いふ如き罪を犯すは、^{（不義無道）}私に想像し、今の世の事を嘆き、
存せられ

裁判長閣下

女である私に戦争や國家事を行つ解する事は、^{（是）}足は
私の方の父にのみある。父加之に、^{（是）}父は保護者として、
世に、^{（是）}父は父の足にのみある。足は、^{（是）}私達、
の祖先に、^{（是）}父は父の足にのみある。足は、
足は、^{（是）}父は父の足にのみある。足は、
足は、^{（是）}父は父の足にのみある。足は、

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私の方の父にのみある。父加之に、^{（是）}父は保護者として、
世に、^{（是）}父は父の足にのみある。足は、^{（是）}私達、
の祖先に、^{（是）}父は父の足にのみある。足は、
足は、^{（是）}父は父の足にのみある。足は、
足は、^{（是）}父は父の足にのみある。足は、

裁判長閣下

女である私に戦争や國家事を行つ解する事は、^{（是）}足は
私の方の父にのみある。父加之に、^{（是）}父は保護者として、
世に、^{（是）}父は父の足にのみある。足は、^{（是）}私達、
の祖先に、^{（是）}父は父の足にのみある。足は、
足は、^{（是）}父は父の足にのみある。足は、
足は、^{（是）}父は父の足にのみある。足は、

一九四三年十二月廿一日

有 姓 甲子子

PETITION
(For former Vice Admiral Kobayashi)

Tokyo, Japan
28 December 1946

TO: The Honorable Presiding Judge of the United States
Military Court of Guam Island.

FROM: Shizuko Saito
No. 29, 2-chome, Fukazawa-cho
Setagaya-ku, Tokyo.

SUBJECT: Affidavit in testimony of Masashi Kobayashi

Most Honorable Sir:

I am the youngest sister of Masashi Kobayashi. I simply do not have any words to express my sorrow that my brother is under suspicion for committing crimes against your nation and against humanity which are beyond my imagination.

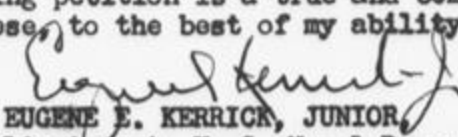
Your Honor: Being a woman, I do not know anything about the war or the affairs of the country, but only that my brother was a second father to me. Since my father died, my guardian brother looked after all my affairs. My brother and our aged mother are the two most beloved kinfolk that I have. I can never believe that my brother would commit crimes against humanity through his own initiative. If he is charged as the man responsible for those who perpetrated such acts, I am sure he would have stopped them if he had known about them. I am firmly convinced on this point. However, if these acts were carried on without the knowledge of my brother and he is charged with the responsibility, it is indeed unfortunate not only for my brother but we kinfolk as well.

Your Honor: I am totally ignorant about the judicial laws of your country and how they will be administered in the case of my brother; therefore, there is nothing for me to do but to beg for mercy in view of Your Honor's magnanimous character. I am strongly convinced that my brother did not have the slightest intention of betraying god, or committing atrocities against your nation or humanity. I simply cannot think anything else.

Sincerely yours,

Shizuko Saito

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.


EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 87 (a)"

0180

Shizuoka, Japan

TO: The Honorable Presiding Judge of the United
States Military Court at Guam Island.

FROM: Masayo Kobayashi
No. 1592, Washizu, Washizu-machi, Hamana-gun,
Shizuoka Prefecture.

SUBJECT: Affidavit in testimony of Masashi Kobayashi.

Most Honorable Sir:

I am a younger blood brother of Masashi Kobayashi,
and at present I am employed as a technician at the Fuji
Textile Company.

From the standpoint of a younger brother who knows
his brother very well, loves him strongly and firmly believes
his innocence, I wish to state Brother Masashi's personality
and character, which I hope shall serve some purpose towards
a fair and square investigation, and at the same time,
I sincerely ask that a magnanimous measure taken towards him
so that he may be released as early as possible.

My brother by nature was gentle, cheerful, liberal
and merry, and not to speak of his blood relatives, he
was very sympathetic to his neighbors and subordinates,
as well as possessing deep affection for other people.
Examples of such instances are almost too numerous to mention.

Our existence today is chiefly due to our brother.
From early childhood, my brother looked after us brothers
and sisters domestically, economically, educationally,
ideologically and in all other ways with deep affection and
benevolence. I was brought up under the protection of
my brother's great love. My brother was not only the pillar
of our household, but also the light thereof.

The loss of this brother for me now is to lose
my light, to lose my hopes for living and to feel a darkness
in human life. I find it difficult to understand why this
good brother, this good neighbor and this good superior
officer must face trial. I ask that this point be well
understood.

Owing to the fact that my brother lived in your

Exhibit 88

0181

country for a long time as military attache to the Japanese embassy in Washington, he is enlightened with the conditions of your country and enriched with the spirit of freedom, equality and benevolence. He always emphasized these ideologies to us brothers and sisters, and he himself actually practiced these ideals in all his actions. Consequently, there were many people who were reformed and influenced by my brother's ideals, and I believe this is clearly proved by the fact that even now many people yearn for his virtues and come to inquire and worry over his health and welfare.

As a superior officer, my brother was respected by his subordinates as a sympathetic officer and was loved by them. This is a fact told to me by my brother's former subordinates who are now employed in the same factory with me.

I ask with all my heart that my brother will become a free man as soon as possible and that we shall be able to see our brother who is the pillar and light of our house.

Sincerely yours,

Masayo Kobayashi
Masayo Kobayashi

Exhibit 88

0182

Yoko-machi, Yonezawa,
Yamagata Prefecture,
Japan.

15 October 1946.

Your Honor:

We are the nieces of former Vice-Admiral Masashi Kobayashi.

We were completely taken by surprise when we heard that our uncle had been confined in Sugamo prison as a war crimes suspect. Upon learning further that his trial is about to begin in Guam, we are making this plea to Your Honor, at the same time praying for our uncle's well-being. We understand that he is now being questioned for his responsibilities for the deeds enacted by his subordinates. At that time, he was very ill. Also, as he was the possessor of progressive ideas, we cannot believe that he could have given such orders.

All the relatives gathered at our uncle's house before the war for a party. We can still picture the pleasant time we had talking and laughing. He was very kind uncle to all 26 of us, his nieces. We pray to God for the arrival of the day when we will once more be able to gather around him.

We plead that you, through your deep love of humanity, will save our uncle.

Respectfully submitted,

Seiko Kitame
Seiko Kitame
and 25 others

Exhibit 89

0183

歎願書

元海軍中將小林に段は私の町内出身であります。父母兄弟姉妹は何れも立派な方ばかりで町内においても傑出した家系として慕望の的となつて居ります。小林に段も生来聡明であるばかりでなく人格識見共に驚くべき立派な方です。今般戦争犯罪人の疑を受取り調へを受け居る事を聞か、誠に不思議だと、思つて居ります。

御土に對しては常に教育並に産業振興に付、心配なされ町内に關するも何時も御配慮下で御陰謀下で、小澤を以て傑出した町内となつて居ると言つても誇張はないと信じます。

三友堂病院

之席に小林に段の人格の賜であると言ひます。この立派な人格は軍隊にありしと部下に對して信用を得て居る。従つて本人は勿論部下にも人道上間違つた行なふ事などはないと言ひます。

將來敗戦果の建設には無くてならぬ人物であります。何とか境大に御寛量な御理にて已みません。お平伏して御願ひ申上げます。

昭和二十一年十二月二十五日

山形縣米澤市野田町内會

會長 醫學博士 高橋俊

PETITION
(For former Vice Admiral Kobayashi)

25 December 1946
Yonesawa City, Yamagata

To: The Honorable Presiding President of the United
States Military Court at Guam Island.

From: Dr. Shunzo Takahashi, head of the Fourth Township,
Western District, Yonesawa City, Yamagata Prefecture.

Subject: Affidavit in testimony of Masashi Kobayashi.

Most Honorable Sir:

Former vice admiral Masashi Kobayashi hails from our township. His parents and brothers and sisters are all very fine people and as a model household, is the object of envy from everyone.

Mr. Masashi Kobayashi is not only intelligent by birth, but his splendid personality and discernment are indeed amazing. Having heard that he is now under suspicion as a war criminal and being questioned as such, I think it is indeed strange.

He has always been concerned over the education and industrial development of his native birthplace, and thanks to his considerations for the affairs of our township, I believe it is not an exaggeration to state that our township is now one of the most harmonious and model one in the city of Yonesawa.

I am convinced that this is chiefly the gift of Mr. Kobayashi's personality.

This fine character had gained the trust and confidence of his subordinates in the military service, and consequently, I am certain that neither he nor his subordinates would commit any humanitarian wrong-doings.

He is an indispensable person in the future reconstruction of defeated Japan. I sincerely hope that you will take magnanimous measures. I prostrate myself in making this request.

Sincerely yours,

Dr. Shunzo Takahashi, M.D.

I certify that the foregoing petition is a true and complete translation of the original in Japanese, to the best of my ability.

Eugene E. Kerrick, Junior
EUGENE E. KERRICK, JUNIOR,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 90(a)"

0185

FF12/AL7-10(2)
02-JDM-fsk

THE PACIFIC COMMAND
AND UNITED STATES PACIFIC FLEET

HEADQUARTERS OF THE COMMANDER NAVAL FORCES MARIANAS
NAVAL FORCES MARSHALLS-CAROLINES AND MARSHALLS-CAROLINES AREA

Serial: 16827

10 NOV 1948

The military commission, composed of Army, Navy, and Marine Corps officers, in the foregoing case, by precept dated November 8, 1947, was ordered convened November 20, 1947, or as soon thereafter as practicable by the Commander Marianas Area pursuant to his inherent authority as a military commander and the specific authorization of the Commander in Chief, U. S. Pacific Fleet and High Commissioner of the Trust Territory of the Pacific Islands (CinC U.S. PacFlt Serial 0558 of 8 March 1946; ComMarianas Desp. 292336Z Sept. 1947; CinCPacFlt Desp. 020103Z Oct. 1947; SecNav Desp. 081946Z Oct. 1947; CinCPacFlt Desp. 092353Z Oct. 1947). The commission was authorized to try this case as indicated in the precept. The order for trial (charge and specifications) was issued March 30, 1948 and served on the accused on the same day. The trial was held under authority of Naval Courts and Boards except that the commission was authorized by the precept to relax the rules of evidence and procedure promulgated December 5, 1945 by the Supreme Commander for the Allied Powers in his Regulations Governing the Trials of Accused War Criminals and modifications thereof, as necessary to obtain justice.

By letter dated 1 August 1948, CinCPac File AL7-10 serial 2955 and CinCPacFlt File AL7-10 serial 3490, the Commander in Chief, Pacific and U. S. Pacific Fleet, vested authority in Commander Naval Forces, Marianas to act as convening authority relative to military commissions convened by the Commander Marianas Area including required action on cases now pending and, in event of revision, on cases already tried.

The proceedings, findings, and sentence in the foregoing case of KOBAYASHI, Masashi, former vice admiral, IJN, are approved.

In view, however, of the fact that the accused has been held in confinement under investigation and awaiting trial since 27 March 1946 the period of confinement is reduced to seven (7) years and five (5) months.

KOBAYASHI, Masashi, former vice admiral, IJN, will be transferred to the custody of the Commanding General of the 8th U. S. Army, via the first available transportation to serve his sentence of confinement in Sugamo Prison, Tokyo, Japan.

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

0186