

SEVENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Friday, August 6, 1948.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army, 8K
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Herbert L. Ogden, the witness under examination when the adjournment
was taken, entered. He was warned that the oath previously taken was still
binding, and continued his testimony.

Cross-examined by the accused concerning Exhibit 9:

219. Q. The Acting Secretary of the Navy approved the death sentence in the
case of Captain Tanaka on the sixteenth of April 1947; do you know when
Captain Tanaka was first notified that he was to be hanged in accordance with
the approval of his death sentence by the Secretary of the Navy?

A. On the twenty-third of September 1947.

220. Q. Then the execution of the death sentence of Captain Tanaka was
stayed in order that Captain Tanaka might testify at the trial of Captain
Iwanami; isn't that true?

A. I would hesitate to say that the execution was officially stayed. How-
ever the execution was not carried out until after that trial. The approval
of the Secretary of the Navy simply stated that the execution should not be
carried out prior to 1 June 1947.

Neither the judge advocate nor the accused desired further to examine
this witness concerning Exhibit 9.

The commission did not desire to examine this witness concerning Exhibit
9.

The accused moved to strike out Exhibit 9 on the ground that it was
irrelevant, immaterial and hearsay.

The judge advocate replied.

The commission announced that the motion to strike was not sustained.

Examined by the judge advocate concerning prosecution documents number 130, 130a, 131, 131a, 133, 133a, 134, 134a, 135, 135a, 136, 136a, 137, 137a, 138, and 138a.

221. Q. During the period from 12 March 1948 to approximately 19 March 1948, did you have occasion to visit the War Crimes Stockade here at Guam?

A. I did.

222. Q. During the occasion of these visits were you present when conversations were held between Mr. Bolton and the accused Wakabayashi?

A. I was.

223. Q. Will you describe for us just what took place during these conversations?

A. During this period Vice Admiral Wakabayashi was further interrogated by Lieutenant Bolton and myself at the interrogation booth at the War Criminal Stockade. Wakabayashi was asked if he would be willing to make further statements, new statements regarding his entire tour of duty on Truk, and he indicated that he was willing to do so. He was told that it was not necessary, he wasn't required to make any statement if he did not so desire. He was told that he could make his statement either in Japanese or in English and indicated that while his speaking knowledge of English was somewhat limited, he could read and write English in a satisfactory manner, and would prefer to make his statements in English. During this period from 12 March to 20 March he did make a number of statements.

224. Q. Were all the originals of these statements prepared in English by the accused?

A. The method in preparing the statements was that I or Lieutenant Bolton would ask the questions, they were translated by Mr. Savory, the interpreter, and Wakabayashi would give the answers, usually in Japanese. Mr. Savory would write rough notes on the answers given by Wakabayashi in English and these would be read back to Wakabayashi for verification. At the end of each period, or at the end of each day, Wakabayashi would then take these rough notes in English and prepare the statements. After the statement was completed it was gone over with Wakabayashi by Lieutenant Bolton and myself and Mr. Savory, and if it was satisfactory to all concerned, it was signed and sworn to.

225. Q. As a result of these conversations how many statements were secured from the accused?

A. Nine statements.

226. Q. ⁴Were Japanese translations made of these statements which were in English?

A. Translations of these English statements into Japanese were made on some of them by Wakabayashi himself and on others by Mr. Tsuji. Of course if the translation was made by Mr. Tsuji, it was shown to Admiral Wakabayashi and if approved or when approved by him each page of the translation was initialed by him. If the translation was made by Wakabayashi himself, it was checked by our interpreter, Mr. Tsuji, and if he had any corrections or changes in the characters to be made in the translation, the changes were suggested to Admiral Wakabayashi and if he approved of them, they were made and the pages were then initialed by Wakabayashi.

227. Q. At any subsequent time were all of these statements, both the English and Japanese, submitted to Wakabayashi for final check by him?

A. They were on the first of April 1948. All of the statements and all of the translations were again submitted to Wakabayashi for his approval. At that time he reexamined them and reaffirmed that the statements were true and that the translations were correct.

228. Q. At any time during the course of these conversations with Wakabayashi, or during the period when these statements that had been prepared by him were discussed, were any threats of force made upon Wakabayashi?

This question was objected to by the accused on the ground that it was leading and called for an opinion of the witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No threats were made.

229. Q. Was any coercion or duress used upon him to get answers to the questions that were put to him?

A. It was not.

230. Q. Were any promises or inducements made to Wakabayashi in order to get him to make these statements?

A. None.

231. Q. What are the dates of these various statements?

A. 12 March 1948, 12 March 1948, 15 March 1948, 16 March 1948, 16 March 1948, 18 March 1948, 18 March 1948, 19 March 1948. JK

Prosecution documents numbered 130 and 130 a, 131 and 131a, 133 and 133a, 134 and 134a, 135 and 135a, 136 and 136a, 137 and 137a, and 138 and 138a were submitted to the accused and to the commission and by the judge advocate offered in evidence.

Cross-examined by the accused concerning prosecution documents numbered 130 and 130a, 131 and 131a, 133 and 133a, 134 and 134a, 135 and 135a, 136 and 136a, 137 and 137a, and 138 and 138a:

232. Q. When the accused was making his statements did not the investigating officer say the following to the accused: "Kobayashi wrote his statements in English. If you Wakabayashi will also follow the same procedure it would facilitate and expedite the clerical aspect of this investigation and the interpreters could make a Japanese translation from the English text and you could check the interpreters' translation with your own translation; would not that suit you?"

A. I believe he was told that Admiral Kobayashi had made his statements in English. I do not recall any statement that it would expedite proceedings.

233. Q. Did you know whether the accused Wakabayashi was capable of writing statements in English?

A. Wakabayashi himself indicated that he was.

234. Q. How did Wakabayashi indicate that he was capable of making statements in English?

A. He stated that he was perfectly willing to make his statements in English, and he did make them in English. If he had desired to make them in Japanese it would have been entirely agreeable to Mr. Bolton and myself.

235. Q. What has not been made clear by the witness' answer is whether the witness knew if the defendant was capable of making statements in English prior to taking the same.

This question was objected to by the judge advocate on the ground that it was argumentative and repetitious.

The accused made no reply.

The commission announced that the objection was not sustained.

A. I did not know prior to that time whether he was capable of making a statement in English.

236. Q. Did you conduct all the interrogation of the accused in English?

A. No.

237. Q. Did you sometimes question him in Japanese?

A. The majority of the questions were in Japanese; some of them were in English.

238. Q. My question was when the investigator put his questions, did he put them in the English language or Japanese?

A. By investigator I assume you mean Lieutenant Bolton. His questions were always put in English. If they were not understood in the English they were translated to him by Mr. Savory.

239. Q. Were there any instances when the accused Wakabayashi understood the questions put to him in English by Lieutenant Bolton without having them interpreted? JK

A. Yes, there were.

240. Q. What was the ratio of questions which he understood directly in English to the questions which he did not understand and which were interpreted to him by Mr. Savory?

A. I would say approximately two-thirds of the questions were translated to him.

241. Q. Did the accused ever answer in English?

A. Sometimes.

242. Q. Was the accused taking any notes of his answers during the course of the interrogation? JK

A. He did not.

243. Q. You testified that Mr. Savory, the interpreter, was taking notes of the answers of the accused; did Mr. Savory take down the whole text of the answers of the accused?

A. He did not always take down the entire text of the answers. JK

244. Q. Did Mr. Savory, the interpreter, on his own discretion choose what part of the answers were to be taken down and what part not to be taken down?

A. Ordinarily Lieutenant Bolton would indicate which portion of the answers of Admiral Wakabayashi were pertinent to the questions that had been asked and notes would be made only of those pertinent portions of his answers.

245. Q. Were the translations of all the statements by the accused made by Mr. Tsuji?

A. No, part of the translations were made by the accused himself.

246. Q. And did Mr. Tsuji, the interpreter, check the translations into Japanese made by the accused?

A. He did.

247. Q. Was it prior to the accused signing the English original that Mr. Tsuji checked the Japanese translation made by the accused?

A. It was after he signed them.

248. Q. Did you receive any reports from Mr. Tsuji after he had checked the accused's translation concerning mistakes in the same?

A. After Mr. Tsuji checked these translations he was taken to the stockade and was permitted to check it with the accused himself, and he made corrections and changes in the Japanese characters which he thought should be made. JK

249. Q. My question was "Did you receive any reports from Mr. Tsuji about certain mistakes in the translation from English to Japanese made by the accused?"

A. Yes, a number of such corrections were made.

250. Q. After Mr. Tsuji had examined the translation made by Wakabayashi did you receive any reports from Mr. Tsuji concerning mistakes in the translation?

A. Yes.

251. Q. What kind of a report did you receive?

A. He stated that in connection with a number of the statements he considered there were mistakes in the translation. That was the reason he was permitted to go to the stockade and confer with Admiral Wakabayashi to determine which was the correct translation.

252. Q. Were any demands made by the accused to the investigating officer for deletions and corrections in the text of the statements?

A. There were no requests for change in the original statements.

253. Q. My previous question was rather obscure, but I will reframe it. After the accused had seen the Japanese translation of his statements in English or immediately prior to affixing his signature to the English original, did the accused make any requests for deletions or corrections in the texts of the statements? JK

A. Yes, and a number of such changes were made prior to his signing the original statements.

254. Q. Were all the requests made by the accused accepted by the investigating officers?

A. As I recall they were.

255. Q. In prosecution document number 134a, statement of Wakabayashi dated March sixteenth, page two, paragraphs one and two of same, did not the accused express his dissensions to these paragraphs remaining in the statement?

A. In a number of instances the accused raised some question about the statements or portions of the statements, but in each instance after a discussion of the matter he did approve it. That is true of these paragraphs. JK

256. Q. Did not the accused specifically, very markedly oppose, or express his opposition to paragraphs one and two, page two of prosecution document number 134?

A. No, if he had they would not have been included in the statement.

257. Q. Is it not a fact that when the accused objected very strongly to paragraph two the investigator suggested the insertion of the words "in my opinion" in line four and that even after that insertion the accused was opposed to the whole paragraph? Is that not a fact?

A. That insertion was made and the insertion was initialled by Admiral Wakabayashi, and the insertion as well as the entire statement approved by him.

258. Q. Is it not a fact that when the accused objected very strongly to paragraph two the investigator suggested the insertion of the words "in my opinion" in line four and the seven lines following and that even after that insertion the accused was opposed to the whole paragraph? Is that not a fact?

This question was objected to by the judge advocate on the ground that it was double.

The accused made no reply.

The commission announced that the objection was not sustained.

A. No objection was made to the paragraph as amended.

The commission then, at 10:20 a.m., took a recess until 10:50 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

Cross-examination continued by the accused concerning prosecution documents numbered 130 and 130a, 131 and 131a, 133 and 133a, 134 and 134a, 135 and 135a, 136 and 136a, 137 and 137a, and 138 and 138a.

259. Q. Did not the accused submit a statement in Japanese on the twenty-second of March 1948 which was in effect a correction and supplementation of his statement of the nineteenth of March 1948?

A. I do not recall the date but I do recall at one time the accused did submit a supplementary statement but this statement in no way contradicted the statement which it referred to.

260. Q. Did not this statement, submitted on the twenty-second of March 1948, contain a correction of a portion of the statement of 19 March 1948?

This question was objected to by the judge advocate on the ground that the alleged statement written on the twenty-second of March 1948 was irrelevant and immaterial to the question of the admissibility of the document which had been offered.

The accused replied.

The commission announced that the objection was not sustained.

A. As I recall this statement was strictly a supplement and not a correction.

261. Q. Then the statement of March nineteenth was not corrected after the accused signed it. Is that correct?

A. That is correct.

262. Q. Is it a fact that the purported translation of prosecution document 136 was checked by an interpreter in the presence of the accused on 7 July 1948?

A. I do not know.

263. Q. After the interrogation had entered the third or fourth day did not the accused complain that the interrogations were fatiguing because they were conducted in the morning and the afternoon throughout the course of the day?

A. He made no complaint to me.

264. Q. Did he make any complaints to Lieutenant Bolton?

A. Not to my knowledge.

265. Q. Were you present when Wakabayashi actually prepared these statements, that is, when he wrote them?

A. I was not.

266. Q. Do you know if Wakabayashi wrote these statements at night in the presence of one or more marine guards who were armed with pistols, rifles or clubs?

A. Statements were usually written after the conclusion of the interrogation which ordinarily would be about sixteen thirty. Other than Mr. Savory being present I do not know who else was present.

267. Q. Do you know if Mr. Savory was present all during the time that Wakabayashi was writing these statements?

A. He was immediately present or available to him during all of these periods.

268. Q. What did you mean by the phrase that you used in testifying on direct examination, I believe, "when satisfactory to Lieutenant Bolton and I the statements were signed by Wakabayashi"?

A. I think I testified that "when satisfactory to all concerned." By that I meant when the accused was satisfied that he understood the statements - the statements were true and correct and that Mr. Bolton and I were satisfied that it contained all pertinent information.

269. Q. Were you ever present so that you saw the accused Wakabayashi make the translation of any of the statements that you testified he made translations of into Japanese?

A. I was not immediately present. I may have been at the stockade during this time.

270. Q. Do you know who was immediately present?

A. I know of no one being immediately present.

271. Q. You said that on April first, 1948, all these statements were again submitted to Wakabayashi. At that time did he sign them?

A. He did not.

272. Q. How did he reaffirm them then?

A. He simply, briefly, reexamined the English and the Japanese and stated that he had read them over and over and that they were correct and true.

273. Q. At that time how many statements did he read over?

A. I believe nine.

274. Q. By that you mean nine in English and the nine translations of these English statements into Japanese?

A. That is correct.

275. Q. And about how long did it take him to read these and reaffirm these nine statements?

A. A short time.

276. Q. Five minutes or ten?

A. I would say fifteen minutes to a half hour.

277. Q. Who was present at this time?

A. I was, Lieutenant Bolton, I think Mr. Savory and Mr. Tsuji.

278. Q. Your purported signature appears on the Japanese documents 130a, 133a, 134a, 136a, 137a, and 138a. Did you actually sign these Japanese documents which are not Japanese except for what appears to be your signature "Herbert L. Ogden, Cdr., U.S.N."?

A. I did not sign any of the Japanese translations.

Reexamined by the judge advocate concerning prosecution documents 130 and 130a, 131 and 131a, 133 and 133a, 134 and 134a, 135 and 135a, 136 and 136a, 137 and 137a, 138 and 138a:

279. Q. On April first when the accused confirmed the truthfulness of these statements that were submitted to you and have been offered here in evidence were there any marine guards present? 8/c

A. Not in the interrogation building.

280. Q. You have testified that the interpreter Tsuji made a number of corrections in the Japanese translations of these statements of Wakabayashi; were these corrections made prior to April 1?

A. They were.

281. Q. And was the interpreter Tsuji present on April 1 when the accused confirmed the truthfulness of all these statements?

A. He was.

Examined by the commission concerning prosecution documents 130 and 130a, 131 and 131a, 133 and 133a, 134 and 134a, 135 and 135a, 136 and 136a, 137 and 137a, and 138 and 138a:

282. Q. Was this so-called supplementary statement of Wakabayashi dated 22 March 1948 initiated at the request of Mr. Bolton or at the request of the accused Wakabayashi?

A. It was initiated by the accused.

The witness was duly warned and temporarily withdrew.

The accused, at his own request, took the stand, was sworn on his voir dire and was examined as follows:

Examined by the accused:

1. Q. Did you make the statements which the prosecution is now about to offer into evidence?

A. Yes.

2. Q. What circumstances led you to make these statements?

A. I made these statements because around the middle of March the investigating officers came to the stockade and told me to make and submit the statements.

3. Q. Who were the investigating officers and who else was present at the interrogations?

A. Commander Ogden, Lieutenant Bolton and Mr. Savory, the interpreter, were present through the interrogation.

4. Q. Will you state briefly how it came about that you made these statements?

A. Questions were put to me by the investigating officer and I answered these questions. What portions of my answers which the investigating officers deemed necessary the investigating officer told Mr. Savory to take down, and after checking to see whether it was correct, of what Mr. Savory had taken down in the form of a rough, I made a smooth copy and I was told to submit this smooth copy.

5. Q. In what language were the questions put to you?

A. In English.

6. Q. Did you understand these questions in English?

A. I hardly understood any of them.

7. Q. How proficient are you in English?

A. I never learned English outside of the Naval Academy and my degree of proficiency is a slight reading knowledge, and this proficiency I obtained some thirty-five years ago and I am completely incapable of writing or speaking English.

8. Q. In what language did you answer the questions put to you?

A. I answered them all in Japanese.

9. Q. I show you prosecution documents numbers 134 and 135. Are these documents executed by you?

A. Yes.

10. Q. When did you make these statements?

A. One of them I wrote in the morning after the morning interrogation, and the other at night in the guardhouse after the afternoon interrogation was over.

11. Q. On what day did you make these statements?

A. I made them on the sixteenth of March.

12. Q. Both 134 and 135 were made by you on March 16. Is that correct?

A. Yes.

13. Q. Now I show you prosecution documents 130 and 131. When did you make these statements?

A. I made them on March 12, 1948. 8K

14. Q. Both documents are dated March 12. Is that correct?

A. Yes, both of them were made on March 12. One of them I made in the afternoon after the morning interrogation. The other I made at the guardhouse at night after the afternoon interrogation.

15. Q. And prosecution documents 134 and 135 which I showed you just previously - they were made on the same day on March sixteenth; is that correct?

A. Yes.

16. Q. These statements are made in English. What circumstances led you to make them in English?

A. When the investigating officer first came to see me he said, "Admiral Kobayashi has made his statements in English, it would save time and would be most convenient if you would do the same." And he further said that "of the two English texts - if you translate one and the other were translated by an interpreter and you checked both of them, would not that be satisfactory to you?" I thereupon followed what he said.

The commission then, at 11:30 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Wakabayashi, Seisaku, the accused, resumed the stand as a witness in his own behalf, was warned that his oath previously taken was still binding, and continued his testimony.

(Examination by the accused continued.)

17. Q. While you were being interrogated by the investigating officer did you take down your answers in writing?

A. I did not.

18. Q. Then, on what basis did you make your statement? 8K

A. I made smooth copies from the rough draft made by Mr. Savory, the interpreter.

19. Q. Was there anyone present while you were making these smooth copies?
A. Mr. Savory, the interpreter, was present.

20. Q. How many smooth copies did you make?
A. By using carbon paper I made two copies.

21. Q. When did you sign your statements in English?
A. I signed the statements on the following morning.

22. Q. Did you make Japanese translations of the statements in English?
A. After making the smooth copies I did translate them into Japanese on the following morning. It was necessary that I make the translations in Japanese before the arrival of the investigating officers on the following morning to check the content.

23. Q. Were your translations of the statements checked by an interpreter before you signed the statements in English?
A. Not once were they so checked.

24. Q. When were they checked by the interpreter?
A. Two or three days, sometimes even four days, after I had signed the statements in English.

25. Q. How closely did your translations compare to those of the interpreter?
A. Differences sometimes occurred and I was made aware of my mistake and they were corrected.

26. Q. Before you signed the statements did you make any request for corrections to be made in the statements?
A. I requested corrections to be made if I discovered differences in the original English and whenever I discovered any differences I requested that they be corrected.

27. Q. Were your requests accepted?
A. There were times when my requests were accepted gracefully by the investigating officer before and after the signing of the statements and there were other occasions when they were not.

28. Q. To which statement are you referring when you say that some of the requests were not accepted?
A. I am referring to prosecution document number 134 - one of the statements made on March 16.

29. Q. Is this the statement you refer to? (The witness was handed prosecution document number 134.)
A. Yes.

30. Q. Please explain what portions of this document you requested to have corrected and which request was not granted to you?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

A. Firstly, on page two, paragraph one, sentence beginning "The fact that the Combined Fleet and the Fourth Fleet never issued any order specifically dealing with the treatment and safe-guarding" etc. up until "evidences a loose policy concerning treatment concerning prisoners of war," and as I could not agree with this statement I requested that it be deleted but my request was not granted. Secondly, I could not agree to the substance of paragraph two of page two and I requested a further deletion which request was also turned down. When I submitted this request the last two lines of the paragraph were crossed out and a new clause beginning with "In my opinion," was inserted. The insertion of this new clause put the paragraph to even greater variance from what I had in mind and therefore I asked the whole thing be stricken but it was not granted. The reason that was given me at that time by the investigating officer was that I could have an opportunity to discuss that with my defense counsel and probably be given an opportunity to say it in open court. JK

31. Q. The clause which you said was inserted beginning with "In my opinion"; was this clause written by yourself or by somebody else?

A. That clause was dictated by the investigating officer to Mr. Savory, the interpreter.

32. Q. Did you feel any inconvenience in writing the statements in English?

A. At first I agreed to make my statements in English but after the third or fourth day I was in difficult circumstances. Because I was placed in such a position that I had to make my smooth copy and my translation into Japanese by the following morning before the arrival of the investigating officers.

33. Q. Did you state these circumstances in any way to the investigating officers?

A. I appealed to the investigating officer that this investigation carried on daily had worn me out.

34. Q. Was the schedule of the investigation in any way relaxed after you had made your appeal?

A. No.

35. Q. When did you sign your statement made on the nineteenth of March, 1948?

A. As I recall on the twenty-second of March, 1948.

36. Q. Do you recall on what day of the week the nineteenth of March and the twenty-second of March fell?

A. As I recall the nineteenth of March was on a Friday and the twenty-second of March on a Monday.

37. Q. When the investigating officer came to the stockade on the twenty-second of March did you submit any statements?

A. After I had made smooth copies and a translation into Japanese of my statement of March 19 I discovered certain irregularities and certain portions that had to be supplemented and I wrote them up in the form of a statement. I did so because I had some time on my hands. I handed this statement to the investigating officer on the morning of the twenty-second.

38. Q. In what language was this statement?

A. In Japanese.

39. Q. When you submitted this statement to the investigating officer that morning did you explain to him the object of your having written that statement?

A. I did explain it and as I recall certain portions of my statement of March 19 were corrected.

40. Q. Was it difficult for you to write a statement in English before the investigators arrived on the following morning?

A. It was highly so.

41. Q. Why was it so?

This line of questioning was objected to by the judge advocate on the ground that it was irrelevant.

The accused replied.

The commission announced that the objection was not sustained.

A. I sometime^{gk} could not finish the smooth copy by the time the lights were turned off at 10 o'clock in the evening and when that occurred I had to wake early in the morning and start making the smooth copy at the guard house before the arrival of the investigators. Besides the smooth copy I had to make a translation to see the contents of the statements and this routine tied me up completely.

42. Q. So that what you were actually doing was not writing a statement of your own but copying a statement that the investigators had written for you. Is that correct?

This question was objected to by the judge advocate on the ground that it was leading.

The accused replied.

The commission announced that the objection was sustained.

43. Q. At the time you made the statements that you wrote, that is all statements except the first statement, number 130, made on 12 March, were Marine armed guards present when you wrote the statements?

A. When I was making my smooth copies at night at the guard house there was a Marine on guard there but on the other occasions they were not present.

44. Q. I show you your statement of 12 March, biographical sketch attached. Was this biographical sketch the sketch that was attached to your statement at the time?

A. Yes.

45. Q. Is that biographical sketch in English?

A. The biographical sketch was that biographical sketch there and I translated that into Japanese.

46. Q. Did the investigators, Commander Ogden or Lieutenant Bolton, explain to you what was meant by the paragraph at the end of your biographical sketch which states that "In view that all the leads in this case have been checked, the case is now considered closed."

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial to the issue of the admissibility of the documents.

The accused replied.

The commission announced that the objection was sustained.

47. Q. Did the investigators ever tell you that if you made these statements that they requested you to write that these statements would be used against you on trial?

A. The interrogating officers did not tell me definitely that they would be so used.

48. Q. Your first statement referred to the military and biographical history of yourself but has one paragraph relating to prisoners of war. Did the investigating officers tell you to write this statement regarding prisoners of war as it appears on this statement which is dated 12 March?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial to the question of admissibility of the documents and counsel was improperly referring to the content of the document.

The accused replied.

The commission announced that the objection was not sustained.

A. I do not remember which paragraph you are referring to.

49. Q. I show you your statement.

A. I wrote that in later according to the proposal of the investigating officer and upon my agreeing to its being inserted.

50. Q. I show you prosecution document 138 which was written on the evening of the nineteenth of February. Are you sure that this statement of yours regarding the conference being held in the evening is correct?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial to the question of admissibility and counsel was improperly referring to the contents of the document.

The accused made no reply.

The commission announced that the objection was sustained.

51. Q. Since you could, as you testified, hardly understand any of the questions put to you in English, who interpreted the questions put to you?

A. Mr. Savory, the interpreter, interpreted all the questions for me.

52. Q. Do you know whether a complete record of all the questions put to you and all the answers given by you were kept by the investigating officers or Mr. Savory?

A. Not all my answers were taken down by Mr. Savory. What portions of it the investigating officer considered necessary for his purpose he dictated to Mr. Savory and my ideas were not fully conveyed in certain parts and I protested or objected.

Cross-examined by the judge advocate:

53. Q. Following these conversations with the investigating officers, you prepared these eight statements in English; did you not?

A. There were nine statements made in English.

54. Q. Weren't there only eight statements made by you in English?

A. I did make nine statements and as I believe one of them has not been offered in evidence.

55. Q. These eight statements that we have offered in evidence are in your writing and are in English, are they not?

A. Yes.

56. Q. So that you are able to write English; are you not?

A. I can write English.

57. Q. Why did you say on direct examination that you couldn't write English?

A. I did not say that I could not write English. What I said was that I was not able to express myself in English.

58. Q. From these statements it appears you yourself read the English and prepared some of the translations into Japanese, did you not?

A. I did.

59. Q. So that you were able to understand English well enough to make a Japanese translation of it. Is that true?

A. As I testified previously, I can translate but I do not have confidence in what I translate. Therefore, certain portions remained in the statements which do not fully convey my meaning.

60. Q. You didn't translate all of these eight statements into Japanese, did you?

A. I did make translations of all eight statements by myself.

61. Q. You made two statements on March 12. Isn't it true that only one of those was translated into Japanese by you?

A. I translated both myself.

62. Q. Any questions that were asked you that you did not understand in English, were they translated to you in Japanese by the interpreter?

A. I had the interpreter interpret all the questions put to me.

63. Q. So that you did in fact understand the questions that were put to you by the investigating officer?

A. I believe the interpreter interpreted all the questions put to me by the investigating officer.

64. Q. And you did agree, prior to making these statements, to make them in English; is that correct?

A. Yes. That is exactly so.

65. Q. You have testified that you prepared a statement in Japanese on 22 March 1948 correcting the previous statement you, yourself, made on March 19, which has been offered in evidence. Were all the corrections which you wished made in the statement of March 19, evidenced in the statement of March 22, made in your statement of March 19?

A. The corrections requested in that statement of March 22 were, I believe, made but the supplementary portions which I desired were not granted.

66. Q. On April 1, 1948 did the investigating officers present to you the eight statements in English which had been made by you and the translations of these statements?

A. Yes, I believe there were eight shown then. Then on July 7 a new statement was shown me which I had not seen previously and I thought it very strange. Therefore I believe that the Japanese translation of one of the eight statements had been left out. JK

67. Q. When these statements that have been offered here this morning and the translations of them were presented to you, didn't you certify then that the English and translations of them were all satisfactory?

A. I accepted them because my previous requests submitted earlier had not been granted.

68. Q. At that time you made no requests that any changes be made?

A. I did not because I had already previously been turned down and told that I could explain this to defense counsel or say it in open court and I thought it a waste of time to make that request anew. JK

The commission then, at 3:35 p.m., took a recess until 4 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as accused.

Herbert L. Ogden was recalled and resumed the stand as a witness for the prosecution. He was warned that the oath previously taken was still binding.

Examined by the judge advocate concerning prosecutions documents number 139 and 139a:

69. Q. Do you have in your possession a statement made by the accused on 22 March 1948?
A. I have. JK

284. Q. At whose request was this statement written?
A. It was initiated by Vice Admiral Wakabayashi himself.

285. Q. And in what language is the original statement?
A. In Japanese.

286. Q. Has a translation been made?
A. I have an English translation.

Prosecution documents number 139 and 139a were submitted to the accused and to the commission and by the judge advocate offered in evidence. The judge advocate made the following statement: This statement is offered by the judge advocate at this time in the light of the testimony of the accused on his voir dire that he had made this statement on his own initiative to correct what he alleged to be misstatements in his statement of March 19, 1948.

Cross-examined by the accused concerning prosecution documents number 139 and 139a:

287. Q. You stated that this document was initiated by Wakabayashi; isn't it true that, as stated in the document, it was made in order to convey his intentions regarding the statement of the nineteenth of March 1948?

A. The translation of the statement so indicates. I do not know what his actual intention was.

The witness was duly warned.

The commission then, at 4:10 p.m., adjourned until 9 a.m., tomorrow, Saturday, August 7, 1948.

EIGHTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Saturday, August 7, 1948.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps,
United States Army,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Herbert L. Ogden, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

Neither the judge advocate nor the accused desired further to examine this witness concerning prosecution documents 130 and 130a, 131 and 131a, 133 and 133a, 134 and 134a, 135 and 135a, 136 and 136a, 137 and 137a, 138 and 138a, and 139 and 139a.

The commission did not desire to examine this witness, concerning prosecution documents 130 and 130a, 131 and 131a, 133 and 133a, 134 and 134a, 135 and 135a, 136 and 136a, 137 and 137a, 138 and 138a, 139 and 139a.

Mr. Sanagi, Sadamu, a counsel for the accused read a written objection to the receipt in evidence of these statements, in Japanese, appended marked "II."

An interpreter read an English translation of Mr. Sanagi's objection, appended marked "JJ."

Commander Martin E. Carlson, a counsel for the accused, read a further written objection, to the receipt in evidence of these statements, appended marked "KK."

The accused waived the reading of this objection in Japanese in open court.

The judge advocate read a written reply to the objections of the accused, appended marked "LL."

The accused waived the reading of the judge advocate's reply in Japanese in open court.

The commission was cleared.

The commission was opened.

All parties to the trial entered.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

The commission announced that the objections were not sustained.

There being no further objection, the documents were so received and are appended marked "Exhibit 10," "Exhibit 10a," "Exhibit 11," "Exhibit 11a," "Exhibit 12," "Exhibit 12a," "Exhibit 13," "Exhibit 13a," "Exhibit 14," "Exhibit 14a," "Exhibit 15," "Exhibit 15a," "Exhibit 16," "Exhibit 16a," "Exhibit 17," "Exhibit 17a," "Exhibit 18," and "Exhibit 18a." 9k

Examined by the judge advocate:

288. Q. Will the witness please read Exhibit 10?

(The witness read Exhibit 10.)

289. Q. Will you read Exhibit 11?

(The witness read Exhibit 11.)

290. Q. Will you read Exhibit 12?

(The witness read Exhibit 12.)

291. Q. Please read Exhibit 13.

(The witness read Exhibit 13.)

The accused moved to strike out Exhibit 13 on the ground that it was irrelevant, immaterial, and an opinion of the witness.

The judge advocate replied.

The commission announced that the motion was denied.

292. Q. Please read Exhibit 14.

(The witness read Exhibit 14.)

293. Q. Please read Exhibit 15.

(The witness read Exhibit 15.)

294. Q. Please read Exhibit 16.

(The witness read Exhibit 16.)

295. Q. Will you please read Exhibit 17?

(The witness read Exhibit 17.)

296. Q. Please read Exhibit 18.

(The witness read Exhibit 18.)

297. Q. Does the witness have in his possession a certified copy of a chart referred to in Exhibit 13?

A. I have.

298. Q. What is the area shown on this chart?

A. The area is that of Dublon Island.

299. Q. By whom was this certified copy prepared?

A. By myself.

300. Q. Where is the original of this document?

A. The original is filed in the Kobayashi case as Exhibit 18 and is part of the record of those proceedings.

301. Q. Are various Japanese installations marked on this chart?

A. They are.

302. Q. Has the accused affixed any mark or signature to this chart?

A. The chart was examined and initialed by the accused in the lower right hand corner.

303. Q. Was that done in your presence?

A. It was.

The chart produced by the witness was submitted to the accused and to the commission and by the judge advocate offered in evidence.

Cross-examined by the accused:

304. Q. How did you prepare this certified copy of Exhibit 18 in the Kobayashi trial?

A. I prepared it by using a copy of the same hydrographic map and simply marking the same installations that were marked on the original.

305. Q. Did the accused affix his signature to this certified copy that is being here offered?

A. He did not.

306. Q. To what chart did he affix his signature, then?

A. To the chart of which this is a certified copy and which is filed in the Kobayashi case.

307. Q. Did you request the accused to affix his signature to this Exhibit 18 of the Kobayashi trial?

A. Either Lieutenant Bolton or myself asked him to initial the chart if he approved the installations as shown.

308. Q. On what date was this done?

A. 16 March 1948.

The accused objected to the receipt of this document in evidence on the ground that it was irrelevant and immaterial.

The judge advocate replied.

The commission announced that the objection was not sustained.

There being no further objection, the document was so received, appended marked "Exhibit 19."

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:50 a.m., adjourned until 9 a.m., Monday, August 9, 1948.

NINTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Monday, August 9, 1948.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinsen, U. S. Navy,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United
States Army,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jensen, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Higuchi, Nobue, commander, I.J.N.

2. Q. If you recognize the accused, state as whom.
A. Wakabayashi, Seisaku.

3. Q. During what period were you attached to the Fourth Base Force at
Truk?
A. From February 1943 to April 1944.

4. Q. In what capacity?
A. Staff officer of the Fourth Base Force.

5. Q. How did you rank compared with the other staff officers in that
period?
A. I was senior staff officer.

6. Q. During the period you were attached to the Fourth Base Force, who
was the commanding officer?
A. At first it was Vice Admiral Takeda and next Vice Admiral Wakabayashi,
and lastly Rear Admiral Arima.

7. Q. When did Wakabayashi take command of the Fourth Base Force?
A. He took command in July 1943, I believe.

8. Q. By Wakabayashi do you mean the accused whom you have identified here?
A. Yes.

9. Q. As the senior staff officer were you next in command to Wakabayashi in the Fourth Base Force?
A. No. gk

10. Q. Who was next in command?
A. I believe it was the commanding officer of the Communication Corps, Captain Isebe.

11. Q. What were your duties on the staff?
A. To assist the Commandant in a general way.

12. Q. During the period you were attached to the Fourth Base Force were any orders or regulations issued by or through the Fourth Base Force concerning the handling of prisoners of war?
A. I do not have such a recollection.

13. Q. When prisoners of war arrived on Truk where were they confined?
A. In the Forty-first Naval Guard Unit.

14. Q. Was the Forty-first Naval Guard Unit a subordinate command of the Fourth Base Force?
A. Yes.

15. Q. Upon the arrival of prisoners of war on Truk what units were notified?

This question was objected to by the accused on the ground that it was vague and beyond the knowledge of the witness.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. The Forty-first Naval Guard Unit, who were to confine them. gk

16. Q. Who notified the Forty-first Naval Guard Unit of the arrival of prisoners?

A. We knew about the submarine prisoners arrival at Truk by dispatch, and I do not know who notified the Forty-first Naval Guard Unit.

17. Q. When you say "we knew of the arrival of the submarine prisoners," whom do you mean?

A. All members of the headquarters.

18. Q. By headquarters do you mean the Fourth Base Force?

A. Yes.

19. Q. From whom was that dispatch received?

A. From the destroyer which captured them, the prisoners.

20. Q. Do you recall on what date this dispatch was received?

A. No, I do not.

21. Q. Do you recall approximately when you received it?

A. I believe it was around November 1943.

22. Q. What was the content of the dispatch?

This question was objected to by the accused on the ground that no foundation had been laid for such testimony.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. This dispatch was issued from the captain of the destroyer to his commanding officer, and the contents were that prisoners of war were captured after a sea battle, the date and time of arrival at Truk, and a request that steps be taken to confine these POWs ashore on Truk.

23. Q. Describe for us the handling of such incoming dispatches at the Fourth Base Force.

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

The judge advocate withdrew the question.

24. Q. Who were the information addressees on this dispatch, if any?

A. I am not certain on this point, but I believe the Commandant of the Fourth Base Force, Commanding Officer of the Forty-first Naval Guard Unit, and Commander in Chief, Fourth Fleet, were listed for information.

25. Q. Was the dispatch actually received by the Fourth Base Force?

A. Yes.

26. Q. Now, describe for us if you will the procedure for handling such dispatches at the Fourth Base Force.

A. After the Commandant and all the staff officers read these dispatches, they were filed.

27. Q. Do you know whether or not these submarine prisoners actually arrived at the Forty-first Guard Unit?

A. I do not know exactly when they arrived on Truk, but the next day I saw them.

28. Q. Tell us what you saw.

A. It was on some other duties that I had to pass through the Forty-first Naval Guard Unit compound, and as I did so I saw the prisoners being interrogated.

29. Q. By whom were they being interrogated?

A. At the time I saw these prisoners being interrogated I did not know by whom they were being interrogated, but later on I heard that they were interrogated by the members of the Sixth Fleet Headquarters.

30. Q. How many prisoners did you see at that time?

A. I saw about ten.

31. Q. Where was the questioning taking place, in what part of the guard unit?

A. It was being carried out in the clearing across the road from the front of the administration building.

32. Q. Did you inform your commanding officer about this fact?
A. I believe I reported this to him at supper, evening supper of that day. *JK*
33. Q. And who was your commanding officer at that time at the Fourth Base Force?
A. Vice Admiral Wakabayashi.
34. Q. Do you recall the seventeenth and eighteenth of February 1944?
A. Yes, I do.
35. Q. What occurred on those dates?
A. There was an air raid by the American Task Force on Truk.
36. Q. Where were you stationed during this air raid?
A. Fourth Base Force headquarters.
37. Q. During the course of the raid was the Fourth Base Force in communication with subordinate units?
A. Yes, I believe it was.
38. Q. What subordinate units?
A. All.
39. Q. Was the Forty-first Guard Unit one of these units?
A. Yes.
40. Q. Do you recall anything in particular that occurred on the night of the seventeenth of February 1944?
A. I do.
41. Q. What occurred on that evening?
A. On the evening of the seventeenth the cognizant commanding officers of subordinate units, staff officers of the Fourth Fleet and Fourth Base Force, and commanding officers of other units, that is not the subordinate units of the Fourth Base Force, they all met and they reported battle conditions and future battles were discussed.
42. Q. Who called this meeting?
A. The Commandant of the Fourth Base Force, but I believe the Fourth Fleet notified the commanding officers of units not subordinate units of the Fourth Base Force.
43. Q. Was any representative present at this meeting from the Forty-first Naval Guard Unit?
A. Commanding officer of the Forty-first Naval Guard Unit, Captain Tanaka, was present.
44. Q. Was Wakabayashi present at this conference?
A. Yes.
45. Q. Did Captain Tanaka make a report during the course of this conference?
A. Yes.
46. Q. Do you recall what the content of that report was?
A. I believe it concerned the damage done by the air raid.

47. Q. Do you recall anything else that Captain Tanaka reported?
A. No.

48. Q. Was there any regulation that a report should be made by the Base Force to higher authority concerning prisoners of war?

This question was objected to by the accused on the ground that it was vague, indefinite, irrelevant, and immaterial.

The judge advocate withdrew the question.

49. Q. Were there any regulations in existence at the Fourth Base Force concerning prisoners of war?

A. No.

50. Q. To your knowledge do the Japanese Navy Regulations contain anything concerning prisoners of war?

A. Yes.

51. Q. What was it?

A. In the Japanese Navy Regulations there is a section which is titled "Regulations Concerning the Treatment of Prisoners of War."

52. Q. During your tour of duty did the Fourth Base Force ever bring this to the attention of the Forty-first Naval Guard Unit?

A. No.

Cross-examined by the accused:

53. Q. You testified previously that you heard later that the members of the Sixth Fleet headquarters were interrogating the submarine POWs; how did you learn about this later?

A. I do not recall from whom I heard this, but I believe it was from one of the officers of the Forty-first Naval Guard Unit.

54. Q. Were any members of the Fourth Base Force headquarters present at this interrogation of these submarine prisoners?

A. No.

55. Q. When you saw these prisoners being interrogated, did you see a guard standing near the prisoners?

A. I do not recall.

56. Q. You testified that you saw about ten prisoners of war; did you see any one of them being beaten?

A. I absolutely did not see such a thing.

57. Q. Who was the commanding officer of the Forty-first Naval Guard Unit at that time?

A. Captain Minematsu.

58. Q. Do you know whether Captain Minematsu came to report to the Commandant, Vice Admiral Wakabayashi, concerning the submarine prisoners of war?

A. I do not recall definitely, but as Captain Minematsu frequently visited the Fourth Base Force I believe he reported this to Wakabayashi.

59. Q. Do you recall being present when Minematsu reported to Wakabayashi concerning the submarine POWs?

A. I do not have such a recollection.

60. Q. During the daytime of February 17, 1944 where were you?

A. When the actual air raid came, that is when the planes were overhead, I was in the hills behind the Fourth Base Force headquarters.

61. Q. Where were the other staff officers of the Fourth Base Force?

A. Lieutenant Commander Ago was most of the time with me, but I do not know where Lieutenant Kendo was.

62. Q. What duty did staff officer Kendo have?

A. He was engineering staff officer.

63. Q. During the air raid where was the Commandant of the Fourth Base Force?

A. I believe he was in the air raid shelter adjacent to the Administration Building of the Fourth Base Force.

64. Q. During the daytime of February seventeenth did the headquarters receive from the Forty-first Naval Guard Unit information and messages?

A. I do not know how frequent the headquarters received this information but I knew that it was actually in communication.

65. Q. During the daytime of February seventeenth did you receive from the Forty-first Naval Guard Unit an inquiry concerning prisoners of war?

This question was objected to by the judge advocate on the ground that it went beyond the scope of the direct examination.

The accused replied.

The commission announced that the objection was not sustained.

A. No.

66. Q. Do you know whether there was anyone else that received any such message?

A. I do not know whether anyone else received such a message.

67. Q. How many persons were present at the conference held on the evening of February seventeenth?

A. I do not know exactly, but I believe it was around fourteen or fifteen.

68. Q. Were you present at the conference?

A. Yes.

69. Q. Where were you seated at this conference?

A. Beside the Commandant.

70. Q. In the report made by Captain Tanaka was anything mentioned about prisoners of war?

A. No.

71. Q. Was Vice Admiral Wakabayashi present throughout this conference?

A. No, he left around the middle of the conference.

72. Q. Was there any reason for Vice Admiral Wakabayashi leaving in the middle of the conference?

A. At that time Vice Admiral Wakabayashi was suffering from stomach ulcers, and I believe he left for this reason. JK

73. Q. From when was Vice Admiral Wakabayashi ill?

A. I do not recall definitely, but I believe he was not confined to bed when I left for Tokyo on official business.

74. Q. When did you leave for Tokyo, what date and month?

A. I believe it was January 13, 1944, but I am not sure, I am not definite.

75. Q. These Navy Regulations, do not all navy units possess these Navy Regulations?

A. That is so, if navy units do not possess this, they cannot operate.

76. Q. You testified that during your tour of duty as senior staff officer of the Fourth Base Force, the Fourth Base Force did not issue any regulations or orders concerning the treatment of prisoners of war; was there any reason for not issuing these orders and regulations?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

A. I believe there were two reasons. The first, it is as I stated before everyone possesses this Navy Regulations, and believe this was sufficient; and secondly Truk did not have any official place of confinement. The prisoners stayed there only temporarily to await for transportation whether it be ship or plane, and it was only a stopover point for prisoners to await transportation.

77. Q. Were you present when Wakabayashi took command of the Fourth Base Force?

A. Yes.

78. Q. Were there any prisoners of war confined at the Fourth Base Force at that time?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial and beyond the scope of the direct examination.

The accused replied.

The commission announced that the objection was not sustained.

A. No.

79. Q. Were you present when Wakabayashi told Captain Minematsu to treat the survivors of the Sculpin kindly and humanely?

This question was objected to by the judge advocate on the ground that counsel was misstating testimony and the question was double.

The accused made no reply.

The commission announced that the objection was sustained.

80. Q. Did you see all the messages, the dispatches and letters, that were sent out by Combined Fleet Headquarters and ships of the Combined Fleet?

A. I believe I saw the ones that arrived at the Fourth Base Force Headquarters.

81. Q. Were you the communication officer of the Base Force?

A. I do not recall whether communication was part of my duties at the Fourth Base Force or not.

82. Q. This message that you say you saw from the destroyer Yamagumo, did that require the Fourth Base Force to take any action?

A. I believe the captain of the destroyer made the Fourth Base Force its information addressee because he wanted to confine these prisoners ashore on Truk.

The commission then, at 10:20 a.m., took a recess until 10:50 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

83. Q. What kind of a report did you make to Admiral Wakabayashi that you saw prisoners of war being interrogated by members of this Sixth Fleet Headquarters?

A. I reported to him that the prisoners of war were being interrogated in the compound of the Forty-first Naval Guard Unit.

84. Q. Was it your duty to make this report to the admiral?

A. I do not think this was the duty that I absolutely had to do, but as this interrogation had been taking place in the subordinate unit of the Fourth Base Force and as I saw it with my own eyes I thought I would report it to him.

85. Q. Do you know whether the commanding officer of the Forty-first Naval Guard Unit reported the interrogation of the prisoners to Admiral Wakabayashi?

A. I do not have such a recollection.

86. Q. When you made this report to Admiral Wakabayashi, did you report that the prisoners were being mistreated?

A. No, I did not make such a report.

87. Q. Did you see the prisoners being mistreated when they were being interrogated?

A. No.

88. Q. This conference that you testified about, are you sure that this conference was not held in the morning of the seventeenth?

A. According to my definite~~d~~ recollection it was held in the evening of the seventeenth after it was dark. 9K

89. Q. It was held on the evening of the first day of the air raid?

A. My recollection is - I am not certain as to whether it was after the first day or the second day but it was after dark.

90. Q. Do you know how the Commander in Chief of the Fourth Fleet notified certain other units of this conference and notified them to be present?

A. I do not know the method but as the Fourth Base Force Headquarters notified the Fourth Fleet that this conference will be held at the Fourth Base Force, I believe the Fourth Fleet sent out an order to subordinate unit commanders to be present at this conference.

91. Q. Did the Commandant of the Fourth Base Force notify Captain Tanaka to be present at the conference?

A. He did not order only Captain Tanaka to be present at this conference, but he did order all his subordinate unit commanders to be present.

92. Q. When he ordered Captain Tanaka to be present at the conference, did he tell him what to report on?

A. I do not believe the contents of what to report was notified.

93. Q. Was Iwanami present at this conference?

A. I do not recall.

94. Q. In notifying Captain Tanaka and his subordinates to be present at this conference did the Commandant of the Fourth Base Force order them to report on prisoners of war?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused withdrew the question.

95. Q. All during this period of duty at the Fourth Base Force did you ever see any prisoners of war at the Base Force?

A. I did.

96. Q. At the Base Force Headquarters?

A. Yes.

97. Q. Do you know if the Forty-first Naval Guard Unit had Japanese Navy Regulations containing this treatment of prisoners of war?

A. Naturally it did.

98. Q. These submarine prisoners of war - do you know how long they stayed at the Forty-first Guard Unit?

A. I do not recall definitely but I believe it was about ten days.

99. Q. Who ordered them removed from the Forty-first Guard Unit?

A. Removed to where?

100. Q. Wherever they went.

A. The order to return these prisoners to the Japanese homeland was issued by Combined Fleet Headquarters.

Reexamined by the judge advocate:

101. Q. You stated that one of the reasons for not issuing any regulations concerning the treatment of prisoners of war was because the Naval Guard Unit was only a temporary place of detainment or custody. Was this the reason of the Fourth Base Force staff?

A. That is what I individually think.

102. Q. Were these reasons - the two of them - were they your own reason or were they the reasons of the staff or the Commandant of the Fourth Base Force?

A. I did not discuss such matters with the Commandant and this is only my own thought.

103. Q. Did the staff of the Fourth Base Force ever discuss the question of treatment of prisoners of war at the Guard Unit?

A. No. JK

104. Q. How soon after the arrival of these submarine prisoners of war was it that you saw them being interrogated?

A. From my recollection I think it was the day following their arrival.

105. Q. For how long a period did you witness this interrogation of the prisoners?

A. I saw this interrogation while I was passing through. I believe it was two or three minutes.

106. Q. Now, you have testified on cross-examination that during your tour of duty you saw prisoners of war at the Fourth Base Force; when was this?

A. I do not know exactly, but it was March or April of 1944.

The accused moved to strike out this answer on the ground that it was irrelevant and immaterial.

The judge advocate replied.

The commission directed that the answer be stricken.

107. Q. When you reported to Wakabayashi that you had seen these prisoners of war at the Guard Unit did Wakabayashi make any comment?

A. No, he did not say anything in particular.

108. Q. He didn't make any comment when you told him they were being interrogated by officers of the Sixth Fleet?

A. I do not recall whether I said at that time whether they were being interrogated by personnel of the Sixth Fleet or not but I believe I reported to him that the prisoners were being interrogated.

109. Q. In any event you are certain that he didn't evidence any interest in the matter, is that true?

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

The judge advocate replied.

The commission announced that the objection was sustained.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state. JK

The witness was duly warned and withdrew.

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

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Asano, Shimpei, former rear admiral, Imperial Japanese Navy.

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

A. Wakabayashi, Seisaku.

3. Q. During what period were you stationed with the Japanese forces at Truk?

A. I served as Chief of the First Replacement Depot from January 20, 1943 to January 28, 1944 and as Commanding Officer of the Forty-first Naval Guard Unit from February 21, 1944 until the surrender.

4. Q. During the year 1943 when you were stationed at Truk, where was your office located?

A. I was using one of the buildings of the Forty-first Naval Guard Unit as my office.

5. Q. During that year did you see any prisoners of war at the Forty-first Naval Guard Unit? JK

A. Yes.

6. Q. When did you see them?

A. As I recall, in November.

7. Q. Do you know who these prisoners of war were?

A. I recall that they were submarine prisoners of war.

8. Q. Do you know from what submarine they had come?

A. They were prisoners of war off an American submarine which was sunk by a Japanese destroyer close to Truk.

9. Q. Do you know the name of the Japanese destroyer which sunk the submarine?

A. As I recall, the Yamagumo. r

10. Q. Tell us what you saw with regard to these prisoners of war.

A. It so happened that I had to leave the Forty-first Naval Guard Unit on official business and I had to pass what was commonly called the exercise ground and there I saw some prisoners of war being interrogated.

11. Q. What did you observe at that time?

A. As I recall all the prisoners of war were naked. They were approximately twenty in number or maybe less than twenty. The interrogation was conducted along these lines: A few officers, among them two or three staff officers, were seated at an oblong desk and the prisoners of war were being called individually to this desk and there were two or three prisoners of war waiting their turn to be called. The other prisoners of war were waiting in a group and I seem to recall a tent for their shelter. There were three or four guards about this tent I presumed were there stationed for the guarding and guidance of the prisoners of war. I am definite on that last point that there were three or four guards there. JK

12. Q. Do you know how many submarine prisoners were confined at the Forty-first Naval Guard Unit brig at that time?

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

The judge advocate withdrew the question.

13. Q. Do you know how many submarine prisoners of war were at the Guard Unit at that time?

A. I do.

14. Q. How many were there?

A. Forty-two.

15. Q. When did you next see any prisoners of war at the Guard Unit?

A. I seem to recall having testified that it was in January that I saw prisoners of war for the first time after that but I have been thinking on this and have now come to the conclusion that I cannot state definitely when I saw these prisoners of war. It is definite that I saw three prisoners of war later walking along a pier.

16. Q. What pier do you refer to?

A. It was the pier of the Naval Guard Unit exclusively used by the Forty-first Guard Unit and there was only one such pier.

17. Q. In what direction were they walking?

A. They were marching toward the headquarters or the brig.

18. Q. Following this and prior to February 22, 1944, do you have any information concerning any other prisoners of war at the Guard Unit?

A. I absolutely have no recollection.

19. Q. At the close of the war were you given official duties to investigate and report on prisoners of war on Truk?

A. Yes.

20. Q. At that time did you learn of any prisoners of war, other than the ones you have already referred to who were at the Forty-first Guard Unit between July 20, 1943 and February 22, 1944?

This question was objected to by the accused on the ground that it called for hearsay.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, I do.

21. Q. What other information did you learn about prisoners of war during this period?

A. First, I learned that there were three prisoners of war taken on Truk before the submarine prisoners of war and that they had been sent on to Japan aboard the cruiser Takao. Second, I heard that there were approximately fifteen prisoners of war taken in the Marshalls Area who were on Truk around the middle of January 1944. That is all.

22. Q. Did you receive any information during the course of this investigation of any mistreatment of these prisoners of war at the Forty-first Guard Unit during January 1944?

A. I did not hear of mistreatments. You are concerned with mistreatments only?

23. Q. I am concerned with any incident concerning these prisoners of war in January.

A. I heard that eight of these fifteen prisoners of war were disposed of at the end of January and that the remaining seven were executed on February 17 at the time of the air raid.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was denied.

24. Q. What other information did you receive, if any, with reference to this January incident?

A. The person who submitted this information was Surgeon Lieutenant Kuno, one of my subordinates. According to his report it was as follows: Four of the eight prisoners were subjected to experiments by injection or some such experiments at the Forty-first Naval Guard Unit dispensary. The other four were taken to the Fourth Naval Hospital and there disposed of. The picture of the incident that I received was as follows: Surgeon Commander Iino, who held the post of Chief Surgeon of the Fourth Base Force and Forty-first Naval Guard Unit, concurrently, received a request from Surgeon Captain Iwanami that the latter be allowed the use of the Naval Guard Unit dispensary for the experiments. I know for a fact that Iino refused this request and told Iwanami that he could not undertake such responsibility and that if Iwanami desired to conduct his experiments that he, Iwanami, ask Captain Tanaka, directly.

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission directed that the answer be stricken.

25. Q. When you took command at the Forty-first Naval Guard Unit, did you inspect the standing orders of that command?

A. Yes, I studied them.

26. Q. Were there any standing orders concerning the treatment of prisoners of war?

A. I did not observe any documentary orders or orders to that effect.

27. Q. During the course of your duties at Truk did you have occasion to examine the Forty-first Naval Guard Unit Brig?

A. Twice, definitely. I may have inspected it a third time but I am not sure about the third inspection.

28. Q. Did you ever have occasion to measure the building?

A. I never personally took the measurements.

29. Q. When did you first examine the brig?

A. I believe it was in the beginning of March after the air raid of February 17, it was for the purpose of confining the prisoners of war taken during that air raid. It was when staff officer Akai came to interrogate the prisoners of war who were taken during the course of the air raid of February 17 and who were interned at the brig after my appointment to the position.

30. Q. I give you a blank sheet of paper and ask you to draw thereon a sketch of the Forty-first Naval Guard Unit brig as you recall it.

The accused objected to the witness drawing this sketch on the ground that it was irrelevant and immaterial.

The judge advocate replied.

The commission announced that the objection was not sustained.

(The witness drew a sketch of the Forty-first Naval Guard Unit brig. TN. The witness explained that when the portion marked as the head was cut off from the rest of the cell this cell became 2.2 meters by 2.2 meters and further that this head was closed on all sides by wood and that there was a door leading into the head.)

The sketch drawn by the witness was submitted to the accused and to the commission and by the judge advocate offered in evidence.

The accused objected to the receipt of this sketch in evidence on the ground that it was irrelevant, immaterial, and shows no date.

The judge advocate replied.

The commission announced that the objection was not sustained. There being no further objection, the document was so received, appended marked "Exhibit 20."

31. Q. I note in Exhibit 20 that you have divided the inner portion of this building into three areas. What are these three areas?

A. They are solitary cells.

32. Q. Were these three cells the same size?
A. The three were identical.

33. Q. What was the size of one cell?
A. Excluding that portion of the cell which was the head the cells measured 2.2 meters by 2.2 meters.

34. Q. How large was the head portion of the cell?
A. It is not drawn to size on the sketch, but I believe the head measured one meter by one meter.

Cross-examined by the accused:

35. Q. You testified that you saw submarine prisoners of war; but when did this take place? How long after they were confined?
A. I absolutely do not know. The reason for that being that I have no recollection of when the submarine prisoners of war were confined. JK

36. Q. When did you hear that the prisoners being interrogated were prisoners off a submarine?
A. I do not definitely recall whether it was on the evening of the day I saw these prisoners or on the morning following, but I heard this from Lieutenant Commander Tokutome who was then executive officer of the Forty-first Naval Guard Unit.

37. Q. You testified that you saw prisoners of war being interrogated in passing. How many minutes did you observe these prisoners being interrogated?
A. As I recall, approximately one minute.

38. Q. Did you see any guards standing by the investigating officer or by the prisoners of war being investigated?
A. I have absolutely no recollection. JK

39. Q. Then all you saw was one prisoner of war being interrogated in turn?
A. Yes.

40. Q. Then during the period you were observing this one prisoner being interrogated, did you note whether he was being hit or beaten?
A. No, I absolutely did not note such a thing.

41. Q. Was there a Japanese enlisted man at the place of the interrogation who had in hand a club or a stick?
A. I did not notice any.

42. Q. You testified that you saw a group of prisoners under a tent or some such thing, and that there were two or three guards stationed about it. Did you see these guards with clubs or sticks?
A. I have absolutely no such recollection.

43. Q. Then what did these guards have in their hands? Did they have anything in their hands?
A. As I do not recall their having anything in their hands, I believe that they had nothing in their hands.

44. Q. When you saw the interrogation going on you were leaving the place on business; but were you leaving the Guard Unit on foot or in a vehicle of some sort?

A. I was on my way in an automobile.

45. Q. Did you ride through the compound at ordinary speed or did you order the chauffeur to slow down? JK

A. I ordered him to slow down a little.

46. Q. Were these prisoners of war that you saw blindfolded?

A. Yes, they were blindfolded. As to the prisoners of war placed in front of the interrogating officers I cannot state definitely whether they were blindfolded or not.

47. Q. Then do you mean that all the prisoners of war who were not actually being interrogated, namely those by the side and those under the tent, were all blindfolded?

A. As I recall they were all blindfolded.

48. Q. During the time you had the scene in observation, were any other prisoners being interrogated relieved by new prisoners of war?

A. I do not recall.

49. Q. You stated that you saw three prisoners of war on the pier. Do you know where they were confined?

A. I cannot state definitely because at that time I had no reason to look into the matter nor did I actually do so. JK

50. Q. During the investigation did you see any members of the Fourth Base Force at the scene of this interrogation?

A. I did not see anyone.

51. Q. Did you see any members of the Forty-first Guard Unit at the scene of the interrogation?

A. I do not recall.

52. Q. Did anyone report to you what happened to these three prisoners of war later?

A. Do you mean at that time?

53. Q. Yes.

A. No. No, reports were made. JK

The commission then, at 3:15 p.m., took a recess until 3:35 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

54. Q. Now, who were interrogating the submarine prisoners of war? You testified that they were neither members of the Fourth Base Force nor the Forty-first Naval Guard Unit; then to what unit did these officers belong?

A. I concluded that they were members of the Sixth Fleet staff.

55. Q. Do you know the circumstances under which these staff officers of the Sixth Fleet were interrogating these men?

A. I had no knowledge of the circumstances.

56. Q. From whom did you hear that they, the prisoners, were from a submarine?

A. From Lieutenant Commander Tokutome.

57. Q. What was the position of this Lieutenant Commander Tokutome?

A. As I recall he was still the executive officer at that time.

58. Q. Was not Nakase the executive officer at that time?

A. It is my recollection that Nakase was the tentative nominee for this post of executive officer, but at that time he was attached to the Naval Guard Unit but not yet in that capacity, and that Nakase assumed his post as executive officer after the departure of Tokutome for the Japanese homeland.

59. Q. Of the prisoners of war being interrogated did you note any who seemed to be wounded, that is, wearing bandages or some such sign of being wounded?

A. I do not recall seeing any such persons at the scene of the interrogation. JK

60. Q. Have you any knowledge of where these prisoners who were being interrogated were confined at the Forty-first Naval Guard Unit?

A. I believe it was after the prisoners, the submarine prisoners, were taken to Japan that I learned that there were forty-two submarine prisoners of war, and on receiving this information I wondered whether they could have been confined in that small brig, and I ascertained this fact, and I asked one of the officers and I learned from him that prisoners of war not being ordinary people were confined at the brig. I do not recall from whom I heard this, but I have definite recollection that I did receive such information.

61. Q. Did not this person who submitted this information tell you at the same time that some other building other than the brig was used for the confinement of prisoners of war?

A. When I heard this story I believed that they were confined solely in the brig.

The accused moved to strike out the words "I believed that they were confined solely in the brig" on the ground that they were an opinion of the witness.

The judge advocate replied.

The commission directed that the words be stricken out.

62. Q. Do you have any knowledge of the conditions under which the prisoners of war were confined at the brig?

A. I have no knowledge at all.

63. Q. You testified that when you assumed your command as commanding officer of the Naval Guard Unit you did not observe any standing regulations or orders in the forms of documents; were there no copies of the Japanese Naval Regulations in the Naval Guard Unit?

A. There was a complete set of Naval Regulations at the Naval Guard Unit.

64. Q. Do you know if there were regulations concerning treatment of prisoners of war among the Naval Regulations?

A. I had heard there were regulations concerning treatment of prisoners of war among the Naval Regulations, but it was my impression that they were outmoded and did not apply to the actual conditions then prevailing, and as I recall I did not feel like studying up these regulations and applying them to the situation. I have a faint recollection of having glanced through some regulations concerning treatment of prisoners of war and recall its having been dated 1900 or the thirty-third year of Meiji and saying to myself that these cannot apply in their present form to modern warfare and putting them aside, and as this problem has arisen I will refresh my memory and testify further on the matter. The early part of March 1944 a meeting of unit commanders of the Fourth Fleet was held at Fourth Fleet Headquarters and a chart maneuver was held in regard to possible invasion of Truk. As I recall it was at a time immediately after a flying officer who had been shot down during the February seventeenth air raid was captured through investigations conducted after my assumption of office. As I recall staff officer Kawamura was discussing the results of the investigation of this flying officer with staff officer Akai who had conducted the interrogation of this officer. At that time staff officer Kawamura told me that the Fourth Fleet had issued no orders or instructions concerning treatment of prisoners of war but that the fleet was busy in other matters and that therefore to use my discretion, and he further stated that if I so desired I could refer to some old regulations contained in the Naval Regulations. I stated that such regulations as contained in the Naval Regulations dating back to the Russo-Japanese War, were invalid at the present time and whereas it would be a simple matter to take temporary custody of prisoners of war for a short period, I thought that regulations should be established because the situation was such that prisoners of war could be taken by the army or the gunzokus. That is all.

65. Q. When prisoners of war were confined at the Forty-first Naval Guard Unit who would take direct charge of them?

A. I cannot state definitely as to the conditions prevailing before my time.

66. Q. How were the regulations concerning this matter on Truk?

A. I cannot grasp the exact meaning of your question.

67. Q. Who would be directly in charge of the care of prisoners of war?

A. Do you mean who is directly in charge of the care other than the commanding officer of the Naval Guard Unit?

68. Q. Who was directly in charge of the prisoners of war when such were confined at the Forty-first Naval Guard Unit?

A. After my assumption of office I think it was the officer of the day.

69. Q. Was not the commanding officer of the Naval Guard Unit the person directly in charge of their care?

A. If you put the question vaguely who was responsible for their care, their care was naturally in the hands of the commanding officer, but I did not quite understand your question which I interpreted as whether there were any specific officers, second lieutenant or ensign, assigned to the care of prisoners of war.

70. Q. Was Truk a place where prisoners of war were kept for long terms or a place where they were kept only for short periods?

A. It was, of course, a place where they were kept only for a short period on a very temporary basis. The policy was to send them home by the first available transportation.

71. Q. You just now testified that such was the policy but was this policy actually followed insofar as circumstances permitted?

A. After I assumed command of the Forty-first Naval Guard Unit I would do my utmost to see this policy carried through. The Fourth Fleet was very busy with various other matters and it could forget about prisoners of war, but I thought that the Naval Guard Unit must always remember of their existence and it was my strict policy to see that they were sent home by the first available transportation.

72. Q. You testified previously that of the eight prisoners of war four were subjected to experiments by injection in the Forty-first Naval Guard Unit dispensary; do you recall the date of these experiments?

A. As far as I could ascertain the closest or most accurate estimate of the date was January 20, 1944 or thereabouts.

73. Q. According to Kuno's report the other four were taken to the Fourth Naval Hospital and there executed. You testified to the above but do you know when the execution occurred?

A. According to the Kuno report and other reliable information I received it was one week after the deaths at the Naval Guard Unit dispensary that this execution took place.

74. Q. You just now stated that the deaths occurred around January twentieth and the execution one week after that but to what year are you referring?

A. 1944.

75. Q. You stated that they were taken to the hospital; what hospital were you referring to?

A. The Fourth Naval Hospital at Dublon Island.

76. Q. Whom did you relieve as commanding officer of the Guard Unit?

A. I relieved Captain Tanaka.

77. Q. Was this before or after the big air raid of February 17, 1944?

A. It was after.

78. Q. Do you know how many days after?

A. Three days after the air raid.

79. Q. Did you report to Admiral Wakabayashi that you had relieved Captain Tanaka as commanding officer of the Guard Unit?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was sustained.

80. Q. These three prisoners you saw walking along the pier, was that after you had relieved Captain Tanaka or before?

A. Naturally it was before, prior to my assumption of office.

81. Q. Some testimony of yours regarding your investigation of war crimes still remains in the record; so I ask you who ordered you to investigate these war crimes?

A. Commander in Chief Hara who was Commander in Chief at the time of surrender.

82. Q. When did he order you to investigate these crimes, after Truk had been surrendered or when?

A. It was prior to the official surrender of Truk.

83. Q. This brig that you sketched when did you first see this brig?

A. As I recall at the end of February or beginning of March 1944.

84. Q. So this brig you sketched was the brig as of the end of February or beginning of March 1944; is that correct? JK

A. The brig did not undergo any substantial changes or alterations until June of 1944 when it was badly damaged. I am confident that the brig had not undergone any substantial changes from the time it was built up until March when I assumed the place.

85. Q. Wasn't it your duty as head of the Replacement Bureau to know what the capacity of these brigs was so there was no need for you to wonder as to how many people could be accommodated at this brig?

A. That question was completely outside the scope of the responsibility of the Chief of the Replacement Bureau.

86. Q. When you relieved Captain Tanaka did you find out who the brig officer was at that time?

A. No, I did not ascertain.

87. Q. Do you know who the brig officer was at the time you saw these submarine prisoners at the Guard Unit?

A. I did not know.

88. Q. Now, you have testified that in your opinion the regulations regarding the treatment of prisoners of war as set forth in the Japanese Navy Regulations were obsolete; were there any orders issued by official authority revoking those regulations which you stated were Russo-Japanese regulations regarding prisoners of war? JK
JK

A. No, I did not see.

89. Q. Then there was no basis for your opinion which you stated that you thought the regulations were obsolete?

This question was objected to by the judge advocate on the ground that it was argumentative.

The accused replied.

The commission announced that the objection was sustained.

90. Q. Do you know the date of the Hague Convention?

A. No.

91. Q. Asano, are you still being held in confinement?

A. Yes.

92. Q. How long have you been held in confinement?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

Reexamined by the judge advocate:

93. Q. You testified that you learned from some officer that the POWs not being ordinary people were confined in the Guard Unit brig; do you recall who the officer was that told you that?

A. I cannot recall who it was.

94. Q. Do you recall which unit he was attached to on Truk?

A. I have only the faint recollection that I heard it from somebody.

95. Q. You testified that it was a policy to send prisoners of war back to the homeland; whose policy was that?

A. That was the policy established by the central naval authorities in Tokyo.

96. Q. Was that policy followed with reference to the fifteen prisoners of war that were at Truk in January 1944?

A. I am not qualified to answer your question.

97. Q. In the chain of command to whom was the commanding officer of the Forty-first Guard Unit responsible?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. As long as the Fourth Base Force existed the commanding officer of the Forty-first Naval Guard Unit would be directly subordinate to the Commandant of that Base Force, and in the event of its being abolished or liquidated, he would fall under the direct command of the Commander in Chief, Fourth Fleet.

Recess-examined by the accused:

98. Q. This policy of sending prisoners of war to the Japanese homeland -- wasn't that also based on these Japanese prisoner of war regulations found in the Japanese Navy Regulations which you termed obsolete and not in keeping with modern warfare?

A. The policy that I refer to was based on dispatches from the central authorities in Tokyo and further when Rear Admiral Yano, the head of the Third Department Naval General Staff, visited Truk and when he convened a meeting aboard the flagship of the Combined Fleet, the MUSASHI, he specifically outlined this policy, the one that I refer to.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 4:35 p.m., adjourned until 9 a.m., tomorrow, Tuesday, August 10, 1948.

TENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas, Islands.
Tuesday, August 10, 1948.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinsen, U. S. Navy,
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps,
United States Army,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottmeyer, U. S. Navy,
Captain Albert L. Jensen, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Robert Oldham, yeoman third class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name, rate, and present station.
A. Jehn Paul Reurke, gunner's mate chief, USN, U. S. Submarine Base, New London, Connecticut.
2. Q. If you recognize the accused, state as whom.
A. I do not recognize the accused.
3. Q. In the early part of November 1943 where were you stationed?
A. I was stationed aboard the U. S. Submarine SCULPIN. JK
4. Q. On November 19, 1943, where was the SCULPIN operating?
A. She was about one hundred and seventy-five miles from Truk. JK
5. Q. Did anything unusual happen on that day?
A. Well, on that day about twelve midnight we picked up this convey and proceeded to track it. Around 0600 that morning we dove and proceeded to make an attack upon it. At that time also the convey turned towards us. We went down to greater depth and waited until it passed over us. After it had passed we surfaced to get ahead of the convey and make another attack. After being on the surface about five minutes we spotted a merchant ship - which we thought to be a merchant ship - off on the horizon. We then dove again to JK

try to make an attack upon it. The merchant ship turned out to be a destroyer. She came right down our course and proceeded to give us a depth charge attack. This attack lasted approximately for eight and one half hours. Through the extensive damage done by the attack our skipper thought it well to surface and battle surface on the destroyer. In the ensuing battle we sustained severe hits which forced our surviving officer to give the word to abandon ship. Therefore all of us - that numbered forty-two - abandoned the vessel and upon getting into the water, we were immediately subjected to large caliber shells 4.7 and 50 caliber and whatever small weapons they might have had on the destroyer. It is undoubtedly true that the fire of the shells, while we were in the water, from the destroyer killed a couple more of the shipmates that got off, and I myself was knocked unconscious by the explosion of a shell close aboard. Then I also lost my life belt, and being a very poor swimmer when I came to again I called for help. In a very few minutes or seconds one of my shipmates came over with his life belt and offered it to me. Also hanging on to this life belt was Welsh, seaman first class. Though wounded he talked to me while in the water. Upon reaching the destroyer we climbed aboard the best we could. Welch went ahead of me at this time. The rest of us were herded up to the forecastle. Being that I had swallowed a number of amounts of salt water and had sustained shrapnel cuts on my toes and my back and was vomiting, the Japanese sailors picked me up and carried me to the quarterdeck. Here they proceeded to swing me with the intention of throwing me over the side. On the third swing I kicked loose. By that time they thought I was still alive and they gave me a thorough beating for one hour. They brought me back to the forecastle, tied my hands and legs. An hour or so later, for the forty-two survivors of the submarine, a ration of an eight ounce can of water and pieces of hardtack was given us.

6. Q. You have testified there were forty-two survivors. Was any count made of the survivors aboard the destroyer?

A. Our surviving officer made the count of forty-two men.

7. Q. Who was this officer?

A. Lieutenant Commander George Brown.

8. Q. Where were you taken on this destroyer?

A. To the island of Truk.

9. Q. How do you know it was Truk?

A. The interpreter or the man who questioned us there, questioned me - told me it was Truk.

10. Q. When did the destroyer arrive at Truk?

A. We arrived at Truk in the early morning around 0100.

11. Q. In the early morning of what day?

A. November 20, 1943.

12. Q. What was done with the group of survivors after arriving at Truk?

A. We were all blindfolded, put in a salt water craft - large motor launch and taken to a deck. Here we left the motor launch and were put on trucks and taken to what was the Jap brig. Immediately upon our arrival - that is within a day - I was subjected to questioning. I was taken blindfolded from the hut and presented before the Japanese interpreter. The Japanese guard that was at my side that brought me from the hut kept yelling "Kiyetsuke" (T.N. - Attention), which I did not know the meaning of and because of the fact that I didn't give him my prompt attention, I was beaten on the legs and hands for a period of fifteen or twenty minutes. He asked me where my submarine was operating. When I told him I didn't know the guard gave me a couple of more whacks. Not satisfying the questions I was returned to the hut.

13. Q. You say you were beaten over the legs and hands by a guard; with what did he beat you?

A. He beat me with a form of a bat or a club about two by four - a little bigger than a two by four.

14. Q. What was the length of the club?

A. The length of the club was about four feet.

15. Q. Now you speak of a hut from which you were taken; was that the place where you were confined on the arrival at this brig?

A. It was.

16. Q. Will you describe for this commission the interior of that building?

A. It was about five feet by five feet and in it was a head. The floor was dirty - a wooden floor - ants and maggots came up out of the head all around.

17. Q. When you say it was about five by five; what are you referring to?

A. The head was a deerway back of the cell. There was no door or any means of shutting it off from the cell.

18. Q. How many of these cells were there in this brig?

A. There were three cells in this brig.

19. Q. And where were the forty-two survivors of the SCULPIN confined?

A. We were confined in these three cells.

20. Q. Will you describe for us the conditions in the particular cell in which you were first confined?

A. There were in the cell in which I was confined around seventeen prisoners. It also happened that the majority of the wounded were in this cell. One man named Baglien with severe fifty caliber wounds was one of the occupants. I saw his legs though blindfolded by working the blindfold up from my nose. They were maggot-ridden and he was in severe pain all the time I was with him. Because of the cramped quarters at least three men had to rest in the head. In the cell by itself there was no room to sit down while making room for the wounded, we had to crouch and often to relieve the strain on our legs we would stand up. We had to take turns at doing this because when we would stand up the Japanese guards proceeded to work our heads over with a stick a little bit bigger than a two by four. This continued for our whole time that we were at Truk. The guard also chose to bring us out of the cell and make us crouch with our hands on our knees and smack us in the back with the stick for standing up. All of us were subjected to this treatment.

21. Q. Do you recall the names of any of the survivors that were in that cell with you on the first day other than Baglien whom you have mentioned?

A. Paine, Ricketts, Berry, Ensign Smith, White, Wyatt, those are the names that I can remember right now.

22. Q. Do you know the first name of Ricketts?

A. Edward.

23. Q. Do you know White's first name?

A. No.

24. Q. During the entire time you were confined at Truk were you confined in any other place other than this brig?

A. I was confined only in the brig - in two cells at different times.

25. Q. Were any of the other survivors removed from the brig and confined elsewhere?

A. No. No other survivors were removed and confined elsewhere.

26. Q. Now, you have testified that on the first day, on the twentieth, you were removed and questioned, when were you again removed from the brig?

A. About four or five days later.

27. Q. What happened on that occasion?

A. I was taken to the hospital to have my toes fixed.

28. Q. Who took you to the hospital?

A. A guard - a Japanese guard - about two or three of them.

29. Q. Were you the only prisoner taken on that day?

A. No.

30. Q. Do you know the names of any others who went to the hospital with you?

A. To the number of about ten. Baglien was one of these men. I knew this because I could tell by his voice and he was forward of me.

31. Q. How far did you travel to the hospital?

A. I figure it was a mile or so.

32. Q. How did you travel?

A. We were blindfolded with a line around our waist to the man in front of me and behind.

33. Q. Did anything unusual happen en route to the hospital?

A. En route to the hospital because of the blindfolds and because of the fact of Baglien's severe wounds when he tripped he pulled me down with him. We were then subjected to a good beating by the Jap guards escorting us. Because of this the next time they asked for men who wished to obtain medical treatment at the hospital I didn't answer up. This was to avoid the beating.

34. Q. What was the nature of the wounds of Baglien?

A. He had fifty caliber wounds - large wounds in both legs, in his thighs, which tended to cripple him to a degree that he could hardly walk. JK

35. Q. Prior to this trip to the hospital had Baglien received any medical attention at the brig? JK

A. No, he had not.

36. Q. Had he received any medical attention up to this time?

A. No medical attention at all.

37. Q. You stated that the guard beat you and Baglien on this trip, with what did they beat you?

A. Club like a bat.

38. Q. With the exception of this one time that you were removed from the hut, and the time that you went to the hospital, were you removed from the brig at any other time?

A. I was removed from the brig - from the cell I was in at this brig, about five days after. That does not count the trip to the hospital. I went to the hospital around the fourth or fifth day. About the fifth day they took us out to wash the cell out.

39. Q. What was your ration while you were confined at this brig?

A. Rice ball about the size of a golf ball in the morning and at night. A teacup of water was the ration for the men in the cell I was in. In fact, all the cells.

40. Q. You said a teacup of water; was that for each man?

A. No, it amounted to a sip from the cup for each man. JK

41. Q. Were you able to get any other water to drink while you were confined at the brig?

A. The water that we managed to get to drink was that that we had scrubbed out the deck of the cell with. In trying to get a drink of this water I was caught by the guard, as were my shipmates at times, and subjected to a thorough beating.

42. Q. What other prisoners did you see beaten because they drank this water that was used to clean the decks?

A. The names are White, Berry, myself, Baglien. There were quite a few more but I can't remember their names.

43. Q. What prisoners other than Baglien were wounded when they arrived at the brig?

A. Pitzer and another shipmate by the name of "Rebel".

44. Q. Did these men receive any medical attention before the fourth or fifth day of confinement?

A. No, they did not receive any prompt medical attention until the fourth or fifth day.

45. Q. During the course of your confinement were any of the prisoners removed and not returned to the brig again?

A. Well, Pitzer and "Rebel" and Baglien.

46. Q. Do you know where they were taken?

A. I do not know exactly but I learned later that they were taken out for amputation.

47. Q. You have described that you were confined in one cell and you were later changed to another; when did this change take place?

A. When we were taken out to wash the cells we would stand outside while they were being washed, by whomever was doing it.

48. Q. Do you recall the names of any of the inmates of this second cell in which you were confined?

A. Elden Wright. That's about all I can remember.

49. Q. For how long a period were you confined at the brig?

A. For approximately a period of ten days.

50. Q. You have mentioned a fellow prisoner named Paine; do you recall any incidents in connection with his confinement?

A. The Japanese had the idea that he knew something about radar and he was taken out for questioning in an area which was different than the one most of us were questioned at. JK

51. Q. Do you recall about how many times he left the brig for questioning?

A. He was taken out quite often during the day and night.

52. Q. Did you observe him on his return from these questionings?

A. Though blindfolded he was soaking wet from about waist up and after two trips, we'll say two, when they were questioning him, he didn't talk, he was kind of depey, like it was kind of like they had beaten him up too much. He'd go out dry and come back wet - in an hour or so later he would go out dry and come back wet.

53. Q. You have described certain incidents of mistreatment of yourself at the hands of the Japanese guards; are there any other incidents when you were mistreated that you have not related?

A. I was beaten for ^{the} whole ten days I was there - not every minute but every time I stood up and then out in the yard I had this incident happen to me. As you went to get a drink of water you would take the bottle, and first, you had to get down on your knees, and the guard would invert the bottle and hold it in your mouth and when you choked he would get a big kick out of it. JK

54. Q. Are there any other incidents of mistreatment of your fellow prisoners at the brig that you recall?

A. They all were beaten at some time or another during the ten days but the cases which I saw receive a real working out were Ensign Smith, Ricketts, and I related the beating of Berry in a previous incident and he was connected with the drinking of the water also.

55. Q. You have referred to one of the fellow prisoners Lieutenant Commander Brown; did you see him mistreated during the period of confinement at the brig?

A. I am not positive but I believe he got bepped on the bean with that stick.

56. Q. Did you see Commander Brown struck by a guard?

A. I am quite sure he got hit. I am positive of it.

57. Q. On what day did you leave the brig?

A. For the ship - on the twenty-ninth of November.

58. Q. How were you taken to the ship?

A. Blindfolded, with your hand on the shoulders of the man ahead of you, escorted by guards.

59. Q. Did all the prisoners leave on the twenty-ninth?

A. All the prisoners did leave on the twenty-ninth.

60. Q. Did anything happen on the way?

A. On the way down to the deck, where we boarded a motor launch, I was repeatedly struck with a club when I fell or did not walk fast enough.

61. Q. I show you Exhibit 20 and ask you if that is a fair representation of the brig in which you were confined at Truk?

A. It is. It is a true picture of the brig, but there was no door on the heads. There was a partition separating it from another cell next the bulkhead and there was this bulkhead on the back of this cell and there was a couple of straight pieces of lumber on the other side. There was a doorway but there was no door to shut the head off from the cell. The head was open into the cell. gk

62. Q. In which one of the three cells were you first confined?

A. The second and then the third.

(The witness indicated the second and third cells on Exhibit 20, looking into the brig from the doorway.)

63. Q. How many prisoners were confined with you in that second cell?

A. It varied between thirteen and seventeen.

The commission then, at 10:25 a.m., took a recess until 10:50 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

Cross-examined by the accused:

64. Q. What was your position on the SCULPIN?

A. I was trouble shooter on the guns. In case there was any stoppage or misfire I took care of them.

65. Q. You said that you arrived in Truk at 0100 on November 20; but did you land as soon as the destroyer arrived?

A. The destroyer arrived at Truk, the motor launch came alongside, they loaded us on the motor launch and we went to the dock and disembarked, got on a truck and went to the brig.

66. Q. You say 0100; but that will be very dark yet and even then did they blindfold you?

A. Absolutely. Blindfolded at all times.

67. Q. You said that you were brought on a truck after landing; for how long did you ride on this truck to the place of confinement?

A. It was a couple of miles distant. The exact time, in the condition I was in, I do not remember.

68. Q. Do you know in what unit you were confined?

A. What Japanese naval unit? No, I do not know the unit. gk

69. Q. Did you not ask the interpreter what this unit was?

A. All the interpreter told me was that we were at Truk and he wanted to know where our submarines were placed around Truk - what inlet or island.

70. Q. Do you know whether it was a Japanese army unit or a navy unit where you were confined?

A. I saw both army and navy at the brig where I was confined.

71. Q. How did you distinguish between the Navy and Army?

A. The Jap guard there was saying "Kaigun," navy. "Rikugun", army and he was pointing. This was told us after we were washing the huts that time.

72. Q. You said that on your arrival you were questioned on that day; but do you know where you were questioned?

A. Right outside of the entrance to the brig. Outside the door there was a table and there was an officer questioning and there was a guard there and he took me out there and when we got outside they took the blindfolds off.

73. Q. By whom were you interrogated?

A. I do not know him personally and I do not recall whether he was Army or Navy.

74. Q. How many investigating officers were there?

A. Well, I was questioned by one and questioned but once.

75. Q. Was there another place of interrogation other than this where you went?

A. I know this other place of investigation from Paine and also there were about four men, counting Paine, who went to this other place and it was described as a distance from the brig and it took place with a group of officers around and under a tree.

76. Q. How many times were you interrogated during your confinement on Truk?

A. I was interrogated but once.

77. Q. In which cell were you interned? (Showing the witness Exhibit 20.)

A. I was confined in both at times, cell two and three.

78. Q. In which cell were you first confined?

A. Two and then three.

79. Q. How many prisoners were confined in the cell you were in first?

A. It varied between thirteen and seventeen. I had the blindfold on and I couldn't count them too well with the blindfold on but there were between thirteen and seventeen.

80. Q. How many were there in the cell you went in next?

A. I would say the same - between thirteen and seventeen. I couldn't count them but there were that many in it. The way I came to that conclusion was that when we washed the hut that time they pushed us on back in there I made the amount from that.

81. Q. During your confinement in that brig were you all the time blindfolded?

A. I was blindfolded all the time - all the time completely.

82. Q. The wounded Baglien - was he lying down in the cell?

A. Well, at times Baglien was laying down. I wouldn't say completely down but we tried to help him as much as we could. He was severely wounded and always in pain and we tried to help him as much as possible.

83. Q. You testified that there were three resting in the head. Would that mean that the others, that is thirteen or fourteen, of the others, were crouched in that five foot by five foot room?

A. The rest of the men were out in that room. I wouldn't say crouched all the way down. Bent down a little. We could not stand up or the guard would let go with the board - a two by four or a little bit bigger.

84. Q. Was it not a fact that in the day time you were able to go out in that dirt floor and rest there?

A. A little, after the fifth day. We weren't out there the complete day. We were allowed out there for an amount of time and it wasn't hours.

85. Q. Were you not able to rest on a bench which was on that floor?

A. There was no bench there for us -- no bench!!

86. Q. At night did all the seventeen prisoners have to sleep in that cell?

A. All the prisoners that were in there had to sleep in that cell.

87. Q. Because everybody could not sleep at night in the cells, were not some of them sent to another building at night?

A. Definitely not. They were not sent to another building. There was no sleep while we were there. We just crouched down. The guard was there all night with that two by four. The back of the cell was like a little window with bars and he would get it in through there. There was no sleep with him poking with that stick.

88. Q. You first testified previously, that the prisoners were given only one teacup of water with dinner but you said when you asked for water that a guard brought a bottle of water and made you kneel down and drink it. Is it not true that when you asked for water you got it?

A. It is definitely not true. The reason the guard had this bottle of water was to punish us. He would take this bottle of water and say "mizuka" and "aru" and pour it into your mouth until it came out your nose. It was his intention to try and choke us - not give us water - and he did. He did.

89. Q. Didn't a surgeon come to the brig and give medical attention to the prisoners?

A. If he came to the brig to give medical attention I sure as heck would have gotten some. I was told to line up and go to the hospital - those of us who wanted it - and we didn't go till the fourth or fifth day.

90. Q. Did you go to the hospital only once?

A. I went only once because the first time they beat the heck out of me and I said I wasn't going no more if I was going to get beaten to go to the hospital.

91. Q. Did you see Paine being interrogated?

A. I did not see Paine being interrogated but upon his return the first time he told me that they asked him about radar - they thought he knew something about radar - and when he went the next times they must have worked him over because he wasn't the same type person he was aboard the submarine. He was semi-conscious. On the submarine he was the type who would joke, but here he kept to himself. They would keep him out for a half hour, put him back and an hour later take him out again and keep this up.

92. Q. Were you actually on the scene when Paine was being beaten?

A. No. I said before that I wasn't at the place he was interrogated and that is where he was beaten. He was questioned a distance from the brig and I was not questioned at that place. I was questioned but once outside the brig.

93. Q. Do you remember about what time you arrived at these cells - this place of confinement?

A. The time I arrived at the place of confinement I cannot say definitely but I had no means of finding out; but I arrived at Truk at 0100. The distance I do not know to help me, but when I got there I was subjected to questioning - by that I mean within a day - in the morning about ten o'clock or eleven o'clock or so. JK

94. Q. How soon after your arrival at the cells were you questioned? One or two hours later?

A. It wasn't one or two hours later. I figure it was daylight and quite warm. I figured about ten o'clock. It seems that all the guards and so on had watches and I believe someone asked them what time it was at one time.

95. Q. How soon after you arrived at the cells did they start to beat you?

A. Well, they started the beating after I was interrogated. I got my first beating. I guess maybe they didn't get the information they wanted off my shipmates and maybe that was an inducement to keep beating us after we got back inside. JK

96. Q. But the guards didn't start to beat you until after you had been interrogated? Is that right?

A. That is right.

97. Q. At any time during the time that these guards beat you were there any Japanese Navy officers present?

A. This man who interrogated us might have been army or navy.

98. Q. No. When the guards in the cells beat you?

A. Well, there might have been some around there. It was through that day and that night. Like I say, we had to straighten out.

99. Q. But there were no Navy officers that ordered these guards to beat you?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness.

The accused withdrew the question.

100. Q. Did the guards beat you because they were ordered to do so by Japanese Navy officers?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness.

The accused made no reply.

The commission announced that the objection was sustained.

101. Q. Were you asked every day if you needed medical attention after the fourth or fifth day when you went to the hospital?

A. No, we weren't asked every day if we wanted medical attention. The fourth or fifth day I went to the hospital and that was enough for me. I guess if I had requested it I could have gone again. I was not asked if I needed medical attention every day after the fourth or fifth day when I went to the hospital.

102. Q. Did your wounds heal without any further treatment than this one treatment at the hospital?

A. When I got to the next camp I was given official bandage and they healed it up in about a month or so.

103. Q. Where were you when you saw Lieutenant Commander Brown struck or beaten?

A. It was after we had started to scrub out the cells.

104. Q. Did one of the guards strike him?

A. It was one of the guards that struck him. gk

105. Q. Was a Japanese Navy officer present at the scene at the time?

A. I do not recall.

106. Q. Do you know what ship you left Truk on?

A. I don't know the ship I left Truk on but I know it was a carrier because I inched the blindfold up and I could see when we were alongside the ship. It was a large ship and it was a carrier.

107. Q. None of the forty-two survivors from the SCULPIN died while at Truk, did they?

A. Not to my knowledge. I understood that they all went on carriers. I went on one carrier and another group on the other.

Reexamined by the judge advocates:

108. Q. Were you able to ascertain what branch of the Japanese armed forces your guards at the brig belonged to?

A. I believed they were army guards. That was before the difference was made, like which was the navy and which was the army.

109. Q. You say you believed that. Was it made known to you at any time during your confinement what branch these guards belonged to?

A. Naval forces. The navy.

110. Q. From whom did you learn that?

A. When we came out in the compound after the fifth day when we started to scrub the cells.

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

Examined by the commission.

111. Q. Will you describe what was done for your shipmates and you in a medical way on that one occasion when you did go to the hospital?

A. When I reached the hospital they took the blindfold off. They had this fish-oil bandage which they put on. They had a metal instrument there and there might have been a need for using it, but every time he put it in the place where I was cut they would get their laugh when I was in pain. It was an open wound. When I got to the other camp all they did was put this bandage on.

112. Q. Were the dressings clean?

A. The bandage that was used once was to be washed and used again. The same bandage was used over again if you went back.

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

The witness made the following statement:

Ensign Smith had a ring and a Jap guard, through some means or other, got the ring and word got to the interpreter there and he asked the guard if he took the ring and if he did to give it back to him. In the meantime the guard had slipped the ring back in Ensign Smith's pocket. They thought Ensign Smith had lied or something and got him down on his knees and a couple of them worked him over. JK

The witness was duly warned and withdrew.

The commission then, at 11:30 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present. JK

A witness for the prosecution entered and was duly sworn.

1. Q. Please state your name, rate, and present station.

A. Cecil Eugene Baker, engineman first class, aboard the U.S.S. COCHINO, Key West Florida, home port.

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

A. No, I do not.

3. Q. On November 19, 1943, were you serving aboard the submarine, the U.S.S. SCULPIN?

A. Yes, sir.

4. Q. In what area was your submarine operating on that date?

A. It was operating about one hundred seventy miles from Truk.

5. Q. What happened to the SCULPIN on that day?

A. We picked up a convey about midnight the night of the eighteenth and proceeded to track it, and around four o'clock we started to make a set up shot at it. We started to make a set up shot and we dove down deep and rigged for depth charges. So after we were down there for a while and they didn't drop any depth charges we proceeded to surface. We surfaced and spotted a ship off on the horizon. We no sooner spotted the ship on the horizon and it spotted us. We thought it was a merchant ship. We dove down again and no sooner dove than they started to drop depth charges and we thought it was a destroyer. So they kept dropping depth charges for about eight hours and the skipper thought the sub was leaking too much so we decided to battle surface and if possible abandon ship and get as many off as we could.

6. Q. Was the SCULPIN scuttled after surfacing?
A. Yes, sir.
7. Q. Were you picked up as a survivor after that?
A. Yes, sir; we decided to scuttle the ship after we decided to get as many men off the ship as we could. SK
8. Q. What happened to you?
A. I abandoned ship. I was in the water about forty minutes before they picked us up.
9. Q. By whom were you picked up?
A. By the Japanese destroyer.
10. Q. How many of the crew of the SCULPIN were picked up by the Japanese destroyer?
A. There were forty-one besides myself.
11. Q. Where were you taken by this destroyer?
A. After we reached our destination, it was early in the morning around two or three o'clock to my estimation, we didn't know exactly where we were but after we got there the questioner had a map and told us we were on the island of Truk.
12. Q. You say after you reached your destination about two o'clock in the morning; what date was that?
A. November 20, 1943.
13. Q. What was done with you upon arrival at the island?
A. We were lined up, blindfolded, and our hands tied in front of us, and we were put in small boats like whaleboats and we were taken in these whaleboats into the deck and put in trucks. We drove for about twenty-five or thirty minutes and we were herded out of the trucks into this compound.
14. Q. You say you were herded into a compound; will you describe this compound you refer to?
A. It had a high fence around it, it had three cells which we seen through the bottoms of our blindfolds when we wrinkled our eyes. This compound itself was nothing but a dirt floor.
15. Q. As you entered this compound on which side of you were these three cells you refer to?
A. As you went in the compound gate it was on the left side.
16. Q. And how many cells were there?
A. Three cells.
17. Q. With reference to the gate you entered, which cell were you confined in?
A. I was in the first cell as you went through the door.
18. Q. How many of the forty-two survivors of the SCULPIN were confined in this compound?
A. All the crew of the SCULPIN was put in the three cells there.

19. Q. What was the size of the cell in which you were confined?
A. The cell I was in was around seven by five.
20. Q. Seven what by five what, what are the dimensions you refer to?
A. Our estimate was around seven feet by five feet.
21. Q. When you were first confined in that cell how many other prisoners were confined with you?
A. The first day there were thirteen others besides myself in the same cell.
22. Q. During the course of your confinement in this building did you have occasion to see the other two cells?
A. We didn't get a chance to see the other cells until about the fifth or sixth day and that was when we were all taken out in a group.
23. Q. Were these other cells similar in size to the one in which you were confined?
A. They were when we seen them the first time, they were the same - identical - all three of them.
24. Q. Describe the interior of this cell in which you were confined?
A. The cell I was in had a door and in a corner to the left side as you go in was a small partition, it just had a board on the side of it, just had a head and a back window opposite that, and beside the door it had a peephole for the guard.
25. Q. Describe the conditions in that cell with reference to the amount of room there was for the inmates of it.
A. The interior of the cell had a floor - wood floor - dirty, had maggots and ants crawling over it. There wasn't even anything to sit on, we had to sit on our haunches with our hands tied for about the first four or five days we were there. Some of the fellows had to sleep inside the head in order to make room for all of us to even get our elbows down beside us.
26. Q. What type of head was this?
A. It was just a hole in the floor, that is all it was.
27. Q. Were there any wounded in this first cell with you?
A. There were no wounded but there was one fellow on the gun crew that was shell-shocked and he was out of his head. At nighttime he kept having nightmares and we would try to quiet him and the guards would hear us and pull all of us out of the compound and started in on us with clubs and fists.
28. Q. To your knowledge were there any wounded in the other two cells among the prisoners?
A. Yes, there were three I know of and there were several had shrapnel wounds.
29. Q. Who were the three you know of and what were they suffering from?
A. The three most wounded were named Baglien, he had a shell wound through the thigh of his leg; and there was one whose nickname was "Rebel," his real name was Eliet, he had a shell hole through the palm of his hand; the other one was named Pitzer and he had a shell through his arm close to his shoulder.

30. Q. Was any request made of the Japanese after your arrival for medical attention for these three men?

A. Yes, Commander Brown, our commanding officer at the time, made the request as soon as we got to the compound - the first morning.

31. Q. Do you know if these three men ever did receive any medical attention?

A. They received medical attention after about the fifth or sixth day after they had gangrene and maggots in their wounds.

32. Q. What was the nature of the medical attention they received at that time?

A. I found out later from a fellow on the carrier that was sunk - I had duty with him for about a year - and he told me they were amputated without any anaesthetic.

33. Q. Did you learn from this shipmate where these amputations were performed?

This question was objected to by the accused on the ground that it called for a hearsay answer.

The judge advocate replied.

The commission announced that the objection was sustained.

34. Q. When were you first removed from this cell in which you were confined upon your arrival?

A. On the third day I was taken out for the first time for questioning.

35. Q. Where were you taken?

A. I was led out of the compound, right out the gate leading into the compound, and was taken to a table right outside, to the left of the door.

36. Q. Who took you to that spot?

A. Two of the guards that were guarding us while we were in our cells.

37. Q. Do you know to what branch of the Japanese armed forces these guards belonged?

A. They were from the Japanese Navy.

38. Q. How do you know this?

A. After we were there about the second day a couple of the guards were bragging about the Imperial Japanese Navy and during the course of the bragging they told us they were in the navy.

39. Q. Describe for us what occurred at this first questioning of yours.

A. They led us out to the table and took the blindfold off. There were a few officers sitting around the table and they had a map out in front of them, and they pointed to the map and told us where we were, which was the first time we actually learned we were on Truk. They asked us the whereabouts our sub was operating out of, where we were supposed to go, and how many submarines were operating in that same area.

40. Q. Were you subjected to any mistreatment during the course of your interrogation?

A. When the interpreter asked a question we either failed to answer or gave an answer he didn't like or wasn't accurate to the question, he would give a nod to the guards and they would start beating us with fists or clubs whichever they chose.

41. Q. How long did this questioning last?

A. Each questioning lasted about thirty to forty-five minutes.

42. Q. What was the extent of your beatings during that period?

A. I had numerous sores and bumps on my back and shoulders and suffered numerous headaches.

43. Q. On how many other occasions were you questioned while you were confined at this brig?

A. Two other times after the first time, three times altogether.

44. Q. Did the procedure on these other occasions vary from what it was the first time?

A. The questions were about the same but the beatings were more numerous and we got more of them.

45. Q. What was the ration of the prisoners during the time you were confined there?

A. The first day we got there we didn't get anything until about eleven o'clock that night when we got one rice ball and it was covered with ants and maggots and about the size of a golf ball. After about the second or third day we got one rice ball in the morning and one at night. We got one teacup of water for each cell for all men twice a day. JK

46. Q. Did you receive water on any other occasions while you were confined there?

A. After about the fifth day the sun was so hot and we kept asking the guards for water to drink and the guards would take about three or four of us out and made us kneel on the ground and they poured water down our throat and nose out of a bottle.

47. Q. You have described your mistreatment during questioning, were there any other specific occasions on which you were mistreated?

A. Well, they started giving us a bucketful of water about the fifth or sixth day to clean the cell and they would run everybody out on the compound and they chose two men to wash the huts out. The fellows were dying for a drink of water and while they were washing the huts they would look around to see if any guards were looking and they would take a drink of this water and they were caught. After they were caught they took them out to the compound and started beating them with fists and clubs and told them not to do it again.

48. Q. What other prisoners did you see beaten because they drank dirty water?

A. There was a fellow by the name of Berry, a torpedoman, and there was another fellow, White, whose first name was Duane. JK

49. Q. Do you recall the names of any of the prisoners who were confined in that first cell with you?

A. There was Ricketts, first name Edward; there was German, first name was Michael; there was Edwin Keller, an electrician; myself; and a radioman, Peterson; a gunner's mate whose name was Wyatt. That is all I can recall; we had a couple of new fellows I didn't know then.

50. Q. Was there a survivor of the SCULPIN by the name of Meere?

A. Yes, there was, named Denny Meere, he was chief of the boat at the time it got sunk.

51. Q. Do you know in which cell he was confined?

A. To my knowledge he was in the third cell, the last one on the left.

52. Q. Will you relate any specific instances of mistreatment to other survivors of the SCULPIN that you saw at the place of confinement on Truk?

A. Ricketts was in my cell and the Jap guards nicknamed him "Menkey." They kept calling him that for about five hours when they noticed his resentment at it. After they noticed his resentment they opened the lower half of the door and with us all around they started beating him with fists and clubs. There was an Ensign Smith that was one of the survivors. Our senior officer that was saved had a ring stolen by one of the guards and the guard saw that this officer was trying to find his ring. One of the guards slipped this ring in this Ensign Smith's pocket and said he found the ring in this Ensign Smith's pocket. They beat him for that with their clubs. Another time the same Ensign Smith got beat was when he was out in the compound talking to one of the guards and the guard kept telling him about how the Japanese planes were going to bomb the United States, and Ensign Smith said the Japanese planes would never get that far, but that American planes would bomb Japan and that made him mad and they beat him again. I witnessed both of these beatings myself. JK

52. Q. Did you ever see the prisoner White mistreated?

A. I seen White get beat the same time as another shipmate by the name of Berry get beat. They were in one of the cells and they were drinking this water. The guard walked in on them, so he brought both of them out and beat them both.

53. Q. How long were you confined in this place?

A. We were there about ten days.

54. Q. Were you ever confined in any other building other than the one you referred to?

A. No, we were all confined in those three cells all the time we were on Truk.

55. Q. On what date did you leave this place of confinement?

A. We left around the twenty-eighth or twenty-ninth of November of '43. JK

56. Q. By whom were you taken from the place of confinement?

A. We were taken out in the morning, getting ready to leave, we were blindfolded and our hands were tied. I imagine it was the same guards who led us down. They led us down to something like whaleboats again and put us in these whaleboats.

57. Q. Were you subjected to any mistreatment during this trip down to the whaleboats?

A. Yes, we were; while we were going down there in case we stumbled or didn't walk fast enough the guards would come up from behind us and beat us with the club they carried. JK

Cross-examined by the accused:

58. Q. You mentioned about where you were interrogated; but how many places were there of interrogation?

A. There was only one place to my knowledge except a couple of fellows were taken up to another office or table or some place. I don't know anything about that, I didn't go.

59. Q. The place where you were questioned, was this place very far from the compound where you were confined?

A. Where I was questioned was only about fifteen or twenty steps - right outside the fence - there was a table right outside the fence.

60. Q. Is this a large clearing?

A. It had trees around it.

61. Q. Was it under a tent?

A. No, they just had an awning there to keep the sun off of them.

62. Q. How many persons interrogated you?

A. There was one that asked the questions and there were about two or three of them standing around the table.

63. Q. While you were on Truk did you get the distinction between the Japanese army and the navy?

A. After we were there about two or three days, we did.

64. Q. Then do you know whether this person who interrogated you was personnel of the Japanese Army or the Japanese Navy? gk

A. He was in the navy.

65. Q. Was there an interpreter?

A. Yes.

66. Q. Was this interpreter military personnel or a civilian?

A. I don't know. One day he was wearing a uniform and one day he wasn't, he was wearing civilian clothes.

67. Q. You said you were interrogated three times but was that interrogating person the same all the time?

A. The same all the time.

68. Q. The interpreter was the same all the time?

A. The same all the time, yes.

69. Q. You stated that there were guards around when you were interrogated; was this guard army personnel or navy personnel?

A. They were navy.

70. Q. How many guards were there present when you were interrogated?

A. There were two guards, one on each side.

71. Q. Was this guard armed?

A. He had a gun in a holster, but he carried a club - both of them.

72. Q. When you were interrogated what was done with your blindfold?

A. They took the blindfold off right after we got out there.

73. Q. How about your hands tied in front?

A. No, they left the hands tied. They took the blindfold off, we wouldn't be able to see the map if they didn't.

74. Q. You testified that your hands were tied; would they tie your hands when you went out from this brig?

A. They didn't after about the fifth or sixth day, after we were there about the fifth or sixth day they left our hands untied, and after about the third or fourth day when we were cleaning the huts they untied our hands.

75. Q. You testified that you were interrogated three times; do you know how many times the other prisoners were interrogated?

A. No, I don't because different fellows were questioned at different times than the other fellows. It all depended on their rate and what they thought they could get out of them. JK

76. Q. What kind of questions were put mostly to you? Was it regarding your submarine? What kind of questions were mostly asked you?

A. The questioning varied, sometimes it was about our submarine, our radio and radar equipment we had aboard or the ships we seen at Pearl Harbor the last time we were there, where the subs operated at and what area they were in.

77. Q. Was this questioning mostly concerning submarines?

A. It concerned submarines not particularly ours, but the ones they thought they could get some information about.

78. Q. From these questions this officer asked you, did you feel that this person who was interrogating you was from a Japanese submarine unit?

This question was objected to by the judge advocate on the ground that it called for an opinion of the witness.

The accused made no reply.

The commission announced that the objection was not sustained.

A. As far as we knew, we didn't know. We just figured that he was out there to get as much out of us as he could. We didn't know which ship or squadron he was attached to as far as that mattered.

79. Q. Isn't it true that you state these questions that were asked were mostly concerning submarines?

A. Yes, but not particularly our submarine. It was about any submarine we could give information about.

80. Q. Who were the personnel guarding this brig - compound?

A. Navy.

81. Q. You testified that you heard this one sailor bragging about the Japanese Navy; was it true that you knew that he was in the Navy?

A. We didn't know it up until that time when he started bragging about the Japanese Navy, but we guessed he was in the navy because the uniform he was wearing was similar to ours, it wasn't the same material but it had the same blue collar with the white stripes running around it and that is a Navy uniform wherever you go.

The commission then, at 3:15 p.m., took a recess until 3:30 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

82. Q. Inside this compound how did you get what you wanted to say over to the Japanese guards, and they to you?

A. You didn't say anything to the Japanese guards unless they spoke to you first.

83. Q. That is, when these guards talked to you, how was it performed - through an interpreter or some guard who knew a little English or some American who knew a little Japanese?

A. We didn't have any interpreter there except when the questioning was going on. When we wanted something Commander Brown would try to make some kind of signs or something to show what we wanted; like if we wanted some water he would point to his mouth and that would mean drinking water. 2K

84. Q. Then as there was no interpreter and as the Japanese guards didn't understand him very well and also when you didn't understand Japanese very well, wasn't there any incidents where there was a misunderstanding made through the difficulty in language?

A. Well, they couldn't understand what we would say, but they knew what we meant and because, that is when the water treatment started, they went and got a jug of water and started pouring it down our throats and noses until we choked. 2K

85. Q. When you were put in to this brig the first time, were you cautioned or given any instructions through an interpreter?

A. No, we weren't told anything until about the second day when they started to question different fellows there - the only time when we saw an interpreter.

86. Q. Was there another small building right next to this building?

A. Well, I didn't see it but I heard there was.

87. Q. Wasn't it a fact that some of the prisoners among your group were brought to this building at night to sleep?

A. No, none of us were because I was in the first cell inside the compound and none of us could sleep because of the positions we were in. If anybody went outside of that gate at night, I would have known about it.

88. Q. Wasn't it a fact that the Japanese advised some of the prisoners to sleep in another building but the American prisoners did not want to do that?

A. No, they didn't give us a chance to sleep at all.

89. Q. How many guards were there?

A. There were around five or six guards at night and in the day time I don't know how many there were, but there were a few more during the day time.

90. Q. You testified that you were on Truk for about ten days; was the guard at this brig the same all the time?

A. No, they changed them around. About every other day they kept changing the guards. About every three or four days you would get the same guard you had two or three days before that.

91. Q. These guards that relieved the first guards, were they army or navy personnel?

A. All the guards we had at Truk while we stayed there were all navy. No army there at all.

92. Q. Were you able to talk freely inside of the brig?

A. No, we weren't even allowed to move and every time we tried to move in there - this cell I was - this fellow I mentioned being shell-shocked, he kept having nightmares, or dreams at night, and we would try to make room for him but this guard would come to the little opening in the cell and would stick his stick in the hole and twirl it around and everybody in the way would get hit with this stick.

93. Q. This feed which you testified about, was there anything else more than this ball of rice?

A. No, that's all we got.

94. Q. Wasn't there anything like dried fish or cooked vegetables or soup?

A. No, there wasn't.

95. Q. When you were confined on Truk how many persons were wounded among the forty-two?

A. Well, there were the three seriously wounded - the ones I named a while ago - "Rebel," Pitzer, and Baglien. Several had shrapnel wounds. I don't know how many had shrapnel wounds but everybody there practically had shrapnel wounds.

96. Q. You testified that you left Truk after staying there about ten days; at this time were there any persons left on Truk because of the fact that they needed medical treatment?

A. No, all our crew went.

97. Q. Then when you left around the latter part of November from Truk, were all the wounded nearly recovered from their wounds? In other words, there weren't any wounded among the survivors when you left Truk?

A. Yes, they were wounded. Just take the three amputees who had their leg, arm, and their hand amputated. If they weren't wounded when they left, I don't know what wounded is.

98. Q. Do you know for a fact whether there were any prisoners of war requiring medical treatment when you left Truk?

A. Well, I'm not a doctor, but I would say they needed medical attention when they left but they didn't get it.

99. Q. You testified that Lieutenant Commander Brown was acting head of this group while on Truk; do you know whether Lieutenant Commander Brown knew the name of the unit that you were confined in or the names of the personnel who interrogated the prisoners?

A. What George Brown knew I don't know anything about because we weren't allowed to converse with each other at Truk. What knowledge he had I guess he kept to himself because we had no way of finding out.

100. Q. Did you require any medical attention when you were on Truk?

A. I didn't require any when I got there but after I got out of there I needed some for a ruptured eardrum.

101. Q. Did you go to the hospital when any of the others went to the hospital there on Truk?

A. No, I didn't go. My ear got hurt the second time I was questioned and as I had heard what the other fellows had done to them on their way to the hospital, the beatings they had to take, I decided not to tell them about my ear.

102. Q. What did these guards actually say that led you to believe that they were in the Japanese Navy?

A. Well, they kept bragging about how many subs their Imperial Japanese Navy had sunk, how many they were going to sink, and about Pearl Harbor.

103. Q. Did they just use gestures when they talked to you or did they just speak in Japanese?

A. They would go through gestures, motions and making motions of their mouth, making sounds like airplanes, noise of a bomb dropping and they knew the word "America."

104. Q. What word did they use for Japanese navy?

A. They would use the same thing as any other division, like trying to get something across they would point to their uniform or they would point to our uniform for the same branch of the service.

105. Q. You said the guards beat you; when did the guard start to beat you as soon as you arrived at this cell?

A. The first beating we got when we got off the whaleboat to get on the truck. We got this for walking slowly and falling all over ourselves because we had blindfolds on and that is when the beatings began to start.

106. Q. Were they guards from the ship?

A. I don't know about that because we were all blindfolded and our hands were tied. We didn't have any way of finding out where they were attached to or what they even looked like.

107. Q. After you get to the cells how soon did the beatings commence then?

A. Well, the actual beating started in the morning, some time before noon. I don't know exactly what time it was in the morning, the actual beating started when it turned dark and everybody was trying to get some rest.

108. Q. So that there weren't any Japanese officers present at the time they beat you?

A. No.

109. Q. Did all the guards beat you?

A. Everyone we came in contact with then.

110. Q. Was Lieutenant Commander Brown present when Ricketts was beaten?
A. Yes, he was.

111. Q. Do you know whether he complained to anybody about the beating of this man Ricketts?

A. Yes, he complained because I overheard him two or three times complaining about the beatings we were taking, no medical attention and no water.

112. Q. Did you hear him complain to the interpreter who could speak English?

A. No, we couldn't hear that far because the guards were walking away and everybody in the cell was crowded close together and everybody was close to each other and by the time they got out of the compound - the only thing that we could hear was when the club was hitting somebody.

113. Q. Were any of the other survivors present when you were being questioned?

A. No there was nobody present at that time. They only took them out of the cell one at a time. They wouldn't take two men out of the cell at the same time.

114. Q. And you always answered all the questions that were put to you?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial. JK

The accused replied.

The commission announced that the objection was sustained.

115. Q. Do you know where Ensign Smith is now?

A. About two thousand fathoms under the water.

116. Q. How do you know that?

A. Because he was on the carrier that was sunk.

117. Q. Did you see the carrier when it was sunk?

A. No, we heard the torpedoes hit. As I said before I had duty with this one survivor off the carrier for a year and a half.

Reexamined by the judge advocate:

118. Q. On what type of ship did you leave Truk?

A. We left on another aircraft carrier.

119. Q. Were all the survivors from the SCULPIN put on one carrier?

A. No, we were divided in two groups.

Recross-examined by the accused:

120. Q. By what country's ship was this aircraft carrier sunk?

A. By an American submarine.

121. Q. Name of the submarine?

A. I don't know the name.

122. Q. Wasn't it the SAILFISH?

A. I don't know.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 4:10 p.m., adjourned until 9 a.m., tomorrow, Wednesday, August 11, 1948.

ELEVENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands.
Wednesday, August 11, 1948.

The commission met at 9:15 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

The judge advocate read an order from the convening authority, copy
prefixed marked "MM" relieving Lieutenant Colonel Victor J. Garbarino,
Coast Artillery Corps, United States Army, and appointing Lieutenant Colonel
Newton L. Chamberlain, Signal Corps, United States Army, as a member of the
commission.

The judge advocate and the accused stated that they did not object
to this member.

Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army, was duly sworn.

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

No witnesses not otherwise connected with the trial were present.

The accused, who had previously testified on voir dire, was informed
that his oath previously taken was still binding, heard his own testimony
read to him, and pronounced it correct.

Herbert L. Ogden, who had previously testified, was called before
the commission, informed that his oath previously taken was still binding.
He heard a portion of his testimony read to him. 9K

The commission then, at 10:40 a.m., adjourned until 9 a.m., tomorrow,
Thursday, August 12, 1948.

TWELFTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands.
Thursday, August 12, 1948.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Herbert L. Ogden, who had previously testified, was called before the
commission, informed that his oath previously taken was still binding, heard
the remainder of his own testimony read, and Lieutenant Colonel Chamberlain,
not desiring to question him, he pronounced his testimony correct and
withdrew.

The commission then, at 11:35 a.m., took a recess until 2 p.m., at
which time it reconvened.

Present: All the members, the judge advocate, the reporter, the
accused, his counsel and the interpreters.

No witnesses not otherwise connected with the trial were present.

Higuchi, Nobuo, who had previously testified, was called before the
commission and informed that his oath previously taken was still binding.
The judge advocate read the testimony of this witness in English. The
witness followed this reading from a written Japanese translation.
Lieutenant Colonel Chamberlain, not desiring to question the witness, he
pronounced his testimony correct and withdrew.

Asano, Shimpei, who had previously testified, was called before the
commission and informed that his oath previously taken was still binding.
The judge advocate read the testimony of this witness in English. The
witness followed this reading from a written Japanese translation.
Lieutenant Colonel Chamberlain, not desiring to question the witness, he
pronounced his testimony correct and withdrew.

John P. Rourke, who had previously testified, was called before the
commission, informed that his oath previously taken was still binding,
heard his own testimony read, and Lieutenant Colonel Chamberlain not
desiring to question him, he pronounced it correct and withdrew.

The commission then, at 3:20 p.m., took a recess until 3:40 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Cecil Eugene Baker, who had previously testified, was called before the commission, informed that his oath previously taken was still binding, heard his own testimony read, and Lieutenant Colonel Chamberlain not desiring to question him, he pronounced it correct and withdrew.

The commission then, at 4:05 p.m., adjourned until 9 a.m., tomorrow, Friday, August 13, 1948.

THIRTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands.
Friday, August 13, 1948.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Inoue, Kenichi, former captain, Imperial Japanese Navy.
2. Q. If you recognize the accused, state as whom?
A. I remember the defendant, Wakabayashi, Seisaku, former vice admiral,
Imperial Japanese Navy.
3. Q. During what period were you stationed with the Imperial Japanese
Navy at Truk?
A. I served on Truk from August 1943 to the end of May 1944.
4. Q. To what unit were you attached during that period and in what
capacity?
A. I was senior staff officer of the Fourth Fleet.
5. Q. Was the Fourth Base Force a subordinate unit of the Fourth Fleet?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

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6. Q. Where was the headquarters of the Fourth Base Force located?
A. It was ashore on Truk.

7. Q. Who was the commanding officer of the Fourth Base Force during your tour of duty on Truk?
A. Up until the end of February 1944, the Commandant was Vice Admiral Wakabayashi but after that it was Rear Admiral Arima.

8. Q. After the inception of your duty with the Fourth Fleet, ~~did when~~ it come to your attention for the first time that prisoners of war had arrived on Truk? 9K

A. I saw submarine prisoners of war on the twentieth of November 1943.

9. Q. Did you know where those prisoners of war had come from?

A. As previous to my seeing these prisoners I had seen a dispatch from the Yamagumo relating the capture of prisoners of war from a submarine, when I saw these prisoners I knew they were from a submarine.

10. Q. Do you recall who the action addressee was on that dispatch?

This question was objected to by the accused on the ground that no foundation had been laid.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not recall.

11. Q. Where did you see these prisoners of war?

A. I saw them on a bridge while I was traveling from headquarters to the Seaplane Base.

12. Q. How were these prisoners of war traveling?

A. They were aboard a truck.

13. Q. In what direction was the truck headed?

A. The truck was moving in the opposite direction from which I was going. In the direction of Fourth Base Force or Fourth Fleet or Forty-first Naval Guard Unit.

14. Q. What time of day did you see this truck with the prisoners of war?

A. I believe it was around five or six o'clock in the morning.

15. Q. About how long would it take a truck to go from the Seaplane Base to the Forty-first Guard Unit?

A. I believe it took about thirty minutes.

16. Q. Do you recall the seventeenth of February 1944?

A. Yes, I recall.

17. Q. What occurred on that date that you happen to recall it?

A. There was a major air raid on Truk on that day.

18. Q. Was a conference held on the evening of that date?

A. Yes, there was one called at the headquarters of Fourth Base Force that evening.

19. Q. Who called that conference?
A. The Commandant of the Base Force.

20. Q. Were you at this conference?
A. I was present, but I arrived late.

21. Q. When you arrived there, who was present?
A. Those present, as I recall, were Vice Admiral Wakabayashi, Commander Higuchi, Staff Officer Kawamura, Commanding Officer of the Naval Guard Unit, Head of the Supply Depot, the Chief of Staff of the Army unit or one of the staff officers of this Army unit, I am not certain on this Army officer, and other staff officers of the Fourth Base Force.

22. Q. When you arrived at this conference did you receive any report on what had happened prior to your arrival?

This question was objected to by the accused on the ground that it called for hearsay and for an opinion of the witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I received a report from Staff Officer Kawamura.

23. Q. What was the content of this report?

This question was objected to by the accused on the ground that it called for hearsay and for an opinion of the witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Kawamura reported concerning the demands for arms received from various units and on the execution of the prisoners of war at the Guard Unit.

The accused moved to strike out this answer on the ground that it was hearsay and an opinion of the witness.

The commission announced that the motion to strike was not sustained.

24. Q. How did it happen that Kawamura made this report to you?

A. I was senior staff officer and as I had arrived late in the conference it was only natural that one of the staff officers report to me. This was customary in the Japanese Navy.

25. Q. Did Kawamura have any written record of what had transpired before you arrived?

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

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. When Kawamura reported to me he was reporting from notes he had taken.

26. Q. When you arrived at that conference what was going on?

A. At the direction of Commander Higuchi each cognizant commanding officer or unit commander rose in his seat and was reporting the damages done during the air raid and the defense measures that each had considered.

27. Q. Who was presiding at this conference?

A. It was Commander Higuchi.

28. Q. Who was the senior officer present at the conference at the time of your arrival?

A. Vice Admiral Wakabayashi.

29. Q. On February 17, 1944 who was commanding officer of the Forty-first Guard Unit?

A. Captain Tanaka.

Cross-examined by the accuser^d:

30. Q. When you state that the Forty-first Naval Guard Unit was a subordinate unit of the Fourth Base Force, do you mean that there was no commanding officer of the Guard Unit?

A. No, I did not mean it in that sense. There was a commanding officer.

31. Q. In what sense was it subordinate, then?

A. The Forty-first Guard Unit was placed under the command of the Fourth Base Force.

32. Q. Who placed it under the Fourth Base Force and by what order?

A. Both the Wartime Organization as set forth by the Naval General Staff and the Assignment of Forces of Fourth Fleet had it so established.

33. Q. Didn't this Wartime Organization also state that there was a commanding officer who was responsible for the command of the Forty-first Guard Unit?

A. No, it was not so fixed by the Wartime Organization. The Wartime Organization merely mentioned the units and the positions of the commanding officer was set forth in a separate order.

34. Q. Do you know what this separate order was and the duties of the commanding officer in command?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

35. Q. What were your duties on November 20, 1943?

A. My duties at that time were those of the senior staff officer and it was at a time when the Gilberts were being invaded by the American forces and I was on my way to the Seaplane Base with the Commander in Chief Kobayashi and Air Staff Officer Akai and two or three enlisted men.

36. Q. Were you senior staff officer to Admiral Kobayashi?

A. Yes.

37. Q. How were you traveling when you saw this truck?
A. I was in an automobile.

38. Q. An open truck or a closed car?
A. Closed car.

39. Q. When you saw this truck with these prisoners did you stop your vehicle or did the truck with the prisoners in it stop?
A. Neither vehicle stopped.

40. Q. How long did it take you to pass them then?
A. I do not recall what the elapsed time was but both vehicles were not traveling at a high speed.

41. Q. During the time that you passed this car going in an opposite direction you could tell that they were prisoners from a submarine?

This question was objected to by the judge advocate on the ground that counsel was misquoting testimony.

The accused replied.

The commission announced that the objection was sustained.

42. Q. How did you form your opinion that these prisoners you saw in the truck were from the American submarine?

A. As I testified previously I had seen a dispatch about prisoners from a submarine and the prisoners were many in number and I had not heard of any other prisoners and these facts were the basis of my opinion. JK

43. Q. On ^{the} what basis you reported to Admiral Kobayashi that you had seen the American prisoners? JK

A. I believe I made a report to the Commander in Chief at the Seaplane Base but I am not definite on that point.

44. Q. Did you also tell him that they were on their way to the Guard Unit?

A. I do not so recall.

45. Q. Did you also report to Admiral Wakabayashi that you had seen the submarine prisoners of war?

A. I did not.

46. Q. What time of day was this that you saw these prisoners?

A. I believe it was around five or six in the morning.

47. Q. At that time was it already daylight on Truk?

A. I believe it was light.

48. Q. What kind of time was Truk keeping in November of 1943?

A. It went by Tokyo time.

49. Q. And so on November 20, 1943 do you remember what time sunrise was?

A. I cannot recall.

50. Q. But in your opinion the sun had already risen at the time you saw the prisoners?

A. I do not recall whether it was ^{before} ~~before~~ or after sunrise but I clearly recognized that it was prisoners of war. JK

51. Q. Are you sure that it wasn't one or two o'clock in the morning instead of five or six o'clock in the morning?

This question was objected to by the judge advocate on the ground that it was argumentative.

The accused replied.

The commission announced that the objection was not sustained.

A. That is not so.

52. Q. How do you know that Commandant Fourth Base Force called this conference that you testified about on February 17, 1944?

A. I do not recall which of the staff officers it was, but I received a report from him that there was to be a conference at the Fourth Base Force.

53. Q. Then you are not sure whether Admiral Kobayashi or Admiral Wakabayashi called it, are you?

A. It is clear, without any doubt, that Vice Admiral Kobayashi did not call this conference. In addition to what I already said as the conference concerned the defense of Truk and as the Commandant of Fourth Base Force was responsible for the same, naturally the Commandant, Fourth Base Force, called the conference. Furthermore, if Fourth Fleet called this conference it would have been held at Fourth Fleet Headquarters and not at Fourth Base Force Headquarters.

54. Q. Did Admiral Wakabayashi, Commandant of the Fourth Base Force, order you to be present at this conference?

A. No.

55. Q. Then how is it that you went to the conference?

A. When I received this report from one of the staff officers, it was also reported to me at the time that one of the staff officers of Fourth Fleet should listen in and be present at the conference.

56. Q. Then Admiral Kobayashi didn't order you to attend the conference?

A. No.

57. Q. You had no duty to report to Admiral Kobayashi what took place at this conference? JK

A. As I arrived late at this conference and as the staff officer in charge of defense was there, if a report were to be made by a staff officer it would have been made by this other staff officer.

58. Q. Was this other staff officer Kawamura?

A. Yes.

59. Q. Did you order him to attend the conference or did Admiral Kobayashi?

A. I did not order him. I did not know whether Admiral Kobayashi ordered him or not.

60. Q. Then you don't know in what capacity he was at the conference - whether he was just a visitor like you?

A. He was there present because of a request made by Fourth Base Force.

61. Q. Do you know what time this conference was called for?

A. I do not recall definitely but it was scheduled for six or half past six in the evening. 9K

62. Q. And what time did you arrive there?

A. Around nine o'clock.

63. Q. Did you stay until the end of the conference?

A. Yes, I was there.

64. Q. When did the conference end?

A. As I recall, around ten o'clock.

65. Q. Did Admiral Wakabayashi stay until the end of the conference?

A. It seem to recall his leaving in the middle of the conference. It may have been that he returned to the conference but I do not recall. 9K

66. Q. Do you mean by that that he left around a half hour after you arrived there?

This question was objected to by the judge advocate on the ground that it was irrelevant and beyond the scope of the direct examination.

The accused replied.

The commission announced that the objection was not sustained.

A. I have no recollection as to time.

67. Q. Who was presiding when you state these unit commanders got up and made their reports as to the damage that was done?

A. By presiding do you mean the chairman? 9K

68. Q. Yes.

A. He was Higuchi.

69. Q. Did you hear all the unit commanders make their reports?

A. I recall one or two unit commanders making reports after I had arrived.

70. Q. Did you hear Captain Tanaka make his report?

A. No.

71. Q. All you know as to what Captain Tanaka reported then is what Kawamura told you?

A. Yes.

72. Q. You said he reported to you from notes that he had taken. Did you see these notes?

A. I did not.

73. Q. Then when you came in he proceeded to tell you what had taken place by reading from these notes of his, is that correct?

A. Yes.

74. Q. Do you remember just what words he used when he told you about the report Tanaka had made regarding the prisoners?

A. I believe he said "The prisoners of war have been executed at the Guard Unit."

75. Q. Did you make any comment when he reported this to you?

A. I did not.

76. Q. You testified that you saw prisoners of war in November of 1943 and you merely mentioned that they were many in number. Approximately how many were they in number?

A. Twenty to thirty.

77. Q. On how many trucks?

A. They were on one truck as I recall.

78. Q. For how many minutes did you observe this truck or did you see it just in passing?

A. I cannot state as to what period of time I saw the truck. I saw the truck only in passing but the vehicles were traveling at slow speed because of the narrowness of the road at the bridge.

79. Q. How were the prisoners of war clothed?

A. I do not recall.

80. Q. Did you make that statement because you could not see the prisoners or because you have forgotten?

A. It is because I have forgotten. JK

81. Q. Were not all of them naked?

A. I do not recall.

82. Q. Your statement that it was light at that time - is that not a mistake on your part?

A. I do not believe so because I distinctly recall seeing their faces. Furthermore, I was on my way to Kwajalein and it took twelve or thirteen hours to get there by plane and to arrive at Kwajalein before sundown could make the time of departure from Truk around the time of sunrise.

83. Q. You testified that you saw the truck on your way from headquarters to the Seaplane Base. To which headquarters are you referring?

A. Fourth Fleet Headquarters.

84. Q. At that time were not ships anchored off the Forty-first Naval Guard Unit?

A. Ships were sometimes anchored off the place you just mentioned and at other times they were anchored off the Supply Depot. That is when they were taking in supplies or fuel.

85. Q. You testified that you saw the prisoners on a truck. You did not see the prisoners before they got aboard this truck. Is that true?

A. I did not.

86. Q. You testified that you saw prisoners of war on a truck. Now which was the pier closest to the point at which you saw these prisoners?
A. I believe the pier of the Seaplane Base was the closest pier.

87. Q. Was that pier very far removed from the pier of the Forty-first Naval Guard Unit?
A. As I testified previously it took about thirty minutes by automobile.

88. Q. You did not see any prisoners with bandages or with arms in slings among these prisoners in the truck, did you?
A. I have no recollection.

89. Q. You testified to a Seaplane Base pier just now; is that pier different from the pier which goes by the common designation "The Fleet Pier"? JK
A. It is a different pier.

90. Q. Were you questioned about these prisoners of war by some other person on that day? Did you ask anybody else about these prisoners of war on that same day?
A. No.

The commission then, at 10:20 a.m., took a recess until 10:40 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

91. Q. You testified that you saw prisoners of war on your way to the Seaplane Base, were the hands of the prisoners tied?
A. I do not recall.

92. Q. Were the prisoners standing in the truck or were they seated?
A. As I recall some were standing and others were seated.

93. Q. How about blindfolds?
A. As I recall they were not blindfolded.

94. Q. Insofar as you could see none of the prisoners were blindfolded, is that correct?
A. That is correct.

95. Q. It is about the conference of February seventeenth - do you remember what the main topic, the main subject matter at the conference was? JK
A. It was about the defense of Truk.

96. Q. You testified that you arrived at the conference around nine o'clock; after your arrival were there any matters discussed at the conference other than matters concerning defense?

A. No.

97. Q. You testified that Kawamura reported to you that Tanaka had made a report that prisoners had been disposed of; did Kawamura at that time state on what date or at what time the execution took place?

A. No mention of the date or time was made, just the fact of the execution being reported; that is all I remember.

98. Q. Did you not ask about the number of prisoners?

A. I did not.

99. Q. And you did not ask about the reason for the execution?

A. I did not.

100. Q. Now, an execution is no ordinary matter, so when you received this report did you not think it strange?

A. I did not so think.

101. Q. Was Captain Tanaka present at the conference up to the end?

A. When I arrived he was there, but I do not recall whether he was there right up to the end.

102. Q. According to your testimony you were there at the conference right up to the end; do you not remember whether Tanaka was there right up to the end?

A. I was there to the end of the conference, but I have no recollection now whether Tanaka was there to the end.

103. Q. Then you did not question either Staff Officer Kawamura or Commanding Officer Tanaka as to the date and time, reason for the execution?

A. I did not.

104. Q. Do you know where Tanaka was seated at the conference table?

A. I believe he was seated opposite Higuchi; on the opposite side of the table from Higuchi.

105. Q. After you arrived at the conference around nine o'clock, the discussion of defense continued; is that correct?

A. Yes, that is correct.

106. Q. Then from this report of Kawamura it follows that the matters of defense were discussed prior to your arrival at the conference?

A. Yes, I believe so.

107. Q. You testified that matters concerning defense were discussed at the conference after your arrival and Kawamura told you that the same matter was discussed prior to your arrival. Is it correct, then, that Commanding Officer Tanaka inserted this report on the execution of prisoners in between these discussions?

This question was objected to by the judge advocate on the ground that it called for the opinion of the witness and that it was irrelevant.

The accused withdrew the question.

108. Q. When Kawamura made his report to you, did he do so because you were his superior officer or just to inform you on the course of the conference up until the time of your arrival?

A. Kawamura was not my subordinate in the chain of command. If by report you mean matters brought to the attention of a superior in the chain of command, this was not a report made by Kawamura to me, but in actual fact all staff officers reported to me.

109. Q. Did Kawamura state that Tanaka made this report of the execution of prisoners of war at the conference?

A. He did not state that Tanaka made this report openly at this conference, therefore I do not know whether Tanaka told Kawamura about this execution aside because Kawamura was a staff officer of the Fourth Fleet or not.

110. Q. You testified that you stayed until the end of the conference and also that you believed that Wakabayashi left the conference in the middle of the proceedings but that he may have returned to the conference. If you were there at the conference until its conclusion, then you must have known if Wakabayashi returned after leaving the room once, is that not correct?

A. I have no recollection.

Reexamined by the judge advocate:

111. Q. I show you Exhibit 19 which is a chart of Dublon Island and the surrounding area and ask you to mark thereon with the letter "I" the point at which you testified you saw these submarine prisoners of war.

(The witness placed the letter "I" on Exhibit 19 as requested.)

112. Q. At that time was the truck carrying the prisoners of war proceeding toward or away from the Guard Unit pier?

A. In the direction of the Guard Unit, namely in a northward direction.

113. Q. Where was this Guard Unit pier located with reference to this Exhibit 19?

A. It is marked "B" - it was within the compound of the Forty-first Naval Guard Unit.

114. Q. This report that Kawamura gave you when you arrived at the conference on February seventeenth, was that a resume of what had happened prior to your arrival?

A. Kawamura did not state in so many words that the report was a resume, but I believe it was.

115. Q. Was it in the course of this report that he told you about the report of the execution of prisoners at the Forty-first Naval Guard Unit?

A. It was in this report by Kawamura.

116. Q. And during this report was he referring to the written notes he had that you have already referred to?

A. Yes.

Recross-examined by the accused:

117. Q. Do you know which pier the Forty-first Naval Guard Unit usually uses?

A. I believe it was the pier inside the compound of the Guard Unit.

118. Q. You mean then the pier marked "B" on the chart?

A. Yes.

119. Q. Did this report of Kawamura pertain only to matters discussed at the conference?

A. I do not know.

120. Q. And did Kawamura make this report during the conference or after the conference?

A. It was in the course of this conference.

121. Q. Did Kawamura also tell you that he had been right there at the conference from the start?

A. He did not.

122. Q. Do you know whether he had been there from the start of the conference?

A. I do not know.

123. Q. How long did it take him to tell you what had taken place at the conference when you did come in and he started to give you a resume of what had taken place?

A. I do not remember very accurately, but I believe a minute or two.

124. Q. In that minute or two he told you about the proceedings of a conference that had started about six or six-thirty and you came to the conference about nine or nine-thirty, a period of about three hours, he told you in one minute what took place, is that right?

A. When I say a report of the proceedings I do not mean which unit commanding officer made what reports, etc. It was a general report on what would be required as knowledge for what would follow at the conference, and the demands for arms made to the fleet and this report on the execution of the prisoners of war. JK
SK

125. Q. Then you would say that the things he reported to you were the most important things, the highlights of the conference?

A. I cannot tell whether they were the highlights. That was from the viewpoint of the staff officer making the report. If I had been present from the start of the conference I might have chosen other topics as the highlights.

126. Q. You did not discuss this report of Kawamura to you, including the report on the execution of prisoners, with anybody else at the conference?

A. I did not.

127. Q. On this meeting of the prisoners that you saw in the truck, did you pass the truck on the bridge there?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused made no reply.

The commission announced that the objection was sustained.

Reexamined by the judge advocate:

128. Q. When Kawamura made this report to you was the conference discontinued while he was making the report?

A. No, it was not discontinued.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:20 a.m., took a recess until 2:10 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present. 8K

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Surgeon Captain, Imperial Japanese Navy, Shizuo Iino.

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

A. Vice Admiral Wakabayashi, Seisaku.

3. Q. During what period did you serve with the Imperial Japanese Navy on Truk?

A. From November 5, 1943 to May 27, 1944.

4. Q. To what unit were you attached during that period?

A. Chief surgeon of the Fourth Base Force and concurrently chief surgeon of Forty-first Naval Guard Unit.

5. Q. When you assumed your duties at the Fourth Base Force who was the commanding officer of that unit?

A. Vice Admiral Wakabayashi.

6. Q. And up to what time did he continue to be the commanding officer of the Fourth Base Force?

A. Up until about February 20, 1944.

7. Q. In January of 1944 who was the commanding officer of the Fourth Naval Hospital at Truk?

A. Surgeon Captain Iwanami was the commanding officer of the Fourth Naval Hospital.

8. Q. In that month of January 1944, did you have a conversation with Captain Iwanami with reference to prisoners of war?
A. I did.

9. Q. When in the month of January did you have this conversation?
A. Around the thirteenth of January as I recall.

10. Q. Was Iwanami present with you when you had this conversation or did it take place over the telephone?
A. I spoke to Captain Iwanami personally by phone. 9K

11. Tell this commission what was said by Captain Iwanami in that conversation?

This question was objected to by the accused on the ground that it called for hearsay, was irrelevant and immaterial.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. "I am sorry to trouble you but I would like to make physical experiments. I have heard that there are some prisoners at the Forty-first Guard Unit. Could you negotiate with staff officers in order that I may be able to have two?" I distinctly recall the fact that he said "even if I can't have two, one will do."

The accused moved to strike out this answer on the ground that it was hearsay.

The judge advocate replied.

The commission announced that the motion was not sustained.

12. Q. What did you reply to Captain Iwanami at that time?

A. "I hate such things as physical experiments and I would like to refuse. I would not like to be the intermediary negotiator." 9K

13. Q. Did you report this conversation to anyone?

A. I did. But I would like to explain the circumstances. It is usual that telephone calls would come directly to my private room, but on this occasion the telephone call came to the room where all the staff officers were present. I recall Iwanami getting angry about this and cutting the line. I recall that all the staff officers present witnessed this and I told the contents of that telephone call to the staff officers and that I had refused. The next day I reported to the Commandant. I will explain those circumstances. The Commandant was in bed with ulcers and from the eighth Chief Surgeon Iwanami used to come everyday to visit him, and I thought that I should go to the Commandant before Surgeon Captain Iwanami came on his usual visit and I recall that I did so.

14. Q. You refer to a Commandant, who was the Commandant at that time?
A. It was Vice Admiral Wakabayashi.

15. Q. Is that the accused whom you have identified here in court?
A. Yes.

16. Q. What did you report to Commandant Wakabayashi at that time?

A. I was asked by Surgeon Captain Iwanami to negotiate for the prisoners and was asked by Iwanami to give those prisoners to him, and I refused to make the negotiations. Because of that I visualized that Captain Iwanami may come to ask for the prisoners when I am not present and so it was not a reply but I made it understood that I did not like physical experiments on prisoners of war, and I believe I was explaining from a medical point of view that such physical experiments were not necessary at this state.

17. Q. To whom did you explain this?

A. Although he was sick I explained it to Vice Admiral Wakabayashi.

18. Q. Prior to explaining your views on this matter to him, did you inform Wakabayashi of the telephone call you had received from Iwanami?

A. I reported to him about the telephone call and that I refused it.

19. Q. Just what did you report to Wakabayashi concerning that telephone conversation?

A. As I remember I said that there was a telephone call from the head of the hospital asking for the prisoners for physical experiments but, as I did not like to negotiate on such a thing, I refused.

20. Q. What time of the day did you have this conversation with Wakabayashi?

A. About the next day after the telephone call.

21. Q. At what time of the day?

A. In the morning.

22. Q. Do you know if Wakabayashi was seen by Iwanami on that day following this conversation you had with the Commandant?

A. Yes, he was.

23. Q. Were you present at the time that Iwanami visited Wakabayashi on that day?

A. Yes, I was present all that day.

24. Q. Between that time and January 20, did Iwanami continue to visit and treat Wakabayashi?

A. Yes, he came almost every day.

25. Q. And were you present during the period of all those visits of Iwanami to Wakabayashi?

A. I remember definitely that I was always present.

26. Q. During any of those times did Wakabayashi ever mention this subject of his request to experiment on prisoners of war to Iwanami?

A. I believe he did not.

Cross-examined by the accused:

27. Q. You have testified that you were chief surgeon of the Fourth Base Force and concurrently chief of the Forty-first Guard Unit; but were you not also the chief of the Infectious Diseases Department of the Fourth Naval Hospital?

A. I was chief surgeon of the Fourth Base Force and the Forty-first Guard Unit and I was on the staff of the naval hospital and chief surgeon of the Second Surface Escort Unit.

28. Q. As a staff member of the naval hospital did you go to the naval hospital and have the opportunity of meeting Iwanami frequently?

A. I did not meet Iwanami very often at the naval hospital. The reason is Iwanami visited the Fourth Base Force every day and I was able to see him there and as the Infectious Diseases Department was a little distance from the Fourth Naval Hospital I did not meet Iwanami very often and only on special occasions, when there were serious cases and when for instance a hospital ship came to Truk, I would go to Iwanami to consider which patients were to board the ship.

29. Q. Do you remember at the trial of Kobayashi testifying to the fact that you talked with Iwanami over the telephone?

A. Yes, I do.

30. Q. Do you also remember that you testified on direct examination that the telephone call took place some where between the eighth and the tenth of January?

A. I recall answering him that it was between the eighth and the thirteenth.

31. Q. Is it not true that on direct examination you said from January eighth to the tenth of January and on cross-examination you said from the eighth to the fifteenth?

A. It may be so.

32. Q. Do you have any basis in saying clearly today that it was around the thirteenth of January?

A. The last time I gave my reasons for saying that it was from the eighth to the fifteenth.

33. Q. What I want to know is the basis for this - the reasons for your saying that it was around the thirteenth?

A. I have some reasons.

34. Q. Please explain?

A. The reasons are the same as I stated before, that is, the Commandant became ill on the eighth. The telephone call came through after he became ill and therefore it must be after the eighth. And later the senior staff officer and myself were interrogated jointly at the stockade. The senior staff officer said that he was not on Truk until the thirteenth. He came back on the thirteenth. When I spoke at the staff officers' room I recall definitely that the senior staff officer was present there. For those two reasons, the first that it was after the eighth and secondly, that the senior staff officer was present, it was after the eighth and before the thirteenth or fifteenth. In order that it may not be confused I said today the thirteenth.

35. Q. Who is that senior staff officer?

A. I mean Senior Staff Officer Higuchi.

36. Q. You testified that Higuchi was not on Truk until the thirteenth; but isn't it the opposite? Did he not leave Truk for Tokyo around the twelfth or the thirteenth for a conference to be held on the fifteenth at Tokyo?

A. I do not recall the date when Higuchi left.

37. Q. Iwanami said on the telephone that he was going to do some physical experiments; what is the nature of these physical experiments? JK

A. I understood it to be physical experiments on humans instead of animal experiments.

38. Q. Did Iwanami make some explanation regarding the sort of physical experiments he was going to do?

A7. He did not say what sort of experiments and his actual words were that he "just wanted to make a little physical experiment." JK

39. Q. Did you not ask the nature of these experiments of Iwanami?

A. No, I did not.

40. Q. To Iwanami's request that he wanted to do a little physical experiments, was there any reason for your refusal?

A. I thought that the main object of medicine was to prolong the life of human beings and as I was against killing, even live creatures I did not want to be involved in this.

41. Q. Iwanami said that it was just a little physical experiment and you testified that you did not know what sort of experiment. How did you know that it might affect the lives of the prisoners?

A. Firstly, any experiments which may endanger the health and shorten the life of a person was not good. Secondly, I would like to refer you to the animal experiments.

42. Q. It seems that the witness is repeating the reasons for his refusing for the negotiations of the physical experiments; but what I want to know is the nature - how you know the nature of these physical experiments which Iwanami speaks of?

A. As I have testified previously Iwanami said nothing about the nature of the physical experiments.

43. Q. When the telephone call came through, which staff officers were present in that room? JK

A. All the staff officers were present.

44. Q. Tell any of the names of the staff officers?

A. Senior Staff Officer Higuchi, Staff Officer Ago, Engineering Staff Officer Kondo, and another officer who also had some staff duties.

45. Q. How do you remember that the three staff officers were standing?

A. As I finished the telephone call the senior staff officer and the gunnery staff officer seemed to be just on the verge of going out of the room and that is why they must have been standing. The second reason is that it was very seldom that I would get a call at the staff officers' room and that is why I remember. As it was a telephone call from Iwanami and the fact that Iwanami had just left and it was after dinner, I concluded that Iwanami must have forgotten to say something, or give some orders in regard to one of his sick patients.

The commission then, at 3:20 p.m., took a recess until 3:40 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

46. Q. Around the middle of January, about what time did Iwanami visit Wakabayashi each day?

A. I do not recollect definitely but when it was in the afternoon it usually continued so for several days and when it was in the morning it was successively in the morning.

47. Q. According to what you testified, on the day when the telephone call came, Iwanami visited Wakabayashi in the evening, is that correct?

A. When I spoke to Wakabayashi about the telephone call I remember it was just after breakfast and because I am sure Iwanami did not come until some time later I presume it was in the evening.

48. Q. What I am asking you is did Iwanami visit Wakabayashi just before dinner on that day of the telephone call from Iwanami to you?

A. On the day of the telephone call I am certain that Iwanami visited Wakabayashi just before dinner.

49. Q. When you spoke of the telephone call from Iwanami to Higuchi did he say something regarding it?

A. He did not say anything. His facial expression was one of approval.

50. Q. You testified that Iwanami asked you to speak to the staff officers in regard to the use of the prisoners for physical experiments but you spoke direct to Wakabayashi. Did you have any reasons for doing this?

A. If the Commandant was in normal health I may not have done so. Iwanami was the principal doctor in charge of Wakabayashi and the relation between patient and doctor makes it so that the patient is susceptible to the doctor's wishes and I was afraid that Iwanami might make requests to Wakabayashi in my absence and that is why I spoke to Wakabayashi before Iwanami's arrival.

51. Q. Please state as accurately as possible the contents of what you told Wakabayashi concerning Iwanami's telephone call?

A. It is the same as the reasons I stated for having refused Iwanami's request, but I will repeat again. "The fact is I want to use prisoners for physical experiments and would you make available one or two prisoners for this purpose." As I did not like experiments of this nature I refused. The reasons being that the purpose of medicine is to prolong the lives of human beings and experiments which might effect the health and shorten the lives of humans in the name of progress is against the purpose of medicine. As I have said before there can be no reason for physical experiments on human beings because the experiments on animals has reached a deadlock. It may be from a religious point of view but as a specialist who used to experiment with rabbits it was always repulsive to me to experiment on any living creature.

2K

52. Q. Did you tell Wakabayashi the nature of the experiments to be conducted on the prisoners?

This question was objected to by the judge advocate on the ground that it was vague.

The accused replied.

The commission announced that the objection was not sustained.

A. I did not know the nature of these experiments. I do not know it now. I did not tell Wakabayashi of the nature of these experiments.

53. Q. Do you know prior to your conversation with Wakabayashi whether any physical experiments had been conducted on prisoners at the Fourth Naval Hospital at Truk?

A. I do not know.

54. Q. The day after Wakabayashi was taken ill, was it not true that he was placed on a starvation diet for one week?

A. Yes, he was placed on a starvation diet for one week.

55. Q. Then what was his physical condition around the thirteenth of January?

A. His physical condition around January thirteenth due to his week's starvation diet was weak but his physical condition from the point of view of nourishment was very poor but this was done artificially and the blood test was negative and he was progressing normally. gk

56. Q. When you spoke to Wakabayashi about the telephone call, did Wakabayashi say anything to you?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused made no reply.

The commission announced that the objection was not sustained.

A. Wakabayashi was, at that time, looking up at the ceiling and he had an ice bag on his chest and when I spoke to him he seemed to have understood and nodded his head.

57. Q. Didn't he say anything?

A. No, he did not.

58. Q. When Iwanami asked you if he could use the prisoners for physical experiments, is it true that you told him to refer the matter to Captain Tanaka directly?

A. I did not answer in that way.

59. Q. In January of 1944, what was your rank?

A. I was surgeon commander.

60. Q. Did you have any specialty as a doctor?

A. Internal medicine and infectious diseases.

61. Q. I believe you testified that you had three duties on Truk. Was your primary duty as a member on the Fourth Naval Hospital staff in charge of contagious diseases?

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

The accused replied.

The commission announced that the objection was sustained.

62. Q. How often before this telephone conversation had Captain Iwanami called you on the telephone?

A. Telephone calls from Iwanami was that one instance only and I called him up perhaps twice.

63. Q. Then you were not well acquainted with his voice over the telephone, were you?

A. I may not be accustomed to hear his voice through the telephone but we both come from Yokohama and he has the same sort of accent that I have.

64. Q. The next day when he called on Admiral Wakabayashi did you verify this telephone conversation with Captain Iwanami to see if he had made it or did you discuss it with him in any way?

A. I did not. That subject was not broached.

65. Q. At this time was Admiral Wakabayashi so sick that he was relieved of duty?

A. He was relieved after February 20th.

66. Q. This telephone request of Captain Iwanami, did you understand that to be a request from him as your immediate superior medical officer?

A. The language used was very polite, such as would be used to the chief surgeon of the Fourth Base Force.

67. Q. Was it necessary to obtain your approval before the prisoners of war were transferred from the Fourth Base Force to the hospital?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

68. Q. Did you in any way assist Captain Iwanami in obtaining prisoners of war to conduct a physical experiment upon?

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

The accused replied.

The commission announced that the objection was not sustained.

A. I did not.

69. Q. What steps did you take to see that Captain Iwanami did not get a prisoner to experiment upon other than that conversation with Wakabayashi?
A. Apart from the fact that I spoke to the senior staff officer and to Wakabayashi I did not take any steps.

70. Q. Do you know if experiments were performed at the Forty-first Naval Guard Unit dispensary of which you were the head of, shortly thereafter?
A. I do not know.

Reexamined by the judge advocate:

71. Q. Did the party making this call to you concerning experimenting on prisoners of war identify himself in the telephone conversation?
A. When I picked up the receiver I said "Is that the head of the hospital" and he said "Yes," so I am definite. 8K

Recross-examined by the accused:

72. Q. You are sure that he didn't say that he was the chief surgeon and not the head of the hospital?
A. When I picked up the receiver I asked, "Is this the head of the hospital, this is Iino" and he said "This is Iwanami." 8K
8C

73. Q. Now the interpreter just made a mistake. Could you have made the same mistake?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 4:30 p.m., adjourned until 9 a.m., tomorrow, Saturday, August 14, 1948.

FOURTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Saturday, August 14, 1948. 92

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottemeyer, U. S. Navy,
Captain Albert L. Jensen, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Ishii, Yujire, former lieutenant, Imperial Japanese Navy.
2. Q. If you recognize the accused, state as whom.
A. Vice Admiral Wakabayashi.
3. Q. In the month of February 1944 were you stationed with the Imperial
Japanese Navy on Truk Atoll in the Carolines?
A. Yes, I was serving there.
4. Q. Where were you serving with what unit?
A. The Forty-first Naval Guard Unit.
5. Q. What were your duties with the Forty-first Naval Guard Unit in the
month of February 1944?
A. I was First Lieutenant.
6. Q. Did you have any other duties other than First Lieutenant in that
month?
A. When I assumed my post I did so in the capacity of Chief Engineer, but
the naval organization was changed in December, and since then I received
this title of First Lieutenant.
7. Q. Do you recall a raid by the American forces in that month?
A. Yes, I recall.

8. Q. When did this raid take place?
A. As I recall on the seventeenth of February.
9. Q. During the course of this raid where were you stationed?
A. I was at the command post.
10. Q. Who was the commanding officer of the Forty-first Guard Unit at that time?
A. It was Tanaka.
11. Q. Where was he stationed during the course of this raid on February seventeenth?
A. He was at the command post.
12. Q. During the course of the raid did you receive any duties with reference to prisoners of war?
A. I did.
13. Q. What duty or duties were assigned to you with reference to prisoners of war?
A. I was ordered by the commanding officer, Tanaka, to phone Fourth Base Force Headquarters and ask what was to be done with prisoners of war, whether they were to be executed. gk
14. Q. Where were these prisoners that were referred to?
A. The prisoners of war were always confined in a building behind the guardhouse. gk
15. Q. What did you do as a result of this order of Captain Tanaka?
A. I phoned Fourth Base Force Headquarters over the command telephone and asked what was to be done with the prisoners, shall they be executed.
16. Q. What reply did you receive?
A. I received a reply "ei."
17. Q. Did this Japanese word have any particular meaning in the military forces?
A. The answer "ei" is used for understanding, consent, and execution or carrying out.
18. Q. In this telephone conversation with Fourth Base Headquarters did you identify yourself when you called them?
A. I said "this is the Naval Guard Unit speaking, is that headquarters?"
19. Q. Did the party on the other end of the line identify himself?
A. The party answered "this is headquarters."
20. Q. To what part of the Fourth Base Headquarters was this command telephone connected?
A. I do not know.
21. Q. After you had asked the question concerning these prisoners of war, was there any interval of time before the reply was given or was the reply given immediately?
A. As I recall there was a very short interval.

22. Q. What did you do, if anything, after this telephone conversation?
A. I reported it, the conversation, to the commanding officer.

23. Q. After having received this report did Captain Tanaka issue any orders with reference to prisoners of war?
A. He did.

24. Q. To whom did he issue them?
A. Issued them to Lieutenant Danzaki.

25. Q. To what unit was Danzaki attached?
A. He was attached to the Forty-first Naval Guard Unit.

26. Q. What was the order issued by Captain Tanaka to Lieutenant Danzaki?
A. As Lieutenant Danzaki was not there present, Commanding Officer Tanaka ordered me to tell Lieutenant Danzaki to execute the prisoners of war. gk

27. Q. Did Danzaki carry out these orders?
A. He did.

28. Q. Did you see these prisoners of war executed?
A. I saw the execution from a distance.

29. Q. About how long after this telephone conversation with Fourth Base Headquarters did the execution take place?
A. As I recall about thirty minutes after the telephone conversation.

30. Q. In what particular part of the Guard Unit were these prisoners of war executed?
A. On the beach.

31. Q. By what means were they executed?
A. They were decapitated by Japanese swords.

32. Q. Do you recall how many prisoners were executed?
A. As I recall three or four prisoners of war.

33. Q. Did this command telephone you used connect with any place other than the Fourth Base Force?
A. In the Japanese Navy the command telephone is used by the headquarters to issue orders simultaneously to subordinate units, and therefore contact could be obtained with other units through the command telephone.

Cross-examined by the accused:

34. Q. Since when were you serving with the Forty-first Naval Guard Unit?
A. From the fifteenth of August 1943.

35. Q. Were the duties of First Lieutenant the same, the identical duties, as Chief Engineer?
A. Yes, at the Forty-first Naval Guard Unit these duties were identical.

36. Q. Then, as First Lieutenant you were in charge of boilers, generators, machines, etc.; is that correct?
A. Yes, my duties were connected with electrical supply for isolated islands, repair of machines, of small boats attached to the unit, and carpentry and foundry work and automobiles.

37. Q. What was your seniority in rank within the Forty-first Naval Guard Unit in February of 1944?

A. The order of seniority was as follows: Captain Tanaka, Lieutenant Commander Nakase, myself, and Lieutenant Danzaki; however Lieutenant Danzaki was an officer with much longer term of service.

38. Q. Where was the command post of the Forty-first Naval Guard Unit?

A. The main entrance of the administration building was called the command post.

39. Q. You were present at this command post throughout the forenoon and afternoon of 17 February, is that correct?

A. Yes, I was generally there.

40. Q. Who were present at this command post on that day?

A. There were present Captain Tanaka, myself, one or two telephone operators, perhaps two couriers, and a guard.

41. Q. You testified that the main entrance of the administration building was used as a command post; was there a special room detailed for this purpose?

A. There was no room especially detailed for this purpose, but there was a telephone room.

42. Q. You testified to a telephone room; was this telephone room at the entrance of the building?

A. First there were steps leading to the entrance and then there was a corridor and then there was this telephone room.

43. Q. Inside this telephone room, what type of telephones were installed?

A. An ordinary telephone and a command telephone were installed.

44. Q. There were only these two types of telephones?

A. As I recall, yes.

45. Q. You have testified that in phoning the Fourth Base Force Headquarters you used the command telephone when there were two telephones available. What made you choose the command telephone?

A. Generally on Truk the command telephone was used when important or urgent matters had to be transmitted.

46. Q. Are not command telephones usually constructed for messages to be relayed from headquarters to subordinate units and not the other way around?

A. With such major units as the Yokusuka Naval Base that would apply. It was so in the Imperial Japanese Navy, but with minor units, such as these on Truk, the command telephone could be used by subordinate units to transmit important or urgent matters.

47. Q. Was not the command telephone connecting the Fourth Base Force with the Forty-first Naval Guard Unit so constructed that messages could not be relayed from the Forty-first Naval Guard Unit to Fourth Base Force Headquarters at all times?

A. It was so constructed that the Fourth Base Force could be called up at any time by the Naval Guard Unit.

48. Q. Did you personally put this message through by the command telephone?

A. Yes, I did.

49. Q. Did you merely ascertain that the party to whom you were speaking was the Fourth Base Force Headquarters and not ascertain ~~who~~ at headquarters it was? JK

A. I did not ascertain.

50. Q. Did you know who the other party was without ascertaining by asking?

A. At that time all business was conducted by the two units without any personal names being mentioned, just the unit designations - Naval Guard Unit - Headquarters - being used.

51. Q. Will you please answer my question which is -- did you know who the other party was without asking him who he was?

A. I did not.

52. Q. Then was the voice which said "this is headquarters" the same voice which said "ei" later?

A. I do not know.

53. Q. Did you recognize the voice which said "ei"?

A. I did not recognize the voice.

54. Q. At around what time on February seventeenth did you make this phone call?

A. As I recall around 10:30 in the morning.

55. Q. Please give us ^{as} accurately as possible the report you made to Captain Tanaka after the telephone conversation. JK

A. I asked, "shall we execute the prisoners of war as headquarters has approved the execution of the prisoners of war?"

56. Q. What duties did Lieutenant Danzaki have around that time with the Forty-first Naval Guard Unit?

A. He was chief of the Surface Patrol Section.

57. Q. Did you relay the order of Captain Tanaka directly to Lieutenant Danzaki?

A. I did not relay it directly.

58. Q. How did you relay it to Danzaki?

A. Danzaki was not present at that time, and as I recall Ensign Yeshinuma entered the room and I told Yeshinuma to relay the order to Danzaki.

59. Q. Was Ensign Yeshinuma a subordinate of Lieutenant Danzaki?

A. No, he was not.

60. Q. What were the duties of Ensign Yeshinuma at that time?

A. Carpentry and foundry work.

61. Q. You testified that you saw the execution of the prisoners of war from a distance; where were you observing this execution?

A. From the grounds in front of the command post.

62. Q. What was the distance from where you were to the scene of the execution?

A. I do not remember mathematically how far it was, but I believe it was about fifty meters.

63. Q. About how many persons attached to the Forty-first Naval Guard Unit were there present at the scene of the execution?

A. I do not know.

64. Q. Did Ensign Yeshinuma come to report to you afterwards that he had replied the order to Lieutenant Danzaki?

A. He did not come to report.

65. Q. Did Lieutenant Danzaki report to you that he had completed the execution?

A. He did not.

66. Q. Did you report that the execution was completed to Captain Tanaka?

A. I did not.

67. Q. Do you know who made the report of the completion of the execution to Captain Tanaka?

A. I do not.

68. Q. Did you not receive a report from Lieutenant Danzaki around dinner time on the evening of the seventeenth of February?

A. I did not.

69. Q. Do you recall having written a statement concerning this incident of February seventeenth on November 4, 1946?

A. I recall that when I was seriously ill an American officer and an interpreter came and took down what I told them.

70. Q. I show you this statement of November 4, 1946, which is Exhibit 2 of the document marked number six for identification in this trial, and ask you if you did not state as follows therein: "I do not know the names and by no one in particular but there was talk about what to do about the prisoners. As I did not know whether to dispose of the prisoners or not, I telephoned headquarters and asked 'What shall we do with the prisoners, shall we dispose of them?' A thick voice from headquarters answered 'Oi.' In the service 'ei' is taken as All right, Approval, or carry it out, in this case it is to the meaning, dispose of them. As there was an answer to the effect of 'ei' (headquarters approval), I asked the C. O. Tanaka, shall we dispose of them. C.O. Tanaka nodded his head and I think answered or dispose of them."

A. Yes, I recall.

The witness was duly warned.

The commission then, at 10:20 a.m., took a recess until 10:40 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel and the interpreters.

Robert Oldham, yeoman third class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued:)

71. Q. According to your statement made in 1946 is it not correct that you personally telephoned the Fourth Base Force Headquarters prior to your conversation with Commanding Officer Tanaka?

A. I will now tell you the truth in this courtroom. I phoned Fourth Base Force Headquarters after I had this conversation with Commanding Officer Tanaka.

72. Q. According to your statement Captain Tanaka nodded his head and you took it to mean to go through with the execution. Which is the truth now, did Commanding Officer Tanaka order Lieutenant Danzaki to execute the prisoners or did you understand Captain Tanaka's nodding his head to mean to go through with the execution?

A. What I have testified to here in this courtroom is the truth.

73. Q. There is another portion of your statement which I would like you to affirm. "Officers of the 41st Naval garrison Unit Yeshinuma and Danzaki executed them. I do not know from whom Yeshinuma received orders, but I think he said 'I will cut,' 'I am going out' and executed them." Do you recall saying that in your statement?

A. I recall that.

74. Q. In that statement you said that you did not know from whom Yeshinuma had received his orders. In this courtroom you testified that you relayed Captain Tanaka's order to Danzaki through Yeshinuma. Which is the truth?

A. What I stated in this courtroom is the truth. In other words I told Yeshinuma to relay the orders of Captain Tanaka to Danzaki. That is the correct situation.

75. Q. Then you did not specifically tell Yeshinuma to cut. Is that correct?

A. I did not order Yeshinuma specifically to cut the prisoners. I merely told him that the commanding officer ordered the disposal of the prisoners. 9K

76. Q. What was Yeshinuma's post during battle?

A. As his usual duties were these of carpentry and foundry work he would not assume a battle station, but he would be a standby to await orders in case there was any repairs.

77. Q. On this day of seventeen February, was Yeshinuma standing by at the command post with you and the other people present there at the command post?

A. He was not at the command post on that day.

78. Q. Was Nakase at the command post on that day?

A. Nakase was ill and in bed at the dispensary, and he seemed to appear at the command post from time to time during the day.

79. Q. Then you and Tanaka were the only officers that were present at the command post throughout the day?

A. In general that was so and from time to time other officers gathered at the command post.

80. Q. Who was standing by when you made the telephone call to headquarters?
A. Commanding Officer Tanaka was standing behind me.

81. Q. He was the only one?
A. There was a guard and courier on the steps of the entrance.

82. Q. Then you don't remember who these guards and couriers were, do you?
A. No, I do not remember.

83. Q. And since Tanaka is dead, you are the only one who can testify as to whether you made that telephone call or not; is that true?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

84. Q. You didn't actually tell Captain Tanaka that the only response that you got to the telephone conversation was the word "O1"?
A. I did not.

85. Q. And at the time you made this telephone conversation there were no American planes attacking Truk at that time; is that true?
A. I do not recall.

86. Q. If there had been American planes attacking at that time you and the rest of the people in the Guard Unit, including the commanding officer, Tanaka, would not have been at the administration building but you would have been at the air raid shelter, is that true?

This question was objected to by the judge advocate on the ground that it was immaterial, irrelevant, and called for an opinion of the witness.

The accused made no reply.

The commission announced that the objection was sustained.

87. Q. During the day of February 17, how many times and for how long a period of time were you and Captain Tanaka in the air raid shelter?
A. We did not take shelter in an air raid shelter.

88. Q. How many times did you use the command phone to telephone Fourth Base Force Headquarters that day?
A. I do not recall how many times I called up headquarters.

89. Q. Didn't you use the command phone more than one time?

This question was objected to by the judge advocate on the ground that it was repetitious.

The accused made no reply.

The commission announced that the objection was sustained.

90. Q. Isn't it true that when you phoned headquarters that the prisoners were already out on the sea wall?
A. I did not make any such statement.

91. Q. But isn't that a fact that the prisoners were already there?

A. As I recall the prisoners were not at the seawall when I phoned.

92. Q. Do you recall who brought the prisoners to the seawall?

A. As I recall it was either a courier or a guard.

93. Q. How soon after you told Yoshinuma to pass the word to Danzaki to execute the prisoners did the prisoners arrive on the seawall?

A. As I recall the prisoners were at the seawall when I relayed the order to Yoshinuma.

94. Q. Do you remember an ensign coming and asking Captain Tanaka for permission to execute the prisoners?

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

The accused made no reply.

The commission announced that the objection was not sustained.

A. I do not remember.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:05 a.m., adjourned until 9 a.m., Monday, August 16, 1948.

FIFTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands.
Monday, August 16, 1948.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinsen, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottmeyer, U. S. Navy,
Captain Albert L. Jensen, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Former Lieutenant Commander Shehichi Nakase.
2. Q. If you recognize the accused, state as whom.
A. Rear Admiral Wakabayashi.
3. Q. Were you attached to the Forty-first Naval Guard Unit on Dublen
Island, Truk Atoll, in November 1943 ?
A. From November 7, 1943 I was acting executive officer and concurrently
division officer and officer in charge of the guards of the Forty-first Naval
Guard Unit.
4. Q. After taking up your duty at the Guard Unit on November 7, 1943 -
do you recall the arrival of some prisoners of war shortly after that?
A. I do.
5. Q. How was the Guard Unit first notified of the arrival of these
prisoners of war on Dublen Island?
A. We received orders from the Fourth Base Force saying that a destroyer
would bring some prisoners of war and that they should be confined at the
Forty-first Naval Guard Unit.

6. Q. In what manner was that order of the Fourth Base Force transmitted to the Forty-first Guard Unit?

A. I do not remember accurately whether the order was given to the officer of the day or to the executive officer, who was myself, but it came through telephone.

7. Q. When did these prisoners of war arrive at the Guard Unit?

A. I think it was around the twentieth of November 1943.

8. Q. How many prisoners were there?

A. I recall there were forty-two prisoners.

9. Q. Were these prisoners questioned while they were at the Guard Unit?

A. Yes, they were.

10. Q. Were any orders or directives received from the Fourth Base Force with reference to the questioning of these prisoners of war?

A. There were some directions.

11. Q. What were these directions?

A. The directions were that the Forty-first Guard Unit would not need to interrogate the prisoners of war and that, as the prisoners were submarine crews or plane crews, people in charge would come to interrogate and this came by telephone.

12. Q. Did the Base Force indicate whether or not people were coming to interrogate these prisoners of war?

A. Names were not mentioned.

13. Q. But did they say that personnel would be dispatched to the Guard Unit to question these prisoners?

A. I believe that they said that they would have persons connected with submarines question the prisoners.

14. Q. How long did these prisoners of war stay at the Guard Unit?

A. I think it was about one week.

15. Q. What orders were received by the Guard Unit for their transfer?

A. Orders came from Fourth Base Force to the effect that the prisoners were to board two aircraft carriers.

16. Q. How were these orders of the Fourth Base Force transmitted to the Guard Unit?

A. By telephone.

17. Q. Did the prisoners of war leave Dublin Island?

A. They did.

18. Q. Who escorted or guarded them from the Guard Unit to the landing from which they boarded the carriers?

A. A petty officer and guards from the Forty-first Guard Unit.

Cross-examined by the accused:

19. Q. Did you see the arrival of these forty-two prisoners of war?

A. I did.

20. Q. Will you state what you saw regarding the circumstances of the arrival of these prisoners?

A. A launch of the Guard Unit was sent to the destroyer to receive these prisoners and this launch arrived at the Guard Unit pier and I saw the prisoners when they were walking in a single line from the pier to the Guard Unit Headquarters which is about fifty meters in distance. JK

21. Q. Did you meet these investigating officers who came to interrogate the prisoners?

A. I did.

22. Q. Do you know to what unit these investigating officers belonged?

A. I did not definitely know from unit they came but according to the orders from the Fourth Base Force saying that persons in charge of submarines would come to interrogate I thought that they may be members from either the submarine base or from the Sixth Fleet Headquarters.

23. Q. Did you not later learn from what unit these investigating officers came?

A. I did not know definitely but as the investigating officers were staff officers and as I knew that there were no staff officers at the submarine base I believed them to be from the Sixth Fleet.

24. Q. How many times did these investigating officers visit the Guard Unit?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the direct examination.

The accused replied.

The commission announced that the objection was not sustained.

A. The interrogators were the same throughout and this interrogation lasted for three days, therefore I believe that it was about six times that they came to interrogate in the morning and in the afternoon.

25. Q. You testified that orders came from the Fourth Base Force in regard to the leaving of the prisoners. Do you know where the orders originated?

A. I do not know.

26. Q. To which unit did the carriers belong on which the prisoners were sent?

A. I do not know the organization, so I do not know where it belonged.

27. Q. Did these aircraft carriers belong to the Fourth Base Force?

A. No, they did not.

28. Q. When you sent the prisoners to the aircraft carriers how and in what way did you do it?

A. We sent the prisoners from the Guard Unit pier on two launches to the aircraft carriers.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 9:45 a.m., took a recess until 10 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Herbert L. Ogden, commander, U. S. Navy, a witness for the prosecution, was recalled, and warned that the oath previously taken by him was still binding.

Examined by the judge advocate:

1. Q. Do you have in your possession an affidavit of one Julius Grant Petersen?

A. I have.

2. Q. Is this affidavit a part of the official files of the Director War Crimes, Pacific Fleet?

A. It is.

3. Q. Does the content of this affidavit pertain to the issues being tried in this case?

A. It does.

4. Q. Where is the maker of this affidavit at the present time?

A. He is a resident of Moscow, Idaho.

5. Q. Is the maker of the affidavit presently in the armed services of the United States?

A. He is not.

Prosecution document number 213 was submitted to the accused and to the commission, and by the judge advocate offered in evidence.

Cross-examined by the accused concerning prosecution document number 213:

6. Q. When did this document become a part of the official files of the Director War Crimes?

A. This document was received 14 August 1948.

7. Q. Do you know the affiant?

A. I do not.

8. Q. How, then, do you know that he is not in the armed services of the United States?

A. The affidavit itself states that he was formerly in the armed services, and this was confirmed by the letter of transmittal.

9. Q. What was that letter of transmittal?

A. It is filed in the office of the Director War Crimes. JK
JK

10. Q. Do you know why that was not made a part of this document?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

A. There was no request that it be made a part of the document.

11. Q. Do you know how old the affiant is?

A. I do not.

12. Q. Do you know what authority the officers before whom he was sworn and interrogated had to take oaths or to interrogate the affiant?

A. He had the authority of an officer in the service.

13. Q. Is a captain in the Army authorized to administer oaths?

A. He is for matters pertaining to the service.

Mr. Takano, Junjire, a counsel for the accused, read a written objection in Japanese to the receipt in evidence of prosecution document number 213, appended marked "NN."

An interpreter read an English translation of this objection, appended marked "OO."

Commander Martin E. Carlsen, a counsel for the accused, read a further written objection to the receipt in evidence of prosecution document number 213, appended marked "PP."

The accused waived the reading of this objection in Japanese in open court.

The judge advocate replied.

The commission announced that the objections were not sustained.

There being no further objections, the document was so received and is appended marked "Exhibit 21." JK

Examined by the judge advocate concerning Exhibit 21:

14. Q. Will the witness read Exhibit 21?

(The witness read Exhibit 21.)

The accused did not desire to cross-examine this witness concerning Exhibit 21.

The commission did not desire to examine this witness concerning Exhibit 21.

The accused made a motion to strike Exhibit 21 from the record on the ground that it was irrelevant, immaterial, hearsay, and the opinion of the affiant.

The judge advocate replied.

The commission announced that the motion to strike was not sustained.

Examined by the judge advocate concerning prosecution documents numbered 208, 210, 211, and 212:

15. Q. Does the witness have in his possession affidavits from Eldon Wright, George Recek, Lee Joseph Murray, and Michael Thomas German?

A. I have.

16. Q. Do the contents of these affidavits pertain to the issues being tried before this commission?

A. They do.

17. Q. Are all the makers of these affidavits presently in the United States armed forces?

A. They are.

18. Q. Do you know whether all of these people are presently within the confines of the United States?

A. They are within the confines of the United States or aboard ship.

19. Q. Are these documents all a part of the official files of the office of the Director War Crimes, Pacific Fleet?

A. They are.

Prosecution documents numbered 208, 210, 211, and 212 were submitted to the accused and to the commission and by the judge advocate offered in evidence.

Cross-examined by the accused concerning prosecution documents numbered 208, 210, 211, and 212:

20. Q. Do you know where the original affidavit of Wright is?

A. The original is on file in the Department of the Army.

21. Q. The original is therefore available?

A. I presume it could be obtained.

22. Q. Were you present at the time any of these affidavits were taken?

A. I was not.

Mr. Takano, Junjire, a counsel for the accused read a written objection in Japanese to the receipt in evidence of prosecution documents numbered 208, 210, 211, and 212, appended marked "QQ."

An interpreter read an English translation of this objection, appended marked "RR."

Commander Martin E. Carlson, a counsel for the accused, read a further written objection to the receipt in evidence of prosecution documents numbered 208, 210, 211, and 212, appended marked "SS."

The accused waived the reading of this objection in Japanese in open court.

The judge advocate read a written reply, appended marked "TT."

The accused waived the reading of this reply in Japanese in open court.

The commission was cleared.

The commission was opened and all parties to the trial entered. The commission announced that the objections were sustained.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The prosecution rested.

The accused requested an adjournment until Monday, August 23, 1948, in order to prepare his defense. JK

The commission announced as follows: Since the accused has three counsel representing him and it had been indicated that the defense witnesses are on Guam, an adjournment of more than three full working days is not indicated. The commission will grant an adjournment until 9 a.m., Friday, August 20, 1948.

The commission then, at 11:10 a.m., adjourned until 9 a.m., Friday, August 20, 1948.

SIXTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands.
Friday, August 20, 1948.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The judge advocate read a letter from the Commander in Chief, Pacific and U. S. Pacific Fleet, copy prefixed marked "UU," pertaining to the jurisdiction of this military commission.

The accused made a motion for a directed acquittal on the grounds that the evidence introduced by the prosecution has not proved the accused guilty of the charge and on the further grounds that Commander Naval Forces, Marianas, was not authorized to convene this military commission either as Commander Marianas Area or Commander Naval Forces, Marianas; nor did he have inherent authority as a military commander to convene this military commission.

The judge advocate replied.

The commission announced that the motion was denied.

The accused submitted to the commission for approval interrogatories to be propounded to Ago, Shigeju; Kawamata, Masanobu; Miura, Tomosaburo; and Isobe, Atsushi.

The judge advocate stated that he had no objection to the submission of these interrogatories but pointed out that there seemed to be no reason for the long delay by the accused in submitting them, since the accused knew the names of all these persons prior to the commencement of the trial.

The commission announced that it concurred with the statement of the judge advocate, but approved the submission of the interrogatories and stated that it could not guarantee that the trial would be delayed an undue length of time for the return of these interrogatories.

The defense began.

Sanagi, Sadamu, a counsel for the accused, read a written opening statement for the defense in Japanese, appended marked "VV."

An interpreter read an English translation of the opening statement of the defense, appended marked "WW."

Mr. Sanagi, Sadamu, a counsel for the accused, was called as a witness for the defense and was duly sworn.

Examined by the judge advocate:

1. Q. Please state your name.

A. Sanagi, Sadamu.

2. Q. Are you a counsel for the accused in the instant case?

A. Yes.

Examined by the accused:

3. Q. Were you attached to the Japanese Navy?

A. Yes, I was.

4. Q. During what period were you so attached?

A. From 1921 when I graduated from the Naval Academy until the cessation of the war. 9k

5. Q. What was your rank when you were demobilized?

A. Captain.

6. Q. Are you a specialist in naval law?

This question was objected to by the judge advocate on the ground that it called for an opinion of the witness.

The accused withdrew the question.

7. Q. When you were in the Navy, in the course of your duties, did you have any experience with naval law?

A. Beginning in 1935 for seven years I was attached to the Naval Ministry and the Naval General Staff. During that period I was frequently in contact with naval law.

8. Q. Did you ever serve as a judge advocate?

A. I had several experiences, two or three times, as president of a court martial.

9. Q. Apart from these instances did you have any experience in legal affairs?

A. Since May of 1946 I have been a defense counsel for war crimes trials.

10. Q. Does the witness have a document which he wishes to submit as evidence?

A. I do.

11. Q. What sort of a document is it?

A. Ordinance Governing Specially Established Naval Forces.

12. Q. In what language is it written?

A. The original is in Japanese but I have an English translation of it.

13. Q. How did you obtain the original?

A. I obtained it from the Naval Regulations which were sent down from the Second Demobilization Bureau to the defense counsel.

14. Q. Do you have in your possession now the Naval Regulations?

A. I do.

15. Q. Do you know whether the Naval Regulations you have were in actual effect during 1943 and 1944?

This question was objected to by the judge advocate on the ground that it called for an opinion of the witness.

The accused replied.

The commission announced that the objection was not sustained.

A. Yes, I do and I have a certificate from the Second Demobilization Bureau regarding this.

16. Q. In what language is that certification written?

A. The original is written in Japanese but we have an English translation.

Defense document number 1, produced by the witness, was submitted to the judge advocate and to the commission and by the accused offered in evidence.

Cross-examined by the judge advocate concerning defense document number 1:

17. Q. You have referred to the Second Demobilization Bureau. What is that organization?

A. It was the former Navy Ministry and since the cessation of war the name was changed to Second Demobilization Bureau.

18. Q. Do you refer to the Japanese Naval Ministry?

A. Yes.

There being no objection, the document was so received and is appended marked "Exhibit 22."

Reexamined by the accused:

19. Q. Please read Exhibit 22.

(The witness read Exhibit 22.)

20. Q. What is provided in the Ordinance Governing Specially Established Naval Forces?

This question was objected to by the judge advocate on the ground that the witness would be testifying to the contents of a document not in evidence.

The accused made no reply.

The commission announced that the objection was sustained.

21. Q. Is that Ordinance Governing Specially Established Naval Forces the whole ordinance or merely excerpts?

A. The portion in the ordinance pertaining to the Specially Established Base Forces and Guard Units.

22. Q. Have you an English translation?

A. I have.

Defense document number six, produced by the witness, was submitted to the judge advocate and to the commission and by the accused offered in evidence.

There being no objection, it was so received and is appended marked "Exhibit 23."

23. Q. Will the witness read Exhibit 23?

(The witness read Exhibit 23.)

24. Q. Does the witness have in his possession defense document number five? *JK*

A. I do.

25. Q. How was this document prepared?

A. It was taken from Naval Regulations, Volume I.

26. Q. What is this document?

A. It contains excerpts from the Service Regulations for Personnel on Naval Vessels and portions from General Principles and parts pertaining to the observance of international law by the captain of naval vessels. *JK*

27. Q. Do you have the original of Service Regulations for Personnel on Naval Vessels? *JK*

A. I have Naval Regulations, Volume I, in which this is set forth.

28. Q. What does this Service Regulations for Personnel on Naval Vessels provide?

This question was objected to by the judge advocate on the ground that the witness would be testifying as to the content of a document not in evidence.

The accused withdrew the question.

29. Q. Did you verify that it was an accurate extract?

A. Yes, I did.

Defense document number 5, produced by the witness, was submitted to the judge advocate and to the commission and by the accused offered in evidence.

There being no objection, the document was so received and is appended marked "Exhibit 24."

30. Q. Will the witness read Exhibit 24?

(The witness read Exhibit 24.)

The commission then, at 10:15 a.m., took a recess until 10:35 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Direct examination continued:)

31. Q. Does the witness have in his possession defense document number 7?
A. I have.

32. Q. What is it?
A. It is an excerpt from the "Service Regulations for Personnel of Naval Guard Units."

33. Q. Do you have defense document number 8?
A. I have.

34. Q. What is it?
A. It is "Naval Regulations for the Treatment of Prisoners of War."

35. Q. Is it an excerpt or the complete text?
A. The complete text.

36. Q. Do you have defense document number 3?
A. I have.

37. Q. What is the name of it?
A. The "Naval Criminal Code."

38. Q. Is it an excerpt?
A. Yes.

39. Q. Do you have defense documents numbered 4 and 4a?
A. I have.

40. Q. What is it?
A. It is an excerpt from the "Naval Disciplinary Punishment Ordinance."

41. Q. Do you have defense document number 9?

A. I have.

42. Q. What is it?

A. It is an excerpt from "Manual of Wartime International Law."

43. Q. Do you have the originals for all the documents you mentioned?

A. Apart from the "Manual of Wartime International Law," all the rest that I have mentioned is provided in the Naval Regulations and the Administrative Order Manual, which has been certified by defense document number 1 (Exhibit 22).

44. Q. Has the witness verified that those excerpts are an accurate copy of the original?

A. I did.

45. Q. Do you have an English translation of these documents?

A. I have.

Defense documents numbered 7, 8, 3, 4 and 4a, and 9 were submitted to the judge advocate and to the commission, and by the accused offered in evidence.

There being no objection, they were so received and are appended marked "Exhibit 25," "Exhibit 26," "Exhibit 27," "Exhibit 28," "Exhibit 28a," and "Exhibit 29."

46. Q. Will the witness read Exhibit 25?

(The witness read Exhibit 25.)

47. Q. Will the witness read "Naval Regulations for the Treatment of Prisoners of War," which is Exhibit 26? Will you ^{also} read Articles number 3, 5-2, 6 through 10, and 15 and omit the others? JK

(The witness read Exhibit 26 as requested.)

48. Q. Will the witness read "Naval Criminal Code," Exhibit 27, and omit Articles 46 through 54?

(The witness read Exhibit 27 as requested.)

49. Q. Will the witness read the "Naval Disciplinary Punishment Ordinance," Exhibit 28? Please read Articles 923 and 927 and omit the rest of Article 9.

(The witness read Exhibit 28 as requested.)

(An interpreter read an English translation, appended marked "Exhibit 28a.")

50. Q. Will the witness read excerpts from "Manual of Wartime International Law," which is Exhibit 29? JK

(The witness read Exhibit 29.)

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 seat as a counsel for the accused.

The commission then, at 11:35 a.m., took a recess until 2:10 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Herbert L. Ogden, commander, U. S. Navy, a witness for the prosecution, was recalled as a witness for the defense and warned that the oath previously taken by him was still binding.

Examined by the accused.

1. Q. Are you the legal custodian of the record of the Kobayashi case which was tried before this military commission?

A. I am.

2. Q. Do you have the record here in your possession?

A. I have.

3. Q. Do you know of that record includes interrogatories propounded to the Chief of Liaison Section, Central Liaison Office, Japanese Government, on 7 May 1948 and the deposition in answer to it?

A. It does.

4. Q. In this deposition are such matters pertaining to the organization of Japanese armed forces on Truk mentioned?

A. They are.

The proceedings of the military commission were submitted to the judge advocate and to the commission, and by the accused so much thereof as contains the testimony of the Chief of Liaison Section, Central Liaison Office, Japanese Government, (in the form of interrogatories and deposition), was offered in evidence. JK

There being no objection, it was so received.

5. Q. Will you read the seventh interrogatory and the answer thereto?

The witness read from the testimony of the Chief of Liaison Section, Central Liaison Office, Japanese Government:

'Seventh interrogatory: Other than combat forces being under the command of the C-in-C of the 4th Fleet based upon the "Wartime Organization of the Japanese Navy", were there not Naval Administrative Establishments under his direct command also?'

This question was objected to by the judge advocate on the ground that there is no evidence in this case pertaining to the Commander in Chief and it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

'Answer to the 7th interrogatory.

'The meaning of "Naval Administrative Establishment is rather ambiguous, but provided that such be construed as either Civil Administrative or Military Administrative Organs, our replies to the both case are as follows:

'A. In case Civil Administrative Establishment is meant.

'As the Civil Administrative Establishment under the jurisdiction of the 4th Fleet, there was the Civil Administrative Department on the Guam Island after its occupation. JK

'This Department was under the command of the 5th Base Force.

'B. In case Military Administrative Establishment is meant.

'The organs under the military administrative command of the C-in-C of the 4th Fleet, directly attached to the said C-in-C, are remembered to have been in general as follows:

'4th Accounts and Supplies Office.....Truk
'4th Architecture Office (4th Civil Engineering
Office after 18 August 1943).....Truk
'4th Construction Department.....Truk
'105th Aeronautical Arsenal (became 1st Branch of
South-Eastern Area Aeronautical Arsenal after
1 Dec. 1943.....Truk
'106th Aeronautical Arsenal (became 2nd Branch
of South-Eastern Area Aeronautical Arsenal
after 1 Dec. 1943. It is unknown whether or
not this was placed under direct command of
the 6th Base Force.).....Iwotho
'4th Naval Stores Department.....Truk
'Truk Transportation Office.....Truk
'4th Hospital.....Truk' JK

6. Q. Do you have in your possession certified copies of Annex One and Annex Two from the document which was marked number one for identification in this case?

A. I have.

7. Q. Do Annex One and Annex Two pertain to prisoners of war in the Japanese armed forces?

A. They do.

The document produced by the witness was submitted to the judge advocate and to the commission, and by the accused offered in evidence.

There being no objection, the document was so received, and is appended marked "Exhibit 30."

8. Q. Will you read Exhibit 30?

(The witness read Exhibit 30.)

9. Q. Are you the legal custodian of the record of Tanaka, Masaharu, et al trial which is marked for identification number six?

A. I am.

10. Q. Do you know if there is testimony of Tanaka, Masaharu, in this record?

A. There is.

11. Q. Do you know whether Tanaka is dead or alive now?

A. Tanaka is dead.

12. Q. Did Tanaka take the stand before the military commission and testify on the direct examination, cross-examination, and redirect examination?

A. He did.

13. Q. Did Tanaka testify concerning the incident of prisoners of war which happened in February 1944?

A. He did.

The proceedings of the military commission were submitted to the judge advocate and to the commission, and by the accused so much thereof as contains the testimony of the before-named witness was offered in evidence.

There being no objection, it was so received.

14. Q. Will you read questions and answers numbered 1, 2, 3, 6, 10, 11, 12, 22, 24, 35, 38, 39, 40, 74, 76, 77, 79, 83, 84? 8K

The witness read from the testimony of Tanaka, Masaharu:

'1. Q. Are you Tanaka, Masaharu, captain, Imperial Japanese Navy, an accused in this case?

'A. Yes.

'2. Q. Have you ever had any duties at Truk?

'A. I was at Truk from the 27th of December 1943 until the 6th of March 1944.

'3. Q. To what unit were you attached? 9K

'A. I was commanding officer of the 41st Naval Guard Unit at Truk from the 27th of December until the 20th of February 1944. From the 21st of February 1944 to the 5th of March 1944 I was attached to the 4th Base Force Headquarters.

'6. Q. When did you see a prisoner at Truk?

'A. In the beginning of January 1944 some prisoners were placed in our custody. They were brought in when I was not there and when they were taken into custody I was not in at that time.

'10. Q. Were there any air raids at Truk during your period of duty of fifty-five days?

'A. There was a very great air raid on the 17th and 18th of February, 1944.

'11. Q. Please tell the commission the circumstances of that air raid?

'A. An air alarm was sounded around four in the morning of the 17th of February and it became known that a task force was raiding Truk. The first attacks were centered on the air fields. All three of the air fields became enveloped in flames. About five a.m. when it started to get lighter the attacks were centered upon the ships in the harbor. The tide of war was very much against us. At about eight in the morning there were no friendly planes in the air. The American planes came in waves one after another of about 100 planes each. There was always about 100 planes in the air above us, and our losses increased greatly. During that time there were some special orders from the 4th Base Headquarters. One was to help salvage ships that were damaged in the air raid, a second to dispatch 100 marines to the Takejima Air Field to help guard it. These orders were executed. Because of dispatching of men to the air fields, the personnel at the headquarters was very small and it was very hard to change the guards with the small number of seamen. Intelligence concerning the enemy received about ten o'clock that morning was that the gun battery at Yawata Jima had been bombarded and enemy submarines had slipped into the atoll and transport like ships could be seen. Losses on our side were very great. The number of people dead and wounded was several thousand. Ships were burning and people from the ships were coming up on land and the confusion was very great. This continued into the evening. The enemy centered its attack on the ships going to and fro in the harbor about three o'clock in the afternoon and the number of planes going over the headquarters became very few.

'12. Q. What did you do with the prisoners then?

'A. During the air raid in the afternoon the prisoners were executed. This I did not see, but I received a report later. I will explain what I know about this execution before it was done. Around three that afternoon an ensign who was one of my subordinates came to me and said: "To keep these prisoners at such a time is very dangerous. I would like to have them disposed of." At that time, as I believed such a thing should not be done, I scolded him saying: "Would such a thing be done?" then the ensign left. Later Lieutenant Ishii came and talked to me about this, and I thought at that time there was no other way, but to report this to my superiors and wait for their answer. As Lieutenant Ishii said, "Shall I ask headquarters?" I told him, "Yes." Ishii left and I think he asked permission by telephone. Then Ishii came back saying that the commanding officer said to execute the prisoners. I was very surprised and then I asked him once more whether this was true or not and he confirmed this. At the time I did not ask Lieutenant Ishii

what sort of a telephone call did he make or who answered. I was very troubled and sat there thinking awhile. I judged at that time that these were absolute orders from operational headquarters and I thought that these were orders coming from headquarters concerning forthcoming operations. Then I said that if these are orders of the headquarters, then it can't be helped. Then Ishii said: "Will I dispose of them?" and I answered, "Yes." Ishii left and I think he relayed this to the officer in charge of the prisoners. Ishii again came back to me and said, "Shall I have Danzaki do this?" and I answered, "Have Danzaki do it." Danzaki did this. Danzaki had received orders. Other than this, the rest I did not see and I can not say. JK

'22. Q. To whom did you report this at headquarters?

'A. To the senior staff officer, Commander Higuchi.

'24. Q. Who else was with Commander Higuchi then?

'A. After the conference with Commander Higuchi, the rest of the staff were there and I reported this.

'35. Q. Now, Captain, who delivered these prisoners into your custody?

'A. It seems they were sent on the last ship from the Marshalls and when it came to Truk it was reassigned and they had to discard the prisoners at Truk. They were taken into ~~our~~ custody by the orders of the fleet headquarters. JK

'37. Q. Did you report the arrival of these prisoners to the 4th Base Force?

'A. No, I think the orders to take the prisoners into custody came from the 4th Fleet headquarters through the base headquarters to the 41st Guard Unit.

'38. Q. At any time from January 1944 up until the time of the execution of the prisoners, insofar as you know, Captain, were they inspected or observed by any members of the 4th Guard Unit?

'A. An officer was appointed in charge of the prisoners and he was to take care of them. All medical care was given by the doctor.

'39. Q. Did the 4th Base Force have any connection in the way of inspection or supervision over these prisoners?

'A. That I do not recall.

'40. Q. In other words, then, Captain, the custody and supervision and entire handling of these prisoners of war was within your command?

'A. Yes.

'74. Q. Captain, insofar as you know, had the 4th Base Headquarters been considering the execution of these prisoners of war prior to the time Lieutenant Ishii contacted them?

'A. I do not think that such a thing was possible.

'76. Q. In other words, the initial idea to execute these prisoners of war was originated at the 41st Guard Unit and passed on to the 4th Base Headquarters for confirmation?

'A. Yes, as many officers came to me and said so.

'77. Q. You have heard the testimony in this court of Admiral Wakabayashi and his Chief of Staff, Commander Higuchi, and they have both testified that they knew nothing of the prisoners of war being present or that they contemplated the execution of these prisoners of war, or the execution taking place. How do you explain this testimony in the light of your testimony?

'A. I said that I reported this to the Senior Staff Officer, Higuchi. There is no mistake in this.

'79. Q. Did Lieutenant Ishii tell you to whom he had talked?

'A. All he said was he had received orders from headquarters.

'83. Q. Is it correct then, Captain, you ordered these seven men executed, relying entirely upon the verbal statement of Lieutenant Ishii?

'A. Yes.

'84. Q. Do you know as a fact whether he actually contacted 4th Base Headquarters?

'A. As the place where I was and the telephone were some distance apart, I could not hear him, so I cannot say.'

Cross-examined by the judge advocate concerning the testimony of Tanaka, Masaharu:

15. Q. Will the witness read from the testimony of Tanaka, Masaharu, questions 4, 7, 13, 15, 20, 21, 54, 67, 68, 69, 75, 78, 80, 117, and 120, and the answers thereto?

The witness read from the testimony of Tanaka, Masaharu:

'4. Q. What was the organization of the 41st Guard Unit?

'A. I was directly under the 4th Base Force and my duties were the defense of Truk, and at that time my direct superior officers were Admiral Wakabayashi of the 4th Base Force and Admiral Kobayashi of the 4th Fleet.

'7. Q. From whom did you receive the report that you had some prisoners in the custody of the guard unit?

'A. I received a report from the executive officer when I came back to headquarters that they were taken into custody on the orders of the superior officers.

'13. Q. Who executed the prisoners?

'A. Danzaki is charged with murder, but I know that Danzaki is not guilty of murder. All Danzaki did was to execute the orders of the 4th Base Headquarters which were relayed through myself and Ishii. It was during a period of great confusion as I have stated before and Danzaki had been ordered by Ishii. If Danzaki had done the execution at that time, I know it was because he had orders to do so. Danzaki is a very honest person. He is not a person who is cunning or has malice. He is a person who is respected by his officers and his subordinates. There is nothing further to add.

'15. Q. Did you receive any report concerning the execution?

'A. Later, as I stated before, I received a report that the prisoners had been executed on the south shore of the pier.

'20. Q. Is it certain that the 4th Base Headquarters put out an order for the execution of the prisoners?

'A. Yes, this is certain and I have learned afterwards the way headquarters were thinking at that time was that the enemy landing was imminent and it was necessary to dispose of the prisoners.'

The accused moved to strike out this answer on the ground that it was an opinion of the witness.

The judge advocate replied.

The commission announced that the motion to strike was not sustained.

'21. Q. Did you report this to headquarters?

'A. I think it was reported by telephone and that evening when I went to headquarters, I reported this at that time.'

The accused moved to strike the words "I think it was reported by telephone" out of the record on the ground that they were an opinion of the witness and hearsay.

The judge advocate replied.

The commission announced that the motion to strike was not sustained.

'54. Q. What then prompted the execution of these prisoners? What was the purpose behind the execution of these men?

'A. Because it was during battle and because of the orders of the superior officer.

'67. Q. Now, Captain Tanaka, you testified that you did not believe it was proper that these prisoners should be executed. Why then did you consult superior authority if you knew it was not proper?

'A. I believed they should not be executed and I also scolded and did not give permission, but I judged that it was during battle and it would be better to receive instructions. I have no other reason than this, nor is there any deeper reason.

'68. Q. Insofar as you know, Captain, was there any justification for the murder of these seven Americans?

'A. I heard later, but I believed and judged as it was during operations, that my superior officer had judged so and I said yes. I know of no other small details or reasons. It was during operations and my superior officer had judged the battle conditions as such.

'69. Q. Is it correct then, Captain, you know of no justification for the murder of these seven men?

'A. I have no other way of thinking but it was the orders of the superior officer.

'75. Q. If Lieutenant Ishii had not contacted the 4th Base Headquarters, would this execution have ever taken place?

'A. As a lot of difficult problems could arise, I thought nothing could be done except wait for the instructions from my superior officer.

'78. Q. You also said that you had orders from the 4th Base Force. Is there any mistake in that?

'A. As Lieutenant Ishii came to me personally and reported this to me, there can be no mistake.

'80. Q. Orders from headquarters to do what?

'A. Orders to execute the prisoners.

'117. Q. Then you yourself did not order the execution, did you?

'A. As I have stated before, it was on the orders from the headquarters, which I believed, that this was done.

'120. Q. You answered this morning that the entire custody and care of prisoners of war was yours. Did you mean by that you were not accountable to superior officers at 4th Base Headquarters for their safety and custody?

'A. Everybody has a responsibility according to their duties. As I was responsible when they were in the custody of the 41st Naval Guard Unit my direct superiors also had responsibility for the supervision of them. The superior officers above him also have a responsibility for their supervision. Everyone had a responsibility according to their duties."

The accused moved to strike out this answer on the ground that it was irrelevant, immaterial, and an opinion of the witness. JK

The judge advocate replied.

The commission announced that the motion to strike was not sustained.

The commission then, at 3:15 p.m., took a recess until 3:35 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present. JK

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

(Direct examination continued:)

16. Q. Do you know if the record of the Tanaka case contains the testimony of Wakabayashi, Seisaku?

A. It does.

17. Q. Did Wakabayashi, Seisaku, testify on direct examination and cross-examination in the case of Tanaka?

A. He did.

18. Q. Did he testify concerning the incident which took place on the seventeenth of February 1944 at the Forty-first Naval Guard Unit?

A. He did.

The proceedings of the military commission were submitted to the judge advocate and to the commission, and by the accused so much thereof as contains the testimony of the before-named witness, was offered in evidence.

The judge advocate made an objection to the receipt in evidence of this testimony, a brief of which is appended, marked "XX."

The accused replied.

The commission announced that the objection was sustained.

19. Q. Do you know if the record of the Tanaka case contains the testimony of Higuchi, Nobuo?

A. It does.

20. Q. Did Higuchi testify concerning the incident at the Forty-first Naval Guard Unit which happened on 17 February 1944?

A. He did.

The proceedings of the military commission were submitted to the judge advocate and to the commission, and by the accused so much thereof as contains the testimony of the before-named witness, was offered in evidence.

The judge advocate objected to the receipt in evidence of this testimony on the ground that the witness was available on Guam.

The accused replied.

The commission announced that the objection was sustained.

21. Q. Are you the legal custodian of the record of the Kobayashi case which was tried before a military commission?

A. I am.

22. Q. Do you know if the record contains the interrogatories propounded to Kawamura, Torao, and the deposition in reply thereto?

A. It does.

23. Q. Does Kawamura testify in this deposition concerning the incident which took place on 17 February 1944 on Truk?

A. He does.

The proceedings of the military commission were submitted to the judge advocate and to the commission, and by the accused so much thereof as contains the testimony of Kawamura, Torao (in the form of interrogatories and deposition) were offered in evidence.

There being no objection, it was so received.

24. Q. Will you read the interrogatories and depositions thereto of Kawamura, Torao?

The witness read from the testimony of Kawamura, Torao:

'First interrogatory: Where were you stationed and what were your duties in February 1944?

'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.

'Second interrogatory: Do you remember what happened on Truk on the 17th and 18th of February 1944? And if so what?

'To the second interrogatory: We received the first big air raids on Truk.

'Third interrogatory: Was there a conference at Headquarters 4th Base Force on the night of the 17th February convened by Admiral Wakabayashi?

'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.

'Fourth interrogatory: Did you attend that conference?

'To the fourth interrogatory: I attended the conference concerning defense installations convened by Admiral Wakabayashi soon after the air raids were over.

'Fifth interrogatory: Who else attended the conference?

'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.

'Sixth interrogatory: Who was the commanding officer of the 41st Naval Guard Unit at that time?

'To the sixth interrogatory: I do not remember his name, but it was the commanding officer before Captain Asano was the commanding officer.

'Seventh interrogatory: Was there a report made by the Commanding Officer of the 41st Naval Guard Unit at this conference?

'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.

'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?

'To the eighth interrogatory: I do not know.

'Ninth interrogatory: If so, what did he say and to whom did he say it? And when? JK

'To the ninth interrogatory: See answer to the eighth interrogatory.

'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?

'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.

'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?

'To the eleventh interrogatory: I have no recollection of matters concerning prisoners.

'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?

'To the twelfth interrogatory: No, I did not.

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

'To the thirteenth interrogatory: I do not remember.

'Fourteenth interrogatory: When did the conference break up? JK

'To the fourteenth interrogatory: I do not remember.

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

'To the fifteenth interrogatory: I do not remember.

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

'To the sixteenth interrogatory: I believe this conference was convened after the air raids were over.'

25. Q. Are you the legal custodian of the deposition of one Sakagami, Shinji, a witness for the defense?

A. I have interrogatories dated 20 July 1948 and the deposition thereto.

26. Q. Is this witness available to testify?

A. No.

The witness produced the deposition of Sakagami, Shinji, and it was submitted to the judge advocate and to the commission, and by the accused offered in evidence.

There being no objection, it was so received and is appended, marked "Exhibit 31."

27. Q. Will you read Exhibit 31?

(The witness read Exhibit 31.)

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 was duly warned and withdrew. JK

The commission then, at 4:25 p.m., adjourned until 9 a.m., tomorrow, Saturday, August 21, 1948.

SEVENTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Saturday, August 21, 1948.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Iino, Shisuo, a witness for the prosecution, was recalled as a witness
for the defense and was warned that the oath previously taken by him was
still binding. JK

Examined by the accused:

1. Q. State your name.
A. Iino, Shisuo.

2. Q. Did you take the witness stand as a prosecution witness in this
trial of Vice Admiral Wakabayashi?
A. Yes.

3. Q. Right after you took up duty on Truk were there prisoners of war
on Truk?
A. I know of them.

4. Q. When did these prisoners of war arrive on Truk?
A. From my recollection, I believe it was the latter part of November
1943.

5. Q. Do you know at what unit these prisoners of war were confined on
Truk?
A. I do. JK

6. Q. What unit?
A. At the Forty-first Naval Guard Unit.

7. Q. How many prisoners of war?
A. I did not see the prisoners, but I was told this when I went to
examine the prisoners from my subordinate Surgeon Lieutenant Hasegawa. JK

8. Q. How many prisoners of war did Hasegawa tell you there were?
A. He was saying that there were twelve to fifteen prisoners of war.
9. Q. Did you see a certain number of these prisoners?
A. I saw several that were patients at the sick bay.
10. Q. Who was the commanding officer of the Forty-first Naval Guard Unit at that time?
A. I believe it was Commanding Officer Minematsu.
11. Q. Were there any medical officers at the Guard Unit?
A. There were Lieutenant Hasegawa and Kuno and two others; I believe there were four in all.
12. Q. Who was the senior ^{senior} Medical officer among these four?
A. He was Hasegawa. JK
13. Q. What is his rank?
A. I said he was Surgeon Lieutenant Hasegawa, but I believe he attained the rank of lieutenant in November, so he might have been a lieutenant (jg) at that time.
14. Q. Do you remember having a conversation with medical officer Hasegawa about that time, that is November 1943, concerning prisoners of war?
A. I remember.
15. Q. Please state what that conversation was.
A. Around this time Hasegawa telephoned me and stated as follows: That prisoners of war taken from a sunken submarine are to be confined at the Forty-first Naval Guard Unit and there are some wounded among them, and there is one with a serious wound. He also stated this person's condition - that the temperature was around forty degrees centigrade, pulse not good, injections do not do him any good, and he seems to be in pain. He believed this was caused by gangrene of the limbs and he said that amputation is necessary and asked me whether it was all right to amputate. As no operations were performed at the Guard Unit dispensary and as there was no place to operate, I told him to send him to the hospital and operate, and I also told him to take him to the hospital and operate and hospitalize him. That night about three hours from this time - it was around nine o'clock - Hasegawa called me again and stated that the operation went very well, and I asked him whether the patient was left at the hospital, and he stated that the hospital stated that it would be hard to guard him, so I brought him back again. Ordinarily after an operation certain treatment is given the patient operated on after he gets back to his bed, but as this person was brought back, I asked him whether they had given him the ordinary treatment that should be given after an operation, that is injection, et cetera, and he stated that no treatment had been given him, and I told him then to give him all the necessary treatment, and I hung up. About one hour later, I received a telephone call again and he stated that all necessary treatment which is given after an operation was given to this prisoner.
16. Q. Did you yourself see this patient?
A. The morning of the next day I went to see him.
17. Q. Please describe briefly what you saw.

A. Several patients were in the room about the size of five meters by four meters. It was a big room to the left as you went into the dispensary. There were about three windows. The windows were about one meter from the floor and below the window there was a mat. The patient was made to sit down on this mat with his back to the window; his head was showing above the window. I asked Hasegawa which patient is the one and he pointed to the one with bandages and he was about the second one from the left. When I took his pulse, his pulse was very good and I recall that he showed gratitude. JK

18. Q. You testified as to the hospital; which hospital do you mean?

A. The operation took place at the Fourth Naval Hospital.

19. Q. Do you know whether anaesthetic was given when this operation was performed?

A. I do not know.

20. Q. Do you know how long after these prisoners arrived that these treatments, such as operations, et cetera, were given the prisoners?

This question was objected to by the judge advocate on the ground that it was leading since the witness had not testified concerning any treatment.

The accused reframed the question.

21. Q. Do you know when these prisoners went to the sick bay?

A. I myself do not know. The time is as I stated before around the latter part of November.

22. Q. You testified that one of these prisoners at the sick bay underwent an amputation; do you know whether or not these other prisoners you saw were there to be treated?

A. At this time I talked with Hasegawa and I told him this was a very good place, and Hasegawa answered yes, this is a very cool and a good place and at this time Hasegawa said that there were more prisoners of war and that they were in very crowded quarters. I stated that as for these several prisoners of war at the sick bay I believe it is best for these prisoners to stay at this sick bay, and Hasegawa said that these were POWs whose wounds were not very serious but I will leave these patients at the sick bay.

23. Q. Do you know for what reason the other prisoners of war were at the sick bay?

A. I heard from Hasegawa that every day the prisoners of war came to the dispensary on sick call.

24. Q. You testified that there were several prisoners of war at this sick bay other than the one who was amputated. I am asking you if you know why these prisoners of war were at the sick bay, for instance did they go there to visit or to help the one who was amputated?

A. All were patients.

25. Q. Do you know how long after the prisoners of war arrived on Truk that they became patients at the sick bay and were operated on?

A. I do not know.

26. Q. Did you report to the commanding officer of the Forty-first Naval Guard Unit, Minematsu, concerning this operation?

A. Yes, on the way back I reported to the commanding officer that his condition was very good.

27. Q. Did you report to Commandant Wakabayashi?

A. I do not recall.

28. Q. Do you know if the Forty-first Naval Guard Unit refused to give medical treatment to these prisoners of war?

A. I do not know.

29. Q. What became of these prisoners of war later?

A. When I inspected the next time I didn't see these prisoners of war, so I asked what happened to them, and I was told that they were sent back to Japan.

30. Q. How long was it after you saw them that this took place?

A. I do not recall exactly, but maybe it was about ten days.

31. Q. You testified that about ten days after you saw the prisoners of war at the Forty-first Naval Guard Unit dispensary when you again called at the sick bay you were told that they had already left for Japan. How many days prior to your second visit to the sick bay had the prisoners left?

A. Hasegawa did not mention any date.

32. Q. Do you know whether all the submarine prisoners of war left for Japan, or do you know whether some of these prisoners were left behind on Truk?

A. No, I do not know. 9K

33. Q. On your second visit to the Forty-first Naval Guard Unit dispensary did you see any prisoners of war remaining there?

A. No.

34. Q. Do you recall testifying concerning the condition of Vice Admiral Wakabayashi at or about the twelfth or thirteenth of January 1944 when you took the stand as a prosecution witness?

A. I do.

35. Q. About this time - that is from the tenth to twelfth or thirteenth of January 1944 - what was the condition of Vice Admiral Wakabayashi? 9K

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused withdrew the question.

36. Q. About this time do you know whether Vice Admiral Wakabayashi was able to carry on his duties?

A. His condition was quite different depending upon the date. Do you mean the twelfth or thirteenth?

37. Q. The date will be from the tenth to the twelfth or thirteenth.

A. His illness began around the eighth of January and he was put on a starvation diet for one week. The tenth or thirteenth would be the end of the starvation diet, and he was just lying on his back with an ice bag on his stomach, and his urine and faeces were taken at the bed and he was at his worst as far as his condition was concerned.

38. Q. Do you recall some unusual happening taking place on the seventeenth of February 1944 on Truk?

A. I do recall.

39. Q. What happened?
A. There was the first major air raid on Truk by an American Task Force.

40. Q. When did this big air raid start in the morning?
A. About 4:30 or five o'clock in the morning - that is, by Truk time.

41. Q. How long did this big air raid last?
A. That day it lasted until about three o'clock in the afternoon.

42. Q. How many times did they raid it?
A. As I was always in the air raid shelter, I cannot state how many times.

43. Q. Where was Commandant Wakabayashi at that time?
A. He was in the concrete air raid shelter adjacent to the official quarters of the Commandant.

44. Q. Was Vice Admiral Wakabayashi in good health at that time?
A. He went to the head, but he was forbidden to walk or move about and he was still in bed.

45. Q. Then, was he ill?
A. He was ill to a degree that there was blood in his faeces.

46. Q. Do you know where the staff officers of the Fourth Base Force were at that time?
A. No, I do not know.

47. Q. Do you know a staff officer by the name of Kondo among the staff officers?
A. Yes, he was engineering staff officer.

48. Q. On that date, did you not see this staff officer Kondo?
A. I believe I met him after the air raid was over.

49. Q. Where did you meet him?
A. Just in front of the air raid shelter.

50. Q. Did you not see him coming down from the hill?
A. I believe he came from that direction.

51. Q. What was on this hill?
A. I do not recall clearly, but was a high hill and it had a good view.

52. Q. Wasn't there a lookout post of the Fourth Base Force on the top of this hill?

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

The accused withdrew the question.

53. Q. At what time did you see Kondo?
A. I am not sure when it was, but maybe it might have been between air raids I saw him. He had a contusion on his leg and he was limping.

54. Q. Do you know about approximately what time?
A. I can estimate, but I do not recall the time.

55. Q. Will you estimate then?
A. I do not recall when we had the noon meal, but it seems to me I came down for this noon meal.

56. Q. At this time were you not told anything by Commandant Wakabayashi? I mean by this time, the time you saw Kondo, did not Wakabayashi tell you anything?
A. I do not think he said much which amounted to anything. I said "Kondo's leg, it is not very serious," and I believe he said, "Well, he is limping, so you had better look at it."

The commission then, at 10:15 a.m., took a recess until 10:35 a.m., at which time it reconvened. 9K

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Examination continued:)

57. Q. You testified that the Commandant, Wakabayashi, was in the air raid shelter; what is the distance between this air raid shelter from his room?
A. About 150 meters.

58. Q. Was Wakabayashi able to walk to this air raid shelter by himself in the condition you just stated?
A. No, he could not.

59. Q. How did he go?
A. There were two nurses with him all the time and he went there on a stretcher.

60. Q. Do you know whether there was a conference held at the Fourth Base Force on the night of February 17?
A. I think that there was none.

The judge advocate moved to strike out this answer on the ground that it was an opinion of the witness.

The commission ordered that the answer be stricken.

61. Q. Do you know whether there was a conference or something held at Fourth Base Force Headquarters about three or four days later?
A. After there were no danger of air raids I believe a conference on defense was held.

62. Q. About how many days after the seventeenth?
A. I do not recall but I believe it was right after.

63. Q. Were you present at this conference?
A. I recall that I was present.

64. Q. Were you present from the beginning of this conference?
A. From my recollection it was held at night and I believe I arrived there a little late but as I recall I went with the Commandant and it wasn't very late.

65. Q. About what time was this?
A. About seven or seven thirty.

66. Q. Who presided at this conference?
A. I do not recall but this conference was held around the table and about the middle of the table was the Commandant wearing a white patient's kimono.

67. Q. Please state the names of the persons that you recall that were at this conference?

A. I do not remember but the staff of the Fourth Base Force and others I do not recall.

68. Q. You stated that you went to this conference with Wakabayashi. Then Wakabayashi was present at this conference; is that correct?

A. Yes.

69. Q. Who were the staff officers of the Fourth Base Force that were present at this conference?

A. I believe they were Higuchi, Ago and Kondo.

70. Q. Did you not see Staff Officer of the Fourth Fleet, Inoue, at this conference?

A. I do not recall clearly.

71. Q. How about Surgeon Iwanami?

A. I recall that I had a conversation with Iwanami in the corridor. I said to him "You are cognizant commanding officer so you will be present at the conference," and he said "I will listen in." So I believe he was present.

72. Q. Who was commanding officer of the Forty-first Naval Guard Unit at that time?

A. Tanaka, Masaharu.

73. Q. Was Tanaka present at this conference or not?

A. I think he was present but I do not recall his face.

74. Q. Do you know whether Commandant Wakabayashi was present throughout the conference?

A. I believe he left around nine o'clock after the major points had been brought up.

75. Q. Did you return to the conference after you took the Commandant back to his room?

This question was objected to by the judge advocate on the ground that there had been no testimony that he had taken the Commandant back to his room.

The accused made no reply.

The commission announced that the objection was sustained.

76. Q. Did you accompany Wakabayashi to his room?

A. Yes, I did and handed him over to the nurses.

77. Q. Did you return to the conference after that?

A. I believe I returned but I do not know what I did.

78. Q. Did you stay at the conference until the end?

A. I believe I was there until the end.

79. Q. The persons who were present at this conference. What did they report?

A. What they reported I think were the damages, the casualties and repair, etc.

80. Q. By damages and casualties do you mean damages and casualties sustained by this big air raid?

A. I do not recall clearly but I believe it was.

81. Q. Do you know whether the commanding officer of the Forty-first Naval Guard Unit made a report?

A. I forgot.

82. Q. Did commanding officer Tanaka report on prisoners of war?

This question was objected to by the judge advocate on the ground that it was vague in the light of the prior answer.

The accused withdrew the question.

83. Q. Do you know whether or not Tanaka made a report on prisoners of war at this time?

This question was objected to by the judge advocate on the ground that it was repetitions and leading.

The accused made no reply.

The commission announced that the objection was sustained.

84. Q. Did you not learn from Tanaka concerning prisoners of war apart from this conference that day?

A. I did not learn anything.

85. Q. Do you know what the command relationship between the hospital and the Fourth Base Force was and if so tell what that relationship was?

A. I believe the Fourth Naval Hospital was under the command of the Fourth Fleet and was not a subordinate command of the Commandant of the Fourth Base Force.

Cross-examined by the judge advocate:

86. Q. Doctor, you do not know how long it was after the arrival of this submarine prisoner of war that you saw him?

A. I do not recall.

87. Q. What brings about an infection and gangrenous condition, doctor?

A. When open wounds are dirty.

88. Q. Assuming then, Doctor, that this prisoner of war had received a wound prior to his arrival at the Forty-first Guard Unit and assuming further that he did not receive any medical attention for that wound for a period of four or five days and assuming that he was confined in a dirty cell, would the conditions of his having received no medical attention for that period of time and his being confined in an unsanitary cell have any bearing on his having developed gangrene?

A. Maybe it couldn't develop so bad as to cause an amputation but when Hasegawa first saw this patient he was already in this condition.

89. Q. Isn't it true that under those conditions that I have outlined to you a person will develop a gangrenous condition?

This question was objected to by the accused on the ground that it was irrelevant, immaterial, vague, and the answer would be misleading and speculative.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. If the open wound was left dirty, in this condition he might contract gas gangrene but the most important thing about it is immediate treatment after being wounded.

90. Q. Doctor, you were both the Chief Surgeon for the Fourth Base Force and the Chief Surgeon for the Forty-first Naval Guard Unit, were you not?

A. Yes.

91. Q. Did the Commandant, the accused, during the period that these submarine prisoners were confined at the Guard Unit ever instruct you to look into the sanitary condition and medical care of these prisoners of war?

A. I did not receive any orders from either the Commandant or the commanding officer of the Guard Unit.

92. Q. You have testified that Hasegawa told you about the amputation of this one prisoner of war. Did he tell you about other prisoners of war from this submarine that had been amputated?

A. Maybe he told me but I do not recall. Hasegawa just reported that there was only one serious wounded of the prisoners of war.

93. Q. You have testified that about the early part of January the accused was on a starvation diet. That starvation diet didn't affect his vocal powers, did it?

A. I believe it had nothing to do with the vocal powers.

94. Q. And who was treating Wakabayashi at this time?

A. Iwanami came every day to treat Wakabayashi and said he would take the responsibility but I was there all the time he treated him.

95. Q. During these times did Wakabayashi and Iwanami converse with each other?

A. Yes, they conversed.

Reexamined by the accused:

96. Q. When you say that dirty wounds are the reason for gangrene being formed, is that a medical explanation for the formation of gangrene?

A. Yes.

97. Q. Is it not possible that a wound on the hand may heal on the outside and yet have gangrene formed up the arm as far as the upper arm after?

A. Tetanus may appear after the wound has healed but I believe gangrene will not appear after the wound has healed. JK

98. Q. Briefly state what your duty was as relates to persons needing medical attention at the Guard Unit or the Base Force be these persons Japanese or prisoners of war.

This question was objected to by the judge advocate on the ground that it was irrelevant and beyond the scope of cross-examination.

The accused replied.

The commission announced that the objection was not sustained.

A. There were many persons on Truk who came on one of the ships to be transferred to another and there were many persons waiting on ships at the Forty-first Guard Unit. I had to treat these persons also.

99. Q. In other words you determined whether these persons needed medical attention?

This question was objected to by the judge advocate on the ground that it was leading.

The accused made no reply.

The commission announced that the objection was sustained.

100. Q. Were you ever told by the accused not to provide medical care for these prisoners of war that were confined at the Guard Unit?

A. No.

101. Q. As the senior medical officer at Fourth Base Force and the Guard Unit was it your opinion that Lieutenant junior grade Hasegawa was a competent and experienced medical officer?

A. Yes. To explain it by example, he was the most senior medical officer among the subordinate units of the Fourth Base Force. For instance he was senior to the medical officer attached to the Eighty-fifth Submarine Base Unit.

102. Q. Will you tell why Iwanami, who was head of the hospital, was treating Wakabayashi at this time?

A. I know the reason.

103. Q. What was the reason?

A. The diagnosis of ulcers of Wakabayashi was made at the hospital and as this diagnosis of ulcers was made at the hospital he said the treatment be at the hospital.

104. Q. Then was Wakabayashi a hospital patient, notwithstanding that he was treated at the Fourth Base Force and not at the hospital?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the cross-examination.

The accused replied.

The commission announced that the objection was not sustained.

A. The understanding between the head of the hospital and myself was so.

The witness was duly warned.

The commission then, at 11:30 a.m., adjourned until 9 a.m., Monday, August 23, 1948.

EIGHTEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Monday, August 23, 1948.

The commission met at 9:05 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Iino, Shizuo, the witness under examination when the adjournment was taken, entered. He was warned that the oath previously taken was still binding and continued his testimony.

(Reexamination continued.)

105. Q. You testified that gas gangrene is caused when open wounds are dirty. What do you mean by this open wound being dirty?

A. When a person is wounded, it is usually dirty and it is a matter of degree of the dirtiness. Therefore, to clean this at the earliest possible time and keep it clean is necessary. JK

106. Q. How long after one receives a wound does one incur gas gangrene?

A. Firstly, I would like to state that if the wound is treated right away it is less apt to become gangrenous but if the degree of this dirtiness is great even with this treatment it may become gangrenous. From my experience, battle wounds will become gangrenous in about two full days.

107. Q. What is the relationship of this two day period with atmospheric temperature?

A. There is a great deal of relationship. I believe in cold climate the gangrene will develop slowly but in the tropical climate I believe it develops much faster.

108. Q. This two days, was it under the atmospheric temperature on Truk or otherwise?

A. My experience was when I had duty on Formosa and as Truk is south of Formosa I believe it will be about the same or a little less than two days.

109. Q. How much time, that is hours or days, will pass until this gangrene develops to a degree that an operation is necessary?

A. I believe there are many different situations and I cannot set a specific time. The condition is whether the wound is big or small, deep or shallow, dirty or not dirty, and whether the place of the wound can be opened up to release the gas or whether the heart of that person is strong, etc. And also a resistance of a person who is at the battle front and a person in the condition as they are now is different.

110. Q. Was it necessary for the commanding officer of the Forty-first Guard Unit to obtain instructions from the Commandant of the Fourth Base Force in order to treat prisoners of war?

This question was objected to by the judge advocate on the ground that it was beyond the scope of the cross-examination.

The accused replied.

The commission announced that the objection was not sustained.

A. It was possible without any instructions.

111. Q. Was the commanding officer of the Forty-first Naval Guard Unit a cognizant commander?

A. Yes.

Recross-examined by the judge advocate:

112. Q. Doctor, is it true that prompt and proper medical attention will prevent infection?

A. If ~~it~~ is so done it will be much simpler. gk

113. Q. And even if infection has developed, won't prompt attention help to control the infection?

A. Yes.

Examined by the commission:

114. Q. Doctor, during the air raid on 17 February when you were with Admiral Wakabayashi in the air raid shelter, will you please tell the commission whether or not the Admiral received reports from his staff during that day as to the progress of the engagement or other military matters? gk

A. The staff officers did report to him.

115. Q. At various times throughout the day, is that correct?

A. Various staff officers came to report to him.

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

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

Nakase, Shohichi, a witness for the prosecution, was recalled as a witness for the defense and warned that the oath previously taken was still binding.

Examined by the accused:

1. Q. Please state the period of time you were attached with the Naval installations on Truk?

A. I served on Truk from 7 November 1943 to the surrender.

2. Q. Please state the names of the commanding officers of the Forty-first Naval Guard Unit from the time you assumed your duties on Truk until February 20, 1944?

A. Captain Minematsu, Mineo, Imperial Japanese Navy and Captain Tanaka.

4. Q. Do you know the respective tours of duty of Captains Minematsu and Tanaka? 9K

A. As I recall, Captain Minematsu was commanding officer until around 20 December 1943 and Captain Tanaka till the latter part of February 1944.

4. Q. Do you recall testifying on the fifteenth day of this trial that forty-two prisoners of war arrived on Truk in November 1943?

A. Yes, I recall.

5. Q. In what part of the Forty-first Naval Guard Unit were these prisoners of war confined?

A. They were confined in the brig for Japanese naval enlisted personnel.

6. Q. Did you actually see the prisoners confined at this brig for enlisted personnel?

A. Yes, I did.

7. Q. I show you Exhibit 20 and ask you if this is an approximate diagram of the brig you speak of?

A. It is exactly as in the diagram except for the fact that there was a concrete tank under the three heads joining all three.

8. Q. When you went to the brig, in what portion of this building were the prisoners confined?

A. When I saw them they were confined in the three partitions in that portion labeled dirt floor.

9. Q. How many days after the prisoners of war were confined at the Forty-first Naval Guard Unit would you say that this visit that you have just referred to took place?

A. This visit took place on the morning following their arrival at the Guard Unit.

10. Q. Were the prisoners of war confined in this brig throughout the day and night?

A. No.

11. Q. In what way were they not confined throughout the twenty-four hours in the brig?

A. On the night of the prisoners of war arrival on Truk the following report was made by the officer on duty to the executive officer, myself, which was in effect that there was no room for all the prisoners of war to sleep

inside the brig, that a request had been made by the officer in charge of the guard that accommodations be found for the prisoners of war. I thereupon went in person to the brig and saw that some ten of the prisoners could not be accommodated in the brig so I took these ten of the prisoners to the guard house which was nearby.

12. Q. Did you actually see these ten odd prisoners of war taking their rest at the guard house?

A. I actually ordered the prisoners to the guard house.

13. Q. The question was did you actually witness the prisoners taking their rest at the guard house?

A. I did.

14. Q. Please state what food was served to these forty-two prisoners of war.

A. The food served to the Japanese naval enlisted personnel.

15. Q. If you know what food was served to the prisoners of war will you please describe it at greater length?

A. By food served to military personnel I mean rice and side dishes. Further the person in charge of this food is the Chief Paymaster. I received the following report from the Chief Paymaster. He said that at first the prisoners disliked extremely this bean curd soup because it had a bad odor so he had some soup made from bonita fish shavings and soya sauce and had this served in one-half gallon glass bottles. The prisoners of war appreciated this very much. Further the Chief Paymaster reported that for the first two or three days after their arrival they left all their food but after that there were no leavings.

16. Q. Please state how much water was served the prisoners of war, if you know?

This question was objected to by the judge advocate on the ground that it was leading.

The accused withdrew the question.

17. Q. Do you know if water was given prisoners of war?

A. I do.

18. Q. Please state how much water was given prisoners of war as best you know.

A. On Truk untreated water was forbidden for drinking and it was forbidden to drink untreated water so when I say water I mean to say water that had been once boiled. And this water was boiled three times a day at meal times at the galley and it was customary for each mess table to fetch this water from the galley in large kettles and therefore at meal times the guard house personnel went to fetch this water from the galley and supplied it to the prisoners. JK

19. Q. Did you actually see this water supplied to the prisoners of war?
A. I did.

20. Q. Please state what you saw.

A. I saw a large navy kettle and a half gallon bottle covered over with a cup supplied to the prisoners of war.

21. Q. Do you know what medical treatment was given these prisoners of war?

A. I did not actually witness medical treatment being given them but I received a report from the medical officer and therefore I know the circumstances.

22. Q. From whom did you receive this report?

A. Surgeon Lieutenant Kuno.

23. Q. To which unit was Surgeon Lieutenant Kuno attached?

A. He was attached to the Forty-first Naval Guard Unit.

24. Q. Please state what you know of this report made by Surgeon Lieutenant Kuno.

A. I believe it was at dinner time that this report was made on the night following the arrival of the prisoners of war. Surgeon Lieutenant Kuno requested that prisoners of war with only superficial wounds be treated at the brig and the other prisoners be taken to the dispensary for treatment. Those more seriously wounded to be taken to the dispensary, and he also requested that permission be granted surgeons and corpsmen to go in and out of the brig at all times. I put this request to commanding officer Minematsu and obtained his permission.

25. Q. What is the distance between the dispensary of the Forty-first Naval Guard Unit and the brig?

A. Approximately two hundred meters.

26. Q. What were the housing circumstances at the Forty-first Naval Guard Unit during the time the forty-two prisoners of war were confined there?

A. About that time there were always naval personnel awaiting transportation at Truk to the front line, that is the Marshalls, Rabaul, and New Guinea. There were others returning from the front line awaiting transportation for the Japanese homeland and the conditions were such that they could not all be accommodated at the Guard Unit. Consequently requests were made to other units to accommodate personnel of the Forty-first Naval Guard Unit and some of the personnel there were sleeping under the floors of buildings. Such were the circumstances.

27. Q. Do you recall testifying on the fifteenth day of this trial that submarine officers came to interrogate these prisoners?

A. I do.

28. Q. Did you actually see these officers interrogating the prisoners?

A. Yes, I witnessed the interrogations.

29. Q. How often did you see these officers interrogating the prisoners?

A. As the interrogation booths were close to headquarters and as I used to patrol the compound I saw the interrogations on several occasions.

30. Q. Insofar as you actually saw the interrogations, did you see any instances of mistreatment of prisoners of war?

A. I did not witness any such thing.

31. Q. Do you recall ^{what} that took place at Truk on February 17, 1944? JK

A. I recall that a task force including aircraft carriers struck at Truk from the air and by bombarding.

The commission then, at 10:15 a.m., took a recess until 10:40 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Direct examination continued:)

32. Q. Where were you on the day of the air raid - that is, the seventeenth of February 1944?

A. On that day I was isolated in the dispensary of the Forty-first Naval Guard Unit because I was suffering from amoebic dysentery.

33. Q. And were you there throughout the day?

A. No.

34. Q. Please state where you were during that day?

A. Around eleven o'clock of that day, the order for preparation of the land warfare unit was issued, and as I was the officer in charge of the land warfare unit, although I was extremely weak, I armed myself and I proceeded to the assembly ground. When I arrived at the assembling place, Lieutenant Danzaki, who was in charge of surface defense, was assembling the personnel. I immediately relieved Danzaki and personally organized the landing party unit and assigned them to their posts. After that I took up my position, which was to the east of the Naval Guard Unit midway up the hill, and awaited in preparedness for combat. JK
JK

35. Q. Do you know what communications were exchanged between the Forty-first Naval Guard Unit and the Fourth Base Force Headquarters on that day?

A. I know that there were telephone communications between these units.

36. Q. What types of telephone communications were there between the Forty-first Naval Guard Unit and the Fourth Base Force Headquarters?

This question was objected to by the judge advocate on the ground that it called for an opinion of the witness.

The accused replied.

The commission announced that the objection was not sustained.

A. There were two types of telephones - one an ordinary telephone and the other a command telephone.

37. Q. Under what circumstances was this command telephone joining the Forty-first Naval Guard Unit and Fourth Base Force Headquarters used?

A. The telephone which was used when Fourth Base Force Headquarters issued orders to its subordinate units was called the command telephone. JK

38. Q. Could the command telephone be used by the Forty-first Naval Guard Unit to call up Fourth Base Force Headquarters at any time?

A. As I have not seen the telephone installations at the Fourth Base Force Headquarters, I cannot give a definite statement.

39. Q. Were there any regulations governing the use of the command telephone?

A. Yes, there were regulations on the use of the command telephone. The regulations strictly prohibited the use of the command telephone except for orders to be issued by Headquarters. The command telephone was not to be used for personal messages by individuals.

40. Q. When phoning Fourth Base Force Headquarters what methods were used to identify yourself and the other party?

A. I will state not only the method used when phoning Fourth Base Force, but the general usage among naval personnel when using telephones. This is based on my long experience in the navy. When phoning we state our names very clearly and also the name or names of the person or persons with whom we desire to converse, and request that he or they be called, and when the other party picks up the receiver, we again state our names very clearly, and only after ascertaining the identity of the other party do we state our message.

41. Q. If you know, will you state what the term "oi" means in the Japanese Navy?

A. In the navy the term "oi" is used when calling equals or subordinates. JK

42. Q. Is that all?

A. That is all the explanation to the word "oi."

43. Q. In the Japanese Navy, what is the simplest word used to signify confirmation, permission, and execution?

A. In the navy the term used is "yoyorshi" (T.N. - good or all right) or in slang "yare" (T.N. - do it).

Cross-examined by the judge advocate:

44. Q. Nakase, when these submarine prisoners of war were at the Guard Unit brig the guards assigned to the brig were under your charge; were they not?

A. Yes, I was in charge as I also had the duty of officer in charge of the guards.

45. Q. Now, you spoke about conditions at the brig while the submarine prisoners were there. When did you first visit the brig after the arrival of the submarine POWs?

A. As I recall I went on the night of the day of their arrival, the following day, and one more time after that.

46. Q. When was this second visit?

A. As I stated previously on the morning of the day following their arrival.

47. Q. Now, at the time of this first visit on the evening of their arrival, the entire forty-two prisoners of war were confined in the brig, were they not?

A. That is exactly so.

48. Q. Now, what time the next morning did you visit the brig?

A. I do not recall the exact hour, but it was very early in the morning. I believe it was immediately after my breakfast.

49. Q. The forty-two prisoners of war were still confined in the brig, weren't they?

A. Yes.

50. Q. Now, when did you get this report from the Chief Paymaster about the food the prisoners were getting?

A. I do not remember exactly, but as I recall it was two or three days later I received the report from the Chief Paymaster.

51. Q. And didn't you testify that you saw the food the prisoners were getting?

A. I did not.

52. Q. When did you see all this water that you state they were getting?

A. On my second and third visit.

53. Q. When was this third visit of yours?

A. I went for the third time immediately after the interrogations were concluded. As the interrogations took two and a half days or three days, I don't remember exactly, but in any case, it was immediately after the conclusion of the interrogations.

54. Q. Did you inspect the brig on all of these three visits?

A. I did not visit the brig with the purpose of inspecting it. My last visit may have had that aim in mind.

55. Q. What was the purpose of your visits to the brig if it was not for inspections and to inspect the conditions there?

A. The purpose of my first visit was to find some accommodations for the prisoners of war ~~was~~ who the officer on duty reported could not find room to sleep. JK

56. Q. It was on the first two visits to the brig that the forty-two prisoners of war were confined in those three solitary cells, were they not?

A. No.

57. Q. Where were they confined then?

A. As I stated previously they were confined in the three cells and the dirt floor.

58. Q. Do you recall testifying in the case of Vice Admiral Kobayashi before a military commission?

A. Yes.

59. Q. Do you recall being asked this question, "Did you inspect this brig while the submarine prisoners were there?" and giving this answer, "I went there once."?

A. I do.

60. Q. So that you actually only made one visit while the prisoners of war were confined there, isn't that true?

A. That is not so.

61. Q. Then why did you so testify?

A. I also testified in the trial of Vice Admiral Kobayashi that I went on two other occasions to the brig, namely on the night of the arrival of the prisoners and on the morning following.

62. Q. Now, when you saw one of these submarine prisoners of war being questioned, one of your guards was out there; was he not?

A. Yes, exactly so.

63. Q. And it was also your guards who took these prisoners of war from the Guard Unit to the carriers on which they left Truk; was it not?

A. Not the guards only were assigned this duty.

64. Q. Who made the assignment - you?

A. I did not.

65. Q. Who assigned the guards for that particular detail?

A. The officer of the day.

66. Q. Nakase, were you convicted by a military commission for the murder of two American prisoners of war at the Forty-first Naval Guard Unit on Truk?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

67. Q. And it was at the Guard Unit that these submarine prisoners of war were confined; was it not?

A. Yes.

Reexamined by the accused:

68. Q. You just now testified that when you went to the brig on the night of the first day that there were all forty-two prisoners of war confined in the brig. How did you ascertain that they were all present?

A. Do you mean whether I took the muster and knew exactly what they were all present? 9K

69. Q. You testified that all forty-two prisoners of war were present. How did you ascertain the fact, that is my question?

A. When I testified that on the night of the first day that all the prisoners were present in the brig, I made that statement because it was immediately after they had been confined and as I did not receive any reports from the officer of the day that there was anything unusual that occurred during that day, I believed that they were all there.

70. Q. What responsibility did the Guard Unit duty officer have as regards these prisoners that were confined in the brig?

This question was objected to by the judge advocate on the ground that it went beyond the scope of the cross-examination.

The accused replied.

The commission announced that the objection was sustained.

71. Q. Do you remember who the officer of the guard was who was assigned the duty of the officer of the guards at this time when the submarine prisoners were confined?

A. Yes, I recall; it was I.

72. Q. Now, you testified you had not received any reports from the duty officer regarding these prisoners. Was it the responsibility of this duty officer to report to you regarding prisoners of war?

A. Yes.

73. Q. Did any officers accompany these prisoners when they left the Guard Unit to go aboard the carriers?

A. A warrant officer was in charge of the escort party.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:25 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The judge advocate introduced Paul F. Coste, junior, yeoman first class, U. S. Navy, as reporter, and he was duly sworn.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Lieutenant (junior grade) Yoshinuma, Yoshiharu.

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

A. Wakabayashi.

Examined by the accused:

3. Q. Have you ever had duty on Truk and if so during what period and with what organization?

A. I arrived on Truk July 30, 1943. On 11 July 1944 I received a wound on my right thigh because of a bomb dropped by a heavy bomber. I was immediately hospitalized at the Fourth Naval Hospital. On 13 July 1944 I was sent back to Japan on the hospital ship. The unit to which I belonged was the Forty-first Naval Guard Unit.

4. Q. While you were on Truk were you ever ordered to execute a prisoner of war and if so by whom and when, and did you execute this prisoner of war?

A. One month before this incident happened I was sick in bed with dengue fever and I was ill for about three weeks. Two days after I recovered from dengue fever I was attacked by diarrhea and was ill again. While I was ill there was an air raid warning and there was an order, "Enemy will land. Hurry on the double!" I was very surprised at this order and I became faint and became dizzy, therefore I thought I could not stay in bed so I left the bed and started toward the air raid shelter. I believe it was in front of the Administration Building that I met Lieutenant Ishii. There I heard from Lieutenant Ishii: "The enemy will land. Execute the prisoners of war." On hearing this I started to faint -- I received a severe shock on hearing this and started to faint and everything before my eyes became black. When I fainted I remembered only two things. First it was enemy will land and secondly I had to go to the air raid shelter. I was in such a condition as I have stated above I did not go to the execution, so I did not carry out the orders.

gk
gk

Cross-examined by the judge advocate:

5. Q. Yoshinuma, were you convicted by a military commission of the murder on 17 February 1944 of seven American prisoners of war at the Forty-first Naval Guard Unit?

A. Yes.

Reexamined by the accused:

6. Q. During your trial, Yoshinuma, did you take the stand in your own behalf and deny at that time that you had executed the prisoners of war?

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

The accused replied.

The commission announced that the objection was not sustained.

A. Yes.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
- A. Lieutenant Dansaki, Tomeroku, Imperial Japanese Navy.
2. Q. If you recognize the accused, state as whom.
- A. Vice Admiral Wakabayashi.

Examined by the accused:

3. Q. Have you ever had duty on Truk with the Navy?
- A. I have.
4. Q. Please state the period.
- A. December 9, 1940 until the end of the war.
5. Q. What was your duty and the unit you were attached to during December 1943?
- A. I was with the Forty-first Naval Guard Unit and I was Chief of Surface Patrol.
6. Q. Who was the commanding officer of the Forty-first Naval Guard Unit during this time?
- A. Captain Tanaka, Masaharu. JK
7. Q. At that time was there an executive officer at the Forty-first Naval Guard Unit?
- A. Yes, there was.
8. Q. Who was this executive officer?
- A. Nakase was the executive officer but as he was sick Lieutenant Ishii was acting in that capacity.
9. Q. Did anything unusual happen on February 17, 1944 on Truk?
- A. There was. It was a great American task force raid on Truk.
10. Q. When did this big air raid begin on that day?
- A. As I recall it started on around 5:30 or 6 in the morning.
11. Q. Then what happened?
- A. That morning there was another raid I think it was around 9:30 in the morning and there were two more in the afternoon - one around 1 o'clock or 1:30 in the afternoon and another around 4:30 in the afternoon. The next day, the eighteenth, there were two raids in the morning.
12. Q. On that day where were you?
- A. On the seventeenth most of the time I was near the shore.
13. Q. Do you know where Commanding Officer Tanaka was on that day?
- A. I do not know where Commanding Officer Tanaka was during that day.

14. Q. Do you know where Acting Executive Officer, Lieutenant Ishii, was on that day?

A. I do not know where Ishii was. OK

15. Q. On that day did you not receive an order from your superiors regarding prisoners of war?

A. I did.

16. Q. From whom and what was this order?

A. It was just after the third air raid. I was at the shore but I needed a chart so I went to get it at my room. On the way there a courier reported to me as follows: "Lieutenant Ishii orders to have these prisoners of war executed rightaway." So I replied, "Is this order definite." He said it was definite and "He, Ishii, states to hurry up because the enemy will land." I went back to my room to get my sword and then I started toward the scene but before I got to the scene I back-stepped a few paces. This was because I thought that I would go and see the commanding officer and try to stop this execution. Then I went to the head and thought about it for several minutes. I thought that superior officers orders in time of battle should be carried out so I went to the scene and carried it out.

17. Q. Whose order was this?

A. This order was relayed to me by a courier but as he stated that this was a definite order I believe it was the order of the Commanding Officer. OK

18. Q. What time was it when you went to the scene?

A. I recall that it was around 3:30 or a little later. OK

Cross-examined by the judge advocate:

19. Q. Danzaki, do you now state that it was Ishii who gave you the order to perform this execution?

A. Ishii through a courier ordered this.

20. Q. Who was the courier?

A. I think his rank was an ensign but I am not sure.

21. Q. Wasn't it Yoshinuma?

A. I have no recollection.

22. Q. Do you recall making a statement in writing on September 11, 1946 about this incident?

A. I do.

23. Q. Didn't you put in that statement that Yoshinuma was the one who came to you and asked your assistance in executing these prisoners of war?

A. I remember.

24. Q. Did you carry out the order to execute the prisoners of war?

This question was objected to by the accused on the ground that it would tend to incriminate the witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

25. Q. Who assisted you in that execution?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I believe it was the person who relayed this order to me. 8K

26. Q. And wasn't that Yoshinuma?

A. It was Yoshinuma.

27. Q. How many prisoners did you execute?

This question was objected to by the accused on the ground that it would tend to incriminate the witness, was irrelevant, immaterial, and beyond the scope of the direct examination.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. One.

28. Q. And in your statement that I have referred to before didn't you state that you had cut the heads of three prisoners?

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

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. I recall. I wrote that because I wanted to take the responsibility all by myself.

29. Q. Were you convicted by a military commission for the murder of seven American prisoners of war on February 17, 1944 at the Forty-first Naval Guard Unit?

A. Yes.

Neither the accused nor the judge advocate desired further to examine this witness. 8K

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Iwanami, Hiroshi, former surgeon captain, Imperial Japanese Navy.

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

A. Wakabayashi, former vice admiral, Imperial Japanese Navy.

Examined by the accused:

3. Q. Did you ever serve with the Japanese Navy on Truk?

A. Yes.

4. Q. Please state the period of time you were attached to the Japanese naval installations on Truk and the units to which you were attached?

A. I assumed my position on 8 November 1943 and remained on Truk until the surrender. I was assigned to the Fourth Naval Hospital. I was head of that same hospital.

5. Q. Who was your direct superior officer from the time you assumed your duties on Truk until around 20 February 1944?

A. Vice Admiral Kobayashi, Commander in Chief, Fourth Fleet.

6. Q. Was there a Base Force on Truk during the period referred to in your last answer and if so what was its designation?

A. There was the Fourth Base Force.

7. Q. Who was the Commandant of that Fourth Base Force during the period previously referred to?

A. Former Vice Admiral Wakabayashi.

8. Q. The Vice Admiral Wakabayashi you referred to, is he the defendant there sitting in the chair?

A. Yes.

9. Q. During the tour of duty of Vice Admiral Wakabayashi as Commandant of the Fourth Base Force, were there any command relations between the Fourth Base Force and the Fourth Naval Hospital?

A. There were no command relations whatsoever.

10. Q. Did you see prisoners of war around November 1943?

A. Yes, I have seen them.

11. Q. Do you recall what part of November of 1943?

A. As I recall it was toward the latter ten days of the month.

12. Q. Where did you see these prisoners of war?

A. I saw them from the veranda of the officers quarters at the Fourth Naval Hospital.

13. Q. Please describe briefly the circumstances under which you saw these prisoners.

A. It was after dinner and I saw from the veranda of the officers quarters a Guard Unit vehicle draw up to the entrance of the hospital and two prisoners of war on stretchers taken from the car and taken first to the information booth and later carried into the surgery room. This I observed from the veranda. As all the surgeons were moving toward the surgery room I also made my way toward this surgery room and there Surgeon Okuyama was treating the wounded prisoners of war. I saw them from over Okuyama's shoulder. One prisoner had a swelling right above the wrist and it was dirty. The other had a swelling further up the forearm and it was red and bloody.

14. Q. Do you know what happened to these prisoners afterwards?

A. After watching them for a brief period I went back to my room. On the way I thought that perhaps these prisoners had a fever because it would be understandable if a stretcher was used for patients with wounds in the legs but these two had wounds only on their arms. I returned to my room and had been reading for about thirty minutes when I heard the information personnel calling to the vehicle of the Forty-first Naval Guard Unit saying, "The operation is over." Soon after, the sound of the motor was heard leaving the hospital. I merely followed this from sounds heard in my room.

15. Q. Do you know what these prisoners of war were?

A. I do not.

16. Q. Did you know the nationality of these prisoners of war?

A. After the surrender I was ordered to make a report on prisoners of war. It was then that I discovered that they were American prisoners of war and it was then that I, for the first time, learned that an amputation had been performed. JK

17. Q. You testified that these prisoners were brought to the hospital in the vehicle of a guard unit. Which guard unit were you referring to then?

A. It was the Forty-first Naval Guard Unit and I recall this fact because there was a surgeon from that unit with them.

18. Q. Did you meet Vice Admiral Wakabayashi in the early part of January 1944?

A. Yes.

19. Q. Please explain on what occasion you met him.

A. It may have been a few days prior to January 10 but Iino suddenly came to my room, showed me the excretions, and said that Vice Admiral Wakabayashi had such an excretion. When I saw it had an appearance of coal tar, it was black, I at once knew that his stomach or intestines were bleeding. When I conducted a test to see the degree of bleeding, I obtained very definite results. As a result of this examination I knew that the illness was of a very serious nature.

The commission then, at 3:20 p.m., took a recess until 3:35 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Direct examination continued:)

20. Q. When in the early part of January did you meet Vice Admiral Wakabayashi?

A. After the examination of the stool specimen I concluded that the patient was seriously ill and immediately set out for the Fourth Base Force and there I met Wakabayashi.

21. Q. Did you meet Vice Admiral Wakabayashi after that occasion?

A. After the examination it was obvious that Vice Admiral Wakabayashi had to be hospitalized, but as there were no rooms, no accommodations, at the hospital, I went to see him at Fourth Base Force Headquarters and sent three nurses to attend him.

22. Q. Who was the Chief Surgeon at the Fourth Base Force at that time?

A. It was Iino.

23. Q. About that time, that is immediately after Wakabayashi was taken ill, did you have a telephone conversation with Iino? JK

A. There was no such telephone conversation at all. I was in daily contact with Iino, sometimes seeing him twice or three times a day.

24. Q. Around the middle of January at about what time did you go to see Wakabayashi every day?

A. Between nine and ten o'clock in the morning.

25. Q. Did you ever phone Iino after you had returned to the hospital after visiting Wakabayashi in the evening, shortly after Wakabayashi became ill?

A. I never visited Wakabayashi in the evenings nor in the afternoons and I also never phoned Iino.

26. Q. Did you ever converse with Iino concerning prisoners of war about that time?

A. Never.

27. Q. Did you ever request approval for medical experimentation on prisoners of war of anyone about that time?

A. There was no such thing.

28. Q. Did you ever converse with Wakabayashi concerning experiments conducted on prisoners of war at the Fourth Naval Hospital towards the end of January or the beginning of February 1944?

A. There was no such thing.

29. Q. Do you know when Wakabayashi left Truk for the Japanese homeland?

A. I believe it was towards the end of February - either the twenty-seventh or the twenty-eighth of that month.

30. Q. Was Wakabayashi fully recovered physically at that time?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused made no reply.

The commission announced that the objection was not sustained.

A. I sent him home on a hospital ship because his physical condition was very poor, he having contracted dysentery after the air raid. Being in a very weak condition, he also had beri-beri as a further complication. JK

Cross-examined by the judge advocate:

31. Q. Doctor, you spoke of seeing two prisoners of war at the Fourth Naval Hospital in the latter part of November 1943; did you examine these prisoners?

A. I did not.

32. Q. Did you inquire from Okuyama what was wrong with them?

A. I did not.

33. Q. You were the head of that hospital, weren't you, Doctor?

A. I was.

34. Q. And were you surprised after the war when you learned they had amputated these two prisoners?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, I was surprised.

35. Q. Why were you surprised?

A. From the glimpse I had of the wound I saw some pus collected in the wound, but I thought an incision would see the matter through, and therefore when I heard that an amputation had been performed on it I was surprised.

36. Q. So that from the observation you made of these prisoners, you did not think an amputation was necessary; is that right, Doctor?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I returned to my room thinking an incision would be sufficient if it let out the pus. When I saw the wound the lighting was very bad and I could merely see a red swelling.

37. Q. At the time you left the room what was being done with these two prisoners?

A. Okuyama was examining the patient and moving his wrist about, et cetera, and I was observing what was going on over Okuyama's shoulder.

38. Q. Who else was there besides yourself and Okuyama?

A. There was a surgeon lieutenant who came with the prisoners from the Naval Guard Unit and several surgeons attached to the Naval Hospital.

39. Q. And about a half an hour later you heard an ambulance taking these two prisoners away from the Fourth Naval Hospital; is that right?

A. Yes.

40. Q. So that in that period they performed two amputations; is that right, Doctor?

This question was objected to by the accused on the ground that it called for an opinion of the witness and for hearsay testimony.

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. There were many operating tables at the Naval Hospital, and I learned after the surrender that the surgeons attached to the hospital, with the surgeon from the Naval Guard Unit assisting, operated on two tables.

41. Q. Doctor, were you convicted by a military commission of the murder of six American prisoners of war on Truk on or about January 30, 1944?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

42. Q. Were you convicted by a military commission of the murder on or about 20 July 1944 of two American prisoners of war on Dublon Island, Turk Atoll?

This question was objected to by the accused on the ground that it was irrelevant and immaterial and would tend to incriminate the witness.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

The accused made a motion to strike out the answer on the ground that it was irrelevant and immaterial.

The commission announced that the motion to strike was not sustained.

Reexamined by the accused:

43. Q. Who was the head of the surgery department at the Fourth Naval Hospital in February 1944?

A. Surgeon Commander Okuyama.

44. Q. Was Surgeon Commander Okuyama in your opinion a competent surgeon?

A. Yes.

45. Q. And when an operation was performed at the Fourth Naval Hospital by the surgery department it was Okuyama that decided whether an operation was necessary and not you as the head of the hospital; isn't that true?

This question was objected to by the judge advocate on the ground that it was leading, irrelevant, and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

A. All matters pertaining to surgery were in the hands of Okuyama.

46. Q. Now, you testified in an answer to a question by the judge advocate that you were found guilty of the murder of six American prisoners of war; but did you murder six American prisoners of war as you were charged with and found guilty in your trial?

A. I did not. That is not so.

47. Q. You were a captain in the Medical Corps of the Japanese Navy. Did you have a specialty in your profession, and if so, what was that specialty?

A. My specialty was internal medicine and I specialized in particular in tuberculosis.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 4:10 p.m., adjourned until 10 a.m., tomorrow, Tuesday, August 24, 1948.

NINETEENTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guan, Marianas Islands,
Tuesday, August 24, 1948.

The commission met at 10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.
A. Former Vice Admiral Arima, Korau.

2. Q. If you recognize the accused, state as whom.
A. Wakabayashi, Seisaku.

Examined by the accused:

3. Q. How long did you serve in the Japanese Navy, Admiral?
A. Approximately thirty-five years.

4. Q. Did you ever have duty on Truk and if so during what period of time?
A. I had duties at Truk from February 23, 1944 to August 25, 1944.

5. Q. What was your duty at Truk during this period of time?
A. From February 23, 1944 to April 30 of the same year, I was Commandant
of the Fourth Base Force.

6. Q. Admiral, do you know if the military organization of the Fourth
Base Force was the same at the time you took over as it was during the period
from about November 20, 1943 to February 22, 1944?

This question was objected to by the judge advocate on the ground that
it was irrelevant and immaterial and that it called for an opinion of the
witness.

The accused replied.

The commission announced that the objection was not sustained.

A. After I took over my duties the organization chart which had been effective from the date of November 1943 to my knowledge, apart from some minor additions of minesweepers and anti-aircraft units, had not changed.

7. Q. Did this organization chart show that the Fourth Naval Hospital was a subordinate unit of the Fourth Base Force on January 30, 1944 and on February 1, 1944?

A. No.

8. Q. By the answer "no," do you mean that the Fourth Naval Hospital was not a subordinate unit of the Fourth Base Force on those dates?

A. The Fourth Naval Hospital was not under the Fourth Base Force.

The judge advocate did not desire to cross-examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

Asano, Shimpai, a witness for the prosecution, was recalled as a witness for the defense and warned that the oath previously taken by him was still binding. 9K

Examined by the accused:

1. Q. During the period of time you were on duty on Truk, Admiral, do you know whether the Fourth Naval Hospital was a subordinate unit of the Fourth Base Force?

A. The Fourth Naval Hospital was not under the Fourth Base Force.

The judge advocate did not desire to cross-examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The judge advocate was called as a witness for the defense and duly sworn.

Examined by the judge advocate:

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

A. James P. Kenny, lieutenant, U. S. Navy, judge advocate of this commission.

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

A. Wakabayashi, Seisaku.

Examined by the accused:

3. Q. If you are the legal custodian of the deposition of Minematsu, Yasuo, a witness for the defense, produce it.

A. I am; here it is.

The witness produced the deposition of Minematsu, Yasuo, and it was submitted to the judge advocate and to the commission, and by the accused offered in evidence. There being no objection, it was so received, and is appended marked "Exhibit 32."

4. Q. Will the witness read the interrogatories and the answers thereto?

(The witness read the first to the thirteenth interrogatories and answers thereto.)

The judge advocate moved to strike the words "which consequently saved his life" out of the answer to the thirteenth interrogatory on the ground that they were the opinion of the witness.

The accused replied.

The commission directed that the words be stricken out.

(The witness read the fourteenth to the nineteenth interrogatories and the answers thereto.)

The judge advocate moved to strike the words "The prisoners seemed to be very happy" out of the answer to the nineteenth interrogatory on the ground that they were the opinion of the witness and not responsive to the question.

The accused replied.

The commission announced that the motion to strike was not sustained.

(The witness read the twentieth interrogatory and the answer thereto.)

The judge advocate moved to strike the words "The reason for this was that it was the desire of the higher officers, Admiral Koga and Vice Admiral Wakabayashi, that prisoners be treated humanely" out of the answer on the ground that they were not responsive and that they were an opinion of the witness.

The accused replied.

The commission announced that the motion to strike was not sustained.

(The witness read the twenty-first interrogatory and answer thereto.)

5. Q. If you are the legal custodian of the deposition of the Chief of the Liaison Section, Central Liaison and Coordination Office, Japanese Government, a witness for the defense, produce it.

A. I am; here it is.

6. Q. Is the deponent of this deposition available as a witness?

A. No, he is not.

The witness produced the deposition of the Chief of the Liaison Section, Central Liaison and Coordination Office, Japanese Government and it was submitted to the judge advocate and to the commission, and by the accused offered in evidence. JK

The commission then, at 10:40 a.m., took a recess until 10:50 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

There being no objection, the document was so received, appended marked "Exhibit 33."

(Examination continued:)

7. Q. Will the witness read the interrogatories and the answers thereto?

(The witness read Exhibit 32.)

The accused did not desire further to examine this witness.

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

The witness resumed his seat as judge advocate.

The accused was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. Are you the accused in this case?
A. Yes.

Examined by the accused:

2. Q. If you saw service with the Japanese Navy on Truk, please state the period you were there stationed.

A. I served on Truk from 24 July 1943 until 23 February 1944 as Fourth Base Force Commandant and concurrently Commanding Officer of the Second Escort Squadron.

3. Q. What was your duty station before you assumed your position as Commandant Fourth Base Force?

A. I was Chief of the Maritime Affairs Bureau of the Communications Ministry.

4. Q. What were the duties of the Commandant, Fourth Base Force?

A. The duties were the defense of the area of responsibility, the defense of advanced bases, and communications.

5. Q. What was your area of responsibility during your tour of duty as Commandant, Fourth Base Force?

A. The whole of the Carolines Area. After January 10, 1944 when the Thirtieth Special Base Force was established on Palau, the Western Carolines were detached from my area of responsibility.

6. Q. What were your duties as Commanding Officer of the Second Surface Escort Squadron?

A. The duty pertaining to that office was the surface escort of convoys from the Japanese homeland to the near South Seas Area with Truk as the center of activity.

7. Q. Who was your immediate superior officer during your tour of duty as Commandant, Fourth Base Force?

A. Commander in Chief, Fourth Fleet, Vice Admiral Kobayashi.

8. Q. Was there a naval hospital on Truk?

A. There was the Fourth Naval Hospital on Truk.

9. Q. Under whom was this Fourth Naval Hospital?

A. It was a unit directly subordinate to the Fourth Fleet.

10. Q. Were there any command relations between Fourth Naval Hospital and the Fourth Base Force?

A. There were no command relations, however in the event of battle, the Fourth Naval Hospital, insofar as the defense of that unit was concerned, would fall under my command.

The commission then, at 11:30 a.m., took a recess until 2:05 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The accused, Wakabayashi, Seisaku, resumed the stand as a witness in his own behalf and was warned that the oath previously taken was still binding, and continued his testimony.

(Direct examination continued:)

11. Q. What was the name of the Naval Guard Unit on Truk and who was the commanding officers during your tour of duty on Truk?

A. The Naval Guard Unit was the Forty-first Naval Guard Unit. Its commanding officers was Captain Naito from the early part of July 1943 until the end of September 1943; Captain Minematsu from the end of September until the end of December 1943; and Captain Tanaka from the end of December 1943 until the twentieth of February 1944.

12. Q. Of these commanding officers, who were graduates of the Naval Academy?

A. They were all graduates of the Naval Academy.

13. Q. During your tour of duty as Commandant of the Fourth Base Force, do you know if prisoners of war arrived on Truk?

A. I received a report of prisoners of war off the American submarine SCULPIN.

14. Q. How did you learn of the arrival of American submarine prisoners of war on Truk?

A. I learned of this from a dispatch sent by the captain of the destroyer YAMAGUMO, which destroyer had sunk the American submarine SCULPIN, and had taken the survivors prisoners. This dispatch was addressed to Commander in Chief, Combined Fleet. Information addressed on the dispatch were Fourth Fleet, Fourth Base Force, and the Forty-first Naval Guard Unit. gk

15. Q. Where were these prisoners of war confined on Truk?

A. I received a report from the commanding officer of the Forty-first Naval Guard Unit, Minematsu, that they were there confined. gk

16. Q. Did you receive any instructions from your superior officer concerning treatment of these prisoners of war?

A. I received an order from the Commander in Chief, Combined Fleet, addressed to the Commandant, Fourth Base Force, that the prisoners of war were to be confined at the Forty-first Naval Guard Unit. This dispatch had as information addressed Fourth Fleet and Forty-first Naval Guard Unit. gk

17. Q. About when did you receive the report concerning these prisoners of war from Captain Minematsu?

A. As I recall it was in the afternoon of the day following their arrival.

18. Q. Briefly explain the substance of the report you received from Captain Minematsu.

A. Minematsu reported the following to me: I have received forty-two prisoners of war of the American submarine SCULPIN headed by the Chief Engineer, from the destroyer YAMAGUMO. Because of the smallness of the brig some of the prisoners of war have been confined in a part of a barracks. The prisoners of war are not used to Japanese food, but we are studying methods of cooking the food for them. Quite a number of the prisoners are naked and clothing for them cannot be immediately found, and we are under negotiations with the supply department. There are two or three prisoners of war who have been shot through, and several of them are suffering from light wounds such as abrasions. The others are in good health and guards have been posted for purposes of guarding, and persons who are not guards have been ordered to stay away from the brig, and this order is strictly observed. The above was roughly the report made by Minematsu.

19. Q. On receiving this report from Minematsu did you issue any instructions to Minematsu concerning prisoners of war?

A. On receiving this report, I wished to change the basis of this conversation between us, and to discuss matters on an equal basis, and I offered him a seat. I told him that the measures he had taken regarding the prisoners of war were satisfactory in general. I cautioned him, however, that he should see to it that no trouble was caused the prisoners of war and in conclusion I told him that he should treat these prisoners of war with special consideration as they were off a submarine, because I knew from my experience as a submarine officer of their hard life. Captain Minematsu was gunnery officer aboard a submarine tender and flagship when I was captain of a submarine in 1924 and 1925. I knew Minematsu well from that time and I knew his character. He used to visit me often while on Truk and I thought it most advisable to change the basis of the conversation which I did at that time. Minematsu said he understood what I said very well and that he would execute his instructions and he added in a complaining tone that he thought that he had treated the prisoners of war if anything with great respect.

20. Q. Did you receive any reports concerning these submarine prisoners of war from any person other than Captain Minematsu?

A. I received a report from Surgeon Captain Iino, who was Chief Surgeon of the Fourth Base Force and was concurrently Chief Surgeon of the Forty-first Naval Guard Unit.

21. Q. Please state briefly the substance of the report you received from Surgeon Captain Iino concerning these submarine prisoners of war.

A. Iino reported that as there were some wounded among the prisoners of war who arrived at the Naval Guard Unit, they had been treated at the dispensary of the Guard Unit. Among these wounded were two or three who had been shot through and several with light wounds, and as there was danger of the two or three who had been shot through contacting gangrene, he had given them some anti-gangrene shots. He reported that after examining their condition, some among the two or three may have to undergo an amputation. A day or two later I received a report from Iino saying that the prisoners had been operated upon and that they were progressing favorably.

22. Q. Do you recall when you received the first report from Surgeon Captain Iino in relation to the time of the arrival of the prisoners on Truk?

A. I have no clear recollection, but as I recall it was one day or so after I had received Minematsu's report.

23. Q. What happened to the submarine prisoners of war after that?

A. They were held at the Forty-first Naval Guard Unit for approximately ten days, and after that were by order of the Commander in Chief, Combined Fleet, put aboard two aircraft carriers attached to the Combined Fleet and sent to the Japanese homeland.

24. Q. Where was Commander in Chief, Combined Fleet, at that time?

A. He was aboard his flagship, the MUSASHI, which was anchored to the buoy in front of the Forty-first Naval Guard Unit.

25. Q. Was there a fleet comprised of submarines at Truk at that time?

A. There was a submarine fleet, the Sixth Fleet, which was also anchored off the Forty-first Naval Guard Unit, with its flag aboard the KATORI.

26. Q. Do you recall what occurred on February 17, 1944 on Truk?

A. Yes, there was an air raid and bombardment of Truk by an American Task Force on that day.

27. Q. Who was the senior naval commanding officer at Truk on that day?

A. Commander in Chief, Fourth Fleet, Vice Admiral Kobayashi.

28. Q. Where on Truk was Commander in Chief Kobayashi on that day?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was not sustained.

A. He was at his headquarters which was located ashore on Dublon Island, Truk Atoll.

29. Q. Where were you on February 17, 1944?

A. I was at Fourth Base Force Headquarters.

30. Q. Where at headquarters?

A. During air raids I was for the most part in an air raid shelter which was adjacent to the office of the Commandant. This air raid shelter was one hundred fifty to two hundred meters from my sick room, and I was carried this distance on a stretcher by nurses, and during the lulls in the air raids, I was on the veranda of the office of the Commandant lying down on a cot.

31. Q. During the daylight hours of that day do you know where the staff officers of the Fourth Base Force were?

A. As I recall the staff officers were mainly on top of a small hill behind the headquarters. The location of this hill commanded the widest range of vision and it had been tentatively chosen for the command post, and this command post was at that time under construction.

32. Q. Were there at that time telephones installed in the air raid shelter in which you took shelter?

A. No, there were none. At that time construction was underway to have telephones installed in this air raid shelter temporarily until the command post was completed.

33. Q. What reports did you receive on the air raids during the daylight hours?

A. I received two reports on the air raids and a report that two American battleships and two aircraft carriers had come within the range of vision and I seem to recall receiving a report besides that of the battleships and aircraft carriers coming into sight; that Kita Jima, one of the islands of the Truk Atoll, had been shelled. That is all.

34. Q. Do you remember whether or not you received information on the probability of American forces landing on that day?

A. I have no recollection.

35. Q. How did you estimate the possibility of American forces landing on Truk on that day?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial.

The accused replied.

The commission announced that the objection was sustained.

36. Q. Did you think that the American forces would land on that day?

A. The air raids of that day had mainly been concentrated on surface units and air fields and hardly any damage had been sustained by military installations. If the Americans were to land, they would first thoroughly smash land defense installations; therefore, I believed that they would not land on that day.

37. Q. Did you know whether or not prisoners of war were confined ashore on Truk on that day?

A. I did not think that there were prisoners ashore on Truk on that day.

38. Q. Did you receive any confirmation or order concerning prisoners of war during the daylight hours of that day?

A. No, absolutely none.

39. Q. Did you converse about prisoners of war with anyone during the daytime on that day?

A. No, absolutely not.

40. Q. By what methods were communications maintained between the Forty-first Naval Guard Unit and Fourth Base Force at that time?

A. By telephone.

41. Q. What types of telephones were there?

A. An ordinary telephone and a command telephone.

42. Q. For what purpose is a command telephone used?

A. The command telephone is so planned for headquarters to issue orders simultaneously to its subordinate units.

43. Q. Do you know where the command telephone was installed at Fourth Base Force Headquarters?

A. It was installed in the telephone room of the headquarters building.

44. Q. Do you have any experience in using command telephones up until the present time?

A. When I was a staff officer at Yokosuka Naval Station, a command telephone was for the first time installed there, and I was assigned the duty of making experiments with this command telephone. Also when I was General Affairs Department head of the Kure Naval Yard, a command telephone was installed in my office, and I was using it. Therefore, I am well acquainted with command telephones. 9K

45. Q. Will you then please explain briefly what process had to be followed for orders to be relayed from Fourth Base Force to subordinate units over the command telephone?

A. There was a double switch at Fourth Base Force Headquarters - one was connected to the current, and the other to the various subordinate units. When both switches had been connected at headquarters, a red light would appear at the switch and a buzzer would buzz at the receiving ends, namely the subordinate units. The receiving ends would hear the buzzer and pick up the receivers. This is done because the subordinate units would know by the buzzer that they were being called by headquarters. When the receiver is picked up by the subordinate unit, the buzzer stops and the red light on the switchboard goes out and a green light appears, and when headquarters sees the green light replacing the red, it can judge the preparedness of the subordinate units to receive whatever message it had, and headquarters then relayed the order, and when the receivers of the subordinate units understood the order, they would hang up. Thereupon the green light at headquarters would go out to be replaced by a red light, and the buzzer would again begin to buzz at the receiving end. At headquarters the red lights for each unit would be checked and when they had all hung up, the switch joining the headquarters with the subordinate units would be disconnected. When all the red lights came on at headquarters the power switch would be disconnected. That was the process followed in the use of the command telephone. Briefly it would be noted that the use of the command telephone at ordinary times and under battle conditions remained exactly the same.

46. Q. Do you know whether the subordinate units could phone up and talk to headquarters at all times?

A. No, it is not possible to converse from the subordinate units to headquarters from the very nature of the construction of the telephones. As the result of the experiments conducted at Yokosuka, the telephone was so made that conversations could not be initiated by subordinate units to headquarters.

47. Q. Do you know who was assigned to the command telephone of the Fourth Base Force Headquarters during battle?

A. According to regulations there would be three or four persons assigned.

48. Q. Do you know of a conference held at Fourth Base Force Headquarters the night between the seventeenth of February and the nineteenth of February 1944?

A. I do.

49. Q. For what purpose was this conference called?

A. It was a conference called to receive reports on the damage sustained in the air raids in the course of that day and to prepare for future combat.

50. Q. Do you remember who were present at that conference?

A. All the commanding officers, officers of units subordinate to myself and the Commander in Chief, Fourth Fleet. Three staff officers of the Fourth Fleet. I believe they were Inoue, the air staff officer, and engineer staff officer. Three staff officers of the Base Force, myself, and Surgeon Captain Iino. About twenty in all were present.

The commission then, at 3:15 p.m., took a recess until 3:30 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The accused, Wakabayashi, Seisaku, resumed the stand as a witness in his own behalf and was warned that the oath previously taken was still binding, and continued his testimony.

(Examination continued:)

51. Q. Do you recall the seating arrangement of the persons present at this conference?

A. I do not recall exactly but I recall that my staff officers were seated close to me.

52. Q. Was the commanding officer of the Forty-first Naval Guard Unit, Captain Tanaka, present that night?

A. He was present.

53. Q. Did Captain Tanaka make any report?

A. Captain Tanaka reported that an anti-aircraft gun at Matsushima Fort was destroyed and put out of action, that in this bombing several persons were wounded but none killed. Further, that he had suffered some casualties among the small craft under his command. And he made a request that he be supplied ammunition to supplement what he had used that day. That was all of his report.

54. Q. Was there a report concerning prisoners of war made by Captain Tanaka at this conference?

A. Absolutely not.

55. Q. Up until when were you present at this conference?

A. When the important matters had been discussed I retired from this conference, midway in the proceedings, assisted by Surgeon Captain Iino and supported by him I went to my sick room.

56. Q. You testified as to your illness, but since when were you taken ill?

A. I felt indisposed from the middle of December 1943 and was diagnosed as suffering from ulcers from the eighth of January 1944. *JK*

57. Q. Who were the surgeons who treated you?

A. I was treated mainly by Surgeon Captain Iwanami and Surgeon Iino assisted him.

58. Q. Did you hear anything from Iino concerning a telephone conversation between him and Iwanami regarding prisoners of war soon after you fell victim to ulcers?

A. I did not hear anything.

59. Q. Did you about that time hear anything from Surgeon Captain Iwanami concerning prisoners of war?

A. He did not tell me anything.

60. Q. Do you know what methods were used to indoctrinate in regulations and instructions concerning international laws of war and regulations in the Japanese Navy, and if so state them briefly.

A. Such regulations are to be found in the Fourth Volume of Japanese Naval Regulations. These regulations are distributed to all naval units and all naval officers. Especially those graduated from the Naval Academy are required to know these thoroughly. Furthermore the Navy Ministry had published a Manual of Wartime International Law. This also was distributed to all Navy units and at the same time was available to all naval officers individually.

61. Q. Were there regulations pertaining to the treatment of prisoners of war in the Japanese Navy and, if so, how was this made known?

A. There were regulations pertaining to treatment of prisoners of war issued by the Navy Ministry. This was included in the regulations and as these latter were distributed to all units the knowledge of these regulations was so disseminated.

62. Q. Under the doctrines of international law as taught in the Imperial Japanese Navy, who had the duty to protect prisoners of war?

A. The commanding officer of the unit which had custody of the prisoners of war.

Cross-examined by the judge advocate:

63. Q. Admiral, you have testified that you had a conference with Captain Minematsu of the Guard Unit concerning these prisoners of war. Where was this conference held?

A. This conference was held on the veranda of the private rooms of the Commandant of the Fourth Base Force.

64. Q. Was anyone else present at the time?

A. One of my staff officers was present.

65. Q. Will you tell us again just what Minematsu reported to you?

A. Yes, I will. "Forty-two prisoners of war off the American submarine SCULPIN headed by the Chief Engineer were received from the destroyer YAMAGUCHI. Because of the smallness of the brig, I have confined some of them in a part of the barracks. The prisoners of war are not used to Japanese food and are therefore discomforted. We are studying methods of preparing their food and I believe that in time they will get accustomed to it." I simplified the report there. This is what I simplified; that the prisoners of war disliked this Japanese soya bean soup. "There are a number of prisoners who are naked but we cannot supply them with clothing immediately, but are now negotiating with the supply department. There are some among the prisoners who are wounded. Two or three of their number have been shot through. Besides that there are several who are suffering from slight wounds such as abrasions. Guards have been posted for the purpose of guarding and persons who are not connected with guarding, etc., are being kept away." This is what he stiffly reported to me.

66. Q. Did he also tell you that some of the prisoners had already been sent to the dispensary and were getting anti-gangrene injections?

A. I forgot that one part in Minematsu's report. He reported that these prisoners were treated at the dispensary at the Forty-first Naval Guard Unit.

67. Q. Did you have this conversation in the morning with Minematsu?

A. If I recall, it was in the afternoon of the day following the arrival of the prisoners.

68. Q. Did you have any discussion with Minematsu at that time as to where the submarine prisoners were being interrogated?

A. Minematsu did not touch on the subject of interrogation.

69. Q. Did you touch on the subject in this conversation with him?

A. Neither did I. I thought the Naval Guard Unit would be questioning the prisoners within the scope of the relation for the confinement of the prisoners of war.

70. Q. Did you give him any instructions about not allowing persons to go near the prisoners?

A. Minematsu had already made this a point in his report and I further cautioned him that no trouble be caused to the prisoners of war.

71. Q. What point had Minematsu made about questioning prisoners of war?

A. He did not say that he had conducted any questioning but as he reported forty-two American prisoners of war from the submarine SCULPIN headed by the Chief Engineer, I concluded that he must have interrogated.

72. Q. Did you instruct them that no one other than the actual guards were to go near the prisoners?

A. I did not give him any further specific instructions as the officer responsible for the prisoners of war was conducting himself according to these regulations.

73. Q. In your statement of 15 March 1948, which is an exhibit in this case, didn't you state "I instructed Minematsu that no persons other than the actual guards be allowed to interrogate or even go near the prisoners of war?"

A. That is exactly so. Minematsu reported exactly what was written and I told him to continue along these lines and therefore it is as I have stated in the statement. 9K

74. Q. Who was your Senior Staff Officer at the Fourth Base Force?

A. At that time, Commander Higuchi.

75. Q. And didn't Commander Higuchi report to you that on the day following the arrival of these prisoners of war that he had seen them being questioned at the Forty-first Naval Guard Unit?

A. I received the report from Minematsu in the afternoon of the day following the arrival of the prisoners of war. I do not remember a report of Higuchi's.

76. Q. Do you deny that Higuchi reported to you that he had seen these prisoners being interrogated at the Guard Unit?

A. Higuchi testified the other day on this witness stand that he made this report at dinner. I do not recall such a report at dinner time.

77. Q. Do you recall the report at any time?

A. I do not recall.

78. Q. In your statement of March 15, 1948 you state that "about November 20, 1943 forty-two American prisoners of war arrived from the SCULPIN." Is that true?

A. I am convinced that that is true because I received a report to that effect from Captain Minematsu.

79. Q. Wasn't it about the twenty-third or twenty-fourth of November 1943 when Minematsu came and reported to you that he had prisoners at the Guard Unit?

A. No, as I recall it was on the day following.

80. Q. Do you recall testifying in the Kobayashi case?

A. Yes, I do.

81. Q. Do you recall being asked this question, "What kind of a report did you receive from your commander, namely, pertaining to the locality of the camp and treatment of the prisoners of war?" and making this answer, "As I remember, it was around the 23rd or 24th of November, 1943, when Minematsu, the commander of the Forty-first Naval Guard Unit, reported to me on a veranda at my private home, in company with one of my staff officers."?

A. The answer is correct in all other respects except for this.

82. Q. Weren't you testifying truthfully when you said it was on the twenty-third or twenty-fourth?

A. What I have written in my statement I believe to be the truth. That might have been a misstatement.

83. Q. What you have written in what statement?

A. I do not recall the date but in one of the eight statements that you have.

84. Q. Did you hear the testimony of Minematsu, in the form of his deposition, that Staff Officer Higuchi was present at the interrogation of these prisoners of war?

A. I did.

85. Q. Was Higuchi present?

This question was objected to by the accused on the ground that it called for an opinion of the witness.

The judge advocate withdrew the question.

86. Q. Didn't you delegate Higuchi to be present at the questioning of those prisoners of war?

A. I did not.

87. Q. You know that these prisoners of war were questioned at that Guard Unit, don't you?

A. I learned definitely of this fact around the middle of December. When I wrote my statement I made this declaration to the interrogating officers that it was officers of the Sixth Fleet who had made the investigation. Various questions were put to me by the investigating officers on this question. This statement I made to the investigating officers was not included in my written statements.

88. Q. As a matter of fact didn't the Fourth Base Force inform the Forty-first Naval Guard Unit that they were not to question the prisoners of war since other personnel were being sent for that purpose?

A. No, that is not correct. I personally believe that it is not correct. As this order issued by Combined Fleet to Sixth Fleet that they were to conduct the interrogation would have had as information addressees the Forty-first Naval Guard Unit as well as Fourth Base Force, and Fourth Fleet. The Forty-first Naval Guard Unit would not have needed to be informed by Fourth Base Force of the interrogation.

89. Q. But the Fourth Base Force would have been informed that officers from Sixth Fleet were going to interrogate the prisoners of war?

A. Yes, that is correct. My headquarters, as well as the other units.

90. Q. Didn't you have orders from the Fourth Fleet at that time that prisoners of war were not to be interrogated?

A. Yes, but this order was issued by the Combined Fleet which was a higher command than Fourth Fleet and Fourth Fleet had also received this same order.

91. Q. From whom did the request come to interrogate these prisoners?

A. I am convinced that this request originated from the Combined Fleet.

The commission then, at 4:25 p.m., adjourned until 9 a.m., tomorrow, Wednesday, August 25, 1948.

TWENTIETH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Wednesday, August 25, 1948.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The accused, Wakabayashi, Seisaku, resumed the stand as a witness in
his own behalf and was warned that the oath previously taken by him was still
binding, and continued his testimony.

Cross-examined by the judge advocate:

92. Q. Wasn't it the usual procedure at the Fourth Base Force when a
higher officer desired to interrogate prisoners, that such higher command
would first inform you that he desired to do so?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes. However, even if they were higher official officers, if they came
for personal purposes, whether they came from the Fourth Fleet, Combined
Fleet, or Sixth Fleet, it was my policy not to give permission to these
officers. But if staff officers of Combined Fleet or Fourth Fleet came to
question from their respective Commanders in Chief, I would not have abided
by my policy just stated.

93. Q. Then you would have permitted such a higher command to come into
your Guard Unit and question prisoners of war?

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

The judge advocate replied.

The commission announced that the objection was sustained.

94. Q. Before coming to duty at the Fourth Base Force on Truk, where were you attached?

A. General Staff.

95. Q. What was your duty in November of 1940?

A. I was attached to the Naval General Staff but on the sick list.

96. Q. How long did you continue to be attached to the Naval General Staff?

A. As I recall, about two and one half months, and after those two and one half months I assumed concurrent post with the Naval Ministry, and I worked under the Vice Minister of the Navy under his command.

97. Q. Up until what time did you work under the Vice Minister of the Navy?

A. From February 6, 1941 until December 19, 1941.

98. Q. And then you became chief of the Maritime Affairs Board from December 19, 1941 until the time you went to the Fourth Base Force; is that right?

A. Yes, that is exactly so.

99. Q. And in those various posts during that period, didn't you become aware of the repeated protests of the American Government of the Japanese treatment of prisoners of war?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I did not know.

100. Q. In April 1943, didn't you learn the American Government had protested about the treatment of the Doolittle flyers by the Japanese forces?

A. I did not know.

101. Q. Is it true that the only place prisoners of war were confined on Truk was at the Guard Unit?

A. The prisoners of war were confined at the Forty-first Naval Guard Unit ashore on Truk, I believe. They were not confined at any other place as far as I know.

102. Q. Isn't it true that you inspected the Guard Unit at least five or six times a month?

A. Yes that is correct, but it does not mean that I inspected the Naval Guard Unit Headquarters on every occasion that I went to the Naval Guard Unit.

103. Q. You inspected that Naval Guard Unit during the month of November 1943, didn't you?

A. I believe I inspected the guard unit in November 1943.

104. Q. And in November 1943, you were aware that there were forty-two American prisoners of war confined at the Guard Unit; weren't you?

A. I was aware that they had arrived around the twentieth of November.

105. Q. At the time of your inspection of the Guard Unit in November, did you go near the place of confinement of these prisoners?

A. I did, but when I went close to the place where they were confined, the prisoners were not yet there.

106. Q. How do you know the prisoners were not there yet?

A. I asked the commanding officer at that time whether there were any prisoners and the commanding officer told me clearly and definitely that there were no prisoners. 9K

107. Q. Did you go to see if there were any prisoners there?

A. Before the arrival of the submarine prisoners of war, because I had not received any reports of arrival of the prisoners of war, I did not go to see them and after the arrival of the submarine prisoners of war, because I had various other important matters to attend to and because I had received reports on prisoners of war, I did not go to visit them.

108. Q. Did you delegate any of your staff officers to make visits to the places of confinement of these prisoners?

A. I did not send any staff officers specifically with that object in view, but I received reports from my staff officers concerning this matter.

109. Q. What staff officers did you receive reports from?

A. I received a report from staff officer Kondo, the Engineering Staff Officer, and the other occasion was when Surgeon Captain Iino reported to me.

110. Q. Did Kondo visit the place of confinement of those prisoners?

A. Kondo went to the Naval Guard Unit on other matters pertaining to engineering and he visited the - he made a report on conditions of confinement of the prisoners of war.

111. Q. Didn't Kondo tell you that those forty-two prisoners of war were all confined in three cells in the brig?

A. He did not make such a detailed report.

112. Q. Did you ever establish any system of reporting on prisoners of war when you were in command of the Fourth Base Force?

A. I did not, but as this system is set forth in the Navy Regulations concerning treatment regarding prisoners of war, and as it should be followed by all personnel, I did not see any need of issuing or formulating such a system.

113. Q. Wasn't there a regulation that all prisoners of war were to be returned to the Japanese homeland?

A. As the navy was not to confine the prisoners of war, it was understood that they be sent home to the Japanese homeland. That was understood in the regulations.

114. Q. Did you ever establish any procedure to make certain that any prisoners of war that arrived at the Guard Unit would be returned to the homeland?

A. I did not.

115. Q. Yet you realized that the guard unit was the sole place where prisoners of war were confined on Truk?

A. Yes, I realized that and so did all land and sea units at Truk.

116. Q. The only prisoners of war that you know of that were returned during your tour of duty were the submarine prisoners of war; is that right? 92
A. Those are the only prisoners that I know of.

117. Q. And when the prisoners of war arrived at the Guard Unit, the Guard Unit notified the Fourth Base Force and the Fourth Fleet of the fact, did it not?

A. Reports should have been sent to Fourth Base Force, but I received only reports on the submarine prisoners of war.

118. Q. You mean to say, admiral, that you didn't know that there were fifteen prisoners of war at the Guard Unit in January 1944?

A. I did not.

119. Q. In the middle of January 1944, you were being treated by Captain Iwanami of the Fourth Hospital; is that right?

A. Yes, I was receiving treatment from him.

120. Q. And Captain Iino of the Fourth Base Force was present on all those occasions, is that right?

A. Yes.

121. Q. Isn't it true, as Captain Iino testified, that he came to you one morning about that time and told you that he had received a phone call from Captain Iwanami to the effect that Iwanami had requested the use of some prisoners of war at the Guard Unit for physical experiments?

This question was objected to by the accused on the ground that it was improper in form.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. There was no report.

122. Q. Captain Iino was one of your trusted subordinates, wasn't he?

A. Yes, but I must stand on it that what is not a fact is not a fact.

123. Q. Can you give this commission any reason why Captain Iino would take the stand here in this court and testify to that if it wasn't the truth?

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

The judge advocate replied.

The commission announced that the objection was sustained.

124. Q. On February 17, admiral, during the period of the American air raid you were at all times in the vicinity of your headquarters; is that right?

A. Yes.

125. Q. And during the course of the raid, you at various times received reports from your subordinate officers; did you not?

A. I only received several reports from my staff officers, it is exactly as I testified yesterday.

126. Q. How long did this air raid last on the seventeenth?

A. As I recall from the dawn till around one o'clock in the afternoon.

127. Q. And during that time, was it necessary at various times to issue instructions and orders to your subordinate officers?

A. The standing orders as set forth in the Regulations Concerning What Should Be Done during Battle was carried out by staff officers. Such orders were not many in number, and besides these, I recall approving a draft for the orders to prepare for land warfare which was submitted to me by one of my staff officers after Kita Jima had been shelled.

128. Q. During battle the command phone between the Fourth Base Force and the subordinate units was used, is that right?

A. I believe that line was used.

129. Q. Now when that command line was plugged in with a subordinate unit such as the Forty-first Naval Guard Unit, it was possible for anybody at the Forty-first Naval Guard Unit to speak to the Fourth Base Headquarters; is that correct?

A. As I testified yesterday, if the switch was connected all the time the buzzers at the Guard Unit would be ringing and the red light at Fourth Base Force would be on continuously. Even under battle conditions this could not be surmised as the Naval Guard Unit under these circumstances would not know when the Fourth Base Headquarters wished to issue a fresh order.

130. Q. Isn't it true that once the line was plugged in and switched on with the master switch and contact made with the Guard Unit, the Guard Unit could speak to the Fourth Base Force?

A. If both switches were thrown in, it would be possible for the Naval Guard Unit to speak to headquarters, but there were strict regulations against such use of a command telephone and the operator in the telephone room would not the irregularity. I am firmly convinced that it is not possible to have both switches - one joining the power switch and the switch connecting with the various units to be connected at the same time. JK

131. Q. Admiral, regardless of regulations against the use of the phone, the simple fact is that if a connection was made, it was possible for them to talk back to the Fourth Base Force; is that true?

A. If the circumstances as you gave them existed, it would be possible for the Guard Unit to speak to Headquarters.

132. Q. Now at this conference in the evening on February seventeenth or eighteenth, Captain Tanaka, Commanding Officer of the Guard Unit made a report; did he not?

A. He did make a report.

133. Q. And in the course of that report, didn't he state that seven prisoners of war had been executed at the Guard Unit during the course of the air raid?

A. There was no report made at all concerning prisoners of war.

134. Q. On direct examination you testified somewhat about the responsibility of the Forty-first Naval Guard Unit with relation to prisoners of war that were confined there. You realized didn't you, admiral, as Commandant of the Fourth Base Force, you had a responsibility towards the control of officers in your subordinate units?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I so realized.

135. Q. Is it true, admiral, that during your tour of duty at Fourth Base Force you never issued any orders with regard to handling and treatment of prisoners of war.

A. Yes.

The commission then, at 10:10 a.m., took a recess until 10:35 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The accused, Wakabayashi, Seisaku, resumed the stand as a witness in his own behalf and was warned that the oath previously taken was still binding, and continued his testimony.

Reexamined by the accused:

136. Q. In your statement of March 15, 1948, which was introduced as Exhibit 12, did you write the date of the arrival of the survivors of the American submarine SCULPIN on Truk as 20 November or about 20 November?

A. I wrote about the twentieth of November.

137. Q. In that same statement do you recall what date you wrote as the day on which Captain Minematsu made his report?

A. I wrote on the next day.

138. Q. You testified previously that you were attached to the Naval General Staff on 20 November 1940, an order had been issued November 1, 1940 assigning you to the Staff of the Fourth Fleet, and November 1, 1940 you were attached to Headquarters Fourth Fleet but you were detached again on the twentieth of November 1940. Were there any reasons for this change?

A. It was because I was suffering from ulcers of the stomach that I was detached.

139. Q. What duties has an officer attached to the Naval General Staff?

A. This position is given flag officers who are waiting for orders or who are on the sick list.

140. Q. You testified that you worked under the Vice Minister of the Navy from February 6, 1941. What were your duties at that time?

A. There was a Maritime Affairs Board about to be established at the Communication Ministry and I was under the command of the Vice Minister in preparing for the establishment of this new board and working at the Communication Ministry.

141. Q. When in November 1943 did you inspect the Naval Guard Unit?

A. As I recall in the early part of November. gk

142. Q. Could the Fourth Base Force, by itself, manage the arrival, the confinement and dispatching to the Japanese homeland of prisoners of war on Truk?

A. The Fourth Base Force alone could not handle all these matters. The Fourth Base Force Headquarters, Fourth Fleet Headquarters, and Combined Fleet Headquarters were all connected in the handling of these matters. As Fourth Base Force Headquarters could not manage the movements of ships and aircraft, the Base Force, by itself, could not handle all these matters.

143. Q. Then if Combined Fleet, Fourth Fleet, and Fourth Base Force Headquarters were all connected with the handling of prisoners of war on Truk, who would have issued instructions concerning their treatment?

A. That duty naturally would fall on the Commander in Chief Combined Fleet.

144. Q. You testified that during your tour of duty as Commandant of the Fourth Base Force you did not issue any orders concerning treatment of prisoners of war. If there were any reasons for you not doing so, please state what they were.

A. Regulations governing the treatment of prisoners of war were included in the Naval Regulations and these latter regulations were issued to all navy units and all navy officers, especially those who were graduates of the Naval Academy were strictly instructed to carry out their daily duties according to these regulations. The Wartime International Law Manual was issued by the Navy Ministry to all navy units and all naval personnel above the rank of officer who desired a copy, and they were all well informed on this subject.

145. Q. Isn't it true that Commander in Chief Combined Fleet, while he was on Truk, was in command of all navy forces on Truk and his order to you regarding the Forty-first Naval Guard Unit had to be obeyed? gk

This question was objected to by the judge advocate on the ground that it was leading.

The accused replied.

The commission announced that the objection was not sustained.

A. Yes.

146. Q. Commander in Chief, Combined Fleet, was the one who ordered these submarine prisoners confined and ordered the interrogation and ordered them sent away from the Guard Unit to Japan. Is that correct?

A. Yes.

147. Q. Who did you mean had designated the Forty-first Naval Guard Unit as a place of confinement for prisoners of war? gk

A. This was determined by the Commander in Chief, Fourth Fleet.

148. Q. Did you receive a report that all forty-two of the submarine prisoners of war had been embarked on ships for Japan?

A. After the prisoners had left aboard aircraft carriers, I received a report from the commanding officer of the Forty-first Guard Unit, Captain Minematsu.

149. Q. Where is Kita Jima Island located with reference to your headquarters?

A. As I recall it was an island situated to the north in relation to my headquarters, within Truk Atoll.

150. Q. Was the Forty-first Naval Guard Unit located on this Island of Kita Jima?

A. No, the headquarters of the Forty-first Naval Guard Unit was located on Dublon. There was a fort attached to the Naval Guard Unit located on Kita Jima.

151. Q. Although you testified on cross-examination that you never issued any orders with regard to the treatment and handling of prisoners of war, isn't it true that you did issue orders to Captain Minematsu?

This question was objected to by the judge advocate on the ground that it was leading.

The accused made no reply.

The commission announced that the objection was sustained.

Recross-examined by the judge advocate:

152. Q. Admiral, you testified that you made a visit to the Guard Unit in early November 1943; did you not?

A. Yes.

153. Q. About what date was that?

A. About the seventh or eighth.

154. Q. And you have also testified that you made at least five or six visits each month to the Guard Unit, have you not?

A. When I said I went five or six times a month I did not mean that I went five or six times to the headquarters. Forts and other installations of the Guard Unit were scattered over the atoll and when I said the Naval Guard Unit these were included in that term.

155. Q. So that after the eighth of November and during the month of November you did make inspection trips to some part of the Guard Unit?

A. Yes, that is true.

156. Q. How far was the Guard Unit Headquarters from your headquarters?

A. As I recall, about a mile and a half away.

157. Q. And during these visits later in the month of November to inspect installations of the Forty-first Guard Unit you didn't go near the place of confinement of the submarine prisoners of war; did you?

A. I did not.

Reexamined by the accused:

158. Q. On what islands inside Truk Atoll were the installations of the Forty-first Naval Guard Unit located?

A. They were located on the four islands named after the seasons - Moen, Dublon, Fefan and Uman - the seven islands named after the days of the week, also Param and on some of the small islands on the periphery of the atoll.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as the accused.

The accused informed the commission that Higuchi, Nobuo, a defense witness, was a patient in the naval hospital and presently unavailable. It was also pointed out that depositions requested from defense witnesses in Japan had not yet arrived. An adjournment was requested to await the arrival of the depositions and the possible discharge of the witness in that period. 9K

The judge advocate stated that he had no objection to this adjournment.

The commission announced that adjournment was granted, with the understanding that the time be used by counsel in preparation of final arguments.

The commission then, at 11:05 a.m., adjourned sine die.

TWENTY-FIRST DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Thursday, September 2, 1948.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Higuchi, Nobuo, a witness for the prosecution, was recalled as a
witness for the defense and was warned that the oath previously taken by him
was still binding.

Examined by the accused:

1. Q. Do you recall testifying on the ninth day of this trial concerning
the submarine prisoners of war who arrived in November 1943 on Truk? 9K

A. I do.

2. Q. What was the name of the destroyer which brought these submarine
prisoners of war to Truk?

A. I believe it was the destroyer YAMAGUMO.

3. Q. To which fleet was the YAMAGUMO attached?

A. The Combined Fleet.

4. Q. Around November 1943 was there any command relationship between
Fourth Base Force and the destroyer YAMAGUMO?

A. There was no command relation whatsoever.

5. Q. Do you recall testifying that these prisoners of war were interro-
gated by persons from the Sixth Fleet - do you recall testifying so on the
ninth day of this trial?

A. I do.

6. Q. Around November 1943 was there any command relationship between
the Fourth Base Force and the Sixth Fleet?

A. There was no command relationship between the Fourth Base Force and the
Sixth Fleet whatsoever.

7. Q. Was the confinement ashore of the prisoners of war from the destroyer YAMAGUMO, attached to the Combined Fleet, and the interrogation of these prisoners of war by persons of the Sixth Fleet, who had no command relationship with the Fourth Base Force whatsoever, carried out by the independent decision of the Fourth Base Force?

This question was objected to by the judge advocate on the ground that it was double and leading.

The accused reframed the question.

8. Q. Was the confinement ashore of the prisoners of war from the destroyer YAMAGUMO, attached to the Combined Fleet, decided according to the initiative of the Fourth Base Force alone?

A. It could not be done.

9. Q. Was the interrogation of the prisoners of war by the personnel of the Sixth Fleet, who had no command relationship with the Fourth Base Force, carried out according to the independent initiative of the Fourth Base Force?

This question was objected to by the judge advocate on the ground that it was vague and that it called for an opinion of the witness.

The accused reframed the question.

10. Q. Was the Fourth Base Force on its own initiative able to decide that the prisoners of war be interrogated by persons of the Sixth Fleet, who had no command relationship with the Fourth Base Force?

A. That in the same way could not be done.

11. Q. Do you recall testifying in the Kobayashi case concerning the reason why the Fourth Base Force did not issue any regulations concerning the treatment of prisoners of war?

This question was objected to by the judge advocate on the ground that it was improper in form.

The accused withdrew the question.

12. Q. You have already testified on the ninth day of this trial concerning the reason why the Fourth Base Force Headquarters did not issue any orders concerning the treatment of prisoners of war; but if there is anything further, please state them now.

A. Concerning the above matter, the Fourth Fleet, which was the next higher echelon of command to the Fourth Base Force Headquarters, will issue basic orders and the Fourth Base Force in turn will issue detailed orders, and as the Fourth Fleet did not issue any orders concerning the confinement or treatment of prisoners of war, I believe the Fourth Base Force did not issue any orders.

13. Q. What type of communication was in existence between the Forty-first Naval Guard Unit and the Fourth Base Force on 17 February 1944?

A. Telephone communication.

14. Q. What was the distance between the telephone room of the Fourth Base Force Headquarters and the hill you were on on that day, as you testified before?

A. I believe it was about 100 meters.

15. Q. On that date, on 17 February, was there a telephone in the air raid shelter where Wakabayashi was staying?

A. No.

16. Q. On the day of the air raid - that is 17 February - who were in the telephone room during the daylight hours when the air raid was in progress?

A. I believe there were three or four telephone operators.

17. Q. What does the word "oi" mean in the Japanese Navy? If you know, please state the meaning.

A. Not only in the Japanese Navy, but in general it means - it is used to call a person. In English it corresponds to the word "hey" or "hello."

Cross-examined by the judge advocate:

18. Q. Isn't it true that prior to the arrival of the destroyer YAMAGUMO the Fourth Base Force received a dispatch requesting that the prisoners be confined in the Guard Unit?

This question was objected to by the accused on the ground that it went beyond the scope of the direct examination.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I recall thus.

19. Q. And the Fourth Base Force passed that dispatch on to the Forty-first Naval Guard Unit, its subordinate unit, did it not?

A. I believe so.

20. Q. At the time these submarine prisoners of war were interrogated by personnel from the Sixth Fleet they were confined at the Forty-first Naval Guard Unit; were they not?

A. Yes.

21. Q. And you were present at some of those interrogations - by these officers from the Sixth Fleet; were you not?

This question was objected to by the accused on the ground that it went beyond the scope of the direct examination.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No.

22. Q. Isn't it true that on at least two occasions you were present when these submarine prisoners of war were questioned at the Guard Unit by officers from this other unit?

A. There is absolutely no such thing.

23. Q. Weren't you present at any time when they were questioned?

A. I saw what was going on from a distance.

24. Q. What was the distance?

A. About ten meters.

25. Q. So that you were standing right nearby when these prisoners of war were being interrogated by these officers from the Sixth Fleet, isn't that true?

A. No.

26. Q. Who was the highest ranking officer that was present when you were watching this interrogation?

A. I do not recall.

27. Q. Do you recall being asked this question in the Kobayashi case: "Question: During your testimony you spoke about certain submarine prisoners of war. Will you relate what you know about these American submarine prisoners of war?" and replying in part "...I do not recall clearly who the person was that was interrogating, but I believe it was a staff officer of the Sixth Fleet with the rank of lieutenant commander or commander?"

A. I recall thus. The question which the judge advocate just put to me was who the highest officer of the Sixth Fleet was that was present.

28. Q. The person then doing the interrogation was either a lieutenant commander or commander, is that right?

A. I recall thus.

29. Q. What was your rank at that time?

A. Commander.

30. Q. And at that time you were the senior staff officer of the Fourth Base Force; were you not?

A. Yes.

31. Q. Now, do I understand your testimony to be that because the Fourth Fleet did not issue any basic instructions concerning prisoners of war the Fourth Base Force did not give any detailed instructions concerning them?

A. Yes.

32. Q. Now, you have testified that during the air raid on February 17th there were three or four telephone operators on duty in the phone room. What was the procedure when messages were received by them? What would the telephone operators do with such messages?

This question was objected to by the accused on the ground that it was vague, irrelevant, and immaterial.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Ordinarily he will write it on the paper and bring it around to the Commandant and the staff officers.

33. Q. If during the course of the air raid instructions or directions were requested from some subordinate unit of the Fourth Base Force, the procedure would be for the telephone operator to take that request to the commandant; is that true?

A. Yes, that is one way, and another way is if the subordinate unit calls the Headquarters and wants to talk to a certain person, he may ask that person to come to a telephone and have the matters cleared.

34. Q. During the course of this air raid was the Commandant completely informed of what was going on?

A. In general, I believe the battle condition was reported to the Commandant at times.

The accused moved to strike out this answer on the ground that it was an opinion of the witness and hearsay.

The commission announced that the motion to strike was not sustained.

35. Q. But you did report often to him; isn't that true?

A. I do not recall going often, but I believe I reported to him at least several times.

36. Q. And during the course of that air raid didn't the Commandant issue orders through you?

A. Yes.

37. Q. Isn't it true that in the Japanese Navy the word "oi" had a particular meaning when used by a superior officer to a subordinate?

A. It does not have any particular meaning. As I stated before it is a word used when calling a person.

38. Q. Isn't it true that when that word is used by a senior to a junior it means "get to it" or "carry it out"?

A. Absolutely not. JK

Reexamined by the accused:

39. Q. How did the Base Force pass on this dispatch about submarine prisoners of war to the Guard Unit?

A. I do not recall clearly, but I believe the Guard Unit was an action addressee on the dispatch.

40. Q. And is that what you meant when you testified that the Base Force passed the dispatch on to them?

A. Yes. I myself did not do it, so I do not know but I believe someone else did it.

41. Q. Now, from that distance - 10 meters - could you hear the questions being put by the interrogating officers and the answers given by the prisoners?

A. No, absolutely not.

42. Q. How long did you stay as a spectator at this interrogation?

A. About two or three minutes.

43. Q. Now, during this air raid on the seventeenth, were you ever shown a request from the Guard Unit by any telephone operator or anyone else at the Base Force by which this Guard Unit requested approval to execute prisoners of war?

A. No.

44. Q. Did the Commandant of the Fourth Base Force ever issue any orders through you during the air raid on the seventeenth approving the execution of prisoners of war at the Forty-first Naval Guard Unit?

A. No, absolutely not.

Recross-examined by the judge advocates:

45. Q. A record of telephone calls was kept at the Fourth Base Force, was it not?

A. I do not recall if all of them were recorded or not.

46. Q. Isn't it true that at the conclusion of the war and before the American forces came in there, all records of telephone calls at the Fourth Base Force were destroyed?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not have such a recollection.

47. Q. Were the records of these telephone calls preserved?

A. I do not think they were preserved.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 10:15 a.m., took a recess until 10:35 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

The judge advocate was recalled as a witness for the defense and was warned that the oath previously taken by him was still binding.

Examined by the accused:

1. Q. If you are the legal custodian of the deposition of Minematsu, Yasuo, former captain, Imperial Japanese Navy, a witness for the defense, produce it.

The witness produced the deposition of Minematsu, Yasuo, and it was submitted to the judge advocate and to the commission and by the accused offered in evidence. There being no objection, it was so received, and is appended marked "Exhibit 34."

2. Q. Is the deponent, Minematsu, Yasuo, available as a witness?
A. He is presently living in Japan.

3. Q. Will you read Exhibit 34?
(The witness read Exhibit 34.)

4. Q. If you are the legal custodian of the deposition of Atsushi Isobe, former captain, Imperial Japanese Navy, a witness for the defense, produce it.

The witness produced the deposition of Atsushi Isobe, and it was submitted to the judge advocate and to the commission and by the accused offered in evidence. There being no objection, it was so received, and is appended marked "Exhibit 35."

5. Q. Is the deponent Atsushi Isobe, available as a witness?
A. He is presently living in Japan.

6. Q. Will you read Exhibit 35?
(The witness read Exhibit 35.)

7. Q. If you are the legal custodian of the deposition of Tomosaburo Miura, former captain, Imperial Japanese Navy, a witness for the defense, produce it.

The witness produced the deposition of Tomosaburo Miura, and it was submitted to the judge advocate and to the commission and by the accused offered in evidence. There being no objection, it was so received, and is appended marked "Exhibit 36."

8. Q. Is the deponent Tomosaburo Miura, available as a witness?
A. He is presently living in Japan.

9. Q. Will you please read Exhibit 36?
(The witness read Exhibit 36.)

The accused did not desire further to examine this witness.

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

The witness resumed his seat as judge advocate.

The defense rested.

The rebuttal began.

James P. Kenny, the judge advocate, a witness for the defense, was recalled as a witness for the prosecution and was warned that the oath previously taken by him was still binding.

Examined by the judge advocate:

1. Q. If you are the legal custodian of the deposition of one Minematsu, Yasuo, former captain, Imperial Japanese Navy, a witness for the prosecution, dated 28 August 1948, produce it.

The witness produced the deposition of Minematsu, Yasuo, and it was submitted to the accused and to the commission and by the judge advocate offered in evidence. There being no objection, it was so received, and is appended marked "Exhibit 37."

2. Q. Will you please read Exhibit 37?

(The witness read Exhibit 37.)

The judge advocate did not desire further to examine this witness.

Neither the accused nor the commission desired to examine this witness.

The witness resumed his seat as judge advocate.

The rebuttal ended.

The accused did not desire to offer any evidence in surrebuttal.

The accused made a motion for a directed acquittal on the ground that the prosecution had not shown any law or customs of war which imposed a liability and responsibility upon the accused as Commandant of the Fourth Base Force, Truk, toward the prisoners of war as alleged and because the defense had proved beyond a reasonable doubt and by a preponderance of the evidence that the accused, Wakabayashi, Seisaku did not as Commandant Fourth Base Force neglect his duty or fail to take appropriate measures to protect prisoners of war as alleged particularly as was alleged in specifications 2(a), 2(b), 2(c) and 1(a).

The judge advocate replied.

The commission announced that the motion was denied.

The commission then at 11:15 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

The accused read a written statement in his defense, appended marked "YY."

An interpreter read an English translation of the written statement of the accused, appended marked "ZZ."

The judge advocate read a written opening argument, appended marked "AAA."

An interpreter read a Japanese translation of the judge advocate's opening argument.

The commission then, at 3:05 p.m., took a recess until 3:20 p.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Elvin G. Gluba, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Mr. Takano, Junjiro, a counsel for the accused, began reading his argument in Japanese, appended marked "BBB."

The commission then, at 4:25 p.m., adjourned until 9 a.m., tomorrow, Friday, September 3, 1948.

TWENTY-SECOND DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Friday, September 3, 1948.

The commission met at 9:10 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Mr. Takano, Junjiro, a counsel for the accused, concluded the reading
of his written argument in Japanese, appended marked "BBB."

An interpreter began reading the translation of Mr. Takano's argument
in English, appended marked "CCC."

The commission then, at 10:15 a.m., took a recess until 10:30 a.m., at
which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel,
and the interpreters.

Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An interpreter concluded the reading of the translation of Mr. Takano's
argument in English, appended marked "CCC."

The commission then, at 11:30 a.m., took a recess until 2 p.m., at
which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel,
and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

Commander Martin E. Carlson, a counsel for the accused, read his written argument, appended marked "DDD."

The accused waived the reading of Commander Carlson's argument in Japanese in open court.

The judge advocate requested an adjournment until tomorrow morning to complete preparation of his closing argument.

The commission announced that the request was granted.

The commission then, at 3:10 p.m., adjourned until 9 a.m., tomorrow, Saturday, September 4, 1948. JK

TWENTY-THIRD DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, Marianas Islands,
Saturday, September 4, 1948.

The commission met at 9:20 a.m.

Present:

Rear Admiral Arthur G. Robinsen, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottmeyer, U. S. Navy,
Captain Albert L. Jensen, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

The judge advocate read his written closing argument, appended marked
"XXX."

An interpreter read a Japanese translation of the judge advocate's
closing argument.

The commission was cleared.

The judge advocate was recalled and directed to record the following
findings:

The first specification of the charge proved.

The second specification of the charge proved.

And that the accused, Wakabayashi, Seisaku, is of the charge guilty.

The commission was opened and all parties to the trial entered.

The commission announced its findings to the accused.

The commission then, at 11:25 a.m., adjourned until 9 a.m., Tuesday,
September 7, 1948.

TWENTY-FOURTH DAY

United States Pacific Fleet,
Commander Naval Forces, Marianas,
Guam, ~~Marianas~~ Islands, 9K
Tuesday, September 7, 1948.

The commission met at 9 a.m.

Present:

Rear Admiral Arthur G. Robinson, U. S. Navy,
Lieutenant Colonel Kenneth E. Balliet, Cavalry, United States Army,
Lieutenant Colonel Newton L. Chamberlain, Signal Corps, United States
Army,
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,
Lieutenant Commander Wallace J. Ottomeyer, U. S. Navy,
Captain Albert L. Jenson, U. S. Marine Corps, members, and
Lieutenant James P. Kenny, U. S. Navy, judge advocate.
Archie L. Haden, junior, yeoman first class, U. S. Navy, reporter.
The accused, his counsel, and the interpreters.

The record of proceedings of the twenty-third day of the trial was read and approved.

No witnesses not otherwise connected with the trial were present.

Sanagi, Sadamu, counsel for the accused, a witness for the defense, was recalled as a witness as to matters in mitigation, and was warned that the oath previously taken by him was still binding.

Examined by the accused:

1. Q. Please state your name.
A. Sanagi, Sadamu.

2. Q. Do you have in your possession certifications of character for the accused, Wakabayashi, whose defense counsel you are?
A. I have in my possession petitions in mitigation, character testimonials, and certification for medals and decorations received by the accused. There are seventeen petitions.

3. Q. In what language are the character testimonials and other documents you have in your possession?
A. Most of the petitions and testimonials are in the Japanese language but I have English translations of the documents written in Japanese.

4. Q. Are these documents pertaining to the accused's character in proper form for introduction as matter in mitigation?
A. Yes, I think so.

The documents produced by the witness were submitted to the judge advocate and to the commission, and by the accused offered in evidence. There being no objection, they were so received, appended marked "Exhibit 38," "Exhibit 39," "Exhibit 39a," "Exhibit 40," "Exhibit 41," "Exhibit 41a," "Exhibit 42," "Exhibit 42a," "Exhibit 43," "Exhibit 43a," "Exhibit 44," "Exhibit 44a," "Exhibit 45," "Exhibit 45a," "Exhibit 46," "Exhibit 46a," "Exhibit 47," "Exhibit 47a," "Exhibit 48," "Exhibit 48a," "Exhibit 49," "Exhibit 49a," "Exhibit 50," "Exhibit 50a," "Exhibit 51," "Exhibit 51a," "Exhibit 52," "Exhibit 52a," "Exhibit 53," "Exhibit 53a," "Exhibit 54," "Exhibit 54a," "Exhibit 55," and "Exhibit 55a."

The accused waived the reading of such of these Exhibits as were in Japanese because he had read them and was familiar with their content.

(An interpreter read "Exhibit 38," "Exhibit 39a," "Exhibit 40," "Exhibit 41a," "Exhibit 42a," "Exhibit 43a," "Exhibit 44a," "Exhibit 45a," "Exhibit 46a," "Exhibit 47a," "Exhibit 48a," "Exhibit 49a," "Exhibit 50a," "Exhibit 51a," "Exhibit 52a," "Exhibit 53a," "Exhibit 54a," and "Exhibit 55a.")

The judge advocate stated that there was much material that was not relevant to matters in mitigation contained in these exhibits and requested that the commission take note of this fact.

The commission stated that it had noted such portions and would give these petitions their proper weight.

The judge advocate did not desire to cross-examine this witness.

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his seat as counsel for the accused.

The accused was, at his own request, recalled as a witness in his own behalf as to matters in mitigation and warned that the oath previously taken by him was still binding.

Examined by the accused:

1. Q. Did you receive the "Order of the Rising Sun with single ray, Sixth Class" for your merits in the 1914-15 war?

A. Yes, I did.

2. Q. Will you please explain precisely for what service you received this order?

A. I received this order for my service in World War I. I saw action on two occasions in this war. One when we occupied Tsingtao and the other was when we pursued the German cruiser Emden in the Indian Ocean. gk

3. Q. Did you receive the "Fourth Class Order of the Cordon of the Rising Sun" for your service in the 1915-20 war?

A. Yes, I did.

4. Q. What service of yours merited the granting of this order?

A. I received this "Fourth Class Order" for my services in World War I. The second time when I was called into the war, when I saw service in the Mediterranean, and I was engaged in the escort of the Grand Convoy by which Army units were transferred from Marseilles to Algiers, and escort of the British battleship HMS Majesty to Malta and for various other convoy duties.

The judge advocate did not desire to cross-examine this witness.

The commission did not desire to examine this witness.

The witness resumed his status as accused.

The commission then, at 10:10 a.m., took a recess until 10:25 a.m., at which time it reconvened.

Present: All the members, the judge advocate, the accused, his counsel, and the interpreters.

Paul F. Coste, junior, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the defense as to matters in mitigation entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Hara, Chuichi, former vice admiral.

2. If you recognize the accused, state as whom.

A. Wakabayashi.

Examined by the accused:

3. Q. During what period of time did you serve with the Imperial Japanese Navy?

A. I entered the Japanese Navy in 1908.

4. Q. Since when were you acquainted with the accused, Wakabayashi?

A. From that same year, namely 1908.

5. Q. Will you please state what you know concerning the character of the accused, Wakabayashi?

A. Wakabayashi was a very mild and a very merciful person and kind. In association with people he met them on a basis of good-will. This fact is attested not only by myself but by all his old friends and acquaintances. There are numerous concrete instances which bear out this fact but I will state one or two. When any of our group of classmates met any misfortune, Wakabayashi with kindness which came directly from his heart would attempt to alleviate this misfortune and disperse the unhappiness. And we, his classmates, recognized the fact that the accused Wakabayashi was doing his utmost to help the bereaved families of some of his classmates. Furthermore this fact is recognized not only by his classmates, but by most of the officers in

the former Japanese Navy. Those who served with him, whether they were his superiors or subordinates, state before me with one voice; namely, that his attitude which is kindness in itself, without any tinge of ill-will, always gives us a feeling of warmth. I wish next to touch upon his ability and talents. Wakabayashi has a very well ordered and acute mind. And therefore his mind is well adapted to administrative work, and this fact is shown by his past career. In short he held the position of member of the Naval Affairs Bureau, he was one time a staff officer of Naval District Headquarters of the General Affairs Bureau of Ammunitions Depot, and I believe he held some civilian non-military position besides. Consequently, Wakabayashi is very well informed on the regulations which existed in the navy and it was the consensus of opinion in the navy that his performance was well ordered and strict.

6. Q. Do you wish to add anything else concerning the accused Wakabayashi besides what you have stated just now? 9K

A. He was not in very good physical condition prior to the commencement of the last war. And we, his classmates were of the opinion that this state of ill health was the consequence of his having lost numerous of his subordinates due to mistakes on the part of his subordinate officers. It was rumored among us that this state of ill health caused Wakabayashi to feel a moral responsibility towards the deceased and bereaved families. His classmates were considerably worried when he assumed his position on Truk as Wakabayashi had not completely recovered his health at that time. So when I assumed my position at Truk in February 1944, as I had heard about this state of affairs, I advised him in private. When I saw him he was in extremely poor health and I thought that he might not even make the Japanese homeland. Although I encouraged verbally, I thought in my heart that this would be my last meeting with him, so we parted.

The judge advocate did not desire further to cross-examine this witness.

The commission did not desire to examine this witness.

The witness made the following statement:

I have testified as to the accused's character and health but the character of the accused as I have stated and his health on Truk was never very good, and if the president and members of the commission would take these matters into consideration I would be very appreciative.

The witness was duly warned and withdrew.

Mr. Sanagi, a counsel for the accused, read a written plea for leniency in behalf of the accused.

An interpreter read an English translation, appended marked "FFF."

The judge advocate replied, a brief of which is appended marked "GGG."

The commission was cleared.

The judge advocate was recalled and directed to record the sentence of the commission as follows:

The commission, therefore, sentences him, Wakabayashi, Seisaku, to be confined for a period of fifteen (15) years.

Arthur G. Robinson
ARTHUR G. ROBINSON,
Rear Admiral, U. S. Navy, President.

Kenneth E. Balliet
KENNETH E. BALLIET,
Lieutenant Colonel, Cavalry, United States Army, Member.

Newton L. Chamberlain
NEWTON L. CHAMBERLAIN,
Lieutenant Colonel, Signal Corps, United States Army, Member.

Bradner W. Lee, Junior
BRADNER W. LEE, JUNIOR,
Lieutenant Commander, U. S. Naval Reserve, Member.

Wallace J. Ottomeyer
WALLACE J. OTTOMEYER,
Lieutenant Commander, U. S. Navy, Member.

Albert L. Jenson
ALBERT L. JENSON,
Captain, U. S. Marine Corps, Member.

James P. Kenny
JAMES P. KENNY,
Lieutenant, U. S. Navy, Judge Advocate.

The commission was opened and all parties to the trial entered.

The commission announced its sentence to the accused.

The commission, having no more cases before it, adjourned to await the action of the convening authority.

Arthur G. Robinson
ARTHUR G. ROBINSON,
Rear Admiral, U. S. Navy, President.

James P. Kenny
JAMES P. KENNY,
Lieutenant, U. S. Navy, Judge Advocate.