



I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Norman James Sparnon	2726	2745		
John D. Ridge	2759	2773	2781	
Masatoshi Fujishige	2810	2818		
Lovick P. Miles, Jr.	2871			
Norman James Sparnon	2877 2902			

EXHIBITS

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
353		2833
354	2708	2712
355	2713	2716
356	2716	2719
357	2720	2724
358	2725	2726
359	2727	2729
360	2729	2732
361	2733	2737
362	2738	2739
363	2739	
364	2744	2748
365	2748	2748
366	2748	2749
367	2749	2749
368	2750	2755
369	2756	2758
370	2760	
371	2781	2784
372	2784	2787

EXHIBITS (Cont'd)

<u>PROSECUTION EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
373	2788	2792
374	2792	2797
375	2797	2805
376	2806	2807
377	2808	2809
378	2814	
379	2836	2857
380	2857	
381	2868	2871
382	2873	
383	2877	
384	2878	2880
385	2880	2883
386	2883	2889
387	2885	
388	2890	2904
389		2901
390		2899
391		2901
392	2904	2907
393	2907	2910
394	2910	2912
395	2912	2914
396	2914	2919
397		2920
398	2917	
399	2914	2927
400	2927	2928

P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

MAJOR KERR: Sir, all the members of the Commission are present; the Accused and Defense Counsel are present. We will proceed.

At this time, sir, I should like to offer in evidence in lieu of the document which was marked for identification as Exhibit 341 the original of the report of which the Exhibit 341 for identification was merely a copy uncertified. We should like to substitute the original for the previously-offered uncertified copy.

GENERAL REYNOLDS: Let me see the one you have.

MAJOR KERR: With permission later to substitute for the original a properly-certified copy.

The Commission at the time Exhibit 341 was originally offered pointed out that it was not the original.

GENERAL REYNOLDS: Very well. The original copy may be substituted for the copy in question.

MAJOR KERR: And later may be substituted with a certified copy, sir?

GENERAL REYNOLDS: That is correct.

CAPTAIN CALYER: If the Commission please, the first item to be presented this morning --

CAPTAIN REEL: Sir, relative to this document which has just been put in, as I understand it this was one that was offered the other day and because of the fact that it was not yet certified it was accepted subject to substitution of a certified copy.

MAJOR KERR: That is correct. It was offered in connection with the Dapdap case, which is Bill of Particulars No. 11.

GENERAL REYNOLDS: Does the record show that the document was accepted in evidence with the understanding that the duly-signed copy would be substituted?

MAJOR KERR: The original has been offered in evidence, sir, and with the permission of the Commission we will later substitute for the original a duly-certified copy thereof.

GENERAL REYNOLDS: The question is, Has there been discussion of this exhibit?

MAJOR KERR: No, sir.

GENERAL REYNOLDS: Let me have it back.

Does the Defense have comments on this exhibit?

CAPTAIN REEL: I have just been inquiring, sir, whether we made comments previously. I believe we had. I don't know whether it was specifically acted on because of the lack of certification. If my recollection serves me, sir, we did object to the translated document as not being the official ATIS document, not having the original, as having been translated by a language team of the Division. I believe that objection was made, sir. I am not certain.

MAJOR KERR: I am informed, sir, that that objection was made and was not sustained and the document was admitted in evidence subject to the substitution therefor of the signed original.

GENERAL REYNOLDS: In order that there may be no doubt about it we shall ask the Prosecution to check the record and inform us exactly of what was done.

MAJOR KERR: Yes, sir.

Here it is, sir. We have it here.

This is on page 2568 of the record of the proceedings on 17 November:

"General Reynolds: Does the Defense have further comment?

"Captain Sandberg: We have, sir. We should like to add this:

"As we understand it, the only official United States translations of captured documents are those which are made by the Allied Translator and Intelligence Service, namely, ATIS. This document has apparently not been translated by ATIS. This is not an ATIS translation. . . ." and so on.

"Major Kerr: May I point out, sir, that the document itself in the letterhead specifies in Exhibit 1 'Headquarters Seventh Infantry Division, Language Team', and the subject is 'Document Translations'." and so on.

"General Reynolds: The comments of Defense are noted. Subject to the Prosecution providing a copy which is duly signed or certified, the exhibit in question is accepted by the Commission for such probative value, if any, as it shall be held to possess."

Then, the note: "(Prosecution Exhibit No. 341 for identification was received in evidence.)"

GENERAL REYNOLDS: That would appear to make the matter final, but are there additional comments by Defense?

CAPTAIN REEL: No further comments, sir.

GENERAL REYNOLDS: You may proceed.

CAPTAIN CALYER: If the Commission please, the first new item to be presented this morning concerns the massacre of American prisoners of war at a prisoner-of-war camp on Palawan Island. This item is covered in Bill of Particulars Item No. 9.

I should like to point out at this time that all of the survivors of this incident are in the United States and at some time several weeks ago the Prosecution requested that certain of these survivors be sent to Manila to testify in this trial, but that that request has not been complied with. Consequently, the only proof that we have to submit is documentary evidence, statements of those survivors and other allied matters.

GENERAL REYNOLDS: Very well.

CAPTAIN CALYER: Mark this for identification, please.

(Joint statement of four survivors of Palawan Island massacre was marked Prosecution Exhibit No. 354 for identification.)

CAPTAIN CALYER: At this time I wish to offer in evidence as Prosecution's Exhibit No. 354 a joint statement made at Washington, D. C., by Sergeant William J. Balchus, Staff Sergeant Edwin A. Petry, Corporal Eugene Nielsen, and Sergeant Alberto D. Pacheco, sworn to on the 17th day of March, 1945 before Phillip L. Smith, 1st Lieutenant, J.A.G.D, the statement reading as follows:

"We, William J. Balchus, Sergeant, 60th Coast Artillery, Serial Number 7021049, of Washington Valley Road, Martindale, New Jersey, Edwin A. Petry, Staff Sergeant, 7th Materiel Squadron, Serial Number 39226323, of 490 Santa Clara Avenue, Venice, California, Eugene Nielsen, Corporal,

Serial Number 19010856, of 274 East 1st South Street, Logan, Utah, and Alberto D. Pacheco, Sergeant, 200th Coast Artillery, Serial Number 20842523, of 215 South Ruby Street, Deming, New Mexico, hereby make, under oath the following statement concerning the facts of the massacre of American prisoners of war by the Japanese at Puerto Princesa, Palawan, P. I.

"We were all four prisoners at the Japanese prisoner of war camp at that place and at the time of the massacre in December 1944 there were 150 prisoners in the camp. All were American soldiers, sailors or marines. We were used by the Japanese in building a military airfield.

"On the morning of 14 December 1944 we were sent out early as usual to work on the airfield but all work details were called in about noon and returned to the compound. Two P-28's came over and there was an air-raid alert. Lunch was not quite through when there was another alert. We saw a B-24. We sat around for about an hour when we saw a Japanese plane overhead and another alarm was sounded. All that was seen was this Japanese plane. Some of the boys wanted to stay out of the shelters. A Japanese officer named Sato, whom we called 'The Buzzard', ordered everyone to get into the shelters, and to show he meant it he hit C. C. Smith, a Navy man over the head.

"The air-raid shelters had been built after the air-raids had started. The first American plane had come over in October 1944. There were three large shelters about 75' long, 4' deep and 3' wide, and several foxholes holding two or three men near them. The shelters were

roofed over and had openings at each end. They were supposed to hold 50 men each.

"Shortly after we were inside the Japanese attacked the shelters and foxholes. They fired into the openings and threw in gasoline which they set on fire with burning torches and paper. The men tried to escape by running out, some on fire, and tried to get through the barbed wire fence surrounding the area. The Japs shot the men down with rifles and machine guns and bayoneted and clubbed others. Quite a number of the men succeeded in escaping down to the beach over a fairly high cliff, after having gotten through the fence. We were among these. We hid among holes and caves along the shore. The Japs came down to the beach to search for us and found and shot most of the boys. We, along with the few others who escaped, succeeded in keeping hidden, and eventually got away. We had to keep hidden until dark when we succeeded in swimming the bay which was four to five miles wide. We were then found and cared for by the Filipinos who brought us to a guerrilla camp, from which we were evacuated by plane to Morotai. We did not swim the bay together but after each was picked up by the Filipinos, were all taken to Brooks Point, the guerrilla camp. Besides the three of us, others who escaped were Sergeant Bogue and Pfc. McDole, both of the Marine Corps, Fern Barta, USN, Ernest Koblos, Pfc., CAC, Rufus Smith, Cpl., USMC and Elmoye V. Deal, Cpl., 59th CA. All the others at the camp were either burned in the shelters or shot down and killed by the Japs so far as we know.

"The Japanese commander was a captain, whom the

Americans nicknamed 'Weasel'. We do not know his name. Second in command was a 1st Lieutenant named Sato, whom we called the 'buzzard'. He led the attack on the shelters. There was also a 2nd Lt. named Chino, whom we called 'Robert Young'. A master Sergeant named Ogawa was in charge of a landing barge that patrolled along the shore searching for Americans. There were three interpreters at the camp, also concerned in the massacre, Shubaki, a three star Pvt. named Tanaka and one other. Pfc. Haiaka was a cook in charge of the rice kitchen. Three star Pvt. Yamada was another Jap whose name we remember. He told us what was going to happen about two weeks before, but we didn't believe it.

"The Japanese unit at the camp looked like recruits, having all new equipment with new style bayonets. Shubaki told us he had left Japan about a year before. The unit was called the Ogawa Tai and was a construction corps. It replaced a former unit under a Captain Kinoshita about the end of August 1944. Kinoshita's unit left at that time, taking with them 150 prisoners. The Ogawa Tai Unit had been in Manchuria and then went to Formosa. It had come to Manila about July 10, 1944, and then was sent to Palawan. Its strength was about 1500 men. There were also Navy men, marines and air corps personnel at Puerto Princesa in addition to this construction corps, about 3000 men in all. The construction corps had charge of us.

(signed) William J. Balchus, Sgt.  
WILLIAM J. BALCHUS, Sgt.  
7021049

(signed) Edwin A. Petry, S/Sgt.  
EDWIN A. PETRY, S/Sgt.  
39226323

(signed) Eugene Nielsen  
EUGENE NIELSEN, Cpl., 19010856

(signed) Albert D. Pacheco  
ALBERT D. PACHECO, Sgt.,  
20842523

"Subscribed and sworn to this 17th day of March, 1945."

GENERAL REYNOLDS: Are there comments by the Defense?

COLONEL CLARKE: If the Court please, we should like to call the attention of the Court to the last paragraph beginning with the words "The unit".

"The unit was called the Ogawa Tai and was a construction corps. It replaced a former unit under a Captain Kinoshita about the end of August 1944. Kinoshita's unit left at that time, taking with them 150 prisoners. The Ogawa Tai Unit had been in Manchuria and then went to Formosa. It had come to Manila about July 10, 1944, and then was sent to Palawan. Its strength was about 1500 men. There were also Navy men, marines and air corps personnel at Puerto Princesa in addition to this construction corps, about 3000 men in all. The construction corps had charge of us."

This matter will appear in the Defense and I wanted to call it to the attention of the Court.

GENERAL REYNOLDS: Very well. The comments of the Defense are noted. The document is admitted in evidence for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 354  
for identification was received in evidence.)



working parties. We noticed the Jap troops fully equipped and armed going toward the beach and out the road toward a road junction outside the town, but we did not know what was up. About noon all hands were called in from the airfield and also the other small working parties. We had an air raid alarm and all hands were ordered into the shelters. There were then only the customary number of guards around. At first we stayed out of the shelters since there were no planes around. At about two p.m. I saw two P-38's overhead. It created some comment. A few minutes later all hands were ordered under cover by the Japs. There was a Jap first lieutenant whose name I do not know in charge. Fern Barta stuck his head out of the shelter and this lieutenant threatened him with a sword and made him pull his head in. The Jap first lieutenant then left. I noticed the guards outside the compound had now been reinforced and had machine guns. The Japs were saying that hundreds of planes were coming and made us get under cover as some of us were still outside the shelters. This was the first time that they ever forced us under cover so we thought it might be the real thing, though in air raids before they never bothered about us but let us worry about ourselves. Just about this time the First Lieutenant came back with sixty or so soldiers armed with light machine guns and rifles, and some were carrying buckets of gasoline and torches. They attacked the A Company air raid shelter first, threw in buckets of gasoline and torches and the gasoline exploded. As the men ran out screaming, the Japs mowed them down with light machine guns. Everyone in the

other shelters had heard the dull explosion of the gasoline. I looked out the opening of my foxhole and saw men running out of the A company shelter, some of them on fire, and the Japs shooting and bayoneting them, and then the Japs outside the compound opened up on us with their guns. There were two men, Private Gabriel Sierra, Jr., USA, and Private First Class Steven Kozuch, USMC, with me in my foxhole, which was close to the fence, and I told them our only chance was to get through the fence. I made a hole, told them to follow me. I went to the rocks below and I saw others coming through small openings under the fence from the other air raid shelters. When I got to the rocks on the shore I met Seaman First Class Hale, USN, and Private Ayers, USA. They started to swim and were shot, as did others. There were several Japs by the fence shooting at men among the rocks. I concealed myself in the rocks and was overlooked by the Japs looking for us. I lay there until nine p.m. The Japs passed up and down the shore in a land barge and had patrols on the shore. The only way to escape was to swim, so as everything by this time was pretty quiet we tried it. While swimming the bay we could see the Japs burning the bodies in fires. While I was lying among the rocks I heard explosions of dynamite which the Japs used to blast the Americans out of the air raid shelters. The shelters were large and strong and apparently the Japs thought the fire might not have killed them all. After we got ashore on the other side of the bay we were eventually taken care of by Filipino guerrillas. We later learned that the Japs informed the Filipinos that the

Americans had been killed by bombing by American planes. We also heard that the Japs killed whatever Filipinos were working in Puerto Princesa at the time.

"Captain Fred T. Brunie, Lieutenant Carl Mango, U.S. Army Medical Corps, Warrant Officer Glen C. Turner and Lieutenant Commander Henry Carlisle Knight, Dental Corps, USN, had their own foxhole near the A Company air raid shelter, and when the Japs attacked that shelter I saw them pour gasoline in this foxhole and burn the four officers, who were hopelessly trapped.

"I was interviewed with others at Honolulu on our way to the United States and we made out a list of all those in the camp who did not escape."

Signed, "Douglas W. Bogue, Sergeant, USMC," dated the 17th of February 1945.

GENERAL REYNOLDS: Are there any comments by the Defense?

COLONEL CLARKE: None.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value as it may be held to possess.

(Prosecution Exhibit No. 355 for identification was received in evidence.)

(Statement of Pfc. Glen W. McDole was marked Prosecution Exhibit No. 356 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers in evidence as Exhibit 356 a sworn statement made in Washington, D.C. by Glen W. McDole, Private

First Class, USMC, sworn to on the 17th day of February 1945 before Philip L. Smith, 1st Lieutenant, JAGD, reading as follows:

"CITY OF WASHINGTON )  
 ) SS:  
"DISTRICT OF COLUMBIA )

"My name is Glen W. McDole and I am a Private First Class in the United States Marine Corps. My home address is 1515-11th Street, Des Moines, Iowa.

"I was on Corregidor at Fort Hughes at the time of the surrender and was concentrated with the other men in the 92nd Regiment Garage Area, and on 23 May 1942 we were taken to Manila and marched in the Jap parade down Dewey Boulevard on the 24th and taken to Bilibid Prison. We were there for a day or two and then were taken to Cabanatuan, arriving at prison camp No. 3 on 27 May. This camp was located about twenty kilometers from Cabanatuan.

"At the end of July I was one of a group of 350 men all from Camp No. 3 who were sent to Puerto Princesa, Palawan Island, to work on a Jap airfield. We arrived at Puerto Princesa on the first of August and I remained there until the time of the massacre on 14 December 1944. On that day the Japs called in all the working parties about noon and later called an air raid alarm and forced us all into the air raid shelters. I was in the Headquarters shelter, the one nearest and parallel to the rear fence. This was the same shelter Barta was in. Shortly thereafter the Japs attacked the shelters, pouring in gasoline which they set on fire by throwing in lighted torches.

"Immediately after the Japs began pouring gasoline

and throwing the blazing torches into the air raid shelters, the men began pouring out, some of them on fire. They were being shot at with rifles and machine guns by the Japs and many were bayoneted. Numbers of them attempted to scramble through the small holes in the fence. I with about 17 to 20 others escaped through a concealed escape hatch that lead outside from our shelter. About thirty to forty men succeeded in getting down the embankment for the purpose of hiding among the rocks. Others plunged into the water in an effort to swim away. I saw a number of these men shot and killed in the water by the Japs. I hid in a hole under some rocks near the beach. While hiding in this hole I could see parties of Japs searching for prisoners up and down the beach. There was a Jap landing barge off the beach, cruising up and down, shooting at Americans in the water. This boat was under the command of Ogawa, whose grade was equivalent to that of Master Sergeant, who apparently was second in command of the massacre. Later in the evening while lying there I saw, about 75 feet down the beach, a party of five or six Japs with an American who had been wounded, poking him along with bayonets. I could see the bayonets draw blood when they poked him. Another Jap came up with some gasoline and a torch and I heard the American beg them to shoot him and not burn him. The Jap threw some gasoline on his foot and lit it and the other Japs laughed and poked him with their bayonets. Then they did the same thing to his other foot. They poured gasoline on his hands and lit that and at this point the man collapsed. The Japs then threw the

whole bucket of gasoline over him and it burst into flames. I was unable to recognize who this man was because he was all covered with mud. He had apparently been shot in the water and dragged out through the mud."

Signed, "Glen W. McDole, Pfc, USMC," and sworn to on the 17th day of February 1945.

GENERAL REYNOLDS: Are there any comments by the Defense?

COLONEL CLARKE: Again we wish to call the Commission's attention to paragraph 3, the first sentence:

"At the end of July I was one of a group of 350 men all from Camp No. 3 who were sent to Puerto Princesa, Palawan Island, to work on a Jap airfield."

GENERAL REYNOLDS: The comments of Defense are noted. The document is accepted by the Commission for such probative value as it shall be held to possess.

(Prosecution Exhibit No. 356  
for identification was  
received in evidence.)

CAPTAIN CALYER: Will you mark this as the next exhibit?

(Statement of Fern Joseph Barta  
was marked Prosecution Exhibit  
No. 357 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers into evidence Prosecution's Exhibit 357, being a sworn statement of Fern Joseph Barta, made at Washington, D. C. The statement is sworn to the 13th day of February, 1945, before Philip L. Smith, First Lieutenant, J. A. G. D.

This statement contains certain matters which are not pertinent to the matter now under consideration, and with the Commission's permission I will read such parts as are relevant:

"CITY OF WASHINGTON        )  
                                  (    SS.  
"DISTRICT OF COLUMBIA    )

"My name is Fern Joseph Barta and I am a Radioman First Class, USN. My home address is 312 South 4th East Street, Salt Lake City, Utah.

"At the outbreak of the war I was at Corregidor and was on Corregidor at the time of the surrender. We were concentrated in the garage area for some time and then sent to Manila. I was in the Jap parade down Dewey Avenue when they marched us to Bilibid. After three or four days I was sent to Cabanatuan and was in Camp No. 3 about twenty kilometers from Cabanatuan. At this camp the Army personnel was separated from the Navy and Marines. At the end of July, 1942, I was one of 350 prisoners of war sent from Cabanatuan to Puerto Princesa, Palawan, to work

on a Jap airfield, arriving there on 1 August. I was at this camp until 14 December 1944.

"About noon of 14 December the Japs called in all the men who were out working on the airfield. The Japs had spotted a convoy headed for Mindoro. At about 2 p. m. the Japs called an air raid, although I saw no planes either then or later. They said a lot of planes were coming. They compelled all of us to get into the air raid shelters they had had us dig previously. Shortly thereafter I heard a lot of fireworks going on outside and looked out. I saw several men running around on fire and being shot at by the Japs with machine guns. One of these I recognized as Robert L. Hubbard, a soldier. When we saw what was happening some crawled through a concealed 'escape hatch' we had constructed unknown to the Japs. We had also enlarged a drain which led out of the camp underground through which I escaped. The outer end of this led out at the top of a forty- or fifty-foot cliff, dropping to the beach. After I got outside the fence I looked back and saw Japs throwing gasoline from cans into the shelter and saw torches thrown in. About forty men got into the rocks along the shore and some started to swim the bay and were shot by the Japs who came down to the beach to hunt out and shoot us. When I first got to the beach I saw a man named

Hamric shot in the arm. I put a tourniquet on for him and he kept going. I hid among the rocks until eight or nine o'clock and then swam across the bay.

"There were 150 men in the camp at this time and so far as I know only nine men escaped. A tenth man, named Martin, a Marine, started the five-mile swim across the bay with me. I passed out on the way and later came to and got ashore. I do not know whether Martin got away or not as I never heard from him. He was a strong swimmer, however, and I think he must have gotten ashore. I had some narrow escapes after I reached shore but was finally picked up by a PBY along with D. W. Bogue and G. W. McDale, both Marines, who also returned to the United States with me. The names of others who escaped that I know of are Nielson, Balchus, Pacheco, Koblos, Petry, and Rufus Smith. I know of four officers who were killed: Lieutenant Mango, Medical Corps; Warrant Officer Glen C. Turner; Lieutenant Commander Knight, Dental Corps, USN; and Captain Fred T. Brunie, the Camp Commander, among the total of 140 who didn't escape.

"The largest number of prisoners at Puerto Princesa at one time was 470. Those who became sick were sent back to Manila and in September, 1944, there were 309 left. At that time 150 were sent away and nine sick men were sent to Manila.

By December only 150 men were left of which 12 were sailors, 33 marines, and the rest soldiers."

A supplemental statement made by the same man on the same day:

"I have this day signed a statement of my experiences as a prisoner of war at Puerto Princesa, Palawan. In addition thereto I was told the following story by Glen A. McDole, who escaped at the same time I did and returned to the United States with me.

"After he got out of the camp on 14 December 1944, I think the following morning, he saw one of our men who had been shot being held up by the Japs with their bayonets. He was shot apparently in the leg and could not stand by himself. McDole was not near enough to recognize the man, but he did see the Japs pour gasoline on one foot and light it and on the other foot and on his hands. The man begged to be shot and not burned. Finally the man passed out and then the Japs poured gasoline all over him and burned him.

"Fern Joseph Barta

"Sworn to before me and subscribed in my presence this 13th day of February, 1945."

GENERAL REYNOLDS: Any comments by the Defense?

COLONEL CLARKE: If the Court please, we would like to ask the Prosecution if this exhibit is presented as a whole, or just the parts read by the Prosecution.

CAPTAIN CALYER: The parts read by the Prosecution are the parts to which the Prosecution particularly calls the Commission's attention, and the whole document is offered so that the Commission may see that the parts read are those relevant to this matter.

COLONEL CLARKE: The Defense moves that the parts not read by the Prosecution be stricken on the ground that they are not relevant to the specification or the charge as alleged.

In the specification it alleges on a certain date, and it alleges the names of the men who had been killed. The parts not read by the Prosecution contain other incidents not connected with this particular specification.

CAPTAIN CALYER: I have no objection, sir, to that being deleted.

GENERAL REYNOLDS: The motion of Defense is accepted by the Commission; subject to deletions mentioned the document is accepted for such probative value as it may have.

(Prosecution Exhibit No. 357 for identification was received in evidence and so marked.)

COLONEL CLARKE: May we call the Commission's attention again to the next to last sentence in the second paragraph:

" . . . At the end of July, 1942, I was one of 350 prisoners of war sent from Cabanatuan to Puerto Princesa, Palawan, to work on a Jap airfield, arriving there on 1 August. . . ."

GENERAL REYNOLDS: The comments of counsel will be

noted.

CAPTAIN CALYER: Will you mark this as the next exhibit?

(Statement of Pedro S. Paje was marked Prosecution Exhibit No. 358 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers in evidence as Exhibit 358, an affidavit of Pedro S. Paje, signed and sworn to the 4th day of March, 1945, before William T. Sandalls, Captain, CAC.

The statement reads as follows:

"IWAHIG Penal Colony

"Province of PALAWAN, P. I.

"I, Pedro S. PAJE, residing at the IWAHIG Penal Colony, Palawan, P. I., having been first duly sworn, do affirm and declare:

"The American Prisoner of War Camp, located at Puerto Princesa, was under the supervision of the KOZIMA TAY, a Japanese Army construction unit. I have personal knowledge that the following Japanese officers were connected with this organization at the time of the massacre of the American Prisoners of War on December 14, 1944, and were responsible for the execution of this act:

"Captain Kozima, Commanding Officer

"Lieutenant Ogawa, Land Transportation Officer

"Lieutenant Zuzuki, Land Transportation Officer

"Lieutenant Nogotchi, Land Transportation Officer

"Lieutenant Homma, Communications Officer

"Lieutenant Nakayama, Observation Officer

"Lieutenant Yunimura, Corps of Construction  
Engineers

"Doctor Odda, Medical Corps

"Lieutenant Sato, Supply

"Lieutenant Yusiwara, Corps of Engineers

"Lieutenant Chino, Construction Corps, Landing

"Lieutenant Osawa, Staff Officer.

"Following the massacre, the KOZIMA TAI held a celebration to which KEMPEI TAI officials were invited. To my knowledge, there were no civilian witnesses to the atrocity, as Puerto Princesa was cleared of all civilians at the time. Officially, to cover up the incident, the Japanese claimed the Americans had been transferred to another location. However, Japanese soldiers often discussed the massacre later on in front of civilians.

"FURTHER AFFIANT SAYETH NOT: . . ."

GENERAL REYNOLDS: Any comments by the Defense?

COLONEL CLARKE: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, that it may be held to possess.

(Prosecution Exhibit No. 358 for  
identification was received  
in evidence.)

CAPTAIN CALYER: Captain Sparnon.

NORMAN JAMES SPARNON

recalled as a witness on behalf of the Prosecution, having been previously duly sworn, was further examined and

testified as follows:

DIRECT EXAMINATION

Q (By Captain Calyer) Will you state your name, rank, and organization, please?

A Norman James Sparnon; Captain; Allied Translator and Interpreter Section.

Q Captain, I show you this document and ask you if you can state --

Pardon me; let me have it marked.

(Copy of Bulletin of Allied Translator and Interpreter Section, South West Pacific Area, Dated 6 April 45 was marked Prosecution Exhibit No. 359 for identification.)

Q (By Captain Calyer) I show you this document marked for identification Prosecution Exhibit 359 and ask you if you can state what that is.

A This is an official publication of a translation of captured Japanese document.

Q Calling your attention to Item No. 6 appearing at the bottom of page 3 of that document, I ask you what that is.

A It is a translation of excerpts from loose mimeographed reports entitled "Enemy Air Raids Situation Report," dated 29 October 1944. Issuing authority, PALAWAN MP Section CO. Classified "Military Most Secret".

It concerns Puerto Princesa area, Palawan -- date not stated.

Q Can you state whether that is a true and accurate translation of the original?

A It is considered an accurate translation. Every care is taken in the translation of captured documents.

CAPTAIN CALYER: If the Commission please, that item reads as follows:

"603933 Loose mimeographed reports entitled 'Enemy Air Raids Situation Report', dated 29 Oct 44. Issuing authority, PALAWAN MP Sec CO. Classified 'Military Most Secret'. 3 pp.

"Extracts:

"Between 0155 hours and 1240 hours on 28 October, 26 American B-24s bombed PUERTO PRINCESA Army Aflid, piers and the entire billeting area."

If the Commission please, I offer the document in evidence, referring specifically to that item.

COLONEL CLARKE: Does the Prosecution offer the entire document in evidence?

CAPTAIN CALYER: Only that item.

COLONEL CLARKE: That item. May we see the document, or is that the only copy you have?

CAPTAIN CALYER: That is the only copy.

COLONEL CLARKE: May we glance at it for a minute?

(The document referred to was handed to Colonel Clarke.)

COLONEL CLARKE: May we ask the relevancy of this particular extract?

CAPTAIN CALYER: This document, if the Commission please, is offered as evidence that the air field at Palawan Island upon which these prisoners of war were working in connection with the camp in which they were confined was an Army installation.

COLONEL CLARKE: You mean, then, that the raid by the B-24's, where it states "piers and the entire billeting

area," it is offered for that particular purpose?

CAPTAIN CALYER: What is that?

COLONEL CLARKE: Do you mean that with respect to the words "piers and the entire billeting area," it is offered for the purpose of showing that this is an Army installation?

CAPTAIN CALYER: That part which says, sir, that the Army air field was bombed, the Prosecution submits, is evidence that the air strip referred to in the statements already in evidence upon which these prisoners worked was an Army installation. That, taken together with other evidence already before the Commission, is such that we attempt to show that the Japanese unit in charge of these prisoners of war and responsible for this incident was an Army unit.

COLONEL CLARKE: Not having the original Japanese, we believe that there may be an error in translation from "Army air field" to "Army air force." We can't find it here.

No objection, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 359 for identification was received in evidence and so marked.)

CAPTAIN CALYER: Mark this for identification, please.

(Copy of Allied Translator and Interpreter Section, South West Pacific Area, Bulletin, dated 24 April 45, was marked Prosecution Exhibit No. 360 for identification.)

Q (By Captain Calyer) I show you a document marked for

identification Prosecution Exhibit 360 and ask you if you can state what that is.

A It is an official ATIS publication of a translation of captured Japanese documents.

Q Calling your attention to Item 12 appearing on page 11, I ask you if you can state what that is.

A Yes. It is a translation of extracts from seven loose handwritten sheets containing diary entries dated 14 December to 22 December, presumably 1944. The owner and unit are not stated.

Q I show you seven handwritten pages and ask you if you can state whether that is the original of the document from which the extract was made.

A Yes. To the best of my knowledge this is the original document.

Q Do the parts appearing in the translation appear in these handwritten pages?

A Yes, they do.

CAPTAIN CALYER: If the Commission please, I offer in evidence the document marked for identification as Prosecution's Exhibit 360, Item 12 thereof, on page 11, reading as follows:

"IRAHUAN Area, PALAWAN - 18 Mar 45. Recd Eight Army ATIS Adv Ech - 20 Mar 45. Recd ATIS SWPA - 27 Mar 45.

"ITEM 12 - 18291 - G

"Seven loose handwritten sheets containing diary entries dated 14 December to 22 December, presumably 1944. Owner and unit not stated.

"Extracts:

"14 December - Emergency disposition.

"15 Dec - Burned all documents. This is my third diary. Regretfully first and second diaries were both burned. I want a diary but I know that I will have to burn it again on the 22d. Nevertheless I am writing this third one.

"22 Dec - Completed emergency preparation on the 14th at 11 o'clock. We were to move to the left of the forked road by automobile but due to automobile trouble we were not able to leave. 12:00 o'clock, 1:00 o'clock and we are still here. Air raid has commenced so I spent some uneasy moments. The branch office personnel left in the automobile after it was repaired. We were again left behind. Our moments of relief were brief. Uneasiness is again overtaking me. Alarm is heard! Heard a sound resembling that of a bomb in the vicinity of the mess hall. A rifle report is also heard. It might be an enemy landing. I grabbed my steel helmet and gun. Rifle reports are again heard nearby. Rifle reports have ceased. I guess it wasn't enemy landing. Going through uneasiness so many times, I have gradually become

accustomed to it and am more calm.  
According to the story later, it  
seems that prisoner(s) was(were)  
killed, and the vicinity of the mess  
hall was unsightly with prisoners'  
blood.

Burned documents at dusk. We are just  
waiting for the enemy to land.

Attacked by enemy airplanes."

If the Commission please, I offer in evidence that  
item.

COLONEL CLARKE: May we see that document, please?

CAPTAIN CALYER: The original of the document from  
which that translation was made is submitted to the Court  
for inspection and we request that it be withdrawn and a  
copy substituted therefor as the exhibit.

COLONEL CLARKE: No comments.

GENERAL REYNOLDS: The exhibit is accepted by the  
Commission for such probative value, if any, as it shall  
be held to possess.

(Prosecution Exhibit No. 360 for  
identification was received in  
evidence and so marked.)

(Copy of Allied Translator and Interpreter Section, Southwest Pacific Area, Bulletin, dated 6 May 1945 was marked Prosecution Exhibit 361 for identification.)

Q (By Captain Calyer) I show you a document marked for identification as Prosecution Exhibit 361, and ask you to state what that is.

A It is an official ATIS bulletin of translated Japanese documents.

Q Calling your attention to item 15 thereof, appearing on page 16, and beginning on page 16, continuing on pages 17 and 18, I ask you if you can state what that is?

A This is a translation of extracts from a diary dated 4 November '44 -- through to 22 February '45, presumably belonging to a member of a construction unit. Owner and unit not stated.

Q I show you a document and ask you if you can state whether that is the diary from which that extract was made?

A To the best of my knowledge and belief this is the original document.

Q Have you previously checked that document against the translation and marked the passages extracted?

A I have checked the extracts as dated, and I have glanced through the translation. I am satisfied that this is a translation of these extracts, but I have not personally checked all the translations.

Q But the pages in the diary are marked --

A As to these dates.

Q As to those dates?

A Yes. They can be turned to quite quickly.

CAPTAIN CALYER: If the Commission please, I wish to offer in evidence item 15 of the document marked Prosecution Exhibit 361, the pertinent parts of which read as follows:

"Iratag Area, Palawan Island, 9 March '45. Received Eighth Army ATIS Advance Echelon, 13 March '45. Received ATIS SWPA, 20 March '45.

"Item 15 - 18492 G. Handwritten diary, dated 4 November '44 - to 22 February '45, presumably belonging to a member of a construction unit. Owner and unit not stated. 84 pages.

"Extracts: 19 November. With no breakdowns of vehicles the prisoners at the repair shop are idle. They were joking and chattering in words I could not understand. Some of them have surprising courage. The other day one threw down his mess kit saying he would not eat such meager food. That was something! He seems to have been impressed quite a bit since he was given no food for four days. I couldn't stop laughing when I heard that he screamed in want of food, and said he was willing to eat the food given him.

"25 November. At the time when I landed at Palawan Island, I disliked the prisoners of war but now I am getting accustomed to them. They certainly work hard. They are quite adept in mechanical work. They certainly are carefree and it appears that they devote no thoughts to the fact that they are prisoners of war.

"5 December. Noncommissioned officer in charge of

supply truck section, Corporal Nagai and two prisoners of war went to gather bananas. I am to alternate with Wo Momijima in taking charge of details.

"7 December. All day I had idle conversation with the prisoners of war who seem to be learning a little of the Japanese language.

"8 December. The remains of Pfc Kigoku who was killed by enemy bombing on 28 October will be sent home today.

"As a platoon leader, I am responsible for his death and I pledge that I shall avenge his death.

"14 December. Last night there was an assembly of company officers from each unit at 2400 hours. According to an intelligence report, a great enemy convoy, consisting of battleships, aircraft carriers and troop-ships, was sighted heading toward Palawan. Accordingly, every member was awakened at 0030 hours and departed to repair the airfield runway. At 0800 hours the relieving personnel arrived. Prisoners of war also were used in this work. Early in the morning we arrived at Canigaran Beach. Company officers and all personnel are determined to defend this airstrip with their lives. According to an intelligence report, the enemy is likely to reach Palawan after 1600 hours.

"15 December. At Kanigaran. Somehow I feel as though yesterday's occurrence is all false. Due to this sudden change of situation, 150 prisoners of war were executed. Those who escaped were discovered this morning in the Puerto Pricesa anti-aircraft trench and

were shot. Although they were prisoners of war, they truly died a pitiful death. The prisoners of war who worked in the repair shop really worked hard. From today on I will not hear the familiar greeting, 'Good morning, sergeant major.'

"'OO' who often used to reiterate how he wished this war would end so that he could rejoin his parent, or 'XX' who entered service after three months of married life and who often used to boast about how much his wife must be missing him, no longer can greet them in this world. How can we carry out repair work without the assistance of the prisoners of war who were all executed?

"16 December. At Puerto Princesa. According to an intelligence report the enemy has landed in Mindoro. Pursuant to a battalion order, we returned to Puerto Princesa. It is a miracle to be safe after such a heavy air attack today. Furthermore, if the enemy had landed yesterday, I wonder what would have happened to me? I could have been like the executed prisoners of war, floating and rolling in the breakwaters.

"17 December. At Canigaran. Departed for Canigaran position early in the morning.

"29 December. Returned to Puerto Princesa.

"5 January '45. Sergeant Major Yoshimoto and I went over to play at Iwahigu Street.

"9 January. After a long absence I visited the motor vehicle repair shop. Today, the shop is a lonely place. The prisoners of war who were assisting in repair work are now just white bones on the beach washed by the

waves. Furthermore, there are numerous corpses in the nearby garage and the smell is unbearable. It gives me the creeps!"

Then there are other entries, continuing from then until 22 February, which apparently have no connection with this incident.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: May we see the document, please?

(Prosecution Exhibit 361 for identification was handed to Captain Reel.)

CAPTAIN CALYER: The Prosecution offers that item of the document in evidence, and presents the original from which the extract was made, requesting that the original be withdrawn and a copy substituted as the exhibit.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. Are there comments by the Defense on the captured document?

CAPTAIN REEL: None.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No.  
361 for identification  
was received in evidence.)

CAPTAIN CALYER: Will you mark this as the next exhibit?

(A report was marked Prosecution Exhibit No. 362 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers into evidence as Exhibit 362, the official report of the War Crimes Branch to the Judge Advocate General, relating to this incident. It is signed by Major Kenneth C. Schwartz, Assistant, War Crimes Branch; E. D. Fulcher, Major, JAGD, Assistant, War Crimes Branch; Lieutenant Colonel H. F. Mattoon, JAGD, Assistant, War Crimes Branch; Archie L. Tower, Lieutenant Colonel, JAGD, Assistant, War Crimes Branch, and concurred in by Alva C. Carpenter, Colonel, JAGD, Chief, War Crimes Branch.

I wish particularly to call to the Commission's attention the following portion of the report. On page 2, paragraph numbered 2, a list of documents considered by the War Crimes Branch in the preparation of the report, each of which was attached to the original, listing there several exhibits, including statements which have already been submitted to the Commission and certain other items which will later be offered.

Also, that portion of the report on page 6 at the bottom, V, "Identification of victims."

It gives a list of the name, rank, arm of service, sub-unit, organization and serial number wherever known of each victim.

Then a list of those names are given and other pertinent information of 141 men, the list ending on

page 13 being followed by this paragraph:

"The foregoing roster was prepared from the list of victims as compiled by the witnesses from memory, and the report of the 308th Counter Intelligence Corps Detachment Headquarters Eighth Army, APO 343, 18 April 1945. They have been verified by comparison with the list of Army prisoners of war maintained by the Recovered Personnel Section, Headquarters USAFFE, and correct spelling of surnames, organizations and serial numbers supplied wherever possible. A similar comparison was made of naval and marine personnel with the Recovered Personnel Section, Headquarters 7th Fleet, Manila."

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it may possess. However, in view of the length of the document the Defense is extended the opportunity of making any comments which they desire to have considered by the Commission either now or at a later time.

(Prosecution Exhibit No. 362  
for identification was  
received in evidence.)

CAPTAIN REEL: May we make such comments at a later time?

GENERAL REYNOLDS: Yes.

CAPTAIN CALYER: Will you mark this for identification?

(A report was marked Prosecution Exhibit No. 363 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers into evidence as Exhibit 363 an "Escape

and Evasion Report No. 23, United States Pacific Fleet and Pacific Ocean Areas, 15 February 1945, serial DIS-151100, from Commander in Chief, United States Pacific Fleet and Pacific Ocean Areas, Subject: 'CINCPAC-CINCPOA E and E Report No. 23; D. W. Bogue, Sergeant, USMC; F. J. Barta, RM 1c, USN; G. W. McDole, Pfc. USMC."

This document being Exhibit C referred to in the report of the War Crimes Branch previously offered into evidence and in this document I wish to call the Commission's attention particularly to certain portions. The Commission will notice that the document starts out with a narration by each of the three survivors individually, with relation to their experiences from the time of their capture up until their transfer from Cabantuan to Puerto Princesa. Then follows a joint narration of certain items, which are not specifically pertinent to this matter, and on page 9 of the document under the heading: "Conditions Just Prior to Massacre," the following statement is made -- that page number may be different in your copy.

CAPTAIN REEL: What page is that, Captain?

CAPTAIN CALYER: I think it is page 10 in your copy.

The heading is "Conditions Just Prior to Massacre."

It goes on to say:

"On 19 October 1944, we received the first definite information of the return of the American forces to the Philippine Islands. This definite information was a B-24 which came across the bay at approximately 300 feet altitude, bombed the docks, sinking two ships that were tied

up there, strafed the town and passed over the air field setting afire 7 Jap planes and then went up the bay, this time strafing 5 Jap seaplanes and setting them on fire. From this day on, we received almost daily raids with nightly patrolling by American planes. At this time, there were approximately 150 to 200 Japanese planes at the air field. These planes, immediately after the first raid, began to leave Puerto Princesa but on 28 October 17 B-24s raided the air field and put it out of action temporarily, destroying approximately 60 planes on the ground.

"Because of these raids we were ordered to build air raid shelters and our work changed from levelling the air field to filling in bomb craters. We worked even during the actual raids. These air raid shelters were to consist of three trenches, approximately 5 feet deep, 4 feet wide and long enough to hold 50 men each. There was to be an overhead and only one entrance, but due to our officers' continual suggestions, we were permitted to make 2 entrances once at each end, and some men even went so far as to make individual foxholes. All of these holes were in a small enclosure surrounded by barb wire fences, which were double fences. These fences were 2 meters high, the wire strands being very close together and interwoven.

"After the first air raid, the Japanese treatment of the American prisoners became almost unbearable and the food was not fit for human consumption. All the Americans present figured that it would not be long now until the American forces liberated them. This kept up their morale and made them determined to stick it out. This policy was

carried out until 14 December 1944, when at 1200 all men were congregated at the air raid shelters, the Japanese saying that there were hundreds of American planes coming."

Then the Commission will note that there is a separate recital by each of the three men, Bogue, Barta, and McDole. With reference to the specific incident of 14 December 1944, those statements being similar in nature but different in some respects as to detail, then the other statements.

Following that there is a section entitled "Opinions of Narrators as to Whether or not the Massacre was Directed by Japanese Headquarters at Manila."

In that section I wish to call particular attention to the paragraph, the first paragraph in the narration by Bogue:

"Quite a long time previous to the massacre, a Japanese soldier had made remarks in direct conversation with me to the effect that if the American prisoners were not removed to Manila they would all be killed here at Puerto Princesa. This remark was brought about, I believe by the fact that there was no Japanese ships or transports of any kind available for their evacuation making it very probable that they would be annihilated there or die of starvation."

Then follows a list of those who survived and other items pertinent to this particular incident.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it shall be held to possess. However, due to the length of the

document the Defense is extended the opportunity of making specific comments upon it either now or at a later time as they may elect.

CAPTAIN REEL: May we have the privilege of making such comments and objections at a later time?

GENERAL REYNOLDS: Yes.

CAPTAIN REEL: We wish, however, to point out, sir, from little we have heard so far, we intend to object to the document and we request that any decision relative to its being accepted or any decision relative to its acceptance, be delayed until such time as we may make our comments and objections.

GENERAL REYNOLDS: Very well, the Commission will consider the document after hearing the Defense's objections.

CAPTAIN CALYER: Mark this for identification, please.

(Picture showing former air raid shelters in which were found charred remains was marked Prosecution Exhibit No. 364 for identification.)

CAPTAIN CALYER: If the Commission please, the Prosecution offers in evidence a photograph marked Prosecution Exhibit 364, which is a part of the official report of investigation of this case; specifically a part of Exhibit G referred to in the report already in evidence. This photograph purports to be a picture of the air raid shelter. It is marked Exhibit G-1 and is identified in the exhibits previously offered.

CAPTAIN SANDBERG: May I inquire, sir, whether Captain Sparnon has been excused?

CAPTAIN CALYER: He has.

CAPTAIN SANDBERG: We were never afforded an opportunity to examine him.

CAPTAIN CALYER: I am sorry. He is here and available for your cross examination.

CAPTAIN SANDBERG: We would appreciate it.

CAPTAIN CALYER: Would you like to have him recalled at this time?

CAPTAIN SANDBERG: When convenient.

CAPTAIN CALYER: You may have him right now, if you like.

CAPTAIN SANDBERG: Thank you.

NORMAN JAMES SPARNON

recalled as a witness on behalf of the Prosecution, having been previously duly sworn, was further examined and testified

as follows:

CROSS EXAMINATION

CAPTAIN SANDBERG: Is that last picture Exhibit 364 or is it attached to Exhibit 363?

CAPTAIN CALYER: It is 364.

Q (By Captain Sandberg) Captain Sparnon, do you have a familiarity with the ATIS file of captured Japanese documents?

A Yes, sir.

Q And does ATIS have in its files all of the documents taken from the headquarters of General Yamashita on the occasion of his surrender?

A All documents that have been captured must in due course come to ATIS, and if they can obtain items of information of intelligence, such items translated, the document is given an official number and then is recorded in the files.

Q I see. So that ATIS has in its files all of the Japanese documents captured in the Philippines?

A Yes, sir.

Q Approximately how many items of documents are there in the ATIS files, do you know?

A Oh, the official number of documents from which extracts have been translated would be in the vicinity of about twenty thousand.

Q Twenty thousand. And do you know how many of these are captured orders?

A That is almost impossible to say. It is a very high number. In all there were, I should say, thousands of orders captured but only a certain percentage of them were trans-

lated.

Q Now, have you ever seen among these captured documents an order of General Yamashita for the complete destruction of the City of Manila?

MAJOR KERR: If the Commission please, now, the Prosecution has no objection to the Commission receiving such evidence as it may be interested in from this or any other witness the Prosecution may call, but I do respectfully point this out, sir: that obviously the Defense is now adopting this gentleman as its own witness for a purpose not at all connected with the direct examination of this witness. The result will be this, sir, for the record: that instead of the record of this trial being devoted in certain parts to the Prosecution's direct evidence and cross examination by the Defense on that evidence, there will be scattered throughout the Prosecution's case evidence which, in effect, is nothing but the Defense's own case in chief. It will be confusing; it will not be businesslike; it will not be orderly. And I would suggest, sir, that the Defense use its own testimony not relating to the direct testimony of the Prosecution's case at the time that it puts on its case: namely, after the Prosecution has rested.

This witness, Captain Sparnon, will be available to the Defense when it begins its own case and could be called by the Defense at that time. In that way the Prosecution's case will take up a portion of the record and Defense's case a subsequent portion which will be the orderly procedure.

CAPTAIN SANDBERG: If the Commission please, it was the intention of the Defense to call Captain Sparnon as a witness for the Defense, but it appeared to us in the interest of shortening time and sparing Captain Sparnon another visit that it would be proper to ask him those questions now.

I may say that the Defense has already been able to shorten its own case and the time of the Commission considerably by extended examination of the Prosecution's witnesses, particularly the Japanese General and Admiral.

GENERAL REYNOLDS: The Commission has granted the Defense the privilege of extensive cross examination for that purpose. However, it does appear that in the case of this witness, since the information sought has no apparent relation to the item under consideration, it would be better procedure to handle it during the presentation of the case for the Defense. If there is some reason why you should cross examine this witness in connection with this particular item, then the Commission sees no objection.

CAPTAIN SANDBERG: No, sir. It is not in connection with this item. Our interest was solely to save time later on.

GENERAL REYNOLDS: We believe, then, that it would be better to recall him as a Defense witness.

CAPTAIN SANDBERG: Yes, sir.

(Witness excused)

CAPTAIN CALYER: If the Commission please, I believe there was an exhibit offered upon which no ruling has been made.

GENERAL REYNOLDS: There being no objection, the

document is accepted in evidence as Prosecution's Exhibit No. 364.

(Prosecution Exhibit No. 364 for identification was received in evidence.)

CAPTAIN CALYER: Mark this for identification, please.

(Photograph entitled "Picture showing medics excavating charred remains" was marked Prosecution Exhibit No. 365 for identification.)

CAPTAIN CALYER: The Prosecution offers in evidence as Exhibit 365 a picture marked Exhibit G-2, part of the official report of investigation in this case referred to in the exhibit previously offered, this being a picture showing Medical Corps men excavating charred remains from the air-raid shelter shown in Exhibit 364.

GENERAL REYNOLDS: There being no objection, the document is accepted in evidence by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 365 for identification was received in evidence.)

CAPTAIN CALYER: Mark this for identification, please.

(Photograph entitled "Picture showing medic examining charred bones for possible identification" was marked Prosecution Exhibit No. 366 for identification.)

CAPTAIN CALYER: The Prosecution offers in evidence as Exhibit 366 a similar picture marked Exhibit G-3, part of the official report of investigation in this case.

GENERAL REYNOLDS: There being no objection the document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 366 for identification was received in evidence.)

CAPTAIN CALYER: Mark this for identification.

(Photograph entitled "One photograph, Southwest Pacific Signal Corps No. 13095" was marked Prosecution Exhibit No. 367 for identification.)

CAPTAIN CALYER: The Prosecution offers in evidence as Exhibit 367 a photograph marked Exhibit G-8, also a part of the official report of this case referred to in the preceding exhibit.

May I call to the Commission's attention that this photograph should be viewed with the lettering "SWPA", and so forth, on the left.

GENERAL REYNOLDS: Let me see yours.

CAPTAIN CALYER: It should be viewed that way, sir.

GENERAL REYNOLDS: There being no objection the document is accepted in evidence for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 367 for identification was received in evidence.)

CAPTAIN CALYER: If the Commission please, that concludes the testimony in reference to this incident.

MAJOR KERR: If the Commission please, I should like to take up at this time the Dr. Reyes murders in Manila which are covered by item 102 of the Bill of Particulars.

Mark this for identification, please.

(Sworn statement of Raymond Joseph Toomey dated 26 September 1945 was marked Prosecution Exhibit No. 368 for identification.)

GENERAL REYNOLDS: Does the Prosecution have some reason why it desires to present additional incidents in Manila to the Commission?

MAJOR KERR: Yes, sir. We believe this particular incident is pertinent. It differs somewhat from previous incidents which have been testified to concerning the City of Manila. It will just take a moment, I believe. We have only one affidavit which we desire to introduce in support of this particular item.

GENERAL REYNOLDS: Very well.

MAJOR KERR: The Prosecution at this time offers in evidence the document which is marked for identification as Prosecution Exhibit No. 368. This is a sworn statement or affidavit of Raymond Joseph Toomey dated 14 September 1945, the pertinent portions of which are as follows:

"A. My name is Raymond Joseph Toomey. My permanent home address is 228 Hudson Street, Hoboken, New Jersey. I am employed as a stock clerk by General Food Corporation, 11th and Hudson Streets, Hoboken, New Jersey.

\* \* \* \* \*

"Q Were you an internee in Manila?

"A No. I had registered with the High Commissioner of the Philippine Islands when I attained my eighteenth birthday to perfect United States citizenship because of my father's citizenship in the United States. However, when the Japanese captured Manila I represented to them various times that I was a Subject of Germany and thus avoided

internment. I was in Manila during the entire period of the Japanese occupancy.

"Q Are you familiar with the circumstances surrounding the killing of three Filipino civilians, Pedro (last name unknown), Dr. Luis Reyes and Maria Sequera in Manila, P.I. on or about 11 February 1945 by unknown Japanese military personnel?

"A Yes.

"Q State what you know, of your own knowledge, about this incident.

"A On the 11th of February 1945, the 11th Airborne Division of the Army of the United States was about one mile south of Manila. I had left the city of Manila and gone to the American lines.

"Q Did you return to the city?

"A Yes. Several hours after I had arrived there, it was about 3 P.M., I wanted to return to the city to get my Grandmother, Maria Sequera, with whom I had been living. The Americans were reluctant to let me leave the lines but finally gave me permission.

"Q What part of Manila did you return to?

"A I returned to the Pasay District which was where we had been living at 221 or 212 Progreso Street.

"Q Please relate what you saw when you returned to the city.

"A I was walking through Harrison Street and many people were going in the opposite direction to the American lines. The people were all highly excited and had brought what belongings they could carry and many were screaming and

had blood on their clothing. I continued down Harrison Street for about ten blocks to where our home had been. When I arrived there it was burning and my Grandmother was not in sight. I searched the neighborhood for her. After about an hour of searching I saw a person who had been known as a resident of the Pasay District of Manila, who was a houseboy for Dr. Luis Reyes. The houseboy's first name was Pedro and I do not know his last name. When I saw him he was near Leveriza Street and Luna Street. Pedro was chained to a fence and two Japanese soldiers were pouring gasoline on the lower part of his body. They then ignited the gasoline and Pedro was screaming. He was burning up to his chest when I last saw him. I could not help him because of the two Japanese soldiers who were burning him and because of the presence of other Japanese snipers.

"Q What did you then do?

"A I continued my search for my Grandmother in the vicinity of where our house had been. About four or five blocks away on the corner of Harrison and Fortuna Streets I saw Dr. Luis Reyes and his wife and daughter. He was pushing a push cart in which he had some of his personal belongings. His wife and daughter were with him going toward the American lines. I kept him in sight for about a half a block when a Japanese soldier abruptly came out of a partly destroyed house and ran toward the Doctor. The Japanese soldier asked no questions of him and for no apparent cause whatsoever thrust his bayonet into the stomach of the Doctor. Dr. Reyes fell to the ground and was apparently dead. I saw his wife and child crying beside him

as I continued on my way in search of my Grandmother.

"Q What did you then do?

"A I continued toward the beach area which was about two blocks away from where I had seen Dr. Reyes bayoneted.

"Q What time of the day was it now?

"A About 4:30 in the afternoon.

"Q What did you now see?

"A I found my Grandmother, Maria Sequera, lying on the ground. Another woman was lying on the ground next to my Grandmother's body.

"Q Who was the other woman?

"A I do not know her name she had been living in the same neighborhood where we had been.

"Q What did this woman tell you?

"A She said that the house where we had been living at 221 or 212 Progreso Street has been burned by the Japanese soldiers. They had poured gasoline or some fuel on the house and then ignited it and tried to keep her in the flaming house. She escaped out of the back door and was about four blocks away when a Japanese sniper shot her in the back of the head and she died instantly. The other woman was also wounded by the sniper and she had dragged my Grandmother's body with her.

"Q Is there anyone else who knows about these incidents?

"A No. Everyone was excited and thinking primarily of their own safety and I cannot remember anyone else I saw at this time.

"Q Do you know who was responsible for these killings?

"A No. They were Japanese soldiers. They apparently were acting under orders of the Japanese Commanding Officer to raze the city and rid the city of civilians. The Commanding Officer was General Tomoyuki Yamashita.

"Q Is there anything else concerning these three killings you can tell us?

"A No."

It was thereafter duly signed and a notarial certificate appended.

GENERAL REYNOLDS: Comments by the Defense?

CAPTAIN REEL: The Defense has reference to the second-to-the-last answer. It asks that all of that answer be stricken except the first word "No". The question was, "Do you know who was responsible for these killings?" The answer is "No". The rest of it is that "they were Japanese soldiers. They apparently were acting under orders of the Japanese Commanding Officer to raze the city and rid the city of civilians. The Commanding Officer was General Tomoyuki Yamashita". We ask that everything in that answer except the word "No" be stricken from the record.

MAJOR KERR: If the Commission please, already in this case it has been intimated by the Defense that they will attempt to show that General Yamashita was known or tried to make himself known as a benefactor of the City of Manila. This tends to prove that so far as the general impression of the residents of the City of Manila is concerned the Accused is anything but a benefactor of the City of Manila.

CAPTAIN REEL: The only pertinent part of that

answer is "No". The rest is conjecture.

MAJOR KERR: It relates to a matter of common reputation, sir.

GENERAL REYNOLDS: The comments of Defense are noted. The document will be accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 368  
for identification was received in evidence.)

MAJOR KERR: The next item, sir, that the Prosecution desires to take up is Item No. 76 of the Bill of Particulars relating to the gross mistreatment, improper housing, and so on, of American prisoners of war at Fort McKinley.

CAPTAIN REEL: What item?

MAJOR KERR: Pardon?

CAPTAIN REEL: What item?

MAJOR KERR: 76.

CAPTAIN REEL: 76.

(Statement of Thomas Eugene Harrell was marked Prosecution Exhibit No. 369 for identification.)

MAJOR KERR: At this time the Prosecution offers in evidence the document which has been marked for identification as Prosecution Exhibit 369. This document is a sworn statement or affidavit of Thomas Eugene Harrell, taken at the office of the United States Collector of Internal Revenue, Nashville, Tennessee, 19 September 1945.

I read the pertinent portions:

"Q State your name and permanent home address.

A Thomas Eugene Harrell, 204 Chapel Avenue, Nashville, Tennessee.

Q Were you a member of the United States Army?

A Yes, I enlisted in March 1940. My serial number was 7082022. I was a member of the 4th Separate Chemical Company of the Philippine Detachment at the time of the outbreak of the war with Japan. I have recently been discharged from the army.

Q Were you a prisoner of war of the Japanese?

A Yes, I was captured on Bataan on 9 April 1942.

Q At what places were you held and state the approximate dates?"

The pertinent part of that answer is as follows:

"I was at Sakura Prison Camp at Fort McKinley outside of Manila from November 1944 until January 1945. I was returned to Bilibid in January 1945 and remained there until I was liberated on 4 February 1945.

"Q Are you familiar with the circumstances surround-

ing the improper imprisonment of American prisoners of war by the Japanese at Sakura Prison Camp at Fort McKinley near Manila from November 1944 to January 1945?

A Yes, I was there during this period.

Q State what you know of your own knowledge of personal observation concerning such improper imprisonment.

A This was a small camp containing 400 disabled prisoners. We never knew why we were brought here but we assumed that since we could not work to amount to anything we were separated from other prisoners who were to be sent to Japan to work, and imprisoned here. All 400 of us were inclosed in a long two-story wooden building that had formerly been a temporary barrack at Fort McKinley. The building was about the size of the average two-story army barrack that you see in this country. We had no beds but slept on the floor. We were furnished no cover although we occasionally needed it. Our latrine facilities were better than in most prisons, they being about the same as those found in American Army barrack. A fence surrounded the building giving us a yard of about 30 feet on each side thereof. We were kept within this inclosure the entire time, and were constantly made to dig in the yard, other than this we had no occupation with which to occupy ourselves. We were fed twice a day in the barrack. We received one canteen cup full of boiled rice mixed with greens each time. For the 400 men we were given about 25 or 30 pounds of meat once a week. This meat was rotten, smelled awfully and had maggots in it. Occasionally, due to some defect in the

water supply system we would have to go a day or two without water. We were furnished no commissary privileges with which to supplement our rations. At this camp we all got so hungry that we were reduced to eating grass that grew in the yard and roots and sticks that we dug up in the yard.

Q Do you know the name of any of the Japanese responsible for the treatment you received while at this camp?

A No, a Japanese lieutenant was in charge, but I do not know his name nor can I describe him."

The document thereafter is signed and a certificate of Summary Court is attached thereto.

This, sir, is offered in evidence.

GENERAL REYNOLDS: Are there any comments by the Defense?

CAPTAIN REEL: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No. 369 for identification was received in evidence.)

MAJOR KERR: Call Major Ridge.

At this time, sir, the Prosecution will take up the following items in the Bill of Particulars:

Item number 65, relating to the Medillan and Daanbantayan, Cebu Province, murders;

Item number 75, the locus of which is Concepcion, Tarlac Province;

Item number 81, the situs of which is Calapan,

Mindoro Province;

Item number 110, the situs of which is Famy, Laguna Province;

And Item number 71, compelling civilians to construct fortifications.

JOHN D. RIDGE

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Major Kerr) Please state your name, rank and serial number.

A John D. Ridge, Major of Engineers, O-348164.

Q What is your military address?

A G-2, GHQ, AFPAC, APO 500.

Q What is your present military assignment?

A Chief of the Philippine Islands Section, G-2, GHQ, AFPAC.

Q What is the nature of that section?

A The section now is the custodian of the records of messages received from guerrilla units that operated in the Philippine Islands during the Japanese occupation.

Q As chief of the section you have named, you are familiar with and custodian of the records you have specified?

A I am.

Q Have you brought with you, do you now have with you an extract of series of extracts of messages received by the United States armed forces in this theatre from various guerrilla leaders in the Philippine Islands?'

A I do.

Q Will you describe that document?

A The document contains the extracts of a number of messages that were received by GHQ from the guerrillas operating in the Philippines.

Q By "GHQ", you mean what headquarters?

A SWPA.

Q Please proceed.

A These messages were received in the Philippine message center, which was part of the Signal Section of GHQ, SWPA. In that section, a copy was made which was kept there, and copies were furnished to the Philippine Islands Section of G-2, and to the Philippine regional section under G-3. These copies have been retained in the files of G-2, and these extracts that I have here before me were made from messages in those files.

Q Are those true and correct extracts of those original messages?

A They are.

(The document above referred to was marked Prosecution Exhibit No. 370 for identification.)

Q I call your attention to the first page of the document which you have just described and which is now marked for identification as Prosecution Exhibit 370, this sheet being headed by the word "Key", and I will ask you what that sheet is.

A That is the key to the origin of the messages contained in the following pages. In the first column are listed the abbreviations for the name of the guerilla

leader from whom those messages came. In the second column is the description of that particular guerrilla leader's assignment. Then the third column is his nationality, and the fourth column his rank.

Q And that key sheet relates to the subsequent sheets of that document, is that correct?

A That is correct. Each message is identified by a name, by a number and by a date. The name is the guerrilla leader or organization from which the message came. The number is the number assigned to the message and paragraph in our records. The date is the date the message was sent.

Q During what year or years were those messages received?

A They were received in late 1944 or early 1945, depending on whether they were dated October, November, December, January or February.

Q It is noted that each sheet of this document other than the first sheet is signed John D. Ridge; is that your signature?

A It is.

Q That is your certificate as a true extract copy, is that correct?

A It is.

Q Will you state, according to your best knowledge and belief, whether the guerrilla reports received from these particular guerrilla leaders were generally accurate and reliable?

A Generally, yes.

Q What use was made of such reports by the General

Headquarters of the organization you have named?

A Well, these were considered as information, of course. They may have been intelligence to the guerrilla leaders, but to GHQ they were information until confirmed, evaluated, interpreted and collated. They were used in preparing estimates of the situation as to the Japanese capabilities in the Philippines.

Q I note on page 2, the last item, "Andrews, paragraph 55," that in ink there has been added the notation "2 November." Was that added by you?

A Yes, it was. In typing, apparently it was inadvertently omitted, and in checking them we made that correction.

Q And are those your initials which follow that entry?

A They are.

Q I notice a similar correction on page 4 and ask whether or not you personally made that correction, and whether or not the initials thereon are yours.

A That is correct.

MAJOR KERR: If the Commission please, at this time the Prosecution offers into evidence the document which has been identified by this witness and which is marked for identification as Prosecution's Exhibit 370.

We desire to make the following comments relative to this offered document:

The first item on page 2, attributed to Cushing, Paragraph 194, 22 October, relates to Items 65 and 70 of the Bill of Particulars, and reads as follows:

"Jap atrocities continue at Medillen and Daanbantayan killing civilians young and old, burning houses and raping of women."

The next paragraph, headed "Caban, Paragraph 33," relates to Item 75 of the Bill of Particulars, and reads as follows:

"Tarlac: 24 October: A-1. On or about 24 October one American pilot bailed out and was captured by Nips at barrio Santo Nino, one mile NW of Concepcion town, Tarlac Province. Pilot was stabbed, bayoneted and paraded around the town."

The item which is headed "Ande, Paragraph 91," being the fifth item on page 2, and I desire to quote:

"Manila: 26 November: A-1. President QUEZON'S home, Robert Street, Pasay, is frequently used

for conferences between General TOMOYUKI YAMASHITA and Vice-Admiral DENICHI OKAWAUCHI and other high ranking enemy officials."

The following paragraph, "Ande, Paragraph 71":

"Manila: 24 November: YAMASHITA left Manila 14 November by transport plane code number 5131 observed in city. Nip army 2nd Division reported Leyte bound. Grace Park airfield now abandoned. Hundreds civilians reported killed from flak during raids some falling even in Santo Tomas Camp."

On page 3, the item headed "Anderson, Paragraph 113," dated 19 December, relates to Items 72 and 82 in the Bill of Particulars, and reads as follows:

"General YAMASHITA, reported recalled to Tokyo, unconfirmed. MP's becoming more intense and brutal. Terrorism is big club on masses. Zonification of Bulacan and Bataan towns proceeding with varying degrees of severity and brutality. In Polo, Obando, 400 persons were massacred 10 to 11 December. In Tuyo, Balanga, Nips burned whole barrio, when inhabitants fled following news of zonification. Nip women and children still in Manila suddenly ordered to move out of city by train heading northward, probably Baguio."

The Commission will recall we had direct oral testimony on that particular atrocity confirming this.

The next item, the fourth item on page 2, under the

heading of "Cabangbang, Paragraph 617," dated 22 December, related to Item No. 72 in the Bill of Particulars, and reads as follows:

"Nip busy killing Filipinos in Manila districts and in Bulacan towns just N of Manila. Nips gather civilians men, women and children ask for guerrillas then order crowd to run. Fire machine guns at running crowd. Prominent officials and men either run over by tanks or hanged and beaten by Nips like dogs in public."

We submit that is likewise substantiated by much of the evidence that has been given as to what occurred around Manila.

The next item, headed "Placido, Paragraph 25," dated 23 December, relates to Item 9 in the Bill of Particulars, which the Commission has just received, the Palawan massacre, which reads as follows:

"This is a follow up of message reference escaped Prisoners of War: Only 8 out of 150 men were able to escape. Other two escapees headed N. Unfortunate ones were shot and burned alive in air raid shelters and foxholes which were drenched with gasoline and lit. Entrances blocked and covered by machine guns and those able to get out of blazing pits were shot.

Following were officers in prison camp:

Fred J. BRUNT, Captain of Tank Corps in Command;

KNIGHT, Lieutenant Commander, Medical Corps in Cavite Navy Yard;

Carl MANGO, Lieutenant, Medical Corps, attached  
to Air Force;

Glen D. TURNER, Warrant Officer of USAFFE Hq  
of General MacArthur.

These officers were shot."

The Commission will note the confirmation of this particular report by the evidence introduced heretofore this morning. On page 4, the first item, "Cabangbang, Paragraph 583, 21 December," relates to Item 72 of the Bill of Particulars, and reads as follows:

"In my recent 3 days stay in the lowlands have personally observed following: Nips with Sadalistas soldiers were raiding the barrios for pigs, chickens, and for laborers to harvest rice fields for them. But civilians run away and Nips started shooting or zonifying the town (those not in town with them were shot or killed). Nips trying everything to get rice from civilians and have given each town allotment, failure to comply with same, civilians get killed."

The next item on that page, "Ramsey, Paragraph 24," dated 5 December, relates to Item 71 of the Bill of Particulars, and reads as follows:

"Nips utilizing able bodied males in military installations around Manila."

The fourth item on page 4, headed "Ramsey, Paragraph 16," dated 16 December, relates to Items 72 and 82 in the Bill of Particulars, and reads as follows:

"More Nip atrocities committed indiscriminately. No distinctions made between innocent civilians and guerrillas. Zonifications at Polo and Obando, Bulacan. Similar atrocities occur during zonifications currently done either by districts, blocks or streets at any hour. (Nips photographed this incident). Others including women brutally beaten; hand grenades thrown at civilians in groups. About 300 executed without investigation. Males lined up at public plazas, ordered to run and shot in back while running."

The sixth paragraph on page 4, headed "Cabangbang, Paragraph 518," dated 25 November, relates to Item 71 of the Bill of Particulars. It reads as follows:

"200 Filipinos forced to work on trenches and gun emplacements at barrio Palico and Bilaran."

The next item, "Cabangbang, Paragraph 530," dated 14 December, relates to Item 72 of the Bill of Particulars, and reads as follows:

"Nips intend to starve the civilians whom they know are against them without food."

The next item headed "Andr, Paragraph 107," dated 3 December, reads as follows:

"Hundreds of innocent civilians dried under sun for a day or two without food."

The third item from the bottom on page 4, headed "Cabangbang, Paragraph 413," dated 1 December, relates to Item 68 of the Bill of Particulars, and reads as follows:

"Death of General Vicente LIM at Fort Santiago

confirmed. Senator OZAMIS minus all his foot nails also dead."

The following paragraph on that page, headed "Cabangbang, Paragraph 393," dated 2 December, relates to Item 72 of the Bill of Particulars, and reads as follows:

"The Japs that attempted to raid our Headquarters tied 10 civilians together including men, women and children and dynamited same. They cut the nipples of 2 women before killing them."

The last item on page 4, headed "Cabangbang, Paragraph 383," dated 8 December, relates to Item 72 of the Bill of Particulars. It reads as follows:

"Economic situation in central Luzon very serious. Nips are commandeering all kinds of foodstuffs they can see or hold. People are starving in spite of the present harvest season because Nips get them all. Eggs, chickens, pigs, cows, carabaos, etc., are confiscated direct from the houses or pedestrians. Sentries are posted all along the roads to execute same. Nips do not care if Filipinos starve."

The first item on page 5, headed "Rowe, Paragraph 258," dated 4 December, relates to Item 81 of the Bill of Particulars, and reads as follows:

"In Calapan, Mindoro, 300 hungry Japs infiltrated, 100 going S to Naujan abusing and killing people and burning their houses and confiscating food-stuffs."

The next item, headed "Marking, Paragraph 17," dated

1 December, reads as follows:

"Tomoyuki YAMASHITA has headquarters in Los Banos."

The next item on that page, "Anderson, Paragraph 89," dated 4 December, relates to Item 2 of the Bill of Particulars and reads as follows:

"Report of woman doctor who visited Santo Tomas internees late October follows: Food consists of 5 tablespoonfuls cooked rice with boiled camote and Kangkong leaves per person. Poor medical care, beri beri, dysentery and stomach ailments rampant. Medicines distributed not of sufficient quantity to give any effect. More than 500, mostly children and aged, have died without medical care."

That is substantiated by other testimony, oral testimony, heretofore brought before the Commission.

The next item is headed "Fertig, Paragraph 699," dated 1 December, and relates to Item 72, Item 72 of the Bill of Particulars, and reads as follows:

"During month previous 24 November Nips murdered 44 civilians area 111th (NW Bukidnon area). Others, number unknown, other nearby areas, some tortured, mostly bayoneted, sex and age no consideration."

I call the Commission's attention next to the item marked "Marking, Paragraph 16," dated 3 December, which reads as follows:

"Large convoy of arms, men from Japan or Malay Peninsula to reach Manila 5 December. YAMASHITA

said 'If convoy does not arrive and enemy keeps bombing, I will evacuate Manila, but if convoy arrives, we will immediately attack Leyte.'"

Now, with general reference to the Accused's activities in the area, I call attention to the item on page 6, under Volume 81, which reads as follows:

"Bayombong, Nueva Vizcaya: 19 January: General YAMASHITA at Bayombong occupying house front of Nueva Vizcaya high school. General YAMASHITA, formerly at Leyte, with 16 staff officers reported to have new headquarters in Santiago, Isabela, on 11 January."

There are other references in this document to the Accused and his whereabouts at various times.

Sir, we offer this in evidence and ask that it be accepted.

GENERAL REYNOLDS: Do you want some time to study it?

CAPTAIN REEL: Sir, the Defense strongly objects to the admission of this document in its entirety. Of all the documents that have been submitted to the Commission in this case this, without question, is the least defensible and the least admissible.

There is no occasion, no indication of the sources of any of the so-called information in this document. It comes from guerrilla leaders, but in no case is the source of their information given, identified, or in any way disclosed.

We object to the admission of the document in its entirety.

MAJOR KERR: If the Commission please, the Prosecution believes that this document has peculiar value. Major Ridge has testified that these guerrilla reports, by these particular leaders, were generally found to be accurate and reliable. That, as a matter of fact, the American forces, the General Headquarters, did act and rely upon that information, both as a main source of intelligence and in relation to making the estimation of the situation and carrying out the operations.

Naturally, the reports do not show the source of the information reported by the particular guerrilla leaders. That would not be available. It is, however, obviously an important part of the intelligence, an important element of the intelligence of the American Army in this area.

We believe that it does have a degree of probative value. Furthermore, I may point out that these reports, in numerous instances, were verified, are supported, and shown to be extremely accurate, extraordinarily accurate, by the oral testimony adduced before the Commission in this hearing. Palawan and various other incidents specified in that report bear out my statement. That alone shows the high degree of reliability of these reports.

I submit, sir, that the Commission will find this of probative value.

CAPTAIN REEL: We understand, sir, this document is not offered for any purpose of showing what American intelligence did or did not do. This document is apparently offered for the truth of the material in it and, as such, is completely inadmissible.

Despite what Major Kerr has said relative to the action of American intelligence upon this, there is nothing here to show that any of this was other than rumor of the neighborhood.

For example they have, according to this example, they have General Yamashita doing nothing but running around the Philippine Islands and being at four or five different places on the same or approximate dates. They have him in Cebu and in Japan at the same time. That merely illustrates, sir, the sort of information upon which these reports were apparently based.

GENERAL REYNOLDS: As a matter of information to the Commission, will you point out the items where General Yamashita was alleged to be in different places on the same date?

CAPTAIN REEL: May I have the indulgence of the Commission for a few moments?

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session and has a statement.

While the Commission affirms its prerogative to receive and consider all manner of official documents to determine their probative value, if any, in this instance the Commission declines to accept the document and the objection of Counsel is sustained.

You may proceed.

MAJOR KERR: One more question.

Q (By Major Kerr) Major Ridge, do you know what instructions were issued to the Philippine guerrilla leaders by the General Headquarters of the American forces here relative to their primary function in the Philippines?

A Yes, I do.

Q State what those instructions were.

A That their primary function was the production of information, intelligence on their level, rather than fighting with the Japanese. There are a great many instances in which they could do considerable damage and considerable good to us by actually operating against the Japanese, but primarily their value to us was for the information that was obtained from them.

Q And those were the instructions issued to the guerrilla leaders in the Philippines by the General Headquarters of American Forces here; is that correct?

A Yes; to avoid combat whenever possible.

#### CROSS-EXAMINATION

Q (By Captain Sandberg) On what basis of information, Major, did you make the last statement?

A Primarily information available in our files in G-2 and from conversation with my predecessor, Major Williams, who was with the Section from the time of its formation.

Q And do you have a thorough familiarity with all of the files and records and information in the G-2 Section relative to guerrilla activities?

A All that are assigned to the Philippine Islands Section.

Q Thank you. Now, Major, have you brought with you a copy of the volume "Guerrilla Resistance Movement in the Philippines", a publication of G. H. Q.?

A Yes, I have a copy.

Q I am going to read sections of this volume and ask you if they represent a correct statement of what appears in that document.

GENERAL REYNOLDS: The Commission inquires whether this document is to be presented in evidence?

MAJOR KERR: Not at this time, sir, by the Prosecution.

CAPTAIN SANDBERG: It is the intention of the Defense, sir, to introduce into evidence certain portions of the document as identified by the Major and I am going to ask permission to read certain specified portions of it into the record.

GENERAL REYNOLDS: Would it not then be more appropriate to do so during the presentation of the case for the Defense?

CAPTAIN SANDBERG: We can do that if you wish, sir, but once again, due to the fact that the Major is here, and due to the fact that the matters upon which we are cross-

examining are in direct relation to the direct examination by the Prosecution, we feel that it is quite appropriate to do it now.

GENERAL REYNOLDS: Will this witness be available for appearance before the Commission during the next day?

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: Since the document is not being presented in evidence at this time, the Commission feels that it would be better to defer the reading of any portion of it.

CAPTAIN SANDBERG: I see.

GENERAL REYNOLDS: If there is some compelling reason why it fits this particular moment, the Commission might reconsider.

CAPTAIN SANDBERG: No, sir. We can postpone the introduction of the excerpts until our case. May I inquire, however, whether the Defense may not cross-examine the witness on the basis of his knowledge with reference to the statements made on direct examination?

GENERAL REYNOLDS: Very well.

Q (By Captain Sandberg) Can you tell us, Major, as to whether there was any guerrilla activity in the Province of Batangas?

A I can answer that question generally by saying, Yes. But it is unfair to say simply "Yes" to a question like that. It should be gone into in much more detail than I can carry in my head to present an honest picture of what actually was going on.

Q Well, if I asked you specific questions as to the

nature and scope of that activity, will you be prepared to answer them?

A Well, I can try. It depends on the questions.

Q Well, we will try to ask some of these questions, and if you feel that any of them is outside of the sphere of your knowledge we shall let them go.

GENERAL REYNOLDS: The Commission is interested in saving time. It invites the attention of Counsel to the action taken by the Commission on the objection to the digest and messages received from guerrilla forces and inquires whether any good purpose would be served by cross-examining this witness at this time.

CAPTAIN SANDBERG: Well, our point was this, sir: that the witness testified on direct examination that the instruction to the guerrilla organizations was that their primary function was to engage in espionage and intelligence activities. And the Defense wishes to elicit from the witness by cross-examination the following points:

1. What were the secondary instructions to the guerrillas?
2. What in actual practice was the activity of the guerrillas pursuant to those primary and secondary instructions?

GENERAL REYNOLDS: If the cross-examination is to be limited to those questions, you may proceed.

Q (By Captain Sandberg) Did the guerrilla activities take the form of communications to the United States troops of Japanese troop dispositions and bombing targets?

A That information was included in the reports of

guerrilla leaders.

Q Did the activities of the guerrilla units include sabotage activities, including the destruction of roads and bridges, the harassment of camp sites and bivouacs and attacks on military traffic of the Japanese, particularly along the main road to Manila?

A On occasion that was carried out under orders from GHQ.

Q Did the activity of the guerrilla units include patrolling, midnight raids, ambushes and assassinations?

A I would rather answer that question in parts, if I may.

Q All right. Patrolling activities?

A Yes.

Q Midnight raids?

A Yes. Those were undertaken, though it was seldom that a midnight raid was of enough importance to warrant orders from GHQ, but of course the guerrilla leaders had a great deal of latitude in the types of operations they could carry out. They were on the ground; GHQ was not.

Finally, as far as assassinations are concerned, of course no orders for assassinations were ever given by GHQ. Of my own knowledge I can state that no assassinations were ever carried out.

Q How about ambushes?

A Ambushes were carried out. Ordinarily, again, those were on too small a scale to be the subject of specific instruction from GHQ.

Q Now, can you tell us as to the armament of guerrillas?

Did they carry bolos, rifles, carbines, automatic rifles, light and heavy machine guns, grenades and mortars?

A The usual armament consisted of rifles or carbines. Bolos were used in certain areas but were ordinarily locally procured. They were not furnished at all by the United States Army so far as I know.

Now, not all the weapons in the hands of the guerrillas by any stretch of the imagination came from GHQ. Most of them were in the Islands to begin with.

Q I see. Your knowledge would be limited to those furnished to the guerrillas by GHQ?

A Yes. Of course we have had reports on what armament was used here. Most of the leaders submitted periodic reports as to the armament of their particular units. And mortars and heavy machine guns were common. Light machine guns were not common. The rest of the weapons were quite common but not in the same numbers as the guerrilla leaders reported to be on their rolls. In other words, no guerrilla leader could completely arm the men he reported as being in his units at any one time.

Q Do you know whether the guerrilla organizations wore military uniforms or identifying insignia?

A So far as they were able to do so that was the goal, but there were so many more important things to be brought into the Philippines than uniforms that they were not furnished by GHQ. American officers were kept in uniform. Cloth was furnished to those officers so that American uniforms could be made for them.

Q That was for the American officers?

A Yes.

Q Can you tell us anything as to the strength of the guerrilla units?

A I should amend that last answer to say that any officers commissioned by US/FFE rather than simply American officers.

Q Now, can you tell us anything as to the strength of the guerrilla activities in Batangas?

A Only in general terms. Batangas was not the operating area of any of our principal reporting guerrilla units.

Q In other words, the liaison between GHQ and Batangas was not as good as it was with other areas?

A That is correct.

Q Do you know whether there were any regiments organized in Batangas?

A There are reports of regiments organized in Batangas, but of my own knowledge and my study of the records I don't know whether they actually were in existence or not.

Q I see.

A They were -- The ones reported were of guerrilla units that were not completely in accord with GHQ.

Q Now, do you have any information as to what might be called "Parttime" guerrillas, men who during the day carried on their civilian activities and at night joined the guerrilla parties?

A That of course was done.

Q That was quite common?

A Yes.

Q Now, do you know of any internecine warfare between

guerrilla organizations, particularly between the Hukbalajap and other guerrilla organizations?

A Yes, there was such.

Q And there were clashes between these guerrilla organizations?

A Yes.

Q Do you know of cases where guerrillas took over an entire town and maintained complete control of it to the exclusion of the Japanese?

A Does that question apply to the entire Philippines or just to the Island of Luzon?

Q That refers to the entire Philippines.

A Yes. There were large portions of many of the islands that were under complete control of guerrilla units, both for military and civil government as well.

Q And that was a considerable time before the landing of the American party, American soldiers?

A Yes.

Q Do you know of any such situation in the Province of Batangas?

A No, I do not.

CAPTAIN SANDBERG: That is all.

REDIRECT EXAMINATION

Q (By Major Kerr) Do you know of your own knowledge whether or not some of the guerrilla units provided their own distinguishing marks?

A I understand they did, but I have no exact knowledge of what those markings were.

MAJOR KERR: That is all. Thank you very much.

(Witness excused.)

CAPTAIN WEBSTER: Sir, the next item is paragraph 86 of the Bill of Particulars, transportation from near Baguio to Old Bilibid Prison of certain civilian internees.

(Statement of Mrs. Edna May Barz was marked Prosecution Exhibit No. 371 for identification.)

CAPTAIN WEBSTER: And in support thereof, I wish to offer a statement of Mrs. Edna May Barz, sworn to before W. J. Dunn, a notary public, bearing the certificate of John Zinn, Agent for SIC. I would ask that the original be withdrawn and a certified copy thereof substituted; this being the original, sir, and this being the certified copy.

GENERAL REYNOLDS: You may read significant parts of the statement.

CAPTAIN WEBSTER: Sir, beginning with question 5 on page 1:

"Q Were you a prisoner of war, and if so, where were you held?

A Yes, I was a prisoner of war. My husband, my son and I surrendered to the Japanese on 1 May 1943 at Itogon about 26 km southwest of Baguio, Philippine Islands. We were kept at the Itogon Mine Camp until 3 May and were then taken to Camp John Hay, Baguio Province, where I remained until 11 May 1943. My husband was taken back to Itogon by the Japanese, while I remained at Camp Hay about one day longer and was then taken with my son to Camp Holmes, Baguio, Philippine Islands, where we stayed until 28 December 1944. My husband was returned to Camp Holmes about 1 June 1943. On 28 December 1944 we were all moved to Manila to Bilibid Prison and remained there until 4 February 1945, at which time we were liberated by the 37th Ohio Infantry and part of the First Cavalry Unit."

Continuing, sir, on the next page:

"Q Are you familiar with the circumstances regarding the improper transportation furnished American civilian prisoners of war by the Japanese from Baguio, Philippine Islands to Manila, Philippine Islands, on 28 December 1944?

A Yes.

Q State what you know concerning this transportation.

A On 28 December 1944 my husband, my son and I were being transported with other American prisoners of war from Baguio to Manila by truck. This trip lasted about one day. The truck that we were in was only about 12'

long and 6' wide and there were about 37 Americans and 4 Japanese guards jammed into this truck, including all of our baggage. We were so crowded that it was impossible to sit down and almost impossible for us to stand. The truck held men, women and children.

Q Were you allowed off the truck at any time during this trip?

A We were allowed off the truck just once, at Rosaria, when we had to change trucks. At all times we were guarded very closely by the Japanese guards who did not allow us to eat any food at this stop and we were given no latrine facilities. The Japanese just told us to get off the trucks and to relieve ourselves the best we could.

Q Were you issued any food by the Japanese during this trip?

A None at all. Some of us had brought a little food with us but the Japanese refused to let us eat any of this food at any time. In fact, they would not even let us feed the children, although we did manage to feed them on the sly when the Japanese guards were not looking.

Q Did you receive any water on this trip?

A We received no water from the Japanese at all. The only water we had was what we had managed to bring with us in bottles and some of these were broken on the trip. We begged the Japs to stop at times so that we could get some from the Filipinos but the Japs ignored our requests.

Q Did you have any cases of dysentery or diarrhea on this trip?

A Yes, we did have two cases on our truck and their condition was deplorable for they were given no opportunity to get out of the truck except at Rosaria and were otherwise unable to relieve themselves."

The last question, sir, on page 2:

"Q Who was in charge of this transportation?

A A First Lieutenant Oura was in charge of the trip. We also had a couple of other officers with us. One was named Yamato and the other was named Yamishata. I believed these names are spelled correctly."

Those are the pertinent parts, sir, of that statement which the Prosecution wishes to call the Commission's attention to.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: We call to the Commission's attention that the officer "Yamashata" -- that his name is spelled differently from that of the Accused, and the witness stated she believed that name was spelled correctly.

GENERAL REYNOLDS: The Commission notes the comments of counsel. The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No. 371 for identification was received in evidence.)

(Statement of James Douglas Tyson was marked Prosecution Exhibit No. 372 for identification.)

CAPTAIN WEBSTER: Sir, the Prosecution offers in evidence as Exhibit 372 the statement of James Douglas Tyson, sworn to before a notary public and bearing the

certificate of James A. Stabile, Special Agent, SIC. We request that the original be withdrawn and a certified copy substituted therefor.

The pertinent parts, sir, of this statement, to which the Prosecution calls the Commission's attention, begin with the third question on page 2 thereof:

"Q Were you interned by an enemy of the United States during World War Number Two?

A I was. My wife and nine-months-old son and I were interned on December 27, 1941, at Camp John Hay, Baguio, Philippine Islands.

Q Will you please give us the internment camps where you were placed from the time of your original internment until your release, and the dates of each, if you recall them?

A Camp John Hay, Baguio, from December 27, 1941, until May -- I do not remember the date in May -- 1942; transferred then to Camp Holmes, six miles north of Baguio, to remain there until December 28 of 1944, when we were transferred to the Old Bilibid Prison in Manila, Philippine Islands, and released from that camp by the American Army on February 4 of 1945.

Q Will you please relate to us the conditions of your transportation during the period of internment from Camp Holmes to the Old Bilibid Prison, Manila, in December of 1944?"

Sir, this statement is somewhat similar to the other one. I will just point out one portion of that answer that I wish to call the Commission's attention to. It

is the last sentence, beginning:

"We were loaded into the truck at seven o'clock in the morning of December 28, 1944, and reached our destination at two o'clock A. M. on the following day."

And the third question on the following page, page 3:

"Q Do you know how many miles or kilometers it was from Camp Holmes to Bilibid Prison?

A One hundred seventy-five miles or two hundred fifty-five kilometers."

Sir, that is the pertinent part of that statement which the Commission refers to.

GENERAL REYNOLDS: Are there comments by Defense?

CAPTAIN REEL: Do we understand that only the parts read are being offered by the Prosecution?

CAPTAIN WEBSTER: No, sir. We are offering the entire statement. However, inasmuch as the substance of it is very much similar to the first, we do not desire to read it all.

CAPTAIN REEL: Well, then, sir, if we may call to the attention of the Commission certain parts of it that are quite different from the other statement?

GENERAL REYNOLDS: Very well.

CAPTAIN REEL: We first read from the bottom of page 2, in the last paragraph:

"We personally formed part of a group of thirty-nine people, who, together with bedding, food parcels, and the most necessary toilet articles, were loaded into a truck about eight feet wide by eighteen feet long."

And at the bottom of the page the last sentence,

starting with the last sentence and going to the next page:

"One stop was permitted for a lunch period and two other stops, during which time limited opportunities were granted to passengers for personal relief."

Continuing, sir:

"Q Had you been fed by the Japanese or were you given any food by anyone before you left at seven o'clock in the morning?

A Yes, we had taken the rice and corn we had cooked up for breakfast ourselves as we always did provide our meals. And we had provided ourselves with a supply of meat each."

That is all, sir.

GENERAL REYNOLDS: The comments of Defense are noted. The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No. 372 for identification was received in evidence.)

CAPTAIN WEBSTER: Sir, that concludes the statements on that paragraph.

MAJOR KERR: Sir, at this time the Prosecution will take up the item relating to the Cabanatuan Prison camp, which is Item No. 6 of the Bill of Particulars. Here again, sir, the witnesses whom we desired to produce for oral testimony were not available, and our request that they be returned from the United States was not granted.

We will ask to have this marked Prosecution's Exhibit 373.

(Statement re mistreatment of American soldiers at Cabanatuan Prison Camp dated 18 May 1945 was marked Prosecution Exhibit No. 373 for identification.)

MAJOR KERR: At this time, sir, I offer into evidence a document which has been marked for identification as Prosecution's Exhibit No. 373. This is the original statement under oath of Harold William Memmler, Corporal, United States Army, Serial No. 36033964.

I will read the pertinent parts of that exhibit:

"Q. State your name, rank, serial number, and permanent home address.

"A. Corporal Harold William Memmler, ASN 36033964, 1523 N. Long Street, Chicago, Illinois.

"Q. Have you recently been returned to the United States from overseas?

"A. Yes, February, 1945.

"Q. Were you a prisoner of war?

"A. Yes.

"Q. At what places were you held and state the approximate date?

"A. I was captured on Bataan Peninsula, 9 April,

1942. I was in Bilibid Prison Camp from May, 1942, until July, 1942. From July, 1942, until my liberation in February, 1945, I was held at Cabanatuan Prison Camp.

"Q. State what you know of the mistreatment of American soldiers during the time you were held at Cabanatuan.

"A. We lived in bamboo shacks which were approximately 30 feet wide and 45 feet long. These shacks held anywhere from 60 to 120 American prisoners of war. We were very crowded and hardly had room to lie down. All of us suffered from malnutrition since we were given rice three times a day which was about one-half a canteen cupful. Very occasionally we were given a few native sweet potatoes and occasionally beef left over after the Japanese had taken all they wanted. My weight declined from 150 pounds to 61 pounds. A friend of mine, Robert Dunn, Sergeant, U. S. Army Air Corps, who lived in Cohocton, New York, dropped from 240 pounds down to 93 pounds. He died of malnutrition at Cabanatuan.

"We had very little medical care or medical supplies. We were occasionally given quinine but this was about all. Most of the Red Cross medical supplies were taken from the kits by the Japanese. I received two Red Cross packages, one each, at Christmas of 1942 and 1943, and also one personal package from home in February, 1943.

All of these had been opened and the Japanese took what they wanted."

Then the last paragraph of the statement, which reads as follows:

"The Japanese made it a practice to punish many men for the supposed offense of one man. Many times while working on the farm they forced all American prisoners of war to line up and slug each other as hard as we could because they thought one or two prisoners were out of line or not working. For the six months prior to our liberation Major Takasaki was in charge of Cabanatuan. Takasaki know everything that went on at the camp and approved of it. Also, General Yamashita, Philippine Japanese commander, visited the Camp twice, saw the conditions there, and did nothing to improve the situation."

The statement was originally signed by Harold William Menler, and it has the appropriate notarial certificate.

At this time we offer the original of this statement into evidence and ask that we be given permission to substitute a duly certified copy thereof.

GENERAL REYNOLDS: All right.

Are there any comments by the Defense?

CAPTAIN SANDBERG: There is. We object to the introduction of the entire document on the ground that it does not identify by dates the times during which the circumstances existed, if they did.

For that reason it is completely irrelevant and immaterial.

MAJOR KERR: I have read only the parts, sir, which obviously relate to the period covered by the charge in this case, that is, October 9, 1944, to September, 1945.

Now, the reference to General Yamashita obviously would relate, even though the specific date is not specified, to the period when he was in the Island, and as it there states, was the Japanese Army commander.

So it must, of necessity, be during his period or during his tenure.

CAPTAIN SANDBERG: I would like to ask Major Kerr a question in connection with the last statement.

Isn't it true that the Prosecution has made an attempt to verify this last statement that General Yamashita visited this camp, from this witness, and the witness was unable to identify the visitor as General Yamashita?

MAJOR KERR: Not to my knowledge at all. We have requested Washington to obtain a further statement from Mr. Memmler to identify specific dates that General Yamashita was there and go into detail as to what he did at the camp.

We have not received that statement so far. If, as and when we receive such a sworn statement, we will certainly make it available to the Commission. So far as this is the only document I have on that subject, I repeat, sir, that the statement that General Yamashita visited the camp while he was Japanese Army commander, establishes it within the period of October, '44, to September of '45.

CAPTAIN SANDBERG: The Defense will introduce into

evidence, as part of its case, evidence as to this identification of General Yamashita.

MAJOR KERR: We are interested in having a full disclosure of the circumstances surrounding this matter. This is the best evidence we have now, and the only evidence on that particular score.

GENERAL REYNOLDS: The comments of Defense counsel are noted.

The Commission will receive the additional statements or additional evidence when presented by the Prosecution.

The document is accepted at this time for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 373 for identification was received in evidence and so marked.)

MAJOR KERR: Will you mark this for identification?

(Statement of Captain Clyde Austin Huffstickler was marked Prosecution's Exhibit No. 374 for identification.)

CAPTAIN SANDBERG: I would like to make this further comment for the information of the Commission: that the affiant was in Cabanatuan from July, '42, to February, 1945, and nowhere in that statement does he indicate during which period of time the circumstances referred to occurred.

GENERAL REYNOLDS: The comments of counsel are noted.

MAJOR KERR: At this time we offer into evidence a document which has been marked for identification as Prosecution's Exhibit 374. This, again, is a sworn statement or affidavit. The affiant being Clyde Austin Huffstickler, Captain, whose serial number was 0-890276, taken at 323

Wace Road, Kings Mountain, North Carolina, U. S. A., on  
29 and 31 May, 1945.

The pertinent portions of this document are as  
follows:

"Q. Please state your name, rank, serial number  
and permanent home address.

"A. My name is Captain Clyde Austin Huffstickler.  
My serial number is 0-890276. My permanent home  
address is 323 Wace Road, Kings Mountain, North  
Carolina.

"Q. Please state the name and address of some  
person who will always know your whereabouts.

"A. My wife, Mrs. Pearl Huffstickler, who  
resides at 323 Wace Road, Kings Mountain, North  
Carolina.

"Q. Have you recently returned to the United  
States from overseas?

"A. Yes. On March 16, 1945.

"Q. Were you a Prisoner of War?

"A. Yes.

"Q. Please state at what places were you held and  
the approximate dates."

The pertinent parts of the answer are as follows:

". . . From June 26, 1942, to October 13, 1944,  
I was at Cabanatuan. From October 13, 1944, to  
February 4, 1945, when I was liberated by American  
troops, I was at Bilibid prison at Manila again.

"Q. When were you transferred from Cabanatuan to  
Bilibid prison, Manila?

"A. On October 13, 1944.

"Q. What was the method of transportation provided and under what conditions were you so transported?

"A. Fifty American prisoners of war including myself were packed into a 1-1/2 ton truckbed at Cabanatuan at about 1400 on 13 October 1944. This truck was open and had side boards about 4 feet high. It was similar to the trucks that we use to haul cattle in this country. There were 3 Japanese guards, 2 sat on top of the cabin and one sat on the tail gate. There was not sufficient room in this truck for us to squat or sit down, in fact it was packed with all of us standing. We were not allowed to get off the truck at any time until we arrived at Bilibid prison about 0100 the following morning. The road was rough and the distance was about 120 kilometers or about 75 miles. Most of us had a canteen of water that we had brought with us. The Japanese provided us with a mess kit of rice to take along.

"Q. Did the Japanese stop at any time to allow you to relieve yourselves?

"A. No. We were not allowed off the truck from the time we left Cabanatuan until we arrived at Bilibid.

"Q. Did the truck stop at any time?

"A. Yes. The truck stopped several times due to breakdowns and we were forced to stay on the truck and not move around. The truck stopped about 1900

to eat, but all of us had to eat standing in the truck.

"Q. What was the physical condition of the Americans in this truck?

"A. It was very poor.

"Q. What was your own physical condition at the time you arrived at Bilibid prison after this trip and before you started on it?

"A. I was suffering from malnutrition and almost all of us were suffering from beri-beri and pellagra."

At this time, sir, we offer this document into evidence and ask that the Prosecution be permitted later on to substitute for the original affidavit a duly certified copy of it.

GENERAL REYNOLDS: Are there any comments by the Defense?

CAPTAIN REEL: Yes, sir. Part of this exhibit obviously is inadmissible, as having nothing to do with the case under which it is brought. We refer to the last question and answer having to do with Bilibid prison. In addition to that, sir, the previous one, too -- well, in the middle of that page, sir, starting with the question:

"Q. What was the physical condition of the Americans in this truck?

"A. It was very poor.

"Q. What was your own physical condition at the time you arrived at Bilibid prison after this trip and before you started on it?

"A. I was suffering from malnutrition, and almost all of us were suffering from beri-beri and pellagra."

Those items, sir, we also ask to have stricken for the following reasons:

This trip occurred on the 13th of October, 1944, and unless it is claimed by the Prosecution that malnutrition, beri-beri and pellagra, and the poor physical condition, resulted from the previous four days, it is not relevant to this situation. October 9, 1944, was the date of the beginning of the charges in this case.

We will ask to have those two questions and answers, as well as the last question and answer, stricken.

MAJOR KERR: The loading of the men on the truck at Cabanatuan on the 13th of October certainly relates to Cabanatuan, and obviously was under the control of the authorities in charge of Cabanatuan. The statements in that affidavit relative to his physical condition obviously show what happened to him while he was at Cabanatuan. Malnutrition, a condition which pertained, or which obtained, at the time he arrived at his destination, obviously would relate back to Cabanatuan. That was the purpose of putting in the affidavit.

CAPTAIN REEL: Our objections do not go to the loading of the truck. Our objections have to do only with the questions and answers I mentioned for the reasons stated. They have no connection with this case.

GENERAL REYNOLDS: The Commission feels that the statements to which Defense objects, that their strength

lies in the condition of the men who are transported in that manner. It agrees that the diseases that are alleged could not have developed in the brief period that elapsed between the arrival of General Yanashita and this trip. The interpretation on those sentences have been brought out by Defense counsel. The objection of Defense counsel is not sustained, but the document will be accepted for such probative value as it may have.

CAPTAIN REEL: Relative to the last paragraph, relative to Bilibid prison --

GENERAL REYNOLDS: Will you read the question again?

MAJOR KERR: We will stipulate, sir, the last question and answer with reference to old Bilibid prison may be deloted.

GENERAL REYNOLDS: The last question and answer may be stricken from the record.

(Prosecution Exhibit No. 374 for identification was received in evidence and so marked.)

MAJOR KERR: Mark this for identification, please.

(Affidavit of Master Sergeant Harold Frank Beasley dated 9 July 1945 was marked Prosecution Exhibit No. 375 for identification.)

MAJOR KERR: The Prosecution now offers in evidence a document which has been marked for identification as Prosecution's Exhibit 375, being the sworn statement of Master Sergeant Harold Frak Beasley, Army Serial No. 626244, taken at Longview, Texas, Harmon General Hospital on 9 July 1945. I shall read the pertinent portions of this statement.

GENERAL REYNOLDS: Is it long?

MAJOR KERR: Quite long, sir.

GENERAL REYNOLDS: The Commission will recess until  
1:30 this afternoon.

(Whereupon, at 1130 hours, a recess was taken until  
1330 hours, 19 November 1945.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL REYNOLDS: The Commission is in session. The Prosecution may proceed.

MAJOR KERR: Sir, all members of the Commission are present; the Accused and Defense Counsel are present. We will proceed.

I believe that before the noon recess I had marked for identification and was reading or about to read to the Commission excerpts from Prosecution's Exhibit for identification No. 375, which is the statement of Harold Frank Beasley. This relates to Cabanatuan Prison Camp.

"Q State your name, rank, permanent home address and Army affiliation.

"A Harold Frank Beasley, Master Sergeant, Timpson, Texas, care of my father Hill S. Beasley, Timpson, Texas. I was with the 28th Bombardment Squadron, 19th Air Group, Army Air Forces, Clark Field, Island of Luzon in Philippine Islands at the time of invasion of Philippines by the Japanese Army Forces.

\* \* \* \* \*

"Q State the places and times of your various imprisonments. . . ."

Excerpt from the answer which follows:

" . . . 19 July 1944 to 30 January 1945 at Cabanatuan Prison Camp, Philippine Islands, from which I was liberated by raid of 6th Division U. S. Army rangers.

"Q So far as same relates to your final imprison-

ment at the Cabanatuan Prison Camp, kindly relate the transfer of prisoners from the Davao Penal Colony to Cabanatuan Prison Camp?

"A There was about 1000 prisoners shipped from the Davao Penal Colony to the Bilibid Prison at Manila. Since the Japanese feared dysentery, all of the 1000 were shipped to the main Islands of Japan, excepting about 125 of us who were suffering from dysentery. We were transferred to Camp Cabanatuan 19 July 1944 and stayed there until liberated on 30 January 1945.

"Q At the time you arrived at Camp Cabanatuan approximately how many American prisoners were held there?

"A Approximately 6000.

"Q And at the time of your liberation on 30 January 1945, how many prisoners were there at that camp?

"A There was 511 of us liberated."

\* \* \* \* \*

"Q Then of the 511 remaining at the camp, these were either sick or suffering from dysentery, and this was reason they had not been removed?

"A Yes, I had a severe case of dysentery, and almost died from it while I was at Camp Cabanatuan, as I was among the group coming from the Davao Penal Colony. We were broke, had no money, clothes or connections, and did not have anything to trade for food as some of the other fortunate ones at Cabanatuan did.

"Q Then some prisoners fared much better than others at Cabanatuan?

"A Yes, the ones that had money or things to trade,

could trade the Japanese guards for food.

"Q What was the name of the American officer in charge of the camp, or rather the name of the ranking American officer in the camp?

"A Col. Duckworth I think was his name.

"Q Describe the treatment accorded you by the Japanese while you were imprisoned at Camp Cabanatuan, with respect to food, clothing, medical treatment and working conditions?

"A Even though suffering from dysentery, I weighed about 118 pounds at that time, and was considered to be in good health by the Japanese so far as work was concerned, as many of the men only weighed about 90 pounds, were going blind, could hardly walk, etc. My average weight is around 175 pounds. I was assigned to a group of about 150 men to work in the fields. There were no rice fields in that area, but there were potato, corn and grain fields. As a reward for working in the fields, the working group were fed just twice as much as those confined to the prison due to sickness, disease or other reason. The average diet of the working group was as follows: 350 grams of rice, 1 potato and one ear of corn daily to each man. We were not given anything to drink at any time except water. As compared with what I had been fed at Davao Penal Colony, this was a wonderful diet, even as meager and insufficient as it was. . . . During the period that I was at this prison camp no Red Cross packages or supplies of any kind came in, as I never saw a Red Cross package, but the men confined at this camp told me that in the two-year period

prior to my arrival there, that they had received Red Cross packages twice in the two-year period, so I would judge from this that the prisoners received Red Cross packages on the average of once a year at that camp, although as indicated above, I did not receive any Red Cross package at any time while I was there, and did not see any. During the time I was there a great many prisoners died from disease and lack of food. I do not recall the names of any dying, as it became an ordeal of the survival of the fittest. . . .

We were worked in the fields from 8 AM to 4 PM, and so much work was laid out for each of us to do. The Japs called it a contract and if we kept busy at our work we could finish it by hard, steady work, and as a reward were permitted to rest 30 minutes during the noonday period, but if we didn't keep up with our work, we were forced to keep on working during the 30-minute rest period. The guards all carried pick handles, and used them generously in beating the prisoners. I was beat pretty badly here on one occasion, because I 'blacked out', that is, fell out, but the beating did not leave any scars on me, like the scar below my left eye that I received in a beating in the fields at the Davao Penal Colony. . . . At this camp the Japanese were very careful to see that their name was not called at any time, and I did not learn the name of any Jap there, not even the camp commander. The men working in the fields oftentimes had what we called limberneck, that is, the diet they fed us was insufficient to sustain us, and a man's neck would become limber and fall on his chest. He could not hold his head erect; however, this did not prevent the Japs

from working the men in this condition, and when they would black out, the guards would beat them unmercifully. . . .

At this camp we were allowed to wear clothes, but hardly none of us had any, and most of us worked in G. strings. I had a pair of Skivves that I made out of boards and tied to my feet with ropes and rags, but my feet had been abused for so long, that I did better by going barefooted. My feet still have not healed from the results of my being mistreated by working in the fields by the Japanese during my imprisonment."

Sir, we offer this document in evidence as Exhibit No. 375 and ask that we be permitted at a later date to substitute for the original a duly certified copy thereof.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: Yes, sir.

The Defense objects to certain parts of this document and asks that they be stricken. It appears, sir, that the deponent was at Cabanatuan from 19 July 1944 to 30 January 1945, a period covering considerably more than the period alleged in the charge as the subject of this case.

Specifically, sir, the third page of the exhibit, which is numbered on the copy I have "7", the part that was read by Prosecution about one-third of the way down:

"During the time I was there a great many prisoners died from disease and lack of food . . ."

GENERAL REYNOLDS: Will you hold it just a minute until I find it? The sentence you are referring to starts "During the time I was there"?

CAPTAIN REEL: Yes, sir.

GENERAL REYNOLDS: It is on page --

CAPTAIN REEL: Page marked "7", which is the third page of the exhibit.

"During the time I was there a great many prisoners died from disease and lack of food. I don't recall the names of any dying, as it became an ordeal of the survival of the fittest. I do know that there was about 3300 that died there, as there was that many graves at the camp. We were worked in the fields from 8 A.M. to 4 P.M.," and so forth. Well, down to that word "camp".

In the first place, sir, it doesn't appear when any prisoners died, whether they were within the period covered by the charge. And, in the second place, to state that 3300 died there because there were that many graves in the cemetery that might have existed for scores of years is, we believe, incompetent and prejudicial.

MAJOR KERR: We shall agree to the figure relating to the number of deaths being stricken since no particular period is specified.

GENERAL REYNOLDS: Are there other comments?

CAPTAIN REEL: Yes, sir.

About three sentences after that, sir, beginning "The guards all carried pickhandles, and used them generously in beating the prisoners", on down through the twelfth line below that, ending with the words "about all that one had in his mind was to conserve his strength and endeavor to survive". There is no evidence as to when these beatings occurred; no evidence that it came within the period of time described in the charge, during which time the Accused was

on these Islands.

One further sentence, sir, at the bottom of the page beginning "I had a pair of Skivves that I made out of boards and tied to my feet with ropes and rags, but my feet had been abused for so long that I did better by going bare-footed. My feet still have not healed from the results of being mistreated by working in the fields by the Japanese during my imprisonment". The rest of the statement indicates that the deponent was at Davao Penal Colony for considerable length of time not covered by the charge in this case and the Accused was not in the Philippine Islands. It further indicates that treatment there was the probable cause of this condition. There is nothing to indicate that Cabanatuan has anything to do with it.

GENERAL REYNOLDS: Are there further comments?

CAPTAIN REEL: No, sir. That is all.

GENERAL REYNOLDS: The comments of counsel are noted. The Commission agrees with counsel that in the instances stated the document does not clearly establish the dates to which he refers. The Commission strikes from the record "3300" from the sentence "I do know that there was about 3300 that died there as there were that many graves at the camp". With that exception the document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 375 for identification was received in evidence.)

MAJOR KERR: Mark this for identification, please.

(Sworn statement of Lawrence Robinson, Corporal, ASN, was marked Prosecution Exhibit No. 376 for identification.)

MAJOR KERR: At this time, sir, the Prosecution offers in evidence a document which has been marked for identification as Prosecution's Exhibit No. 376. This is a sworn statement of Corporal Lawrence Robinson, Army Serial No. 15043739, taken at Garrett, Kentucky on 20 June 1945. I shall read the pertinent parts of this statement:

"Q State your name, rank, serial number and permanent home address.

"A Lawrence Robinson, Corporal, Army Serial Number 15043739, Wayland, Kentucky.

\* \* \* \* \*

"Q Were you a prisoner of war?

"A Yes.

"Q Will you give the places and approximate dates where you were held?"

The pertinent portions of his answer are as follows:

"A . . . About December 1943 I was marched about 25 miles to Cabanatuan Prison Camp #1, where I was held until I was liberated by the Americans 30 January 1945.

"Q Did you witness or have you been told of the use of American prisoners of war by the Japanese Army on military operations and installations at any time?

"A Yes. While I was held prisoner at Cabanatuan Camp #1 from December 1943 to January 1945, the other American prisoners and myself were compelled to work on military installations and operations.

"Q Will you describe this matter in detail?

"A All of the time we were held at Cabanatuan Camp #1 we were compelled to work on such military operations as helping to construct airfields; loading ships with ammunition, bombs, armament, and oil. Some of the prisoners who were too weak to do heavy work were made to work on farms in the vicinity. Approximately 90% of the work we did was of a military nature and consisted of any odd jobs which they happened to have for us to do."

The statement is signed by the affiant with an appropriate notarial certificate.

This being the original statement, we ask leave at a later time to substitute therefor a duly-certified copy.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: No comments.

GENERAL REYNOLDS: The affidavit is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 376  
for identification was received  
in evidence.)

(Statement of Major Raymond H. Knapp was marked Prosecution Exhibit No. 377 for identification.)

MAJOR KERR: The Prosecution now offers in evidence the document which has been marked for identification as Prosecution's Exhibit No. 377, being the affidavit of Raymond H. Knapp, Army Serial No. O-278892, taken at San Antonio, Texas, on 8 May 1945. I will read the pertinent parts thereof:

"Q State your name, rank, serial number and permanent home address.

"A My name is Raymond H. Knapp, Major, ASN O-278892, and my permanent home address is 259 Geneseo Road, San Antonio, Texas.

"Q Were you a prisoner of war?

"A Yes, a prisoner of the Japanese.

"Q At what places were you held and state the approximate dates?"

The appropriate part, the pertinent portion of the answer is as follows:

"On February 5, 1943, I was again transferred to Davao Penal Colony where I remained until 5 June 1944 on which day I left for Camp No. 1, Cabanatuan, arriving there 28 June 1944. I then remained at Camp No. 1, Cabanatuan until liberated by the Rangers on 30 January 1945.

"Q Did you witness any exposure of Prisoners of War to danger of bombing at Camp No. 1, Cabanatuan?

"A Yes.

"Q State what you know of your own knowledge about that incident.

A On 17 January 1945 after the Americans had made landings on Luzon, and after almost continuous American air patrol was over Camp No. 1, Cabanatuan, Japanese soldiers brought six Japanese army tanks into Camp No. 1, Cabanatuan and hid them in the buildings within that camp. These tanks were kept there for about three days and the Japanese soldiers took them away. I saw these tanks brought in and saw them leave. By this time the command of Camp No. 1, Cabanatuan was put under a Regional Commander and I do not know who the commander was at the particular time involved."

The statement is signed, and a certificate of the investigating officer is appended thereto.

GENERAL REYNOLDS: Any comments by the Defense?

(No response.)

The document is accepted by the Commission under the same circumstances as the preceding exhibit.

(Prosecution Exhibit No.  
377 for identification  
was received in evidence.)

MAJOR KERR: Sir, that completes the testimony at this time on that item of the Bill of Particulars, namely, Cabanatuan Prisoner of War Camp.

CAPTAIN PACE: If it please the Commission, the Prosecution wishes to call a witness at this time to identify Exhibit 353 for identification that was offered at the close of the session on Saturday.

GENERAL REYNOLDS: Very well.

CAPTAIN PACE: Fujishige.

MASATOSHI FUJISHIGE

called as a witness on behalf of the Prosecution, being first duly sworn through Lieutenant Commander Bartlett, was examined and testified as follows through Lieutenant Commander Bartlett, with Major Pratt and Lieutenant Asano acting as "check" Interpreters:

DIRECT EXAMINATION

Q (By Captain Pace) Give your name, please.

A (Through Lieutenant Commander Bartlett) Masatoshi Fujishige.

Q What is your nationality?

A Japan.

Q Are you a member of the Imperial Japanese Army?

A Yes.

Q What is your rank?

A Colonel.

Q From September, 1944, until the end of March, 1945, what was your command?

A Until the end of December, 1944, I commanded the 17th Infantry Regiment. From January 1, 1945, I commanded the Fuji Heidan, Fuji group.

Q Did the Fuji Heidan operate in the Batangas and part of the Laguna Province?

A As you say.

Q How many troops were in Fuji Heidan?

A After the 1st of January, 1945, at its maximum peak, there were approximately 6,000.

Q Who was your commander then?

A Lieutenant General Yokoyama.

Q Who was his commander?

A I am not -- I do not know under whose direct command he came. Probably, I expect it might have been General Yamashita's command.

Q Will you look at Exhibit 353 for identification and tell what that is?

A This is a record of my talk and instructions to officers and non-commissioned officers who had been assembled from each of the units of a sea-borne reconnaissance unit.

Q Were those units under you?

A At that time most of them were in my command.

CAPTAIN PACE: I offer this in evidence, sir, and ask permission to withdraw it if it is accepted and substitute a certified true copy.

GENERAL REYNOLDS: The Commission feels that the translation of this document should be read before the Commission is asked to rule upon it.

CAPTAIN SANDBERG: May we see the original, sir? (Prosecution Exhibit 353 for identification was handed to Captain Sandberg.)

CAPTAIN PACE: Does the Commission desire that I read the ATIS translation, or do they wish our interpreters to read it?

GENERAL REYNOLDS: The ATIS translation will be read.

CAPTAIN PACE: The full translation:

"Instruction of Group (Heidan) CO (outline) 8  
March at Santa Clara Hq.

- "1. The object of mass training is to enable the sea raiding units to achieve impressive results in land warfare.
- "2. The new duty of the group is to reverse the present battle situation on Luzon.
- "3. Become a godlike warrior. Learn the art of war like a god.
- "4. Be thorough in training. Do not misunderstand the meaning of affection toward your men. To make godlike warriors of them is in itself an act of affection of officers toward their men.
- "5. No man must die an honorable death until he has killed 100 enemy soldiers and destroyed 10 enemy TK (TN tanks.)
- "6. Kill American troops cruelly. Do not kill them with one stroke. Shoot guerrillas. Kill all who oppose the emperor, even women and children.
- "7. Start thorough training immediately upon returning to your units."

GENERAL REYNOLDS: The Commission inquires of Prosecution why this witness was not questioned in the usual manner as to his willingness to testify?

CAPTAIN PACE: Sir, in regard to warning him of his rights, it is my understanding, after talking to other members of the Prosecution, and research, that it is unnecessary to warn prisoners of war of their rights. As to other general warnings to tell the truth, and so forth, I have already done that before bringing the witness here. He has also been informed, sir, before coming

here, that it was a strong probability that he would be tried as a war criminal in the near future.

GENERAL REYNOLDS: As to this document, before ruling is announced, the Commission will desire the chief interpreter to verify the translation which has been furnished the Commission.

Are there comments by Defense pertaining to this exhibit?

CAPTAIN SANDBERG: Sir, first we should like to say, in connection with the point made by the Commission, that it is indeed a phenomenal principle that prisoners of war are not entitled to be warned of their rights against incrimination. Not only is that not a true statement of principle, but it is directly contrary to the Geneva Convention, and we feel that the Commission very appropriately pointed that out.

As to this document itself, our translation indicates that it is simply a draft of the speech that was made, and we should like to cross examine the witness as to the exact text of the speech that was made.

MAJOR KERR: Sir, the Prosecution does not concede that under the Geneva Convention there is any prohibition of the use of testimony of a prisoner of war in this matter. As far as self-incrimination is concerned, of course, the rules of the Articles of War against self-incrimination do not apply, since the Articles of War themselves do not apply; and I believe that has been a ruling of this Commission. Now, if counsel interprets the Geneva Convention as prohibiting self-incrimination in a case of this sort,

I would be pleased to have the citation to which they refer.

CAPTAIN SANDBERG: I have known since the day that I got into the army that a prisoner of war is required, on interrogation, only to give his name and serial number.

GENERAL REYNOLDS: The Defense may interrogate the witness.

CAPTAIN PACE: I have some more questions, sir.

GENERAL REYNOLDS: I am sorry; I thought you had finished.

Q (By Captain Pace) In November of 1944, did you receive a written order from Yokoyama telling you to eliminate anti-Japanese elements in Batangas?

A I received no such orders.

Q Did you receive orders from Yokoyama at that time to eliminate guerrillas in Batangas?

A I did not receive such orders.

(A document was marked  
Prosecution Exhibit No.  
378 for identification.)

Q What orders did you receive?

A About the middle of November I received from Yokoyama orders to clean out or mop up the guerrillas in my area.

Q Did it mention women and children?

A There was not one word about them.

Q Did you issue this order to your troops?

A I passed this order on to every commander -- to the commander of every one of my units.

Q After you received the written order, did Yokoyama, as chief of staff, come to Batangas and give you oral

instructions?

A The chief of staff did not come to me and talk about any such matter. Staff Officer Motoyama did come and talk to me about the question of policing up my area.

Q What did he say?

A The gist of his talk was that the mopping up of my area was behind schedule and that I should see that it proceeded with greater rapidity.

Q Did you urge your commanders to speed it up?

A I did not pass it on.

Q Why not?

A I decided that the situation at that time was not favorable towards such immediate action.

Q When did you take immediate action?

A When I received the written orders in the middle of November from General Yokoyama; at that time I gave instructions to each of the unit commanders in my command.

Q When did the Chief of Staff give you the verbal order?

A I never received or heard anything from the Chief of Staff.

Q When did the staff officer give you the verbal order?

A That was sometime during the middle of November and the first of December.

CAPTAIN PACE: You may cross-examine.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

The Commission desires that this witness be asked the same questions as to his willingness to testify and the possible effect, as have been asked of other Japanese prisoners of war who have appeared before the Commission.

CAPTAIN PACE: Yes, sir.

DIRECT EXAMINATION (Continued)

Q (By Captain Pace) Do you want to give this Military Commission the information you possess concerning Japanese operations in the Philippines?

A I have no objection.

Q And the information which you have already given was given freely, is that right?

A It is.

Q And do you want to give the Commission this information even though it might later be held against you?

A I have no objection.

CAPTAIN PACE: Is that satisfactory, sir?

GENERAL REYNOLDS: You may proceed.

CAPTAIN PACE: I believe the Interpreter has something he wishes to give the Commission.

COMMANDER BARTLETT: For the record, I would like to state that the word in the witness's testimony translated as "guerrilla" can equally, although not necessarily, be better translated as "armed bandit."

Also the word translated as "mop-up" can also be translated as "suppress", "put down", "subjugate", "punish", or conduct a punitive expedition.

GENERAL REYNOLDS: Let me see the translation which was offered with the exhibit.

COMMANDER BARTLETT: This refers purely to the oral testimony, sir, from this witness.

GENERAL REYNOLDS: It does not refer to the translation of this document?

COMMANDER BARTLETT: That has not been examined as yet, sir.

GENERAL REYNOLDS: Very well. You may proceed.

Are you waiting for a copy of the translation?

CAPTAIN SANDBERG: Yes.

GENERAL REYNOLDS: Do you not have other copies?

CAPTAIN PACE: We have another copy here.

GENERAL REYNOLDS: Do you have one for the use of the Commission?

CAPTAIN PACE: Here is a copy.

CROSS-EXAMINATION

Q (By Captain Sandberg) Colonel, will you look at that document and tell us whether it is written in your handwriting?

A It is not anything that I have written.

Q Do you know who wrote it?

A I cannot tell.

Q Do you know what it is?

A I know.

Q Will you tell us?

A These are notes taken by a representative at a meeting of representatives of commanding officers of lower units assembled together for the purposes of instruction and order receiving.

Q You don't know who the particular person is who made those notes?

A I know that these notes are the notes taken by the representative of the Marine Raiding Party Unit, but I do not know who the representative was. I talked for about fifteen minutes and then immediately left.

Q Will you tell us exactly and in detail what you said?

GENERAL REYNOLDS: The Commission interrupts. In order to save time and for other reasons the Defense is asked to take each one of these numbered paragraphs in turn

and ask whether that represents a fair meaning of what he said.

There is no objection by the Commission of having him bring out other things which he said, but we don't want the matter approached in that way.

CAPTAIN SANDBERG: All right.

Q (By Captain Sandberg) Did you say on that occasion: "Kill American troops cruelly"?

GENERAL REYNOLDS: Let the Commission interrupt again and repeat our instructions. Take the numbered paragraphs in sequence and ask the witness whether the statement there is a fair translation of what he said.

CAPTAIN SANDBERG: Each one separately?

GENERAL REYNOLDS: Yes.

Q (By Captain Sandberg) Is the following statement a fair summary of what you said: "The object of mass training is to enable the sea raiding units to achieve impressive results in land warfare"?

GENERAL REYNOLDS: I would ask the Commander to also use the Japanese original exhibit itself.

CAPTAIN SANDBERG: All right.

A That is correct.

Q (By Captain Sandberg) Is the following paragraph a fair gist of what you said: "The new duty of the group is to reverse the present battle situation on Luzon"?

A Exactly correct.

Q Is this statement a fair gist of what you said: "Become a godlike warrior. Learn the art of war like a god"?

A That is correct, although I explained the matter in

greater detail at the time.

Q Will you tell us briefly how you elaborated on that?

GENERAL REYNOLDS: The Commission again interrupts and directs that the Defense proceed according to the instructions given by the Commission. Read these statements in sequence. Ask the witness if that is a fair translation of what he said at that meeting. If after you finish that you wish to ask the witness to elaborate upon them, the Commission will consider it.

CAPTAIN SANDBERG: All right, sir. Do you want the last translation?

GENERAL REYNOLDS: No. The Commission understands that the witness has affirmed the accuracy of the translation on points 1, 2 and 3.

CAPTAIN SANDBERG: Not quite, sir. The witness has stated this is true so far as it went but it is not a complete statement of what he said. Since the witness is the best living exponent of what he, in fact, said, it is not complete to say that that is a complete statement of what he said.

GENERAL REYNOLDS: The Commission has already stated that you would be given an opportunity to permit him to expand, but for the fourth time the Commission directs its orders be carried into effect.

CAPTAIN SANDBERG: Yes, sir.

Q (By Captain Sandberg) Is the following a correct summary of what you said: "Be thorough in training. Do not misunderstand the meaning of affection toward your men. To make godlike warriors of them is in itself an act of affection

of officers toward their men"?

A The purport of my remarks was exactly that.

Q Is the following a correct summary of what you said:  
"No man must die an honorable death until he has killed one hundred enemy soldiers and destroyed ten enemy tanks"?

A I said something like that.

Q Is the following a correct summary of what you said:  
"Kill American troops cruelly. Do not kill them with one stroke. Shoot guerrillas. Kill all who oppose the Emperor, even women and children."

A This differs considerably.

Q Now, is the following a correct summary of what you said: "Start thorough training immediately upon returning to your units"?

COMMANDER BARTLETT: He says again to No. 6, it is different than what he understood. He said, "I said training where this letter says education."

CAPTAIN SANDBERG: Now, I would like to ask the Interpreter to read into the record the amplifying remarks which the witness made in response to my question No. 3, which I now believe would be in order.

GENERAL REYNOLDS: You may do so.

COMMANDER BARTLETT: The Japanese Imperial Army is not an army of aggression but of character and humanity and for that reason the Japanese army should be godlike and have godlike characters and fight with humanity and spirit; humanity and godlike spirit.

CAPTAIN SANDBERG: Now, with reference to statement No. 5: "No man must die an honorable death until he has

killed one hundred enemy soldiers and destroyed ten enemy tanks". Would the witness elaborate on that as to what he said?

GENERAL REYNOLDS: The Commission interrupts to know why it is necessary, in view of the fact that he has already stated it is a fair translation.

CAPTAIN SANDBERG: If the Commission please, we have the witness here, we have the man who made the speech of which this is a purported summary and we feel it is most relevant to get exactly what he said. Actually the witness in connection with the fifth question said, "I said something like that." We would like to get exactly what he said.

GENERAL REYNOLDS: Very well.

THE WITNESS: At the time there was an expression that every Japanese soldier should kill ten Americans and destroy one American tank. My intention was to emphasize the fact that this was not enough and that it would be necessary for each to kill one hundred Americans and destroy ten tanks before he would be allowed to die.

CAPTAIN SANDBERG: The witness has testified that No. 6 differs considerably. No. 6 reads as follows: "Kill American troops cruelly. Do not kill them with one stroke. Shoot guerrillas. Shoot all who oppose the Emporer, even women and children." Will the witness say what he in fact did say?

(Translated by Commander Bartlett.)

THE WITNESS: First, with respect to American soldiers I told them, as I did in the other paragraph, that each of them must kill 100. With respect to those guerrillas who opposed the Imperial Forces my instructions were to suppress them with military operations. With respect to women and children, about the 1st of January, from intelligence sources, we received a warning that even women and children were carrying weapons and to be on guard for this. Therefore -- And after the 1st of January and on into February in my own territory there were many instances where women bearing arms inflicted considerable damage to my forces.

When I was riding in a car, an automobile, a child threw a hand grenade at me. On another occasion a child about 15 years old came near me on one occasion and I had a soldier who was nearby search him and we found a hand grenade on his person. I took the hand grenade away from this child and sent him away.

I myself was threatened twice and my soldiers were threatened or received damage on many and numerous occasions from women and children armed. Because I had received a warning from the Shimbu Unit --

COMMANDER BARTLETT: Let that be corrected where I

said "intelligence" to "Shimbu Unit".

THE WITNESS (Through Commander Bartlett): -- that women and children were going about armed, on this occasion I told my troops that if they were attacked by armed women and children, that of necessity, as a military necessity, they must be combatted.

Lest there be no mistake about what I have said I will repeat what I have just said: that if women and children attack our troops with arms it is unavoidable that they be combatted in a military manner.

Q (By Captain Sandberg) And you made that fact very clear on the occasion of this talk; is that correct?

A I spent 15 or 20 minutes going over the matter several times in great detail in order that there should be no misunderstanding about what I was saying.

CAPTAIN SANDBERG: Now I am going to read a paragraph from an order of the 14th Army Group which is in evidence as Prosecution's Exhibit 4 and I am going to ask the witness whether he is familiar with that order.

(Translated by Commander Bartlett.)

CAPTAIN SANDBERG: "5. In view of the special characteristics of the Philippine operations subversive activities of the residents and attacks in arrear by air borne raiding forces must be considered. In order to avoid mistakes in conducting the operations take precautions against armed guerrillas. Subjugate them quickly and put a stop to their activities."

(Translated by Commander Bartlett)

THE WITNESS (Through Commander Bartlett): I have never received any orders such as that from the 14th Army

Group.

Q (By Captain Sandberg) Did you ever receive an order from General Yokoyama relative to the suppression of armed guerrillas which was in substance the same as that order?

A I have received such orders.

Q And is it true that every order which you have received with respect to guerrillas has been limited to military operations against armed guerrillas?

A Exactly as you stated.

Q Have you ever received any orders from higher authority for the killing of noncombatant civilians in Batangas?

A I have not.

Q Did you ever give any such orders?

A I have not.

GENERAL REYNOLDS: Does the Defense have much further cross examination?

CAPTAIN SANDBERG: Not on this line of examination, sir, but I have further questions on another line of examination.

GENERAL REYNOLDS: Does it pertain to the document under consideration?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The Commission inquires as to the further examination being more appropriately deferred until presentation of the Defense case.

CAPTAIN SANDBERG: When I said it does not pertain to the document, I meant it does not pertain specifically to it but it does pertain to the substance of the document, that is, the contents of the document. More particularly,

I might say that what we wanted to examine the witness on was the nature of the guerrilla resistance movement in Batangas.

GENERAL REYNOLDS: The Commission has heard all this in order to determine whether or not to accept the document in evidence, and unless the cross examination is going to be very brief the Commission would prefer that it be deferred until the Defense presents its case.

CAPTAIN SANDBERG: I can conduct a short examination on guerrilla activities in Batangas which I believe will make it unnecessary to call Col. Fujishige as a Defense witness.

GENERAL REYNOLDS: Very well. We will accord Defense a few moments for that purpose.

CAPTAIN SANDBERG: I beg your pardon?

GENERAL REYNOLDS: We will give you a few more minutes.

CAPTAIN SANDBERG: May we have the last answer?

THE WITNESS (Through Commander Bartlett): I have never issued such orders. I have never issued orders concerning civilians excepting that I have been quite particular about issuing some orders for protecting them from time to time.

Q (By Captain Sandberg) Did you ever report to General Yokoyama or to other higher authority that Japanese soldiers were killing noncombatant civilians in Batangas?

A I have never made such a report, because such facts do not exist and I had no occasion to make such a report.

Q Shortly prior to the American landings will you tell us what was the disposition and number of the guerrilla

troops in Batangas?

A About the middle of January, 1945 I had withdrawn all of my forces from the Batangas shore to the hills and the mountains, and for that reason I am not in a position to give you accurate information concerning guerrilla dispositions in Batangas excepting that early in January I heard that certain small units were apprehensive of activities by civilians in the vicinity and as a result I immediately withdrew those small units.

Q Was there in the Banahoa Mountains a fully-armed division under Vicente Umali?

A In January east of Malepunyo Hill was a veritable hideout of guerrillas who were receiving munitions from the United States forces and also from the seaside at Tayabas Bay the guerrillas were receiving munitions by submarine from the Americans. And I received intelligence to the effect that having received arms and training from the Americans, that by the end of January there was what amounted to a full division of guerrillas in the hills.

Q And was there in addition in the Cuenca Mountains more than ten thousand additional troops receiving arms from the United States?

A Instead of Mt. Cuenca, east of Lake Taal I heard from spies that the number of guerrillas armed had increased to something about ten thousand.

Q And did these guerrilla units operate extensively in the region of Lipa, Taal, and Buaun and other places in Batangas?

A They appeared in each sector or every sector and

attacked our units.

Q And at one time --

A For that reason the Cuenca-Lipa-Manila road became so dangerous that a small group of soldiers, such as six or seven, were unable to pass along the road in safety. For that reason I gave orders that no body of troops less than a squad should pass along this road. And as a result, from the middle of January we received considerably large death casualties.

Q And by the end of January had the guerrillas expelled the Japanese from the town of Buaun?

A I received word that about the end of January a considerable number of guerrillas had come into the town of Buaun and were attacking the natives -- were agitating the natives.

(Witness talking in native tongue.)

GENERAL REYNOLDS: The Commission interrupts. The witness testified numerous questions ago that on a certain date he withdrew to the hills. Can the reporter find that question and that answer and get us that date?

COMMANDER BARTLETT: His present answer, sir, has to do with withdrawing from the hills either just before, just after or in connection with American landings, and I am trying to get it accurately in my head, if it is necessary.

GENERAL REYNOLDS: I would like to see what he said in the prior question and answer.

(The question and answer referred to were read by the reporter as follows:

"Q Shortly prior to the American landings will you tell us what was the disposition and number of the guerrilla troops in Batangas?

"A About the middle of January, 1945 I had withdrawn all of my forces from the Batangas shore to the hills and the mountains, and for that reason I am not in a position to give you accurate information concerning guerrilla dispositions in Batangas excepting that early in January I heard that certain small units were apprehensive of activities by civilians in the vicinity and as a result I immediately withdrew those small units.".)

GENERAL REYNOLDS: In view of that reply, and the extensive questioning which the Commission has already permitted on this extraneous subject, or rather, subject extraneous to the matter before the Commission, is it necessary to continue the cross examination?

CAPTAIN SANDBERG: Well, I believe, sir, that the witness' answer about withdrawing referred simply to withdrawals around the Nasugbu area on the occasion of the American landing there. I think that further questioning of the witness would bring that out. Actually, we know as a matter of history, that pitched battles were fought between the American troops and the Japanese troops in Batangas long after January.

GENERAL REYNOLDS: That may be the case, but again read the statement about the whereabouts of the witness.

CAPTAIN SANDBERG: I may say, sir, that I understand that the answer just given and not yet translated clears that point up.

(The answer referred to was read by the reporter as follows:

"About the middle of January, 1945, I have withdrawn all my forces from Batangas shore to the hills and the mountains, and for that reason I am not in a position to give you accurate information concerning guerrilla dispositions in Batangas.")

GENERAL REYNOLDS: Now let us have the answer to the question.

(Translated to the witness by Interpreter Lieutenant

Commander Bartlett.)

A (Through Commander Bartlett) At the end of January the United States troops had already landed at Nasugbu Bay, and we were guarding Batangas Bay when, it appearing that the number of troops, United States troops, that were to land in Batangas would be small, if any, it was determined to withdraw into the hills. The bulk of my troops were withdrawn in the middle of January. Most of the rest of them were withdrawn by the end of January, and on the last day of January I withdrew the last four or five whom I had left as watchers.

Q (By Captain Sandberg) When you say "the hills," you mean the hills of Batangas?

A I withdrew from the shore line, from Batangas, to Bauan, into the adjacent hills.

CAPTAIN SANDBERG: I think that clears that up, sir. I just have a few more questions.

GENERAL REYNOLDS: That is what we had 15 or 20 minutes ago. What are the questions?

CAPTAIN SANDBERG: Were there many occasions when Japanese soldiers were ambushed, killed, and mutilated by guerrillas?

GENERAL REYNOLDS: The Commission will assume his answer will be "Yes," since he has once testified to that effect.

What is your next question?

CAPTAIN SANDBERG: That will be all.

GENERAL REYNOLDS: Question by the Commission:

Invite the attention of the witness to the Item No. 6

in the captured summary of the meeting which he conducted, which was the one he did not agree to as a fair translation of what he said.

COMMANDER BARTLETT: Shall I show him the document, sir?

GENERAL REYNOLDS: Yes.

(Prosecution's Exhibit No. 353 for identification was handed to the witness.)

(The question of General Reynolds was translated to the witness by Commander Bartlett.)

GENERAL REYNOLDS: Tell him he has discussed the last part of the statement, which is as follows:

"Shoot guerrillas. Kill all who oppose the Emperor, even women and children."

That part of it he has discussed. Will you tell him that?

(Translated to the witness by Commander Bartlett.)

GENERAL REYNOLDS: He has not discussed the statement: "Kill American troops cruelly. Do not kill them with one stroke."

Ask him if that is a fair summary of his statement.

(Translated to the witness by Commander Bartlett.)

THE WITNESS (through Commander Bartlett): I did not say -- this is an error; I did not say anything like this.

GENERAL REYNOLDS: Ask him to state what he recalls was said.

(Translated to the witness by Commander Bartlett.)

THE WITNESS (through Commander Bartlett): What I said was that unless each Japanese soldier killed 100 Americans

and destroyed 10 tanks we would lose the war.

GENERAL REYNOLDS: Then in summary of the seven items in this captured document, he agrees that in six of them the summary was accurate, but in the one it was inaccurate in the manner he states?

(Translated to the witness by Commander Bartlett.)

THE WITNESS (through Commander Bartlett): In general, with respect to this statement, six of them are along the lines in which I spoke. With respect to No. 6, this is not the way I spoke. And, as a matter of fact, I laid special stress on this No. 6 in my talk.

GENERAL REYNOLDS: Does the Prosecution offer this document in evidence without further questioning?

CAPTAIN PACE: Yes, sir, we do.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Prosecution Exhibit No. 353 for identification was received in evidence and so marked.)

(Witness excused.)

GENERAL REYNOLDS: The Commission will be in recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session, and requires how much more time will be necessary for the Prosecution to complete its case.

MAJOR KERR: Probably about two hours, sir.

GENERAL REYNOLDS: Very well. Proceed.

COMMANDER BARTLETT: The attention of the Commission

is invited to the fact that in the document recently put in evidence, the original term therein translated as "kill cruelly," the literal translation of the two characters is correct. However, those same two characters can be read or translated as "slaughter," "butcher," "massacre," and this information, I believe, should be in the record for whatever assistance it may be to the Commission.

MAJOR KERR: Sir, may I ask the chief interpreter whether or not there is any question about the literal translation of the second sentence, namely, "Do not kill them with one stroke"? Is that correctly translated?

COMMANDER BARTLETT: The statement "Do not kill with one stroke" is a correct translation of what appears on the paper.

MAJOR KERR: Thank you.

Sir, the regulations governing the conduct of this trial or hearing, more specifically Paragraph 16, Sub-paragraph B on page 5, provides that the Commission shall take judicial notice of facts of common knowledge and of official Government documents of any nation. I refer particularly to that clause "official Government documents of any nation."

In accordance with those regulations, the Prosecution asks the Commission to take judicial notice of certain portions of an official publication of the United States Government, namely, War Department Technical Manual E-30-480, dated 1 October 1944, and particularly that portion thereof which is set forth on Plates I, II, III, IV, V, VI, VII, and VIII, of Chapter XI. Those plates set forth in

color representations of Army uniforms, officers, non-commissioned officers, and enlisted men; and Navy uniforms of officers, petty officers, and seamen, of the Japanese armed forces; and the insignia of rank of Army officers, Navy officers, and enlisted men, and Navy petty officers and seamen, of members of the Japanese armed forces. That is relevant in this proceeding, in view of the rather frequent reference to the insignia of the uniform worn by various individuals.

By taking judicial notice of this official publication the Commission will avoid the necessity of more detailed testimony on this subject.

GENERAL REYNOLDS: Are there comments by the Defense?

COLONEL CLARKE: The only comment we have, sir, is that we reserve the right to offer some evidence to show the difference in uniforms, at the time we put on the defense.

GENERAL REYNOLDS: The Commission takes judicial notice of the document in question, and will accord the Defense an opportunity of introducing evidence that there may be errors in this document, if they choose to do so.

MAJOR KERR: Sir, the next case the Prosecution will go into relates to Items 73 and 83 of the Bill of Particulars.

No. 73 represents the old Bilibid prison, with reference particularly to American prisoners of war there confined.

No. 83 relates to incidents which occurred on a prison ship en route from Manila, originally destined to

Japan, but which later was beached near Olongapo in the Philippines; and relates, furthermore, to the incidents at that point, and from there back to San Fernando.

GENERAL REYNOLDS: Very well.

(Statement of Robert E. Conn, Jr.,  
was marked Prosecution Exhibit No.  
379 for identification.)

MAJOR KERR: The Prosecution offers in evidence a document which is marked for identification as Prosecution's Exhibit 379, being the original of a sworn statement of Robert E. Conn, Jr., a major of infantry, dated 24 September 1945, and I now read the pertinent parts of that particular statement, in so far as they relate to the items of the Bill of Particulars I have referred to:

"Q Will you state your full name, rank, branch, and serial number?

"A Robert E. Conn, Jr., Major, 45th Infantry, 0-331801.

"Q What is your present home address?

"A My home address is Geneva, Minnesota, care of my father, Robert E. Conn.

"Q On what date were you transferred from Cabanatuan?

"A October 16, 1944.

"Q How many other American soldiers were transferred with you at that time?

"A During a six-day period approximately fifteen hundred Americans were transferred to Bilibid Prison in Manila.

"Q By what means were you transferred?

"A We were transferred in trucks, being crowded in to the extent of forty to fifty to a 1-1/2 ton truck.

"Q How long were you confined at Bilibid Prison?

"A I was confined there from October 16 to December 13, 1944.

"Q Tell us generally the conditions that existed at Bilibid Prison during your confinement there.

"A The food ration was considerably less than that at Cabanatuan, being two meals per day consisting of a canteen cup of lugao and approximately 1/3 of a canteen cup of watery, green soup." --

GENERAL REYNOLDS: What is "lugao"?

MAJOR KERR: Well, sir, I am not an expert witness on that, but I understand it is a cereal product.

GENERAL REYNOLDS: Proceed.

MAJOR KERR (continuing): "In some instances a mess kit spoonful of pulverized dried fish was served to each man. On one occasion we purchased from our own funds mongo beans and bananas which were issued through the general mess. We were permitted to take one blanket with us from Cabanatuan and were required to sleep on the cement floors without beds or any material to cover the hard floor. The buildings were extremely crowded. We were required to spend a considerable amount of the time indoors as the result of air raids over the City of Manila.

"Q Between October 16 and December 13, 1944,

do you recall any beatings or mistreatment of Americans confined at Bilibid?

"A Yes.

"Q Please tell us about those incidents.

"A The sentries, on various occasions, slapped Americans and required them to stand at attention because they assumed the Americans had not paid due respect to them. On another instance, I observed several Americans who had scrambled to pick up a few grains of raw rice that had spilled from a sack beaten and kicked and then required to kneel on the cement for a period of time. I do not know how long they were required to stay in that position as I left the area to prevent the Japanese sentry from either including myself in the group or increasing their punishment to demonstrate his power and authority.

"Q Do you recall the names of any of the Americans that you saw mistreated in this manner?

"A No, they were enlisted men.

"Q On what date were you transferred from Bilibid Prison?

"A I left Bilibid Prison on 13 December 1944.

"Q Where did you go when you left Bilibid Prison?

"A I went with a detail of 1,619 men to Pier No. 7 where we were crowded into the holds of the Japanese liner 'Oryoku Maru'.

"Q Approximately how many Americans were confined

at Bilibid Prison during the period of your confinement there?

"A I would estimate approximately 2,200 men.

"Q Please tell us the general health condition of the American prisoners of war at Bilibid during your confinement there.

"A There were a considerable number of sick, and the light ration resulted in a loss of over ten pounds per man for the group that arrived there from Cabanatuan in October.

"Q After your group was placed aboard the 'Oryoku Maru' in Manila harbor, where did you go?

"A We started sailing sometime during the evening and evidently headed for Japan, being in the hold we of course could not tell which way we were moving.

"Q Describe for us the general sanitary conditions on board this ship in so far as your group was concerned.

"A The only sanitary measure for the approximately 700 of us crowded into the forward hold was five 5-gallon cans to be used as urinals and latrines. It goes without saying that this was insufficient and, also, impracticable due to the extremely crowded condition. The Japanese refused to empty these pails, or to permit a detail of our own men to empty them, when they were full. This resulted in fecal matter and urine being spilled in the hold, and necessitated

the use by many men of their canteens and mess gear for the purpose of relieving themselves.

"Q Was there sufficient room in the holds for the men to all lie down and rest?

"A No, there wasn't even sufficient room for me to sit down.

"Q Were blankets or cots, or anything of that nature, provided for the comfort of the American prisoners of war on this trip?

"A Each prisoner of war was permitted to take one blanket with him from Bilibid Prison but crowded conditions made the use of such out of the question. There were no other means of comfort provided.

"Q Was drinking water available to your group during that trip?

"A Approximately five gallons of water was issued to approximately 700 men on the evening of 13 December, and a similar amount of tea the following morning. Many men, due to this small amount, received no water or tea, having only the water they carried with them in their canteens from Bilibid.

"Q Did the Japanese furnish adequate food for your group on this trip?

"A No. We received fish and rice on the evening of the 13th, and a small issue of rice and fish on the morning of the 14th, the morning meal being issued during the air raids which

resulted in mal-distribution. That was all the food we received on that boat.

"Q Do you know whether the Japanese did anything toward marking or designating this ship as a transport of prisoners of war?

"A I could see no evidences of marking on the ship as we entered, and I was later informed that the Japanese had no intention of so marking ships carrying prisoners of war. The ship also was heavily armed with anti-aircraft weapons.

"Q How many times during the trip was the ship attacked from the air by American planes?

"A On December 14th there must have been eight separate raids during the day. On the morning of the 15th there was one raid while Americans were still on board, and one after we had abandoned the ship.

"Q As a result of these air raids what measure did the Japanese take, if any, which would increase the suffering of the American prisoners aboard the ship?

"A Part of the hatch was covered, thus cutting down the amount of air available for the men. No water or food was issued. We were held on the ship on the morning of the 15th until the Americans had bombed it again, which procedure I was later advised by Lieutenant Colonel Engelhart (who speaks Japanese fluently and obtained this information from a Japanese

corporal) was deliberate.

"Q When the hatches were closed, was it possible for your group to empty the containers which you had been furnished for latrine purposes?

"A No. We, on our own initiative, attempted to empty urine into the lower hold of the ship, and were successful to a small degree. However, close observation by Japanese sentries made this difficult and dangerous.

"Q Can you tell us the effect of the hardships encountered on this voyage upon the mental and physical condition of the American prisoners of war aboard the ship?

"A Yes. The results were beyond the power of imagination. Men went stark mad. Others resorted to blood-sucking. Many men, due to their extreme thirst, would grab canteens that had been used as urinals and drink the contents without thought to the results such would bring on. Due to threats of the Japanese to throw hand grenades into the hold if we were not quiet, it was necessary to muffle many men who were out of their head and creating a large disturbance. In some instances this resulted in the death of the unfortunate prisoner of war. The hold can best be described as a sweltering mass of thirsty, fear-stricken, mad human beings. In one instance, a large corpsman went out of his head and began calling to the Japanese sentry

and attempting to get up the ladder to get at him. The gist of his shouts was that he had suffered all that he could bear and that he would kill the dirty bastard or die in the attempt. In order to protect the rest of the men in the hold from threatened hand grenades and rifle fire, it was necessary to quiet this man. Due to his above average strength, it became necessary to knock him out, such effort unfortunately being too great, with the result that it killed him.

"Q Did the Japanese deliberately kill any Americans on this trip?

"A Yes. I did not see it personally, but I was advised by men I know to be reliable that they saw several American officers, whose names I do not know, shot as they attempted to get food from the ship as we were abandoning it on the morning of December 15th. I was also advised that during the air raids, the Japanese corporal whose nickname was 'Air raid' fired directly into the hold, killing American prisoners of war the names of whom I do not know. I think 'Air raid's' name is AHARA.

"Q Did the men in your group receive any medical care or attention from the Japanese during this voyage?

"A No. However, they did require some of our doctors to operate on their women and children

who were injured in the strafing attacks, thus taking trained personnel away from our own cases.

"Q Can you estimate the number of American prisoners of war that were killed, or died as a result of mistreatment, on this trip?

"A Yes, approximately sixty.

"Q Give us the names of those that you can remember.

"A Lieutenant Colonel Conaty, Q.M. Construction; Major Bradley, 4th U. S. Marine Corps; Captain Buboltz, 26th Cavalry; Major Burtz, Veterinary Corps; and Lieutenant Colonel Drummond, Medical Corps.

"Q As a result of the air raids which you have testified about, did it become necessary for this ship to pull into a harbor?

"A As a result of the bombings, the ship pulled in to Subic Bay near the Olongapo Naval Station. Evidently during the evening the surviving Japanese women and children and civilians were taken off the ship by landing boats. On the morning of December 15th when the American planes made their first raid for that day, no return fire from the ship's anti-aircraft guns was made. After this first bombing, we were permitted and ordered to evacuate the ship. Some men found life preservers in various state-rooms and, in so doing, saw a large quantity of

American cigarettes and American food contained in packages identical to those which were received by prisoners of war in their Red Cross packages. Other men raided the ship's galley and reported finding large quantities of ham, chicken, ice cream, milk, candy and nuts, none of which had been available to us the two previous days.

"Q When the order to abandon ship was given, did the Japanese aid or assist the American prisoners of war to get ashore?

"A The only assistance that I know of that was given by Japanese soldiers was in my own instance, and in that case such was given by a Formosan who recognized me after we had struggled for some time in the water over possession of a life belt. It was certainly evident that the only function required of the guards was to get their own person safely on to shore and to prevent the escape of any Americans that reached shore alive.

"Q Do you know of any Americans that were shot or killed by the Japanese while getting ashore?

"A Yes.

"Q Can you give their names?

"A Chaplain Cleveland, who had been paralyzed for a considerable time in prison camp as a result of diphtheria, and Lieutenant Colonel Denker, a Philippine Scout officer, were shot on a raft that was being carried out to sea by

the current.

"Q Do you know, or can you describe, the Japanese that shot either of these officers?

"A No, I can not, but it was done both by guards from the ship and members of the Naval Station who were using machine guns.

"Q Were the guards on this ship members of the Japanese Army or Navy?

"A Some of the guards were members of the Japanese Army; others were Formosans, used as prisoner of war guards.

"Q Can you give us the names of any of the Japanese guards that accompanied your group on this trip?

"A Yes; 1st Lieutenant TOSHINO; Mr. WADA, interpreter; 'AIR RAID' whose name, I believe, is AHARA; and OUIDA, a three-star private who worked with the Transportation Section at Cabanatuan Prison Camp.

"Q Were the above named members of the Japanese Army forces connected with the military police?

"A Not that I know of. They did not wear the arm band with red characters which all military police wear.

"Q Which of these men do you consider responsible for the deplorable conditions existing among the American prisoners of war on this boat ride?

"A I believe Lieutenant TOSHINO and Mr. WADA

are primarily responsible, and the others named are also responsible because of their refusal to convey many of our requests to the commanding officer of the detail.

"Q Which one was the commanding officer?

"A Lieutenant TOSHINO.

"Q Do you know to what unit or organization Lieutenant TOSHINO belonged?

"A During the fighting on Bataan, Lieutenant TOSHINO was a member of the Japanese unit that fought in the area known as the Tuol Pocket. This information was obtained directly from Lieutenant TOSHINO who states that had he not been wounded he would have lost his life in that pocket as did all the other Japanese officers with that unit.

"Q Did Lieutenant TOSHINO remain in charge of your group on the entire trip from the Philippine Islands to Japan?

"A Yes. He and the entire group of Japanese that left Manila with us continued on to our final destination at Mojii, Kyushu.

"Q You have previously testified about the extreme hardships suffered by your group in going ashore at Olongapo; now tell us, in your own words, the things that transpired after your group had reached land.

"A We were directed to follow a Japanese guard who led us to an area near a tennis court at the

old United States Marine Corps post at Olongapo which is on Subic Bay on the Island of Luzon, Philippine Islands. In this area we attempted to hold a roll call, by groups, to ascertain who had not reached shore. The medical personnel, using what medicines they were able to carry with them, began caring for the sick and wounded. I specifically remember gathering sheets which had belonged to the Japanese civilians and had floated ashore, to cover the wounded so as to keep flies out of the open wounds. Approximately 300 men required immediate attention and everyone was suffering from shock, hunger and extreme thirst. When I first attempted to drink water, which we obtained from a spigot near the tennis court, my throat was so parched that I could not swallow, and most of the surviving men were in a similar condition.

"The Japanese made no effort to give us medicines, or food, or to assist in the medical care. We had reached shore at about nine o'clock in the morning, and remained in this area near the tennis court until about five o'clock in the afternoon when they crowded all of us into a single tennis court that had a wooden fence enclosure. A roll call that evening revealed that our number had been cut from 1619 to 1340. We were given no food, and were required to stand in line for a long time to get water from

a spigot within the tennis court itself. On December 16th we stayed in the tennis court for the entire day, many men being stark naked and getting severely burned from the intense sun rays. During the day Navy planes returned to the area, bombing oil dumps and gun positions and strafing military personnel. We observed what I believe to be one of the most perfect demonstrations of accuracy when these fliers bombed and strafed areas within fifty to one hundred yards of the tennis court. The Navy fliers knew we were Americans because they would fly low over the court, dipping their wings to us. We received no food during the 16th. The 17th was a duplication of the previous day excepting that late in the afternoon raw, musty rice was issued, the quantity being approximately two level mess kit spoonsful per man. On the 18th, a few items of old, torn, salvaged clothing was made available to us and distributed equally, by us, to the more needy cases. The medical personnel, without assistance or supplies from the Japanese, did remarkable work in caring for the sick and wounded. In one instance, Lieutenant Colonel Schwartz had to amputate the arm of Corporal Speck of the Marine Corps, without the use of anesthetic, antiseptics, or medical instruments. On the 18th we received a small amount of raw, musty

rice in the morning and approximately one mess kit spoonful of salt per man. In the evening, two mess kit spoonful of raw rice were again issued. On the 19th a few of the hospital cases were permitted to leave the tennis court and sit in the shade of the trees nearby for a short time. This privilege was granted after repeated requests made by our interpreters to Mr. WADA, the Japanese interpreter. Other events of that day were a repetition of the previous day. On the 20th, after the issuance of the usual raw rice ration, one-half of the personnel were placed on trucks and left the area. On the 21st the balance of the group, of which I was a part, were placed on trucks and taken to San Fernando, Pampanga, and crowded into an empty theater. During the period we were on the tennis court, approximately eight men died from wounds, starvation, lack of medical care and exhaustion. Two of these men were personal friends of mine, being Captain Gribbon and Lieutenant Hogaboon. While in the theater we received the first cooked food since the morning of December 14th. On December 22nd and 23rd our men, using two cauldrons, cooked rice, camotes, and seaweed. This gave each man approximately two canteen cups full each day. On the 23rd we had to complete the cooking for that day by ten o'clock in the morning as the Japanese took the cauldrons away at that time. Late in the evening

of the 22nd, members of the Japanese staff at Bilibid Prison in Manila visited the theater and delivered several boxes of Red Cross medicines. They then took twelve of our sicker men, and three of the sicker of the men from the group housed in the jail at San Fernando, on a truck, supposedly to Bilibid. Some of these men were: Lieutenant Colonel Freeny; Lieutenant Colonel Edison; Lieutenant Colonel Peoples; Major Swanson; and Lieutenant Sherman. After checking records recovered from Bilibid by the U. S. Army, I am convinced that these men were never returned to Bilibid, and I can only assume that, since they are still missing, they met the usual fate of sick prisoners of war of the Japanese. On the morning of the 24th of December we were crowded into boxcars to such an extent that we couldn't sit down, and the tops of the boxcars were literally covered with prisoners of war. This train was operated by the Japanese Army. I also wish to state that the trucks which carried us from the tennis court at Olongapo to San Fernando, Pampanga, were Japanese Army trucks, operated by Japanese soldiers. We arrived at San Fernando, La Union, near midnight on Christmas Eve, and spent the balance of the night sleeping on the cinder yard near the depot. We spent Christmas Day in a schoolyard, where a small amount of cooked rice and water, taken

from an open well, was issued to us. The amount of rice was approximately one canteen cup per man, and the water was equal to about one-half a canteen. Christmas night we moved to the beach where we stayed until early in the morning of December 27th. One rice-ball was issued to some of the men, there not being sufficient for the entire group. After repeated requests on the 26th, raw rice and approximately twelve spoonful of water, per man, was issued. We were also permitted to bathe, in small groups, in the salt water. Two men died on the beach. One was Lieutenant Colonel Edmonds, and the other a private from the 31st Infantry. Early on the morning of the 27th we were loaded on to a large freighter that had just delivered artillery and horses to the Philippine Islands

"Q Can you state what the physical condition, generally, was of this detail at the time they left the Philippines at San Fernando, La Union?

"A Yes. We were extremely weak and emaciated from the lack of food and water and the terrifying experiences we had been through. It is hard to estimate the loss in weight per man, but I am certain that I did not weigh over 125 pounds, my normal weight being 154 pounds, and I am sure that this is representative of the entire group. We had little or no clothing; many men did not have eating equipment; practically no one had

toilet articles. The only medical attention that we had came from our own officers who had limited medical supplies and equipment. Japanese rationing of the Red Cross medical supplies delivered to us at San Fernando, Pampanga, paid no attention to needs as stated by our doctors. The men were suffering from exhaustion, dysentery, exposure and malnutrition.

"Q Major, is there anything else that you can add to your testimony, fixing the responsibility for this mistreatment of American prisoners of war upon the Imperial Japanese Army?

"A Yes. While on the tennis court at Olongapo, repeated requests for means by which we could cook our food were always answered with the statement that the troops stationed at Olongapo were members of the Japanese Naval Landing Parties and, consequently, would not give any equipment or food to our group which was under the control of the Imperial Japanese Army. As I have stated, this exact reply was made on several occasions."

The statement is then signed by Major Conn, with an appropriate certificate.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN REEL: Yes, sir. We ask first of all that starting at page 3 of this exhibit, the fifth question and answer group, beginning:

"Q After your group was placed aboard the ORYOKU MARU --" starting with that question, going on through the rest of that page, the next page, the next page, the next page, the next page on down to the last question and answer group, we ask that that be stricken.

The last question and answer group which I have reference to is this, and it begins with:

"You have previously testified to the extreme hardship --". Starting there, from there on, we are not asking to have anything stricken.

To recapitulate on the third page everything except the first four question and answer groups, all of the fourth page, all of the fifth page, all of the sixth page, and all of the seventh page, except for the last question and answer group.

I will state my reasons succinctly. That part we are asking to have stricken pertains to what occurred on a ship at sea. There are reasons to have that stricken. First, there is no evidence that the accused in this case had anything to do with any command or control of any sort over the ships at sea.

In the second place, as a matter of fact, he did not have.

In the third place, the charge upon which this Accused is being charged has to do with Manila and other places in the Philippine Islands. It is immaterial to this case.

MAJOR KERR: The incident which is recited to have occurred on the ship occurred first on the ship while it was in the Manila Harbor. It had not yet left the harbor.

Secondly, the ship did not put off for Japan but was confined obviously to Philippine waters and finally being beached and sunk, bombed and beached in Subic Bay, which most certainly is in Philippine waters.

We assume the term "in the Philippines," reasonably construed would include the Philippine waters. Furthermore, this entire incident is one continuous and related adventure. The statement shows that Lieutenant Toshino was the commanding officer of the detail guarding these men. They were loaded on a ship from a pier in the Manila Bay under the command of that man.

He remained in command throughout the trip from the time they left Manila until they were beached and landed at Subic Bay. He remained in command at the tennis court and apparently was in command from there on through to at least San Fernando.

The statement shows that he was an army man. The statement further shows that according to the naval forces, the naval forces at Olongapo Naval Station, these men were under the sole control of the army even to the extent that the navy forces would not help them out by providing any necessary cooking equipment.

We submit it is entirely proper under the charge, under the specification involved, to include the entire event.

CAPTAIN REEL: Lieutenant Toshino had no connection

with General Yamashita.

It does not matter where the ship was, there is no evidence tying that up with this Accused. Furthermore, I wish to point out that the testimony specifically states in the very beginning, the very first question and answer after he is asked that question:

"After your group was placed aboard the ORYOKU MARU in Manila Harbor, where did you go?"

The witness stated: "We started sailing --" from then on they are at sea. The whole thing is immaterial and we believe it is prejudicial to the Accused to leave that in the statement.

GENERAL REYNOLDS: The Commission will withdraw for deliberation.

(Whereupon the members of the Commission retired for executive session.)

GENERAL REYNOLDS: The Commission is in session.

The American prisoners of war may have passed from control of the Japanese army at the time the ship left the Port of Manila and entered the jurisdiction of other Japanese agencies. It appears that these American prisoners of war returned to clear-cut army control when the ship was beached in Subic Bay.

The episode appears to be a continuous incident; the understanding of which requires the Commission to inform itself of the events between departure and the Subic Bay landing.

The Commission agrees that there is little probability of the personal responsibility of the Accused as to events

at sea except, perhaps, as to the manner of loading the ship, provisions for sanitation, safety, messing and medical supplies.

In view of the nature of this most unusual incident, the objection of Counsel is not sustained. The document will be accepted by the Commission for such probative value as it may be held to possess.

CAPTAIN REEL: Sir, the objection to that part of the document has been ruled on but there is one exception that we had in mind that we wanted to call to the Commission's attention. There was one further matter which we wished to bring to the Commission's attention on the second to the last page. The first complete sentence on the page, we ask that that be stricken.

GENERAL REYNOLDS: Will you read it?

CAPTAIN REEL: "After checking records recovered from Bilibid by the U. S. Army, I am convinced that these men were never returned to Bilibid, and I can only assume that, since they are still missing, they met the usual fate of sick prisoners of war of the Japanese."

We object to that sentence as not being founded on any fact, any knowledge, and being an assumption both as to the fate of the men and what their "certain usual fate would be."

GENERAL REYNOLDS: The Commission directs that the sentence pointed out by Counsel be stricken from the record.

(Prosecution Exhibit No. 379  
for identification was  
received in evidence.)

(Statement of Lt. Col. Eugene  
C. Jacobs was marked Prosecu-  
tion Exhibit No. 380 for  
identification.)

MAJOR KERR: Sir, the Prosecution offers in evidence a document which has been marked for identification as Prosecution's Exhibit 380. This is the original of a sworn statement of Eugene C. Jacobs, Lieutenant Colonel, Medical Corps, Army Serial No. O-20499. The statement was taken at the Letterman General Hospital, Presidio of San Francisco, California, on 17 September 1945.

I will read the pertinent part of this statement:

"Q Please state your full name, rank and serial number.

"A Eugene Coryell Jacobs, Lt. Colonel, Medical Corps, ASN O-20499.

"Q Are you a member of the Regular Army?

"A Yes, I am. I entered the Service on 10 April 1934.

"Q In what camps and prisons were you held? Please try to give the dates of your imprisonment in each."

The pertinent part of the answer is as follows:

"At the end of this month, that is, on 20 July 1942, I was taken to prisoner of war camp #1 at Cabanatuan where I remained until about the middle of the month of October 1944. I am not certain of this date but I believe it to have been about the 17th. Following this period of confinement at Cabanatuan I was taken to Bilibid Prison where I remained until the 13th day of December 1944. At this time I was taken to Manila Harbor and placed aboard a Japanese vessel which took me to Japan. In Japan I was first confined in the Moji military hospital where I remained from January until April of 1945. I was then taken by ship and train through Korea to Mukden, Manchuria where I was confined in the Hoten

prisoner of war camp. I was here from April 1945 until August 1945 at which time I was liberated by the Russian Army which moved into Mukden."

"Q Can you tell of the deaths of any American prisoners following your imprisonment in the Philippine Islands which were the direct result of actual Japanese mistreatment?

"A Yes, I can.

"Q In these cases can you name the Japanese responsible?

"A Yes, I can.

"Q Will you please then cite the instances.

"A Before I begin I had better tell you that the story is long and very involved. I would not be able to tell it all in two weeks time. Many of these things happened to me so recently that my mind is filled with a multitude of thoughts and pictures. I am not able to segregate in many cases one incident from another. I shall, however, attempt to describe my trip from Bilibid prison camp to Mukden, a trip which resulted in the deaths of many American prisoners of war.

"Q Very well, proceed.

"A During the month of December 1944, I believe it to have been the 13th, the so-called physically fit prisoners, all Regular Army officers and all high ranking Army officers were segregated from the sick, bed-ridden prisoners and junior medical officers, taken to the waterfront of Manila Harbor where we were loaded aboard the Oryoku Maru, a first-class Japanese liner which had been built about 1937. The

junior medical officers and the sick prisoners were left to their own fate in Bilibid prison. We were placed aboard this Japanese vessel which remained in Manila Harbor for the rest of the day of the 13th and part of the 14th. While in Manila Harbor and while steaming along the Bataan coast we were bombed and strafed constantly by the U. S. Army Air Force. This ship had no marks on it whatsoever to indicate that it was carrying prisoners of war or that it was not a vessel loaded with combatants. The vessel was painted the usual battle gray. Aboard this vessel in the holds, were 7,000 passengers, most of whom were Japanese women and children being evacuated from the Philippine Islands. Of this group of 7,000, 1,619 were American prisoners of war, 1,200 of whom were officers. This group of 1,619 was divided into two parts: 800 prisoners were jammed into one freight hold and 819 into the other hold. On 15 December 1944 in Olongopo Bay on the coast of Luzon, the Oryoku Maru was sunk as a result of a direct bomb hit by a plane of the U. S. Army Air Force. The bomb hit the aft part of the ship, killing many American prisoners. Pursuit ships strafed the decks of the vessel and killed hundreds of Japanese women and children. Other explosions on the ship killed many more. Soon after the ship was struck by the bomb it sank in the bay. The American prisoners scrambled out of the holds and upon coming on deck were fired upon by Japanese troops. A Japanese lieutenant was firing at United States prisoners coming out of the hold with an automatic weapon of some kind, it looked like a tommygun. Another Japanese soldier had a machine gun mounted on the beach. This he fired at prisoners

coming out of the hold and also at the prisoners struggling in the water. The vessel went under about 500 yards from shore. The prisoners dived overboard and started swimming for the beach. It was during this time that they were fired upon in the water. Upon reaching the beach, the men were fired upon again by Japanese soldiers who had a machine gun mounted on a sea wall. Near the beach where I emerged from the water I saw a Japanese coming out of the bushes, the bayonet of his rifle dripping blood. He raised his rifle in my direction and fired. The soldier next to me was mortally wounded. He was struck in the chest and a stream of blood immediately gushed from him. From the way he bled I know his heart was ruptured.

"Q Was this soldier killed?

"A Yes.

"Q Do you know his name?

"A No.

"Q Do you know the name of the Japanese soldier who shot him?

"A No.

"Q Please proceed with your account.

"A For a long while men continued to reach the beach and before long the Japanese rounded us up and marched us inland a short distance from the beach where we were imprisoned in a tennis court.

"Q Approximately how many Americans were killed at the time the Oryoku Maru was sunk?

"A About 279 men did not reach the shore. All of these were not killed in the bombing or by the Japanese soldiers who fired upon them after the bombing. Many United States

prisoners died of suffocation in the hold of the ship and many others were killed by their fellow prisoners. There was so little oxygen in the hold of the ship that almost everyone believed he would die of suffocation before the trip was over. Men became insane with panic. Prisoners killed each other in order that they might have more of the precious oxygen. Men slit each others' throats and sucked warm blood from their victims because of their great hunger and thirst.

"Q Was this a common thing?

"A Yes. Many cases of this happened.

"Q Please proceed.

"A There were approximately 1,300 prisoners placed in this tennis court located about one-half mile from the coast. All the men thus imprisoned were dressed only in their underclothing. All outer clothing and shoes had been lost or cast off during the swim from the sinking ship to shore. We were kept in this tennis court for six days. During the day the hot sun beat unmercifully upon us. Many were horribly burned and many suffered because of great blisters which raised upon them. These days of blistering heat were followed by nights of intense cold. This was during the month of December, the coldest part of the year. During the six days confinement in the tennis court, each man was given a total of 13 G.I. spoons of raw rice. This rice looked like floor sweepings as it was full of rocks, sticks and dirt. There was a water faucet in the tennis court so we were able to get drinking water. During this six-day period in the tennis court about 10 men died of starvation, exposure and bullet wounds, wounds which they had

received while escaping from the sinking ship. At the end of the six-day period we were alerted and loaded into trucks, about 40 men to each. We were taken to San Fernando where one-half of the group was placed in the San Fernando jail and the other half confined in a theater building. This period of imprisonment lasted for about three days. During this period 4 men died in the theater from starvation, neglect, dehydration, and from bullet wounds. At the end of the three days in San Fernando we were again alerted and taken out where we were loaded upon trains; 130 to 180 were loaded into each boxcar, cars which are approximately half the size of United States boxcars. The car doors were not locked. There were no marks or identification on this train to indicate to airmen the type of cargo it was carrying. The Japanese put all ill prisoners on top of the cars, 20 sick men on the top of each car, instructing them to stand up and wave if American planes strafed the train. The train thus loaded with the sick prone atop each car, the others standing inside the cars, we made the 17-hour trip to Lingayen Bay. On this trip we were not given food or water. Many men died during this period of our trip, some from suffocation in the cars, others from starvation and dehydration. At Lingayen Bay we were taken from the cars and put on a beach which the Japanese had under guard. Here we remained, still in our underwear, for several days during which time we were given very little food and no water whatsoever. Many prisoners died here of starvation and thirst.

"Q Were any of the prisoners up to this time beaten

or slugged by Japanese soldiers?

"A Yes, beatings and sluggings were quite common.

"Q Please proceed with your account of the trip.

"A Following our stay of several days on the beach we were loaded aboard two Japanese freighters which were two vessels of a five or six freighter convoy which was soon to leave Lingayen Bay for Japan. One thousand prisoners were put aboard freighter #1 and approximately 250 loaded aboard freighter #2. There were at this time approximately 1,200 men left out of the group of 1,619 which left Bilibid on 12 December 1944. When we were taken aboard these freighters soldiers who were too weak to walk were taken aboard the vessels in Japanese style. They had ropes tied about them and they were dragged; dragged across the beach, up the stairway onto the ship; dragged across the deck and cast into the vessels' hold. I was one of this group of 250 who were loaded aboard freighter #2. We were deep in the hold of the vessel; we had no food for two or three days. We sailed from Lingayen Bay to Takao Harbor, Formosa. We were undernourished from 21 December 1944 to 1 January 1945."

The rest of that relates to the balance of that trip to Japan.

GENERAL REYNOLDS: Will you indicate the page and question and answer where you left off reading? I think it was page 7, was it not?

MAJOR KERR: Yes, page 7.

GENERAL REYNOLDS: It is the answer to the second question counting from the bottom of the page?

MAJOR KERR: I read, I believe, the first seven

sentences in the second answer on page 7.

GENERAL REYNOLDS: Will you read the final sentence which you just read?

MAJOR KERR: "We sailed from Lingayen Bay to Takao Harbor, Formosa. We were undernourished from 21 December 1944 to 1 January 1945."

I believe, sir, I better read the rest of that. It does carry through January 6.

I will include it in the offer.

"We stayed aboard the vessel after it arrived in the harbor at Formosa. On 6 January 1945 those still alive from this group of 250 were placed aboard freighter #1 with the survivors of the original group --"

I better stop where I stopped before. The last sentence was: "We were undernourished from 21 December 1944 to 1 January 1945."

I believe the subsequent material is not relevant.

GENERAL REYNOLDS: Has Defense any comments concerning the document down to the point indicated by the Prosecution?

CAPTAIN REEL: Yes, sir. The same objection that was made in the previous document to the trip on the ship including, sir, the loading of that ship and the loading of the other ship.

There is no evidence that the marine transport was under the command of the Accused and, we say, as a matter of fact, that it was not.

As I understand it, the rest of that is not being offered.

GENERAL REYNOLDS: The comments of Counsel are noted.

CAPTAIN REEL: Sir, there is an additional matter. In the very beginning of the statement on page 3, it appears that the Colonel was at Cabanatuan from 20 July 1942 until what he thinks was the 17th of October, 1944. It means he was there considerably over two years, of which only a maximum of eight days would be under this charge, while the Accused was in the Philippine Islands. Because of that and because none of the events listed thereafter having to do with Cabanatuan are dated we ask that all material therein having to do with Cabanatuan be stricken.

That runs, sir, from the first complete answer and question on page 3 down to the end of the first paragraph on page 4, up to the question: "Very well, proceed."

GENERAL REYNOLDS: Does the Prosecution have any comment on the last statement of Counsel?

MAJOR KERR: Yes, the material following that original question obviously from its context applies to this trip from Manila, the ill-fated trip from Manila, which ultimately concluded at Subic Bay and from Subic Bay back to San Fernando again.

The material not relating to that trip, we are not interested in at this time.

GENERAL REYNOLDS: With reference to page 3, that part which follows the first question, which reads: "During the time of your imprisonment, were you the witness to any killings or executions of American prisoners of war by the Japanese," and extending to include the unfinished paragraph at the top of page 4, that is stricken from the record.

Starting on page 7 of the record, the point about the

middle of the answer to the second question which states:

"We stayed aboard the vessel after it arrived in the harbor at Formosa." That sentence and the remainder of the document above the signature, which appears on page 11, is stricken from the record.

With those exceptions the document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

( Prosecution Exhibit No. 380  
for identification was  
received in evidence.)

MAJOR KERR: Mark this for identification, please.

(Statement of Beverly N. Skardon  
was marked Prosecution Exhibit  
No 381 for identification.)

MAJOR KERR: Sir, the Prosecution offers in evidence the document marked for identification as Prosecution Exhibit No. 381, being a sworn statement of Beverly N. Skardon, Major, Infantry. I shall read the pertinent portions of this statement.

GENERAL REYNOLDS: Is this confirmatory?

MAJOR KERR: Not entirely, sir. I shall read only those portions which add to the information disclosed by the previous two statements.

"Beverly N. Skardon, being duly sworn, deposes and says:

"I am a Major, Infantry, my serial number is O-372968, United States Army. My permanent home address is #1 Fishburne Street, Walterboro, South Carolina. . . .

"On 13 December 1944 I was in a party of 1600 American war prisoners which embarked from Manila aboard a Japanese passenger ship Oryoku Maru. After boarding, we were separated and I became a part of a group of 900 prisoners which were jammed into the after hold. The rest of the party were placed in the forward holds. As we reached the bottom of the hold a Jap non-com struck us with a shovel as we passed by. Accommodations for the prisoners consisted of wooden shelves erected against the bulkheads of the hold. These were double deck affairs about seven or eight feet deep and about four feet high. These could be considered to be divided into cubicles, eight or nine feet long, by

the event of the supporting members holding up the structure. In order to accommodate the number of men assigned to this hold, it was necessary to place about twenty men in a cubicle. By virtue of this it was necessary for the men to remain in a sitting posture, each man fitting into the crotch of the man behind him. We were not allowed any freedom of movement. Conditions within the cubicles were rendered nearly unbearable due to the awkward position assumed, extreme heat and foul atmosphere. A combination of these caused many of the men to become unconscious. Others became violently ill and it was impossible to do anything for them. Some became temporarily deranged as evidenced by their screaming and hysterical actions. A number of men died of suffocation and wounds the first night we were aboard ship. There were no lights and we were forced to suffer our plight in total darkness. No facilities were provided for bowel movements or urination and in order to attend to the functions of elimination we had to use mess kits, tin cans or anything available. Others, lacking these, would have to eliminate as best they could in the position in which they were sitting and remain seated in their own filth. Feeding was attempted the evening of the first day by sending in buckets of cooked rice and barley mixture and also some small fish. All of this appeared to be of palatable nature, but due to pandemonium existent, few of the men were able to get any of the food; most of it having been spilt while attempting to get it back into the cubicles. A ration of water was not provided and we suffered from extreme thirst.

\* \* \* \* \*

"Following my recapture (after his escape from the boat to the land), again in company with survivors of the Oryoko Maru, we were placed in the inclosed tennis courts at Olongapo, Philippine Islands and were kept here for three days. No food was provided here. There were many wounded with us and they received no medical attention. American doctors attempted an arm amputation with makeshift tools, but due to difficulties involved the patient died. Other wounded also succumbed, lacking care. . . . At San Fernando jail we slept on the bare floor in barred cells. During two days stay here we received a total of two meals, consisting of meager portions of rice and camotes. While here, the American commanding officer for the party pleaded with Japanese officials to obtain aid for the sick and wounded. He also attempted to promote some clothing and food, but all of these efforts proved fruitless. Departing from San Fernando, we were jammed into freight cars at the rate of approximately 170 men per car. Many men within the cars passed out from suffocation and otherwise suffered extreme discomfort. Again we were confronted with conditions of no sanitary facilities, causing human excretion to always be underfoot. Crowded conditions defy description, it being impossible to do anything but stand. In order to alleviate conditions of suffocation we attempted to admit air by enlarging bullet holes in the side of the car with mess kit knives. This trip lasted about fourteen hours. We de-trained at San Fernando, La Union, Philippine Islands and were eventually escorted to the beach, where we were forced

to remain lying in the sand. We stayed here for 36 hours and received no food and only a few spoons of water during our stay."

The balance of that statement relates to the trip from the Philippines to Japan and Korea. The last sentence that we shall include in our offer is the last sentence of the full paragraph on page 3. That sentence reads as follows:

"We stayed here for 36 hours and received no food and only a few spoons of water during our stay."

GENERAL REYNOLDS: Are there comments by counsel?

CAPTAIN REEL: No comments other than those made in regard to the trip in the previous two statements.

GENERAL REYNOLDS: The comments of counsel are noted. The document as presented by the Prosecution is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 381  
for identification was received  
in evidence.)

MAJOR KERR: I call 1st Lieutenant Lovick P. Miles.

LOVICK P. MILES, JR.

called as a witness on behalf of the Prosecution, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Major Kerr) Please state your name, rank and serial number.

A Lovick P. Miles, Jr.; 1st Lieutenant, Judge Advocate General's Department. Serial No.?

Q Serial No.

A 02-052-052.

Q What is your present military address?

A GHQ AFPAC, War Crimes Branch, APO 500.

Q What is your present military assignment?

A At the present time I am assigned in the review section of the War Crimes Branch of the Theatre Judge Advocate's Office.

Q How long have you been connected with the War Crimes Detachment?

A Since August 26th of this year.

Q During that time have you had occasion in connection with your official duties to interview recovered personnel, that is to say, former prisoners of war who have been recovered from Japan?

A Yes, sir. From September 16th or 17th this year until just about the first week in October I was out at the 29th Replacement Depot here interviewing returned prisoners of war.

Q Was Lieutenant Colonel Roy L. Bodine, Jr. one of the returned prisoners of war thus interviewed?

A Yes, he was, or at least an officer bearing the Lt. Colonel's insignia and who told me that he was Roy L. Bodine was one of the ones.

Q Do you recall the date that you interviewed him?

A It was approximately the 25th or 26th of September.

Q Did he give you a copy of a diary which he maintained during at least a portion of the time during which he was a prisoner of war?

A Yes, he did.

Q Will you explain the circumstances of that affair?

A Lt. Colonel Bodine came by one afternoon late about the 25th of September and tendered me a handwritten -- what he said was a handwritten copy of the original diary which he kept while making the trip on the ship ORYOKU MARU from Manila up to Japan, and he told me that he had copied it while coming down from Japan on the ship that repatriated him and that the original diary was water-logged and coming to pieces and he had transcribed this to make it more legible.

MAJOR KERR: Mark this for identification, please.

(Copy of original diary herein-  
above referred to was marked  
Prosecution Exhibit No. 382  
for identification.)

Q (By Major Kerr) I hand you what has been marked for identification Prosecution's Exhibit 382 and ask you whether or not that is the handwritten copy of his diary which he handed to you.

A To the best of my belief it is. I of course can't remember every word of it but I do remember these inter-lineations and excerpts that were on it at the time and the approximate number of pages.

Q And what is your conclusion as to whether or not that is the document which he handed you?

A That is the document, to the best of my knowledge, that he gave to me that day.

Q And he stated to you at that time, did he, that this was a handwritten copy which he made of the original diary?

A Yes, sir.

MAJOR KERR: Your witness.

CAPTAIN REEL: Is that being offered in evidence?

MAJOR KERR: I do not have a copy of this. This is the only copy I have. In due course we shall have copies made and they will be made available to the Defense. At this time, sir, we --

GENERAL REYNOLDS: It leaves a situation dangling rather badly with a grant of authority to withdraw the original and to replace it with a copy. We would like also to know whether the entire document is material to the case or only certain parts and we would like to know what are those parts.

MAJOR KERR: Sir, I shall go into that. If there are no questions by counsel of this witness we shall excuse the witness.

CAPTAIN REEL: Well, I wouldn't know what to ask the witness. I haven't read the diary. I don't know what conversation he had. None of us could cross examine not knowing what this thing is about, not knowing what is in there. What we might want to do is to cross examine the witness relative to the conversation with Lt. Colonel Bodine on matters that are in that diary.

MAJOR KERR: Sir, at this time the Prosecution offers in evidence the document which is marked for identification as Prosecution's Exhibit No. 382, which has been identified by this witness as a handwritten copy of an original diary kept by Lt. Colonel Roy L. Bodine, Jr. The entries on this copy of the diary begin on October 19, 1944, Thursday, with a parenthetical note that those entries cover Cabanatuan to Bilibid. The diary then covers the period spent at Bilibid Prison in Manila, the trip on the ORYOKU MARU to

Subic Bay, the experiences of this officer at the Olongapo tennis courts, the trip from that point to San Fernando, and the loading at San Fernando on the other Japanese ships for the ultimate journey to Japan, and then the trip to Formosa, from there to Japan and finally to Korea.

Of course the only portions of this diary, written apparently in the handwriting of Col. Bodine, which we would care to offer at this time would be those portions relating to his experiences from Bilibid Prison in Manila to Subic Bay, Subic Bay to San Fernando, and from then on to the other Japanese ships. From there on to Japan we are not interested in at this time.

GENERAL REYNOLDS: The Commission desires that it be given an exhibit number, that copies in its entirety or in selected parts, as you may decide, be furnished to counsel for their study. It also desires that copies be furnished to the Commission for our study and that at a suitable time when those studies are completed the document will be considered and ruling as to its admissibility given.

MAJOR KERR: May I inquire of counsel, at that time when the document again comes up for consideration by the Commission will the Defense like to have this witness available?

CAPTAIN REEL: We may. If perusal of the document shows that it is unnecessary we will let you know.

MAJOR KERR: Very well. Then the status of this, sir, is that it is offered but not as yet accepted in evidence?

GENERAL REYNOLDS: That is correct.

MAJOR KERR: And as soon as possible Prosecution will provide copies to the Commission and to the Defense.

GENERAL REYNOLDS: That is correct.

MAJOR KERR: That's all.

(Witness excused)

MAJOR KERR: Shall I proceed, sir?

NORMAN JAMES SPARNON

recalled as a witness on behalf of the Prosecution, having been first duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION

MAJOR KERR: You have previously testified in this proceeding and have been sworn; I will remind you that you are still under oath.

THE WITNESS: Yes, sir.

(A diary was marked Prosecution Exhibit 383 for identification.)

Q (By Major Kerr) Captain, I hand you a book which has been marked for identification as Prosecution Exhibit 383, and ask you state whether or not you can tell what that is.

A This is a Japanese diary.

Q And does that Japanese diary, or the book in which it is contained, bear an ATIS identification tag?

A Yes, it does, bearing the official number 605074.

Q What does that identification tag indicate?

A That is the official number given to the document after certain extracts have been taken from the document for translation.

Q State to the best of your knowledge and belief whether or not that is a captured Japanese document which has been delivered to ATIS, and which was taken in custody by ATIS.

A It has been accepted by ATIS as a captured Japanese

diary.

Q Have you personally made a translation of that entry in the diary relating to 27 March 1945?

A I have checked this translation personally, and I am quite satisfied it is a correct translation of the entry referred to.

(A document was marked Prosecution Exhibit No. 384 for identification.)

Q I hand you what has been marked for identification as Prosecution Exhibit 384, and ask you to state whether or not that is a correct translation of the portion of the diary which you have just referred to, namely, that referring to March 27, 1945?

A This is the same document as previously --

Q That is correct. That is to say, Exhibit 384 purports to be a translation of a portion of Exhibit 383. Will you state whether or not that is the correct translation?

A Yes, as I previously stated, and this is a carbon copy; it is the translation of this entry.

MAJOR KERR: If the Commission please, the translation which the witness has just identified reads as follows:

"Extract. 27 March 1945. Taking advantage of the night, went to kill the natives. Since they seemed to be good natives, it was rather difficult to bayonet them to death. The voices of the women and children crying and wailing were terrifying. I too bayoneted several persons apart from the terrible ones. (Sugoi Yatsu.)"

Q (By Major Kerr) I call your attention to the last portion of that document in parentheses, reading: "ATIS

Document No. 605074, captured at Luzon, Mt. Calugong, northeast of Pugo, 8 April 1945," and ask you what that refers to.

A The number is the official number of the document. The place of capture is as the document was received back at ATIS, showing where the document was captured.

Q And that represents, to the best of your knowledge and belief, does it, the place and time of capture of the document which is Exhibit No. 383?

A To the best of my knowledge and belief, yes.

GENERAL REYNOLDS: What is the meaning of the words in parentheses, "Sugoi Yatsu"?

THE WITNESS: "Terrible fellow," which would be a literal translation of the words which are translated there as "terrible ones."

MAJOR KERR: At this time, sir, we offer in evidence the translation which has been marked for identification as Prosecution Exhibit No. 384, and we make available to the Commission the Japanese diary which has been marked for identification as Prosecution Exhibit 383, for such examination as the Commission may desire to make of it.

GENERAL REYNOLDS: The Commission desires to extend to the Defense an opportunity of comparing the original with the translation.

CAPTAIN SANDBERG: Thank you.

May we ask, sir, in connection with which specification this exhibit is offered?

MAJOR KERR: This relates to 72, the massacre of Philippine residents generally, and the brutalizing of the

inhabitants of the Philippine Islands.

CAPTAIN SANDBERG: Has there been any proof here of any incidents at Pugo?

MAJOR KERR: Pugo? Not that I recall offhand.

CAPTAIN SANDBERG: Then the Defense asks that the Commission refuse to accept the diary, on the ground that it has no specific reference to any specific incidents proved before the Commission.

GENERAL REYNOLDS: The objection of counsel is not sustained. It appears to the Commission that this could properly be considered in connection with Item 72. The location of Mt. Calugong, northeast of Pugo, refers only to the point of capture of the document, as the Commission understands.

The document is accepted for such probative value as it may be held to possess, if any, and extends to counsel the further opportunity of checking the translation.

(Prosecution Exhibit No.  
384 for identification  
was received in evidence.)

GENERAL REYNOLDS: The Commission asks Commander Bartlett if he has had an opportunity to check this translation?

COMMANDER BARTLETT: I have not yet, sir.

GENERAL REYNOLDS: We would also like to have your version.

(Copy of extract from ATIS  
Bulletin was marked Prosecu-  
tion Exhibit No. 385 for  
identification.)

Q (By Major Kerr) Captain Sparrow. I hand you what has been marked for identification as Prosecution Exhibit

385, and ask you to state, if you know, what that is.

A This is an official ATIS publication, and is the research report on Japanese violations of the laws of war, and contains extracts --

Q I am referring now specifically to the paper which is marked Prosecution Exhibit 385 for identification.

A This is a copy of an extract published in this research report of the ATIS document number 602558.

Q That is your signature at the bottom of that document certifying the accuracy of the translation?

A It certifies to the accuracy of the typed copy of the translation which appears in the research report.

Q And will you describe briefly the research report of which that is an extract?

A The research report is on Japanese violations of the laws of war, and contains extracts, translation of extracts from captured documents pertaining to the title, and it has photographic copies of some of the documents containing such pertinent information.

Q Does it include a photographic copy of the document of which this is a copy?

A Yes, sir.

MAJOR KERR: If the Commission please, the Prosecution offers in evidence the extract, the translation identified by this witness and marked for identification as Prosecution Exhibit 385. We should like also to present to the Commission the photographic reproduction of the document itself, which is referred to by this witness and which appears as Exhibit "K" of the ATIS

research report referred to by this witness, and at a later time we would like to make a part of the record a photographic reproduction of this picture.

GENERAL REYNOLDS: Will you read the translation, please?

MAJOR KERR: (Reading) "Allied Translator and Interpreter Section, South West Pacific Area, Research Report. No. 72, supplement 2. 23 June 1945.

" 1. Extracts from diary dated 24 October 1944 to 31 December 1944, kept by Warrant Officer Yamaguchi, Yoshima, assigned to 10 Tank Regiment, under the command of Lieutenant Colonel Harada, Kazuo.

" 28 November 1944 -- received orders on the mopping up of guerrillas last night. Departed Sibul Springs at 1300 hours and arrived at Santa Rosa at 1700 hours. We went to the 205 Artillery Unit's barrack. Attack is scheduled to begin on 1 December 1944. It seems that all the men are to be killed. This punitive action is something to look forward to.

" 1 December 1944 -- the residence of families of Fil-American Army personnel are to the front of our company. Heard that the guerrillas in Rizal area are very active. Our object is to wound and kill the men, to get information, and to kill the women who run away."

"(ATIS Document No. 602558, see Exhibit K)"

Then follows the certificate of Captain Sparnon.

GENERAL REYNOLDS: The Defense will be given the same

opportunity of examining this photostat and checking the translations as in the former diary. Are there comments on this translation?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative evidence, if any, as it shall be held to possess. The Commission extends to the Defense the opportunity to check the translation and reopen the matter if they choose to do so.

(Prosecution Exhibit No. 385 for identification was received in evidence.)

(An extract from ATIS Bulletin was marked Prosecution Exhibit No. 386 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you what has been marked for identification as Prosecution Exhibit 386, and ask you to state what that is.

A This is a translation of extracts from a captured Japanese diary, presumably belonging to a member of the Akatsuki 16709 Force, covering the period from 31 July 1944 to 21 February 1945.

Q Is that a true extract of an official publication of ATIS?

A Yes, sir.

Q And a true copy of the extract which appears in that official publication, is that correct?

A Yes, sir.

MAJOR KERR: Sir, the Prosecution offers in evidence the document which has been identified as Prosecution Exhibit No. 386, and identified by this witness.

This document reads as follows:

"Allied Translator and Interpreter Section, South West Pacific Area. Bulletin No. 1941. Date: 11 April 1945.

"Item 4 Document 603720, ADVATIS Bulletin 528.

"Notebook-diary presumably belonging to member of AKATSUKI 16709 Force, TN 9 Shipping Engineer Regiment, Replacement Unit, covering period 31 July 1944 to 21 February 1945. Partly translated in XIVCAE Translation 0082, Batch 719, Item 13.

"Extracts:

"History:

"4 August 1944, left Moji."

GENERAL REYNOLDS: Is the period 4 August 1944 to 25 September 1944 material?

MAJOR KERR: No, sir; merely to indicate the nature of the diary itself.

The portion which is directly material here reads as follows:

"7 February 1945. 150 guerrillas were disposed of tonight. I stabbed 10.

"9 February 1945. Burned 1000 guerrillas tonight.

"10 February 1945. Guarded approximately 1000 guerrillas.

"13 February 1945. Enemy tanks are lurking in the vicinity of Banzai Bridge. Our attack preparation has been completed. I am now on guard duty at Guerrilla Internment Camp. While I was on duty, approximately 10 guerrillas tried to escape. They were stabbed to death. At 1600 all guerrillas were burned to death.

"8 February 1945. Guarded over 1164 guerrillas which were newly brought in today."

I call the Commission's attention to the item which appears under 10 September 1944:

"Arrived San Fernando," and 24 September 1944, "Arrived Manila by train.

"25 September 1944. Transferred to 9th Sea Trans Battalion."

This again bears the certificate of Norman Sparnon.

CAPTAIN SANDBERG: The only observation we have to make about this, sir, is that this document is already in evidence as a part of one of the comprehensive War Crimes reports which the Prosecution has introduced in evidence. My recollection is that it is a part of the report on the Intramuros situation, that it was introduced in evidence, and that it was read by the Prosecution in full at that time. We simply want to point out that there is no necessity for introducing the same thing twice.

GENERAL REYNOLDS: I believe that is correct. Before we take further action, will you attempt to prove or disprove the statement?

MAJOR KERR: Yes, sir.

(An extract from ATIS Bulletin was marked Prosecution Exhibit No. 387 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you what has been marked for identification as Prosecution Exhibit 387, and ask you to state what that is.

A It is a translation of a captured Japanese document, being a bound file of Manila naval defense force and east

sector unit operation orders, dated 29 November 1944 to 4 February 1945, held by the 4th Company, Headquarters Battalion, Manila Naval Defense Force.

Q That is a true copy of an item which appears in the official publication of ATIS, is that correct?

A Yes, sir.

MAJOR KERR: The Prosecution offers in evidence the document identified as Prosecution Exhibit No. 387.

This is an excerpt from ATIS, Item 1, Batch 517, which indicates that this document was captured in North Manila, Luzon Island, by the 1st Cavalry Division on 9 February 1945, and received by the 14th Corps, Advanced Echelon, on 10 February 1945. It is described as a bound file of the Manila Naval Defense Force and East Sector Unit Operation Orders, and so forth, dated 29 November 1944 to 4 February 1945, held by 4th Company, Headquarters Battalion, Manila Naval Defense Force.

It is described as, "Directions concerning combat by Shimbu Group in Manila and vicinity."

It is dated, 16 January 1945, Shimbu Group Headquarters. I quote:

"The engagement which will shortly take place in Manila and vicinity is a great battle which will be watched by the whole world and will decide the future development of the Imperial Army.

"The officers and men who participate in it must deeply feel its importance, and, profoundly moved by the gloriousness of the struggle, must devote their whole beings to the destruction of the enemy Americans. By so

doing they must revenge their countless comrades in arms who have perished since Guadalcanal, and must block the hated enemy's plans for a northward advance.

"In order to accomplish the above objective, they must observe the following principles."

And there follow a number of so-called "principles" which are part of the order.

The order is signed "Shimbu Group Commanding General Yokoyama, Shizuo. Translator, Lieutenant General Yokoyama, 8th Division Commanding General."

On the second page of this document, the following also appears, being a part of the same Item No. 1:

"Signal, print and distribute, 4 February 1945, 0308.  
From: Manila Naval Defense Force Headquarters.  
To: Each unit under the command of the above Headquarters.

"Among the Filipinos, those who answer 'Makapiri' at the time of challenge are Filipinos employed by the Japanese Army. Therefore, this fact must be thoroughly taught to every soldier.

"You are informed that the above Filipinos are an assassination group, ANSATSU DAN, used by the Japanese Army and carry weapons."

Q (By Major Kerr) Captain Sparnon, I ask you what the words "ANSATSU DAN" in this particular excerpt from that document mean?

A "Assassination Groups."

MAJOR KERR: Sir, this second excerpt from the document which I have just read relates to Item 92 of

the Bill of Particulars, in that it shows that the Japanese were using assassination groups, obviously, against the American forces then employed against the Japanese in that area.

This document is offered in evidence.

GENERAL REYNOLDS: Is this accompanied by a photostat or the original of the Japanese order?

MAJOR KERR: No, sir. Neither the original of this order nor the photostatic or photographic reproduction are available. If at any time we receive the original, we will make it available to the Commission and to the Defense, but so far we do not have it.

GENERAL REYNOLDS: Any comments by counsel?

CAPTAIN REEL: Yes, we have two comments. As far as this goes, first of all we wish to call the Commission's attention to the fact that the Makapili referred to there has appeared before in this trial from the testimony of one Lapus and one Galang as one of the organizations that one of the three former founders was General Ricarte. That is merely called to the Commission's attention for what it is worth.

Secondly, on the question of not having the original, we are placed at the disadvantage of not being able to ascertain whether the translation is exact or correct. In this case it seems important because of the phrase right in the beginning referring to Manila and vicinity. We have had much evidence on that score when General Yokoyama of the Shimbu Army testified, and that should be scrutinized very carefully.

GENERAL REYNOLDS: The comments of counsel are noted, and in the event the original of the document is obtained it will be presented to the Commission. However, since ATIS is recognized as the official interpreter, the document is accepted for such probative value, if any, as the document may be held to possess.

(Prosecution Exhibit No. 387 for identification was received in evidence.)

Q (By Major Kerr) I hand you what has been marked for identification as Prosecution's Exhibit 388 and ask you to state what that is.

(A document entitled "Translator and Interpreter Service, Army Forces, Pacific," dated 13 September 1945, headed "Japanese Violations of the Laws of War," was marked Prosecution Exhibit No. 388 for identification.)

A It is a publication on Japanese violations of the laws of war. In this case it comes under the heading of ATIS, which is Translator and Interpreter Service, and that is the American service. It is signed by Sidney F. Mashbir, who was the coordinator of ATIS.

Q (By Major Kerr) Was that Translator and Interpreter Service an official agency of the American armed forces in this theater?

A Yes.

Q What would you say as to the general accuracy of the translation by that agency?

A They would be correct, sir.

Q I call your attention to page 9 of that publication, the paragraph at the top of the page, headed "November 1944," and ask you to state what that is.

A It is an extract from ATIS Document No. 18892, ATIS Bulletin No. 2065, page 2.

Q I call your attention to page 11 of that document, the full item which is headed, or at the top of which appears the figures and words, "10 February 1945," and ask you to state what that entire translation is.

A It is an extract of a captured Japanese document from Document No. 605530, which appeared in ATIS Bulletin No. 2088, No. 701, pages 4 and 5.

MAJOR KERR: Thank you.

Sir, the Prosecution offers into evidence the entire document which has been marked for identification as Prosecution's Exhibit No. 388, and it invites the Commission's attention particularly to page 9 thereof.

The first paragraph on that page, which reads as follows:

"November 1944. (TN: Day not stated). I cannot remember the date, but we received information from Lipa Military Police Squad that approximately 30 guerrillas attacked Lipa Air Depot with hand grenades and other explosives, and 11 of them were captured. The Military Police Squad requested that the GIGO Force dispose of the captured guerrillas. During the night we dug holes here and there in the coconut grove near the graveyard and bayoneted and killed them. I noticed that some of them were small like children. They had no strength at all since they had not eaten for the last three days since their capture by the Military Police Unit. Their hands were tied behind their backs and they stood in front of the holes with their heads bent slightly downward. It seemed that their minds were already made up that they would be killed, and they said nothing. Their hair was very bushy. I was irritated. Later, one by one the members of the section bayoneted the guerrillas. The first one was bayoneted by SUZUKI, Yukimatsu. My turn was

the second one. The moment I bayoneted the victim he cried 'AH!' and fell into the hole behind him. He was suffering but I had no emotion at all. That may be because I was so excited. After bayoneting them, we covered them with soil and laid coconut leaves on top. We returned to the company singing a military song at 2200 hours."

That, sir, is an excerpt, according to the notation on the bottom of page 8, "Extract from a diary, dated 24 April 1944 to 23 January 1945. The owner is not stated, but is a member of GIGO Force."

It is an ATIS document, Document No. 18892, ATIS Bulletin No. 2065, page 2.

I also invite the Commission's attention to the item which is printed or mimeographed on pages 10 and 11 of this same document, which reads as follows:

"(b) Extract from diary-notebook dated July 1944 to 22 May 1945, owner and unit not stated, captured northeast of Lucaban, Luzon, 23 May 1945.

"February 1945. Every day is spent in hunting guerrillas and natives. I have already killed well over 100. The naivete I possessed at the time of leaving the homeland has long since disappeared. Now I am a hardened killer and my sword is always stained with blood. Although it is for my country's sake, it is sheer brutality. May God forgive me! May my mother forgive me!"

That is from ATIS Document No. 605849, ATIS Bulletin No. 2071, page 17.

And at the very bottom of that page:

"(d) Extract from diary belonging to a member of 116 Fishing Battalion, Company Commander First Lieutenant FUJITA, Eisuke. Dated from December 1943 to 17 April 1945."

And I quote:

"10 February 1945. By order of the Army, we began punitive operations against Filipino terrorists and killed 500 of them.

"12 February 1945. We left for Calamba by automobile with the mission of carrying on punitive operations against the inhabitants of the town. We killed 800 men and returned at midnight.

"13 February 1945. For security reasons, all inhabitants of the town (presumably Anilao) were killed and all their possessions were confiscated. Until yesterday we lived in the hills or in fishing barrios and we had only salt to go with our rice. But today we are in Paradise. There is nothing that we cannot obtain. Although there were a tremendous number of watches, rings, suits, shoes and dresses, we couldn't take them back with us, and so we had to burn them with great regret. Everyone has 3,000 or more pesos in cash. We had all we wanted of good things to eat.

"17 February 1945. Because ninety percent of the Filipino people do not feel pro-Japanese but on the contrary are anti-Japanese, Army Headquarters issued orders on the 10th to punish them. In various sectors we have killed several thousands (including young and old, men and women, and Chinese, in addition to Filipinos). Their houses have been burned and valuables have been confiscated.

"14 March 1945. Both the company commander and the platoon leader were killed in action.

"17 March 1945. Caught and killed four natives (three children and their mother.)"

And on page 13, paragraph (m):

"(m) Extract from notebook belonging to MATSUOKA, Itoji of 64 Infantry Regiment, 23 Division, TOMINAGA Unit, dated 19 December presumably 44 to 27 March, presumably 1945.

"27 March - Taking advantage of darkness, we went out to kill the natives. It was hard for me to kill them because they seem to be good people. Frightful cries of the children were horrible. I myself stabbed and killed several persons."

That is ATIS Document No. 605074, ATIS Bulletin No. 2018, ADVATIS Bulletin No. 653, page 4.

And on the last page, page 21, Item (3):

"Extract from notebook kept by Machine Gun Company of West of the Lake Sector Unit, containing Operation Orders and intelligence

reports dated 13 February to 23 March 1945.

"Instructions. 1600, 17 March.

"1. Leaving tonight at 1930.

"2. We shall march to Mahina.

"8. There will be many natives along our route from now on. All natives, both men and women, will be killed."

That is ATIS Document No. 604758, XIV Corps ATIS Advanced Echelon Translation No. 0108, page 4.

I also call attention of the Commission to the Item (a) on page 8 -- strike that. That is an interview, and we are interested here in only the documentary evidence involved.

GENERAL REYNOLDS: Are you offering this into evidence?

The Commission notes that on page 1 there is a quotation from a document which has already been received by the Commission.

MAJOR KERR: Yes, sir; that was introduced in connection with the testimony on the Palawan massacre, so the evidence on that would be incorporated among the other evidence on that incident.

GENERAL REYNOLDS: I believe that the continuation on page 2 has also been received in evidence, at least in part.

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: Examination has not been made beyond that point, and we have been searching for other elements. The Commission would like to be informed of other parts of this document which are already before the Commission.

MAJOR KERR: Perhaps the more suitable procedure

would be for us to substitute for this entire document the separate excerpts or true copies of the several excerpts which I have read to the Commission, those being the ones which we are interested in now.

GENERAL REYNOLDS: Are they all of the ones that you are interested in?

MAJOR KERR: I believe that is all we are interested in at this time.

GENERAL REYNOLDS: Are there comments by counsel on the extracts of this document which were read by the Prosecution?

CAPTAIN REEL: The only comment counsel can make at this time is that the extracts are from diaries of apparently some cases of named soldiers and named units, and in some cases unnamed soldiers and unnamed units.

We do not know where they were or where these incidents occurred. We would like to have an opportunity of examining this entire document if the entire document is being offered.

MAJOR KERR: The Prosecution is agreeable to proceeding either way, whatever way the Commission would prefer.

GENERAL REYNOLDS: The Commission prefers the Prosecution to prepare as extracts those items which you read before the Commission and introduce them as an exhibit, at which time comments of counsel will be heard.

CAPTAIN REEL: All right, sir.

GENERAL REYNOLDS: In defense of that ruling the Commission states that all matters not read by the Prosecution are excluded from consideration.

MAJOR KERR: There is still quite a bit to go in.

GENERAL REYNOLDS: The Commission will recess at this time until eight o'clock, but we will proceed with the taking of testimony until it is completed, and then see the picture, or see the picture and then resume the taking of testimony, whichever the Prosecution may desire.

(Whereupon, at 1745 hours, a recess was taken until 2000 hours, 19 November 1945.)

EVENING SESSION

(The trial was resumed, pursuant to recess, at 2000 hours.)

GENERAL REYNOLDS: The Commission is in session. You may proceed.

CAPTAIN CALYER: If the Commission please, all the members of the Commission are present; the Accused and the Defense Counsel are present. The Prosecution will proceed.

The Prosecution will offer in evidence as Exhibit No. 389 a film, being a series of interviews with the survivors of the Palawan incident presented to the Commission this morning. This film is an official War Department publication procured from the War Department.

At this time the Prosecution also offers in evidence as Prosecution's Exhibit No. 390 the following certificate relating to a second film to be shown:

"GENERAL HEADQUARTERS  
UNITED STATES ARMY FORCES, PACIFIC  
WAR CRIMES BRANCH

"19 November 1945

"CERTIFICATE

"Combat Bulletin No. 44, a one-reel 16 mm. black and white sound motion picture is hereby certified to be an official publication of the War Department of the United States and the extracts assembled in this reel are certified to be portions of that publication; that United Newsreel No. 148, a one-reel 16 mm. black and white sound motion picture, is certified to be a publication prepared for and distributed by the Office of War Information of the United States, and that the extracts in this reel are portions of

said publication.

(Signed) Milton S. Seligman  
MILTON S. SELIGMAN  
1st Lt., Inf."

GENERAL REYNOLDS: The document is accepted.

(Certificate dated 19 November  
1945 in re Combat Bulletin No.  
44 was marked Prosecution Ex-  
hibit No. 390 and received in  
evidence.)

CAPT/IN CALYER: And then as Prosecution's Exhibit 391  
the film referred to in the Prosecution's Exhibit 390.

(Here followed exhibition of film being series of  
interviews with survivors of Palawan incident and exhibition  
of Combat Bulletin No. 44 hereinabove described more par-  
ticularly.)

GENERAL REYNOLDS: Recess for 15 minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session. The  
Prosecution may proceed.

CAPTAIN CALYER: If the Commission please, for purposes  
of the record may we have a ruling on the offer of Prosecu-  
tion Exhibit 389, the Palawan picture, and 391, the other  
film?

GENERAL REYNOLDS: Are there comments by Defense?

CAPTAIN SANDBERG: We should like to say this, sir:  
that we have no objection to the films in so far as they  
represent a documentary portrayal of what happened in Manila.  
I am referring now to the Manila picture. But we were very  
much disturbed at the editing of the Manila film, parti-  
cularly Combat Bulletin 44 being the battle for Manila.

We have seen Combat Bulletin 44, and it is a fine and accurate portrayal of the Battle for Manila. The portions which the Prosecution has deleted, if our memory serves us, show the effective work done in the Battle of Manila by American artillery and American tanks, and there are many scenes showing American artillery demolishing buildings, tanks demolishing buildings, and scenes showing flame throwers flushing Japanese soldiers out of their positions; all being points which the Defense has been vigorously urging, explaining in large part that the destruction in Manila was in large measure caused by American artillery and shell fire, and part of the unavoidable necessity of war.

For that reason, we would like very much for the Commission to have before it the Full Combat Bulletin 44, and we would like to ask at this time if it is possible that the Prosecution extend its facilities to us so that as part of our case we may put in the entire Combat Bulletin 44.

MAJOR KERR: Sir, the Prosecution believes that the portions of that Combat Bulletin which were not shown tonight are irrelevant. However, if the Commission would like to see the entire bulletin, we would be very happy to arrange for the showing of the film as part of the Defense case.

GENERAL REYNOLDS: Is there another film?

MAJOR KERR: No, sir. The short film which followed the Palawan film tonight was made up of excerpts from Combat Bulletins. I don't offhand recall what the balance of that bulletin not shown tonight does consist of; but the film was edited so as to include only those portions such as Old Bilibid Prison, Santo Tomas, and the Paco or Dy-Pac

Ditch, and other incidents which are directly related to our case.

As I say, we will be very happy to show the Commission the entire film as part of the Defense case, if the Commission so desires.

GENERAL REYNOLDS: The Commission desires to accede to this request of Defense, and announces that the films shown tonight are accepted by the Commission for such probative value, if any, as they shall be held to possess.

(Prosecution Exhibits 389 and 391 for identification were received in evidence.)

CAPTAIN SANDBERG: We ask also, sir, that the films which were shown tonight, and their sound tracks, be made a part of the record in accordance with the Commission's previous ruling.

GENERAL REYNOLDS: The previous film was not an official War Department film, as the Commission understands it.

MAJOR KERR: The "Orders from Tokyo"? Or the one shown tonight?

GENERAL REYNOLDS: "Orders from Tokyo".

MAJOR KERR: That is an official film of the Commonwealth government of the Philippines, sir.

GENERAL REYNOLDS: Then it is the ruling of the Commission that the films shown tonight be incorporated into the record in the same manner as the showing of "Orders from Tokyo".

MAJOR KERR: Yes, sir.

Sir, continuing the Prosecution's case, this afternoon in offering Exhibit No. 388 I referred to an item

covered by ATIS document No. 18892, which is a translation of the diary, more specifically an entry under date of November 1944 relating to Lipa and the execution of 11 alleged guerrillas at that point. Now, it later developed that we do have the original of that diary.

NORMAN JAMES SPARNON

a witness called on behalf of the Prosecution, having been previously duly sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Resumed)

Q (By Major Kerr) At this time I hand you, Captain Sparnon, this book, and ask you to state whether or not you can identify it as the document which has been translated by ATIS, and more specifically the document referred to in the translation which I have just described, being a part of Exhibit 388.

MAJOR KERR: Incidentally, the record should show that Captain Sparnon is being called as the first Prosecution witness of the evening session; that he has been previously duly sworn and is still under oath.

A Yes, this is a translation of this extract from this captured Japanese diary.

Q (By Major Kerr) The captured Japanese diary which you have in your hands is --

A An official ATIS document.

Q And is Document No. 18892, referred to in the excerpt from Exhibit 388, is that so?

A That is correct.

MAJOR KERR: If the Commission please, at this time

Prosecution makes available to the Commission the original Japanese diary which the witness has identified and which may be considered in connection with Prosecution Exhibit 388.

GENERAL REYNOLDS: Will you read the translation?

MAJOR KERR: Sir, the translation was read to the Commission this afternoon, at the time Exhibit 388 was introduced.

GENERAL REYNOLDS: Read it again to refresh our memories.

MAJOR KERR: "Extract from a Diary, dated 24 April 1944 to 23 January 1945. The owner is not stated but is a member of Gigo Force.

"31 July 1944. Found out that Major Kanda, Yasuo is the commanding officer of special commando company, Gigo Force. Our platoon leader is 2nd Lieutenant Murakami.

"November 1944. (TN: Day not stated). I cannot remember the date, but we received information from Lipa military police squad that approximately 30 guerrillas attacked Lipa Air Depot with hand grenades and other explosives, and 11 of them were captured. The military police squad requested that the Gigo Force dispose of the captured guerrillas. During the night we dug holes here and there in the cocoanut grove near the graveyard and bayoneted and killed them. I noticed that some of them were small like children. They had no strength at all since they had not eaten for the last three days since their capture by the military police unit. Their hands were tied behind their backs and they stood in front of the holes with their heads bent slightly downward. It

seemed that their minds were already made up that they would be killed, and they said nothing. Their hair was very bushy. I was irritated. Later, one by one the members of the section bayoneted the guerrillas. The first one was bayoneted by Suzuki, Yukimatsu. My turn was the second one. The moment I bayoneted the victim he cried 'Ah!' and fell into the hole behind him. He was suffering but I had no emotion at all. That may be because I was so excited. After bayoneting them we covered them with soil and laid cocoanut leaves on top. We returned to the company singing a military song at 2200 hours."

That was Document 18892, ATIS Bulletin No. 265, page 2.

GENERAL REYNOLDS: The Defense is being offered an opportunity to study the original of this document. Have you any comments on the official translation?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted in evidence by the Commission for such probative value as it may be held to possess, with the understanding that Defense may reopen the subject if they choose to do so, after completing their study of the original.

(Prosecution Exhibit No. 388 for identification was received in evidence.)

(A document was marked Prosecution Exhibit No. 392 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you a document which has been marked for identification as Prosecution Exhibit 392, and ask you to state what that is.

A This is a translation of an extract from a message book, owner not stated, containing Rekka operation orders, and so forth. It is an ATIS document.

Q Is the document which is marked for identification as Exhibit 392 an excerpt from an official ATIS translation documents?

A Yes, sir.

Q And your name appears on the certificate attached to this exhibit, does it not?

A That is correct.

MAJOR KERR: At this time, sir, the Prosecution offers in evidence the document marked for identification as Exhibit 392, which reads as follows:

"ALLIED TRANSLATOR AND INTERPRETER SECTION  
SOUTH WEST PACIFIC AREA

"The following is an exact reproduction of Item 7 in XIVCAET 0084, 4 Mar 45:

"CAPTURED NOVALICHES, RIZAL PROV. LUZON I, BY 1st CAV DIV, 26 Feb 45. Rec'd XIVCAE, 1 Mar 45.

"ITEM 7. Message book, owner not stated, containing REKKA Op Orders, etc.

"KOBAYASHI Group (HEIDAN) Order 13 Feb

"1. The AMERICANS who have penetrated into MANILA have about 1,000 Army troops, and there are several thousand FILIPINO guerrillas. Even women and children have become guerrillas.

"2. All people on the battle-field with the exception of JAPANESE military personnel, JAPANESE civilians, and Special Constr Units (GANAPS in the FILIPINO language)

will be put to death. Houses -----(TN: Order breaks off here.)"

And the certificate of Captain Norman Sparnon, AIF, that this is a true copy of an official translation by ATIS.

GENERAL REYNOLDS: Is this a substitute for a similar document already received?

MAJOR KERR: Yes, sir, this will take the place of, I believe, a complete -- Sir, this is a separate excerpt and the same appears in another document which has been admitted in connection with another translation.

GENERAL REYNOLDS: The same document appears in the official report of the 14th Corps?

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: And the Commission inquires as to the necessity for introducing it as a separate exhibit.

MAJOR KERR: Well, sir, being a larger exhibit than the 14th Corps report -- while in the record it is somewhat lost and this way it is set out a bit more clearly, particularly by designating it as a separate exhibit it is more readily referred to in subsequent references.

GENERAL REYNOLDS: Any comment by Defense?

CAPTAIN SANDBERG: No, sir, I think the Commission has stated the point.

GENERAL REYNOLDS: The Commission accepts the document as a separate exhibit but desires the record to show that this is a clear duplication of material which was included in the 14th Corps official report.

(Prosecution Exhibit No. 392  
for identification was  
received in evidence.)

MAJOR KERR: I would like to have this marked as the next exhibit.

(An extract reproduction was  
marked Prosecution Exhibit  
No. 393 for identification.)

Q (By Major Kerr) Captain Sparnon, I will hand you a document which has been marked for identification as Prosecution's Exhibit 393 and ask you to state what that is.

A It is a translation of an extract from a bound mimeographed and handwritten file of Manila Navy Defense Force and Southwestern Area Fleet Operation Orders, dated 23 December '44 to 14 February '45, classified "Secret," presumably belonging to the Okada Unit. It is an official translation.

Q And the document marked Exhibit 393 is a true copy of an excerpt from that official translation, is that correct?

A Yes.

MAJOR KERR: At this time the Prosecution offers into evidence the document just identified and marked for identification as Prosecution's Exhibit 393. This reads as follows:

"Allied Translator and Interpreter Section South West Pacific Area.

"The following is an exact reproduction of Item 1 in 6AAET 0376, 5 March 45.

"Batch #4482. Documents Captured Intramuros, Manila City (Luzon I.) - 24 Feb 45. Received Sixth Army ATIS Advance Echelon - 2 March 45 (From XIVCAE).

"Item 1. Bound mimeographed and handwritten file of Manila Navy Defense Force and Southwestern Area Fleet Opn Orders, dated 23 Dec 44 to 14 Feb 45, classified 'Secret', presumably belonging to the Okada Unit.

"Bn Order. 1200 hrs.

"1. The 1st Bn. because of the enemy mortar fire, is

defending the Pago Station in a bitter fight to the last man. The enemy has broken through our key position in the vicinity of the Tobacco Company.

"2. The reserve strength of the 4th and 5th Cos (including reinforcements from the Okada Unit) are disposed in the vicinity of the Daitoa Road. The men are prepared for the enemy attack from the eastern front.

"3. All road key points E of the Daitoa Road must be secured.

"4. If the enemy infiltrates, be careful not to lose the opportunity of demolishing and burning buildings.

"5. When Filipinos are to be killed, they must be gathered into one place and disposed of with the consideration that ammunition and man power must not be used to excess. Because the disposal of dead bodies is a troublesome task, they should be gathered into houses which are scheduled to be burned or demolished. They should also be thrown into the river."

And there follows a certificate of Captain Sparnon, relative to this being a true copy of an official translation.

GENERAL REYNOLDS: Are there any comments by Counsel?

CAPTAIN SANDBERG: If the Commission please, this document on its face is an operation order of the Southwestern Area. Now, there is a point of contention between the Prosecution and the Defense in this case as to whether or not the Accused had control over the Manila Navy Defense Force. Of course, the Defense claiming that they had merely nominal control and the Prosecution claiming he had full

control, but as to the Southwestern Area Fleet there is no issue. The Prosecution, so far as we know, has never claimed that the Accused had any jurisdiction over the Southwest Area Fleet headed by Admiral Okoochi.

For that reason this document is irrelevant, if the Commission please.

MAJOR KERR: Sir, we offer this evidence for whatever the Commission may deem it to be worth at the present time. I believe during the course of the trial the greater significance to this order will come out.

CAPTAIN SANDBERG: Do I understand in the course of the Prosecution's case this will be brought out?

MAJOR KERR: I did not say that. During the course of the trial is what I meant.

CAPTAIN SANDBERG: I would like to know what the Prosecution means by that since the Defense -- since the Prosecution is about finished.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

MAJOR KERR: Will you mark this as the next exhibit?

(ATIS Bulletin was marked Prosecution Exhibit No. 394 for identification.)

Q (By Major Kerr) Captain, I hand you what has been marked for identification as Prosecution's Exhibit 394 and ask you to refer specifically to page 5 thereof and to state what that is and what it represents.

A It is an official translation of extract from a bound mimeographed file of operations orders of 4 Air Army,

14 Flying Division, 6 Air Sector Unit, and 6 Air Sector Headquarters, dated 6 July - 31 December 44. Kept by Funami Unit, 318 Independent MT Company. Classified: Military Most Secret and Military Ultra Secret. Seals read: Funami, Ishikawa and Sega.

Q Meaning what?

A They are names of certain Japanese, the seals of which appear on the document.

Q Referring now more specifically to the item you have described which appears on page 5 of this mimeographed document, what does that represent?

A It is part of the extract that I have just referred to.

Q Will you read the extract to which you are now referring?

A "14 Army Operation Order " - 11  
"20 July 44, Sakura (\*1) Barracks, (TN Fort McKinley.)  
"1. The following forces will be organized into the Southern Army LC Sec:  
"326, 327 and 328 Independent MT Cos.

"Lt. Gen. Kuroda (\*2),  
"Commanding General,  
"14 Army."

MAJOR KERR: If the Commission please, the Prosecution desires to offer into evidence Prosecution's Exhibit for identification 394, limited, however, to that particular portion which has been read by this witness. We believe at a later time, if possible, to substitute for this particular Prosecution's Exhibit a simple excerpt of this bulletin containing just the portion of it. The significance

of this, sir, is that this represents an order dated 20 July 1944, signed by General Kuroda, Commanding General, 14 Army.

The further significance of this will appear in connection with the next two exhibits.

GENERAL REYNOLDS: Any comment by Counsel?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it shall be held to possess. Authority is given to the Prosecution to substitute an extract copy.

(Prosecution Exhibit No. 394 for identification was received in evidence.)

MAJOR KERR: I would like to have this marked as the Prosecution's next exhibit.

(ATIS Bulletin was marked Prosecution Exhibit No. 395 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you a document which has been marked as Prosecution's Exhibit 395 and call your attention particularly to page 17, of the second section hereof, being the second page 17, and ask you to state what that is and what it represents?

A It is a translation of extracts from loose mimeograph and carbon copy file of organization charts, officer assignment lists, administrative regulations and orders, variously issued by WATARI Group Flying Squad, 35 Army, 14 Area Army and SHO Group. Part undated, part dated June-August 44. ADBATIS 43-Captured Ormoc, received 6 Army ATIS Advanced Echelon 31 December 44.

Q Referring now specifically to that portion of the document that appears on page 17, what does that represent?

A "VII SHOBU ORDER NO. 2, 14 Area Army Order, 2 August 44 - Manila.

"Extracts

"Lt. Col. Shimada will be CO SHO Group (Shudan) Hd. Pioneer Unit and will command the personnel indicated on attached sheet. They will leave for Cebu and establish SHO Group Hq.

"Lt. Gen. Kuroda  
"14 Area Army CG."

It further states:

"Attached Sheet

"Pioneer Unit 1st Phase by Ship

"10 Officers

"32 NCOs

"174 EM

"216 Total

"Pioneer Unit 2d Phase by Air

"Staff O Sato

"Paymaster Maj Yoshida

"Cebu Branch Depot Civil Engineer

"Two Officers of Staff Section."

MAJOR KERR: If the Commission please, the Prosecution offers at this time into evidence the document marked for identification as Prosecution's Exhibit 395, limiting it, however, to that portion which appears at the top of page 17 and which has just been read by this witness with the leave at a later time to substitute for this entire document, an extract which will cover that portion which has been read by the witness.

Now, the significance of this, sir, is that it shows that as of 2 August 1944, General Kuroda was signing SHOBU

orders and was Commanding General of the 14 Area Army as distinguished from the 14 Army.

GENERAL REYNOLDS: Any comments by the Defense?

CAPTAIN SANDBERG: No comments.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value as it may be held to possess and authority is granted to the Prosecution to substitute an extract copy thereof.

(Prosecution Exhibit No. 395  
for identification was  
received in evidence.)

MAJOR KERR: I will ask to have this marked as Prosecution's Exhibit 396.

(A map was marked Prosecution  
Exhibit 396 for identification.)

Q (By Major Kerr) Captain Sparnon, I hand you what has been marked as Prosecution's Exhibit 396 and ask you to state what that is.

A It is a captured Japanese map and is a situational dispositional map of the 14th Army as of the 1st of October.

Q State whether or not to the best of your knowledge and belief that is the original captured document?

A To the best of my knowledge and belief it is the original document.

Q It is noted thereon that the right side toward the upper margin there has been added, pasted to the original map, a typewritten statement which is headed 8AAA E - T, Appendix "A". Can you explain the addition of that in English to the original document?

A Yes, sir. This map, it shows here a photographic reproduction of map captured, Ormoc, Leyte, Key to Translation

by 8th Army ATIS Advanced Echelon. When 8th Army produced the photographic reproduction in their reproduction this was appended to the map so that when the original document was photographed it would show that the map which was a photographic reproduction in the publication was a photographic reproduction of this document.

Q Then that has been added by ATIS or some other agency to the original map?

A It was added by the 8th Army ATIS Advanced Echelon.

Q I notice also certain discs which are superimposed thereon in black, numerals placed at various points on the original map. Can you explain those?

A They are placed on the map by ATIS for the purpose of keying so when the map is photographed the key comes out clearly, coming out in black and white.

Q I hand to you what has been marked for identification Prosecution's Exhibit No. 397, and ask you to refer particularly to page 5 thereof, Item 7, Document No. 601243, and ask you to state what that represents.

A It identifies a loose overprinted map of Philippine Islands dated October, entitled "14 Area Army Order of Battle Map," showing dispositions of Japanese forces, owner and unit not stated. (Full translation and photostatic copy of original in 8 Army Advance Echelon Translation 12, Batch 8244, Item 1.) At the time that this was published -- this bulletin -- the original document had not been received by ATIS. We had only received the translation. The document arrived after this bulletin was published.

Q Does that bulletin from which you have just read refer to the original map which is marked for identification as Prosecution Exhibit No. 396?

A Yes, it does, sir.

Q How could you tell that?

A By the document number and by the title, which are the same.

Q In other words, the ATIS document number keyed into the translation reference which you have just read from the ATIS publication is stamped and written on the back of this map; is that correct?

A That is correct, sir.

Q And also you can determine the same from the heading on the map?

A Yes, sir.

Q The description of the map. Is that correct?

A That is correct.

MAJOR KERR: Mark this for identification, please.

(Copy of translation of markings on photographic reproduction of map captured at Ormoc, Leyte Island -- 2 January '45 -- was marked for identification Prosecution Exhibit No. 398.)

GENERAL REYNOLDS: Will a study of the document require much time?

CAPTAIN SANDBERG: May we have your indulgence for just a few moments?

GENERAL REYNOLDS: Since the document has been proffered as an official captured Japanese document, it is accepted by the Commission for such probative value, if any, as it shall possess. But the Defense is offered an opportunity to reopen the subject after they have completed their study.

CAPTAIN SANDBERG: In connection with the document, sir, we want to make these points:

1. The map is dated as of October 1, 1944, and that is eight days before the arrival of the Accused in the Philippines. Therefore, if it is accepted by the Commission it must of course be accepted not as the command of the Accused, but of the command prior to his.

2. The second point that must be made is this: that the chart appended to the map does not indicate that the Accused had any control over the air forces. In addition, we would like to point out that item number 32 of the chart, referring to the Palawan sector unit

under count 2 indicates that the only unit in Palawan under the 14th Area Army were the third and fourth company of the 104th Independent Infantry Battalions and one-fourth of the Signal Unit; in other words, that the 14th Area Army had no jurisdiction over any airfield construction companies or battalions in Palawan.

3. One further point must be made, and that is this: that on page 2 of the chart there is a reference to the Philippine POW Camps as being under the 14th Area Army as of October 1st. That is the particular item which we have just been studying with the interpreter, because the testimony in this case has been that the POW Camps were under the Inspector General of the Commissariat, General Shinono, and the chart does not indicate that the Inspector General of the Commissariat was under the 14th Army. And in going over the map we discover that the items listed on page 2 as units under the command of the army actually are interpreted as units under the Supreme Southern Command, and they are bracketed off, and that explains why the chart shows the Philippine POW Camps. But the point must be emphasized that the Philippine POW Camps were under the Supreme Southern Command at that time and not under the 14th Area Army.

MAJOR KERR: Sir, all of that is purely argumentative. The fact remains that this document is a captured Japanese original map, and what counsel desires to make out of it or avoid from it is a matter of argument, which I presume the Commission would be more interested in hearing later.

We offer it at this time as having probative value to the Commission.

GENERAL REYNOLDS: The comments of both Prosecution and Defense are noted.

COLONEL CLARKE: May we keep this copy?

MAJOR KERR: No, certainly not. That is the original.

COLONEL CLARKE: Have you got something we can work on?

MAJOR KERR: At this time we request that the Commission permit the Prosecution in due course to withdraw the original map and to substitute therefor a suitable photographic reproduction or photostat. That map no doubt will have some future use for the Prosecution, and we should like to withdraw it.

GENERAL REYNOLDS: The Commission would like to permit the Defense to have something to study, either a photostat or the original itself.

MAJOR KERR: Yes, sir. We will make available to the Defense the photostatic copy. I think that we can get that in the next day or two.

GENERAL REYNOLDS: Very well.

(Prosecution Exhibit No.  
396 was received in  
evidence and so marked.)

MAJOR KERR: The Prosecution offers in evidence the document marked for identification as Prosecution Exhibit No. 397, limited, however, to that portion thereof which appears on page 5, Item 7, Document No. 601243, which was read by the witness, Captain Sparnon, and requests that at a later date we may be permitted to sub-

stitute for this exhibit bearing the same number an excerpt, certified copy of that particular portion of the entire document.

This, sir, serves to identify the map which has been admitted in evidence as Exhibit 396 both by description and by document number.

GENERAL REYNOLDS: Comments by Defense?

CAPTAIN SANDBERG: No,

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value as it may be held to possess.

(Prosecution Exhibit No.  
397 for identification  
was received in evidence.)

MAJOR KERR: Mark this for identification, please.

Q (By Major Kerr) Captain Sparnon, I hand you what has been marked for identification as Prosecution's Exhibit 398, and ask you whether or not you have had an opportunity to compare that with the Japanese writing which appears on the map which is in evidence as Prosecution Exhibit 396?

May I have the original map, please?

A Yes, sir. This is an official translation of this map, but I would like to state that this is not the translation that was published by ATIS.

Q To the best of your knowledge and belief is it a correct translation?

A To the best of my knowledge and belief it is a correct translation.

Sir, if I may, I would like to draw attention to the

fact that I understood the Defense to say that the map was dated "1st of October." To the best of my memory, when I referred to the map I said it was dated "the first part of October."

CAPTAIN SANDBERG: I understood you to say "the 1st."

THE WITNESS: It is not the 1st of October. The "first part" of October.

MAJOR KERR: I might point out also to avoid future discussion of the subject that, as I understand it, the map is not dated "October 1944." It is dated "October." The purpose of our previous exhibits, namely, Exhibit 394, being an order by General Kuroda in July, 1944, as Commanding General of the 14th Army, and Exhibit 395, being an order by the same general as Commanding General of the 14th Area Army, was simply to show that sometime between the first date in July, 1944, and the second date, 2 August, 1944, the terminology, "14th Area Army" came into being, and the designation previously used, "the 14th Army," was changed to "14th Area Army." That pegs the date of this map, since I understand that the map is headed "14th Area Army", as being sometime subsequent to July, 1944. Being "October," it must follow that it is October, 1944.

If the Commission please, we offer in evidence as Prosecution Exhibit 398 the translation of the markings on Prosecution's Exhibit 396 concerning which Captain Sparnon has testified. This is a translation into English, of course, of the various descriptions which appear in Japanese on the original map. We are entirely

agreeable to this Exhibit 398 being subject to examination by the chief interpreter of the Commission for such corrections, additions and deletions as he may find to be appropriate. In other words, we do not contend that this translation necessarily is the final translation.

CAPTAIN SANDBERG: Do I understand that that translation is not an official ATIS translation?

MAJOR KERR: It is not an official ATIS translation.

CAPTAIN SANDBERG: Then we are perfectly agreeable to having the chief interpreter give the official translation.

MAJOR KERR: As Captain Sparnon pointed out, we do not have the official English ATIS translation. There is such a translation, but we have not been able to obtain it so far. If we obtain it during the course of the trial we desire to put it in evidence, but in the meantime this is a translation made by the War Crimes translators.

THE WITNESS: May I state, sir, that they are ATIS personnel that have been assigned to the War Crimes Commission.

MAJOR KERR: Yes. Thank you, Captain. That is correct. In other words, the translation was made by ATIS personnel now working with the War Crimes organization.

It should be noted, too, sir, that the translation is keyed with the numerals which appear on the original map. That is to say, where the numeral 1 has been pasted on the map the writing there appearing in Japanese

is translated into English with reference to the numeral 1 which appears in the translation. And so on down through the various numbers.

GENERAL REYNOLDS: The Commission understands that you are now offering in evidence Prosecution's Exhibit 398.

MAJOR KERR: Yes, sir.

GENERAL REYNOLDS: Any further comments by Defense?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The Commission accepts the document for such probative value as it may be held to possess, with the understanding the chief interpreter may check to verify the translation in question.

MAJOR KERR: I am making available at this time, sir, to Defense Counsel a photographic reproduction, the only one we have, and which came to us from ATIS, of the original document. They will have the use of that until such time as we can substitute for it another photographic or photostatic copy.

That is all of this witness, sir.

GENERAL REYNOLDS: Very well. Any cross examination?

CAPTAIN SANDBERG: No questions.

GENERAL REYNOLDS: The witness is dismissed.

(Witness excused.)

MAJOR KERR: Mark this for identification, please.

(Certified copy of report to Col. Munson dated 5 November 1945 from Lt. Gen. S. Arisue, IJA Chairman, was marked Prosecution Exhibit No. 399 for identification.)

MAJOR KERR: Sir, at this time the Prosecution offers in evidence a document which has been marked for identification as Prosecution Exhibit 399. This is a certified copy of the report to Colonel Munson, General Staff Corps, G-2, by or on behalf of the Liaison Committee for the Imperial Japanese Army and Navy, on the subject of placing Naval units in the Philippines under the command of General Yamashita. It is dated 5 November 1945.

I have here the original of that document signed by Lieutenant General Arisue, Imperial Japanese Army, as Chairman of the Liaison Committee for the Imperial Japanese Army and Navy. If the Commission desires to compare the original with the certified copy which we offer in evidence, it is available for that purpose.

Now I shall read this document. It is headed "Liaison Committee for the Imperial Japanese Army and Navy, 5 November 1945, S3I2". It is addressed to Colonel Munson, General Staff Corps, G-2. The subject is "Placing Naval units in the Philippines under the command of General YAMASHITA".

"1. The Liaison Committee (Tokio) of the Imperial Japanese Army and Navy and the armed forces of the Supreme Commander for the Allied Powers.

"2. The undersigned, Lieutenant General, S. Arisue, IJA, is the Chairman of the Liaison Committee (Tokyo) of the Imperial Japanese Army and Navy.

"3. A request has been received by the Liaison Committee through the office of Colonel Munson, GSC, G-2, for the original Japanese records answering the two following questions: 1. Did General YAMASHITA, Tomoyuki, command all Navy forces in Manila during January and February, 1942? 2. Did YAMASHITA'S command extend to actual control over Navy Forces in land action after commencement of hostilities in or near Manila? That the request for the answers to the two said questions in the event that the original Japanese records were unavailable.

"4. A search for original Japanese documents which might have borne on the two said questions has been made but none have been found. Many original Japanese records were destroyed prior to the cessation of hostilities.

"5. To the best of the knowledge and belief of the Liaison Committee the answer to the first question is, while not all of the Navy personnel on the land throughout the Philippines was under the command of General YAMASHITA during January and February, 1945, the Navy personnel on the land in the city of Manila during January and February, 1945, was under the command of General YAMASHITA.

"6. The answer to the second question is not known. It is known that General YAMASHITA was in or around Baguio during January and February, 1945, and that if there was any communication between him and the Japanese forces in or near the city of Manila during the period in question the communication was very poor.

"/s/ S. Arisue  
/t/ S. Arisue,  
Lieutenant General, IJA  
Chairman "

The proposed exhibit is a certified true copy by  
William N. Calyer, Captain, JAGD.

GENERAL REYNOLDS: Comment by the Defense?

CAPTAIN SANDBERG: No, sir. No objection.

GENERAL REYNOLDS: General Donovan points out that in reading Paragraph 3 of the communication the Prosecution read 1942, instead of 1945. If that is the case, it should be corrected.

The document is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Prosecution Exhibit No. 399 for identification was received in evidence.)

(A document entitled "IMPERIAL JAPANESE GOVERNMENT," etc., "C.L.O. No. 403, 29 October 1945," was marked Prosecution Exhibit No. 400 for identification.)

MAJOR KERR: At this time, sir, the Prosecution offers in evidence a document marked for identification as Prosecution's Exhibit No. 400, which reads as follows:

"IMPERIAL JAPANESE GOVERNMENT

"TO : OFFICE OF THE SUPREME COMMANDER FOR  
THE ALLIED POWERS

"FROM : Central Liaison Office, Tokyo

"SUBJECT : Command Exercised by General Tomoyuki  
Yamashita During the Period from 1  
December 1941 to 2 September 1945.

"C.L.O. No. 403 29 October 1945

"Referring to the Memorandum, AG000.s

(19 Oct 45) LS, dated 19 October, on the above subject the Office of the Supreme Commander for the Allied Powers is requested kindly to note that the reply thereto will be submitted direct by the Tokyo Liaison Committee of the Army and the Navy.

"For the President,

"S. Iguchi

"Director of General Affairs  
Central Liaison Office"

It is certified a true copy by William N. Calyer,  
Captain, Judge Advocate General's Office.

This, sir, simply establishes the basis for the previous communication which is in evidence as Exhibit No. 399.

GENERAL REYNOLDS: Are there comments by the Defense?

CAPTAIN SANDBERG: No, sir.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value as it may be held to possess.

(Prosecution Exhibit No. 400 for identification was received in evidence and so marked.)

MAJOR KERR: If the Commission pleases, it is with mixed feelings that I now state to the Commission that the witnesses for one case, No. 118, being murders in Baguio City, Mindanao Island, have just reached Manila tonight. They were sent for a week ago last Friday by plane, and up until a few moments ago I had understood that the plane had crashed with the party of the Provost Marshal and the Base X major who had been sent for them, so that it was not feasible or practical to attempt to send another party down for them and bring them in, and I had given up all hope of presenting the case. However, just before the motion picture began, before this evening's session began, I was informed that those witnesses had arrived and are in the City now.

That case happens to be an important case; it is representative of the cases in Davao City, or, more particularly, on Mindanao Island. There are five witnesses. We

believe we can put the case in in one hour.

Therefore, I should like to beg the indulgence of the Commission, under the circumstances, and ask that we be permitted to present that as our last evidence tomorrow morning.

GENERAL REYNOLDS: The Commission inquires whether the Prosecution will be ready at the usual time of the convening of the Commission, or, in view of the late arrival of the witnesses, you request a later hour?

MAJOR KERR: No, sir; the usual hour of 8:30 in the morning will be satisfactory.

GENERAL REYNOLDS: The Commission will recess until 8:30 tomorrow morning.

(Whereupon, at 2135 hours, 19 November 1945, the trial was adjourned until 0830 hours, 20 November 1945.)