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The Exploitation of Captured and Seized Japanese Records Relating to War Crimes, 1942–1945

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On the morning of September 3, 1945, Col. Sidney Mashbir, chief of the U.S. Army's Allied Translator and Interpretor Section (ATIS), confronted Okazaki Katsuo from Japan's Ministry of Foreign Affairs with grisly and compelling evidence of extensive Japanese war crimes against civilians and POWs.[1] Mashbir produced Japanese military orders to burn to death Filipino men, women, and children, and showed Okazaki photographs of the horrors of Manila. Okazaki, pale and shaken, asked Mashbir if the United States had the names of the Japanese soldiers responsible for the atrocities.

"You're damn right," replied Mashbir. "Depend on it: you will be very shortly called upon to turn them over to us for punishment."[2]

How the United States was able to produce such evidence the day after Japan's formal surrender is the topic of this chapter.

From early in the war, the U.S. military was prepared to collect, analyze, interpret, and disseminate captured documentation. Information from captured Japanese records supported intelligence and other military purposes during the war, and it was compiled with an eye toward postwar prosecution of war criminals.[3] As a result, by the end of the war, ATIS had processed over 350,000 captured documents, thousands of which related to war crimes (see facing page for the cover of one such report).

Established in Australia by Gen. Douglas MacArthur in September 1942, ATIS was the largest translation and interrogation operation in the Pacific and Far East Theaters. By war's end, its Translation Section employed over 780 personnel. Similar operations included the Sino Translation and Interrogation Center in China; the Southeast Asia Translation and Interrogation Center in India, Burma, and Thailand; the Joint Intelligence Center/Pacific Ocean Areas; the Alaska Defense Command; the Combat Intelligence Center/South Pacific; and the United States Army Forces in the South Pacific Area (SWPA). Because most of the war-crimes–related records were captured

in the Southwest Pacific Area and in Japan, this chapter will concentrate on the work of ATIS.

ATIS and War Crimes Documentation 1942–1944

In August 1942, not long after the Americans began operations in New Guinea and the Solomon Islands, they began to capture numerous Japanese military orders, diaries, and field notebooks that contained evidence of Japanese atrocities. ATIS, as well as the Combat Intelligence Center and the U.S. Army Forces in the South Pacific Area, began translating and publishing these documents, making them widely available to U.S. military and intelligence organizations.

On December 25, 1942, ATIS received the diary of a Japanese commander who was captured south of Gorari, New Guinea. In his October 19, 1942, entry, the commander documented the gradual starvation of his platoon and their frantic efforts to get food. He then noted that meat had been carved from a dead American prisoner. He concluded, "This is the first time I have ever tasted human flesh—and it was very tasty." ATIS quickly published this first documentary evidence of cannibalism.[4] Similar reports soon followed.

In February 1943, MacArthur asked Brig. Gen. Charles A. Willoughby, his G-2 (Intelligence) chief, to provide him with materials relevant to Japanese war crimes. Willoughby turned to Mashbir for this information. Mashbir produced several ATIS reports and preliminary interrogative material related to cannibalism, torture, and other war crimes.[5] During 1943 and 1944, ATIS continued to receive evidence of Japanese atrocities such as beheadings, vivisection, and cannibalism. ATIS published all of it.

During 1942 and early 1943, the Australian government received numerous reports of Japanese breaches of the rules of warfare. In response to these reports, the Australians created the Commission of Inquiry into Japanese Forces Atrocities. In early March 1944, the Commission asked the Americans to compile all references to atrocities committed by the Japanese Armed Forces. In response, ATIS produced "Japanese Violations of the Laws of War" (published originally as ATIS Information Bulletin No. 14).[6]

During April and early May 1944, ATIS received extensive evidence of Japanese atrocities against American POWs, Philippine civilians, and others, including a report that Japanese forces massacred seventeen Americans at Panay and two Filipinos captured in the Hollandia area. Some victims were decapitated. On May 11, 1944, Willoughby asked the Staff Judge Advocate, United States Army Forces, Far East (USAFFE) to recommend procedures for accumulating evidence for war crimes prosecutions. Two days later, the Acting Staff Judge Advocate suggested creating a board to conduct quasi-judicial investigations of the war crimes cases.[7]

With this response, Willoughby wrote the Adjutant General that atrocity cases and reports were accumulating in such numbers that there needed to be an agency specially charged with handling them. "Otherwise," he informed Col. Bonner Fellers, Army G-3 Assistant Chief of Staff for Operations, "evidence available now or at some future date will not be discovered or will be lost … before trial will be held." Willoughby recommended that the atrocity file and responsibility for developing atrocity cases for trial be charged to the Judge Advocate General, USAFFE, under the supervision of the Assistant Chief of Staff, G-1.[8]

On May 18, 1944, Fellers wrote to Gen. Sutherland, Chief of Staff GHQ/SWPA, that ATIS had already examined evidence sufficient to support the charges of war crimes against certain Japanese POWs and asked the Judge Advocate, USAFFE, to draft an order establishing a War Crimes Board to investigate and develop atrocity cases. The Judge Advocate drafted the order very quickly, and the War Crimes Board was formally established in August 1944.[9]

ATIS provided the Board with information about the identification of Japanese war criminals and furnished the Board with approximately 1,200 pages of translations. In addition, ATIS officers helped gather evidence from prisoners, and they testified before the Board about war crimes.[10]

In October 1943, seventeen Allied nations created the United Nations Commission for the Investigation of War Crimes (subsequently called the United Nations War Crimes Commission, or UNWCC) to help identify war criminals, coordinate the war crimes investigations, and determine if there was sufficient evidence available to bring individuals to trial for war crimes. Member nations reported all crimes committed against any United Nations national, decided which war crimes should be brought before the Commission, and supplied the Commission with the evidence required for prosecution. If the Commission found that there was a prima facie case against any individual, it published his name on a list of alleged war criminals, thereby preparing for his apprehension and prosecution by one of the National War Crimes Offices of the member states. The Commission's Far Eastern Subcommission investigated Japanese war crimes. The Commission itself was not empowered to prefer charges.

ATIS and War-Crimes–Related Publications 1944–1945

Because many Japanese units had served in China and elsewhere in Asia before coming to the Southwest Pacific Area, it is not surprising that some of the documents acquired by ATIS pertained to war crimes on the Asian mainland. One such document explained Japanese methods for obtaining intelligence in southern China: Soldiers were instructed to use threatening methods when rounding up Chinese, to secretly kill recalcitrant captives,