

AFFIDAVIT

STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

Personally appeared before me, the undersigned authority for administering oaths in cases of this character, JOHN H. ALLEN, 1st Lt, ADC, C-890115, formerly of Provisional Tank Group, Hq, USFIP, who having been read AW 24 and his rights thereunder explained to him and being duly sworn according to law; deposes and says:

I am now a patient at Schick General Hospital at Clinton, Iowa, presently home on convalescent leave at 1640 Dayton Avenue, St. Paul, Minnesota recovering from amoebic dysentery incurred in Bataan prior to capitulation. After completing the march from Bataan to Camp O'Donnell, commonly known as the "death march", I was shuttled along with other prisoners to various Japanese prison camps and ultimately arrived at Camp No. 17, Amuta Kyushu, Japan.

At all the times hereinafter mentioned, I was a 2nd Lieutenant with the Provisional Tank Group, Hq, USFIP. My promotion to 1st Lieutenant came in August 1945.

While at Camp No. 17, Amuta Kyushu, in August of 1943, I became acquainted with Private Noah C. Heard. At the time of my first association with Pvt Heard, he complained to me of dizzy spells. He told me his head hurt and he would wake up at night and find himself walking around toward the gate and he didn't know how he had gotten there. He told me he was afraid he would get in trouble with the guards. He also complained of being very despondent and at times I have seen him cry like a baby. I tried to help him by talking to him and by being friendly with him.

In about April 1944, Pvt Heard was put in the Japanese Guardhouse, Camp 17, accused of theft. I would say he was in the guardhouse for about seven to ten days and then released. He, with others, was brought before the personnel of the camp, both Americans and Japanese; and at that time, he and the others were knocked down by the Japanese. The following American officers witnessed Pvt Heard's being knocked down on this occasion: Major John R. Mamrou, Captain Achilles C. Tisdell, Navy Lt. Edward N. Little, 2nd Lt Owen W. Romaine, 2nd Lt Paul T. Christie and 2nd Lt Robert M. Perkins. The following Japanese were present: Camp Commander, 2nd Lt Ken Yuri; Interpreter, Oyi; Sgt Major Morataki, non-commissioned officer named Fukuda; Japanese Doctor Murao; a mine interpreter who said he was formerly of Riverside, California, whose name was Yamochi; a medical corpsman named Tsuji or Chugi. There were other

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Japanese guards present whose names I do not know. Lt Ken Yuri ordered the medical corpsman named Tsuji or Chugi to knock the Americans down and the corpsman named Tsuji or Chugi proceeded to knock them down with his fists as they stood at attention. I recall that one of the others, besides Pvt. Heard, who was knocked down on that occasion was Private Lonnie Patman. I also recall seeing Lt Ken Yuri himself personally strike another one of our prisoners whose name I do not know.

Afterwards, Oyi, the Japanese interpreter, made a statement to these men, which, as I remember it, was "Will you now promise not to break any more of the camp regulations?" The men then all agreed not to; whereupon, they were released to return to their camp duties.

About 31 May 1944, Heard was again placed in the guardhouse and accused of breaking into the canteen which was set up for the Americans at one end of the barracks building. On or about the night of 31 May 1944, I was awakened as were the following officers in Barracks #1, in which we were housed: Major John R. Mamrous, Captain Achilles C. Tisdell, Navy Lt Edward N. Little, 2nd Lt Owen W. Romaine, 2nd Lt Paul T. Christie and 2nd Lt Robert M. Perkins. [We were escorted enmasse by the Japanese to a place in front of the camp guardhouse.] Shortly afterwards, Captain Thomas Hewlitt and a 1st Lt Proff, American camp doctors, who had been at the hospital in camp, joined us. [I would say it was about 11:00 P.M.]

Pvt Noah C. Heard was sitting in the doorway of the guardhouse, surrounded by Japanese including 2nd Lt Ken Yuri, Camp Commander; Interpreter, Oyi; and a Japanese non-commissioned officer by the name of Fukuda. Fukuda apparently was in charge of the guards on duty at that time.

About twenty minutes later, the Japanese doctor Murao arrived with other Japanese personnel of the camp whose names I do not know. At this time, another Japanese Sergeant, whose name I do not know, but who was not Fukuda, was consulting a book which had been brought over by Sergeant Major Morataki from Japanese Headquarters, and this Sergeant was pointing out to the Camp Commander, Lt Yuri, certain passages or pages in the book, the contents of which I do not know.

Pvt Noah C. Heard was dressed only in a dirty tee shirt and a pair of shorts. He was barefoot.

After a short conference among themselves, the Japanese interpreter, Oyi, separated himself from the rest of the group conferring, and announced to we officers the following, in effect, "Pvt Heard was in the guardhouse for stealing. He broke out of the guardhouse and now has broken into the Japanese warehouse and also into the Japanese kitchen and stolen these articles you see before you." I saw assorted Red Cross food articles, a Japanese soldier's cap, a pair of glasses and a wrist watch. The interpreter, Oyi, went on saying, "This man had already promised before all of you and the staff of the camp that he would not break any more regulations."

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He has broken out of the prison guardhouse. He has not only stolen from us, but also has stolen the food from your personal packages that you had stored in the canteen. He is no good. We have found this box of food outside the gate, under which gate he could have crawled. The fact that he was in possession of these Japanese articles (cap, glasses, and wrist watch), at the time of his capture in the latrine of one of your barracks, makes it obvious that he had intended to escape, having first pushed the food from under the gate; then apparently becoming frightened, he had returned to the barracks to hide and later accomplish his escape." During this time, Pvt Noah C. Heard never once spoke a word but looked about himself in a dazed bewildered fashion. His body showed signs of having been beaten. He was bruised and swollen about his face.

Then the Camp Commander, Lt Ken Yuri, removed his saber from his scabbard and ran his thumb along the sharp edge as he scrutinized Pvt Heard who appeared to be oblivious to the surroundings. Lt Yuri then returned the saber to the scabbard. Lt Yuri then pushed Pvt Heard's head back with the tip of the scabbard pressing against Heard's forehead apparently in an effort to make Heard look at him; but Heard did not seem to know what was going on around him. Lt Yuri then said something in Japanese and as a result, one of the guards removed a stick of gum from a Red Cross package, removed the wrapping and stuck it in Pvt Heard's mouth. When the gum was thrust in his mouth, Pvt Heard just mechanically chewed on it.

Lt Ken Yuri, Sgt Major Morataki and Interpreter Oyi and the other non-commissioned officers once more conferred for a short period and then Interpreter Oyi told us that we would have to witness the execution and told us to proceed behind the guardhouse where it would be conducted. At this time a guard assisted Pvt Noah C. Heard to his feet and proceeded to lead him, accompanied by other Japanese, to the rear of the guardhouse. I was able to observe that Pvt Heard staggered as a dazed man would. Upon arriving behind the guardhouse, the guard lead him and through gestures, tried to make Heard kneel. Pvt Heard resisted these attempts and this became obvious to the Camp Commander, Lt Yuri, who then said something in Japanese and the guard allowed Pvt Noah Heard to sit on the ground instead. At that time, Pvt Heard brushed away cinders from in front of him and a Japanese guard seeing him do this, jammed his heel on the back of Heard's hand with such force that I could hear a crunch.

At this time, the Japanese Interpreter Oyi came to where we officers were lined up and said words to this effect, "We've changed our minds. You must go back to your barracks--go now-hurry up". We all started back toward our barracks; but 2nd Lt Paul T. Christie, 2nd Lt Owen W. Romaine and I separated ourselves from the remainder of the

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group and slipped into an empty building from which we could see, through a window, the scene which we had just left. I would say we viewed the scene from a distance not greater than twenty-five feet. There were lights on the fence which very clearly illuminated the scene. The lights were very bright and we could see everything very clearly. I could also hear very clearly what was said even though I could not always understand it.

From the window, I saw that a semi-circle of guards had formed behind Pvt Heard. At a command from Lt Ken Yuri, one of the guards came forward and bayoneted Heard in approximately the middle of his back. I do not know this guard's name. Pvt Heard grunted and fell forward from the impact of the onrushing guard and began to retch and twitch, making gesticulations similar to those of a brute that has been mortally wounded. These gesticulations caused him to roll on his back with his right side exposed to the semi-circle of guards. Upon the return of the first guard to the semi-circle, on the command of Lt Ken Yuri, a second guard went forward and plunged his bayonet into the exposed right side of Heard's abdomen. I do not know the name of this guard either. The guard withdrew and the Japanese doctor Murao, Lt Ken Yuri, Sgt Major Morataki, Interpreter Oyi and some of the guards went up to examine Heard's body. By this time, Heard's actions were no longer violent; however, a slight spasmodic twitch could be noticed in his hands and feet. A third guard whose name I do not know then turned his rifle butt up and thrust the bayonet vertically into Heard's throat. The guards then proceeded to rake across Heard's abdomen, cutting it to bloody ribbons. These were the same guards who were present throughout the entire proceedings, but their individual names I do not know.

At this point, the Japanese doctor Murao came forward and gave Pvt Heard a final examination and then Heard was covered with straw rice sacks and a Japanese guard was posted over his body and the rest of the Japanese retired.

From the building where we had been hiding while we watched the Japanese putting Pvt Heard to death, we went directly to our barracks. The next morning, all Americans were forbidden to leave their quarters or to look out in the direction of the previous night's execution. I managed to observe activity through a knot hole in the door of our barracks. I observed Japanese medical corpsmen looking around the rice sacks that had covered Heard's body. The body was no longer there. The Japanese were kicking dirt over the spot where the body had been. After they had completed this action, we were allowed to come out of the buildings.

After waiting a considerable time for roll call that morning, so that we could eat our breakfast and go about our duties, I went into the guardhouse to inquire when we could have roll call and was driven out by the

Affidavit - Lt Allen - Cont'd

Japanese guards who were drinking out of a bottle and appeared to me to be drunk. I was told we should go about our work; that there would be no morning roll call.

From then on, officially nothing was ever said about the death of Pvt Noah C. Heard although one guard, whose name I do not know, but whom I would recognize on sight, boasted to me that he was the one that first stuck Pvt Heard with a bayonet on the night in question.

Further deponent sayeth not:

/s/ John H. Allen 1st. Lt. A.D.C.
JOHN H. ALLEN, 1st, Lt. ADC
O-890115

Subscribed and sworn to before me this 30th day of December 1945
at Fort Snelling, Minnesota.

/s/ Ronald N. Davies
RONALD N. DAVIES
Major, Inf. 0226763
Post Judge Advocate

A true copy:

/s/ Lindsay Williamson
Lindsay Williamson, Capt., JAGD

C E R T I F I C A T E

May 14 , 1946

I ~~HEREBY~~ CERTIFY that the attached document is
a true copy of an affidavit purporting to be sworn and
subscribed to by John H. Allen, 1st Lt, ADC, O-890115

at St. Paul, Minn.

on the 30th day of December , 1945 .

I FURTHER CERTIFY that it was copied from an
original in my custody as Chief, Criminal Registry Divi-
sion, Legal Section, GHQ, SCAP, Tokyo, Japan.

/s/ Charles A. Reinhard
CHARLES A. REINHARD
Lt. Col., F. A.
Chief of Criminal Registry
Division, Legal Section

*Pow's Flyer
killed in J*

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PROTOCOL CONCERNING TREATMENT OF ALLIED AIR FORCE FLIGHT PERSONNEL
IN THE CENTRAL DISTRICT
(PART I)

The Central Investigation Committee relating to Prisoners of War

December 26, 1945

/written in ink/ two copies duly submitted

I. FOREWORD

This Protocol was drawn up on the basis of a Report from the Chief Officer of Central District Demobilization Office (Ex-Commander of the Central Military District), and as regards the details thereof, same shall be submitted after making further investigations.

II. SUMMARY

Total number of the Allied Air Force Flight Personnel who were captured within the Central Military District by the Japanese Army was about forty-nine, of whom three were sent to Tokyo; about six died from injuries and sickness; two were put to death after trial by court-martial; and the rest of about thirty-eight, were put to death without being court-martialled.

III. THOSE SENT TO TOKYO

A man who was captured in the Tokai District (This District belonged at the time to the Central Military District) early in January of 1945, as well as two men who machine-gunned the air fields and transport facilities within the Military District in daytime during the end of July and on the 7th of August - three persons in all - were sent to Tokyo. The names of the flight personnel, the units that captured them, and the dates when they were sent to Tokyo, have not yet become clarified.

IV. THOSE WHO DIED FROM INJURIES AND SICKNESS AFTER CAPTURE.

1. One of the flight personnel (Hamilton) who made a reconnoitering flight over the Hanshin (Osaka-Kobe) District on the night of May 8th, 1945, died after capture from injuries and sickness.
2. Besides the above, seven persons who made a strafing and bombing attack on Osaka City on the _____ (TN - the character is not clear) of June, 1945, twenty-five persons who made a strafing and bombing attack on Kobe City in daytime of the 5th of the same month; six persons who made a strafing and bombing attack on Osaka City and suburbs thereof in daytime of the 26th of the same month; three persons who made a strafing and bombing attack

on Osaka City and suburbs thereof, and who were captured in Wakayama Prefecture on the 2nd of July; one person who shot non-combatants near Osaka City on the 30th of the same month; and one person who strafed fishing vessels and railways along the coast of Wakayama Prefecture in daytime of the 9th of August of the same year, made in all, forty-three persons, of whom about five persons died from injuries and sickness. Their names, however, cannot be ascertained as the pertaining documents have been destroyed by fire.

V. PERSONS WHO WERE PUT TO DEATH AFTER BEING TRIED BY COURT MARTIAL.

1. Two persons (Nelson and Auknuth) (T.N. phonetic) who were captured after they had made incendiary bomb raids on Osaka City on the night of the 14th of March, 1945 and on Kobe City on the night of the 17th of March, were sent to the 15th Area Army's Court Martial by the Central District M.P. Unit in the middle of May. As a result of investigations carried out by Prosecution Officer, Major-General (j.g.) (Legal) Kiyomi OTAWARA, it was ascertained that the two men belonged to the American Air Unit at Saipan (the name of the Unit is not clear as the documents were destroyed by fire). 2nd Lt. Nelson was an air navigator and sergeant Auknuth (Phonetic), served as a radio operator. They took part several times in bombing raids on Tokyo, Nagoya and Hamamatsu about January and February, 1945 and came over Tokyo again with about 300 other planes on the 8th of March in the same year and dropped oil incendiary bombs on the center of the city. They made similar incendiary bombing raids on the center of Osaka City on the 14th, and the center of Kobe City on the 17th of the same month. Moreover, as a result of these attacks, large unspecified numbers of casualties occurred among non-combatant people and their private properties reduced to ashes.
2. Consequently, concerning the indictment and term of punishment, the 15th Area Army Commander (concurrently the Central Military District Commander) submitted a written report to the Minister of War, together with the opinion of the Prosecution Officer recommending the death penalty for both of them in about the middle of June, and indicted them upon receipt of approval in the latter part of June.
3. On the 18th of July in the same year, at the tribunal of the 15th Area Army Headquarters, the five persons, viz. Judge, Major Tokuo YAMANAKA; Army Judicial, Captain Takeshi ONO; 1st Lieutenant Hideo MATSUMORI; Witnessing Prosecutor, Judicial 1st Lieutenant Yorio OGIYA; and Witnessing Recorder, Judicial Sergeant-Major Yoichi SHIMAMURA, held a court-martial trial of the said two persons and adjudicated that the two should have the death penalty imposed on them according to Article III, as their acts came under the terms of Martial Law Article II,

Paragraphs 1 and 2, concerning Punishment of Enemy Plane Flight Personnel.

4. Execution of the sentence was carried out at the Army Manoeuver Area at Yokoyama Village, Izumi Kita District, Osaka Prefecture at 4:00 p.m. on the 13th of July, 1945, when the two men were executed by a firing squad in the presence of the following witnesses: Chief Executor Judicial Army Captain Kanji NAKAMICHI; Execution Director Judicial Army 1st Lt. Yorio OGIYA; Witnessing Medical Officer Army Surgeon 1st Lt. MINAMI; Active Executors Judicial Sergeant-Major Toru MATSUDA; Sergeant-Major Seisaku MITA; Sergeant Yoshibumi MATSUI; and Witnessing Recorder, Judicial Sergeant-Major Yoichi SHIMAMURA.
5. The bodies, which were temporarily buried on the same day, were cremated at the same place on the 24th of August and then formally laid to rest at the Army Cemetery at Sanadayama on the following day, the 25th.

VI. THOSE WHO WERE PUT TO DEATH WITHOUT UNDERGOING COURT MARTIAL

1. The Flight Personnel coming under this Clause are seven men who made a strafing and bombing raid on Osaka City on the 1st of June, 1945; twenty-five men who made a strafing and bombing raid on Kobe City during the daytime of the 5th of the same month; six men who made a strafing and bombing raid on Osaka City and suburbs thereof during the daytime of the 26th of the same month; three men who were captured in Wakayama Prefecture on the 2nd of July after they made a strafing and bombing raid on Osaka City and suburbs; one man who machine gunned non-combatants near Osaka City on the 30th of the same month; and one man who machine-gunned fishing vessels and railways along the coast of Wakayama Prefecture during the daytime of the 9th of August in the same year, totalling forty-three men in all, of whom about five men died of injuries or sickness, which makes a net total of thirty-eight men, whose names, however, cannot be ascertained due to the pertaining documents having been destroyed by fire.
2. The Central Military District Headquarters, issued orders in about April, 1945 in the name of the Chief of Staff to the effect that all information collected from air flight personnel captured within the Central Military District should be reported en bloc by the Central District M.P. Headquarters to the Commander of the Military District. Moreover, although at that time, the Central District M.P. Commander was subordinated to the M.P. Commander in Tokyo, as regards guard duties, he came under the delegated command of the Central Military District Commander.

3. The intensification of air raids from June, 1945 onwards, brought about a gradual increase also in the number of captured air flight personnel, but although the Central District M.P. Unit, following thorough investigations on the strength of the afore-mentioned orders, secured evidence of violation of Martial Law in each of these cases, these flight personnel could not be brought before Court-Martial due to the 15th Area Army Headquarters (an operational unit incorporated into one body with the Central Military District Headquarters, and the greater part of whose personnel were holding additional posts with the Military District Headquarters) being too busily occupied in the preparation of defence operations against the intensified air-raids and supposed landing on our mainland by the U. S. forces, and on account of the Judicial Department, too, being kept busy in dealing with cases of violation of military discipline.

At that time, the Central Military District Army opined that the intensification of air-raids since the autumn of the year before - especially the fact that many lives and considerable private property had been destroyed as a result of the indiscriminate incendiary bombings on Tokyo, Nagoya, Osaka and Kobe, etc., since March of this year, had roused the indignation of the nation - especially towards the flight personnel - to an exceedingly high pitch.

4. As, under the afore-mentioned circumstances, the Central District M.P. Unit received no instructions from the Central Military District Headquarters, regarding the measures to be taken against the flight personnel, they contacted the Tokyo M.P. Headquarters, and on the occasion of the first execution in the beginning of July, same was carried out by also contacting the Military District Headquarters.

As stated above, the said total of forty-three persons were executed by shooting in several lots by special personnel at the manoeuver area at Nobutayama, Izumi-Kita Gun, Osaka Prefecture and the firing range at Higashi-ku, Osaka City, from the period between the beginning of July to the middle of August, and their bodies were buried at the same places. However, although some of the bodies seem to have been buried at the Army Cemetery at Sandayama, details are unknown.

VII. FUTURE COUNTER-MEASURES

As the executions in the preceding clause not only contain points violating the laws and regulations prescribed by the Japanese Army, but as there are also points requiring clarification as regards the responsibilities of the parties concerned, we are at present investigating into the matter so as to put same on trial.

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Kempu Tai
alibi

1923

PROTOCOL CONCERNING THE HANDLING OF THE CREWS OF ALLIED PLANES
IN THE CENTRAL DISTRICT
PART II

27 March 1946

Central Investigation Committee
Concerned with POW

I. Foreword

This Protocol is a compiled collection of the reports made by those in command of demobilization in the Central District, and of the statements made by those who have connections with the Military Police, made in regard to "Protocol Concerning the Handling of the Crews of Allied Planes in the Central District, Part I," dated 26 December 1945.

II. The total number of crew members of Allied planes captured by the Japanese Forces in the Central Military District was about 49. The conditions of treatment of these men are as described in Annexed Sheets Nos. 1, 2 and 3.

III. The following are the results found through the further investigations of the cases which have been disposed of informally, without the formal proceedings of a court martial.

A. In regard to the outline of the handling of Allied Airmen in the Central Military District at that time:

Early in April (or late in March) of 1945, the Central Military District dispatched an order in the name of the Chief of Staff to the effect that the collection of information from captured airmen should be summed up at the Military Police Headquarters of the Central District, but the assignment of personnel to this work was not especially directed.

The Military Police Unit of the Central District, took charge of security, protection, billeting, provisions, and sanitation of the captured airmen, based upon the above order, and the basic duties of the Military Police, before, during and after the investigations.

There was an instruction that the Army will fully investigate the captured airmen and those who did not violate any military regulation will be interned in POW Camps, while those who violated any military regulation will be charged before a court martial which will dispose of the cases based upon its decisions. However, the disposition of these captured airmen was delayed because bombings caused disruption of transportation and communications, and preparations for the operations were complicated.

B. In regard to the public feeling against the captured airmen.

After the bombings of the Japanese Mainland were initiated, not only were fearful air raids against important facilities continued, but in various places the losses in lives and properties of non-combatants started to mount. Accompanying this, the hostile feelings of the people began to increase. However, in March when large cities such as Tokyo, Nagoya, Osaka and Kobe began to suffer indiscriminate incendiary bombing raids, and huge losses were suffered, the peoples' feelings suddenly became violent and their hostile feelings increased. The general public opinion against the captured airmen hardened conspicuously. Later on, the indiscriminate bombings by Allied aircraft became increasingly and ceaselessly violent and the peoples' spirit of vengeance reached its limit. The situation came to the point where even Japanese airmen who parachuted down were in danger of harm, because the people did not take time to make distinctions.

C. Relationship between the Central District Military Police Unit Headquarters and the Military Police Headquarters in regard to punishments.

1. Accompanying the sharp increase in air raids against the mainland in the spring and summer of 1945, the number of captured airmen increased considerably. However, for various reasons, every unit was unable to speedily bring these men to courts martial. Because of this, the Military Police Unit in the various areas had difficulties in the internment of these men on account of the poor and crowded internment facilities. Around June of 1945, Lt. General OKIDO, Sanji, the Military Police Commandant, after considering the general state of affairs, issued a personal message using the name of Colonel YAMAMURA, Yoshio, Chief of the External Affairs Section of the Military Police Headquarters. The message was issued to each Military Police Headquarters Commandant in the Northern, Northeastern, Eastern, Tokai, Central, Chugoku, Shikoku, and the Western District in regard to the handling of captured airmen.
2. The gist of the said personal message, according to the memories of those who were then connected with the Military Police Headquarters, is generally as follows:

Courts martial for captured airmen are generally at a standstill. Because of this, it seems that the interned personnel have increased and the various Military Police Units are feeling extreme difficulties in the handling of these men. From the standpoint of the Military Police, they hope for the acceleration of the courts martial. There are probably some men among the prisoners who carried out inhuman and indiscriminate bombings. It is only right that these men be immediately punished severely according to military regulations.

If it is impossible to make immediate dispositions by courts martial, perhaps other methods may unavoidably be used. However, it is up to the Military District Headquarters to decide which of the two methods should be adopted, and it is not a matter to be handled by the Military Police. Therefore, it is best to make contacts with the Chief of Staff of the Military District concerned, according to necessity. Moreover, it seems that he added that this case should first have the independent decision of the Chief of Staff of each Military District.

3. According to Major-General NAGATOMO, Tsuguo, Commandant of the Military Police Unit Headquarters of the Central District, he was trying to find a solution to the difficulties of the internment of the increased number of captured airmen. Since he received the aforementioned personal message at this time, it seems that he interpreted the intention of the message to mean immediate punishment of the captured airmen and he ordered his officers to make preparations accordingly.

D. Relationship between the Military Police Unit Headquarters of the Central District and the Central Military District Headquarters in regard to punishments.

1. Around the end of June (or the beginning of July), Major-General NAGATOMO, Commandant of the Military Police Unit of the Central District who received the said message, paid a visit to Lt. General KUNITAKE, Michio, the Chief of Staff of the Central Military District. NAGATOMO made the following statement: "As a result of investigating captured airmen, we find that their statements are generally all alike. Therefore, hereafter we will not submit every bit of information and we wish to take the appropriate measures for these airmen."

Lt. General KUNITAKE did not think that this negotiation was something in connection with anything as important as the punishment of the airmen, but he thought it was just a simple intelligence report. Therefore, he answered, "I acknowledge it," and turned his attention to extremely pressing problems of operation preparations, and countermeasures against air raids.

According to Lt. General KUNITAKE, it seems that he never even dreamed that the purpose of Major-General NAGATOMO's visit was the contact for the important matter based upon the personal message from the Military Police Unit Headquarters.

He never even dreamed

2. In the early part of June (the exact date is not known) Major SHINAI, Ikamaro, of the Military Police Unit Headquarters of the Central District visited Colonel OBA, Kojiro, a Staff Officer of the Central Military District and said, "Since we have had contact from the Military Police Headquarters, we will punish the captured airmen who are at present interned at the Military Police Unit of the Central District."

Thereupon, Colonel OBA asked, "Is it proved that all of these captured airmen actually carried out indiscriminate bombings?" It seems that Major SHINAI answered, "Yes,"

It appears that Colonel OBA thought that these punishments were matters concerning captured airmen who were under the administration of the Military Police Unit of the Central District and based upon the plans of the higher Military Police Headquarters to which the unit belonged. Therefore it seems that he answered, "It is inevitable, if they are to be punished by the Military Police Unit," thinking that it was unavoidable, since they were to be punished in the light of military regulations.

3. In regard to the two aforementioned items, Lt. General UCHIYAMA, Eitaro, the Commandant of the Central Military District had no knowledge of them, since he received no report regarding them at the time.

4. Conclusion.

Major-General NAGATOMO, Tsuguo, who is the principal party concerned with this case has been taken into custody by orders of the Allied Forces. Furthermore, the whereabouts of his chief subordinate officers are still unknown.

This protocol is based upon such investigations as are possible under such circumstances. Consequently, if investigations of these parties concerned can be carried out in the future, there may be some revisions and eliminations in this protocol.

Annexed Sheet No. 1

Place of capture	Date of capture	Nationality	Rank	Name	Unit designation and identification No.	Cause of death	Date of death	Place of death	Death certificate	Place of burial	Disposition of corpse	Persons who know the place of burial	Address of the aforementioned person
KU-SHI TA-KU FUTATABI- YAMA	March 17, 1945	American	2nd Lieut- enant. Master- Sergeant	R.W. NELSON AUGNAS	Unknown	Executed by orders of Court Martial	July 18, 1945	OSAKA-FU SENHOKU- GUN YOKO- YAMA-MURA		OSAKA-SHI SANADAYAMA Army Ceme- tery	Crem- ated and buried	MATSUDA, TORU	OSAKA-FU NAKAKOCHI-GUN OTO-MURA ISHIKIRI
OSAKA-FU FUSE-SHI TAKAIDA- Vicinity	May 8, 1945	AMERICAN	Captain	HAMILTON	Unknown			OSAKA-SHI HIGASHI-KU OSAKA Military Police HQ.		OSAKA-SHI SANADAYAMA Army Ceme- tery			
x	U N K N O W N	A M E R I C A N S	Captain	OTTO	U		From early in June, 1945 To around Aug. 10th 1945.	OSAKA-FU SENHOKU- GUN		OSAKA-SHI HIGASHI-KU Rifle-range.	buried	FUJIOKA, HIDEO	OSAKA-FU MISHIMA-GUN IBARAGI MACHI SHIMO-CHUJO 273 c/o OKUMURA HIDEO
			1st Lieut- enant.	COPE	K								
			1st Lieu- tenant	YOUNG	N								
			1st Lieu- tenant	SCHULTZ	W	Deaths from injuries and illnesses. (about 6)		SHINODAYAMA Maneuver Grounds.	One was drawn up but was burned	OSAKA-FU SENHOKU-GUN SHINODAYAMA Maneuver Grounds.			
			2nd Lieu- tenant	MIGA PADDLE	N	or excuted after thorough investigation and Court Martial.		OSAKA-SHI HIGASHI-KU Rifle-range					
			Master- Sergeant	STRONG									
			Master- Sergeant	RED									
			Sergeant	CANSARA									
			Unknown	KEMMIRING									
				(about 37 more)									

- References. (1) This chart has been made from the memories of various persons in various areas because the original was burned. Therefore, some details are uncertain and absolute accuracy can not be expected.
- (2) The spellings of the names cannot be expected to be accurate.
- (3) The mark "x" under the column of place of capture shows uncertainty, but the outline of the circumstance of capture is as shown in annexed sheet No.2 "Investigation concerning the capture of airmen".

Investigation concerning the capture of airmen.

Annexed No. 2

Place capture	Date of capture	Nationality	Rank	Name	Attached (Kind of aircraft)	Identification serial number	Synopsis
WAKAYAMA-KEN NISHIMUTA-GUN NARI-MURA-AZA-TANI	Aug. 9, 1945	A	Captain	One unknown person	Unknown (p. 51)		
WAKAYAMA-KEN HITAKA-GUN KAMIYAJI-MURA TONO-HARA (In woods)	May 5, 1945	M E	Captain Unknown	MAX BARTON phonetic (Chief engineer) LONKAS PASK phonetic (engineer)	SAIPAN Army Unit 1329 B 29 (?)	U N	Two of the four who escaped, work- ing around in a woodland, were captured on May 9, at NISHIMUTA- GUN, FUTATSU- MURA KOMATSU- BARA and deli- vered to the Military Police Unit. Names and ranks unknown.
WAKAYAMA-KEN HITAKA-GUN SAMUKAWA-MURA KUSHIMOTO (SEIREI-YAMA)	June 26, 1945	R I C A N	1st Lieutenant 1st Lieutenant 1st Lieutenant 1st Lieutenant Master-sergeant Sergeant	PAUL SFTAN WILLIAN CONTED YUK TYLASE (T.N. phonetic) LEONARD'S. ROBERT PARIUT (T.N. phonetic) CAPP LESLEY	Unknown (B 29)	K N O W N	
WAKAYAMA-KEN HITAKA-GUN MAZUMATA-MURA KAWAMATA (in woods)	July 2, 1945	S	Sergeant sergeant Sergeant	WALL JOHN NICHOLS JANS PAR FRANCES RAYMOND (T.N. phonetic) WILLARD HARMED	Unknown (B 29)		Captured in a woodland
KYOTO-FU KUSE-GUN OKUBO-MURA ISETA	June 5, 1945		Unknown	6 men Unknown	Unknown (B 29)		
KYOTO-FU SORAKU -GUN KUSAUCHI-MURA			Unknown	6 men Unknown	Same as above		
NARA-KEN UDA-GUN SAMBON-MATSU-MURA	June 1, 1945		1st Lieutenant Master-sergeant Corporal	Unknown (about 25 years old) Unknown (about 27 years old) Unknown (about 25 years old)	Same as above		

Annexed sheet. No. 2.

Place of capture	Date of capture	Nationality	Rank	Name	Attached (Kind of aircraft)	Identification serial number	Synopsis
NARA-KEN YOSHINO-KAMIICHI SHIMOICHI	June 1, 1945	A	1st Lieutenant	WITTE		U	STRAN must be the same man as M/Sgt. STRONG indicated in annexed sheet No. 2, line 3.
		M	Non-Commissioned Officer	HART	Unknown (B 29)	N	
		E	"	STRONG		K	
		R	"	BECRAFT		N	
OSAKA-FU HONO-GUN TOYOSHIMA-MURA	July 30, 1945	I		One man unknown	Unknown (P)	O	
HYOGO-KEN MUKO-GUN YAMATAKE-MURA	June 5, 1945	C		Two men unknown	Unknown (B 29)	W	
		A				N	
Near KOBE-SHI	Same as above	N		Six men unknown	Same as above		
HYOGO-KEN AWAJI-SHIMA	Same as above	S		Five men unknown	Same as above		

Note. Because the documents were destroyed by burning, this has been made from memories of persons in various areas.

Therefore, there are inaccurate and unknown points.

Investigation On The Transfer of Living Aircraft Crews.

Annexed sheet " 3

Date of capture	Place of capture	Rank & Name	Identification Serial No.	Time of transfer	Receiver and name of responsible official	Sender and name of responsible official	Evidence, and other reference data
Jan. 3-1945 (?)	AICHI-KEN, HIGASHIKAMO-GUN, ASHISUKE-MACHI	Sergeant HAROLD HEADYS ? (T.N. phonetic)	Unknown	The middle or latter part of February	OMORI POW Camp Responsible person unknown	Military Police Headquarters of the Central District. Sgt. MORI, TAKAO and 1 other.	B. 29, Tail Gunner. Received from NAGOYA Military Police Unit by the Army. Sent under order to OMORI POW Camp.
July 25, 1945	SHIGA-KEN GAMO-GUN HIRATA-MURA HANETA	2nd Lieutenant HARBAR TROW (T.N. phonetic)	Unknown	Aug. 9.	TOKYO Military Police Headquarters. Responsible person unknown.	Military Police Headquarter of the Central District. 2nd Lt. WADA, YASUO /T.N. WADA is juni, a sort of sub-offi- cer, rather like a warrant officer in the British Army./	Crew member of F6F, attached to the aircraft carrier "ENTERPRISE".
Aug. 7, 1945	OSAKA-FU SAKAI-SHI on the sea	2nd Lieutenant Name unknown	Unknown	Same as above	Same as above	Same as above	Crew member of P 51, attached to IWO JIMA 317 ?. Had knowledge of atomic bomb.

Reference. Because the document was burned, there are points that are inaccurate.

1924
Killed after Peace

PROTOCOL CONCERNING TREATMENT OF ALLIED AIR FORCE FLIGHT PERSONNEL
IN THE WESTERN DISTRICT

(Part 1)

The Central Investigation Committee Relating to Prisoners of War

January 23, 1946

(written in ink) two copies duly submitted.

I. FOREWORD

This Protocol was drawn up on the basis of a Report from the Chief Officer of the Western District Demobilization Office (Ex-Commander of the Western Military District), and, as regards details thereof, same shall be submitted after making further investigations.

It has become ascertained that the report duly made by the Western District Demobilization Office to the local U.S. Army Authorities to the effect that thirty-one Allied Air Force Flight Personnel were sent to Tokyo on the 18th of August, 1945, was a mistake.

II. SUMMARY

8-6-20-45
8-8-12-45
15-8-15-45
Of the Allied Air Force Flight Personnel captured by the Japanese Army within the Western Military District, about eight were put to death on the 20th of June, 1945 (Group I), another, approximately eight men, on the 18th of August in the same year (Group II) and another, approximately fifteen men, on the 15th of the same month in the same year (Group III), by personnel of the said Military District Headquarters.

III. RE EXECUTION OF GROUP I

As a result of various cities in the mainland having suffered one after another from incendiary bombing by the Allied Forces ever since the end of 1944, the hostile feeling of the military and government authorities, as well as the people, became steadily aggravated, especially upon Fukuoka City, the seat of the Military District Headquarters, being air-raided on the 19th of June, 1945, which resulted in the principal parts of the City being reduced to ashes, and presenting the tragic sight of large numbers of the general populace being made victims, whereupon the hostile feeling appears to have become still further intensified.

It was under the circumstances as per the foregoing paragraph that about eight of the captured Flight Personnel were executed by Personnel of the Military District Headquarters within its compound on the 20th of June.

IV. RE EXECUTION OF GROUP II

atomic

On entering into August, successive atomic bomb raids were made by the U. S. Army on the Cities of Hiroshima, and Nagasaki, victimizing the majority of the citizens of both cities, and upon it becoming known that the miserable plight of the said victims was absolutely beyond words, the general feeling of animosity appears to have soared up to its zenith again.

It was under the circumstances as per the foregoing paragraph that about eight captured Flight Personnel were executed by Personnel of the Military District Headquarters in a hill near the Aburayama Crematorium in the southwest part of Fukuoka City, on the 12th of August.

V. RE EXECUTION OF GROUP III

Upon the war coming to an end on August 15th, various wild rumors became circulated throughout Kyushu District, and Fukuoka District especially was thrown into an indescribable state of confusion due to the weaker sex fleeing to places of refuge, etc., due to the fabricated report that a part of the Allied Forces had already landed, etc., and these factors appear to have aroused a sense of intense enmity among a section of the officers of the Military District Headquarters.

It was under the circumstances as per the foregoing paragraph that about fifteen captured Flight Personnel were executed by Personnel of the Military District Headquarters in a hill near the Aburayama Crematorium in the southwestern part of Fukuoka City, on the 15th of August.

VI. FUTURE COUNTER-MEASURES

As all these cases occurred at a time of extreme pressure in operational duties and when the public were extremely restless in their minds, as well as due to the pertaining documents having been destroyed by fire, there are still not a few inaccurate points as regards the number, names and disposal of the bodies of the executed Flight Personnel, status of their belongings, as well as in regard to the names of the Headquarters Personnel participating in the executions, detailed circumstances regarding the actual executions as well as the consequential responsibilities, etc., it is therefore being planned to make thorough investigations by strengthening the Investigation Staff; and at the same time, as the matter contains points that are considered as violating the laws and regulations prescribed by the Japanese Army, same are being investigated at present so as to put same on trial.

It is also being planned to make thorough investigations as to the manner in which the captured Flight Personnel were treated, and to the report that a part of the Allied Forces had already landed, etc., and these factors appear to have aroused a sense of intense enmity among a section of the officers of the Military District Headquarters.

*Women
to
Hill**after
war
ended*

KILLED
THEN BODIES DUG UP
AND BURNED

VVV Govt

RESTRICTED

19255#

Yorio OGIYA, after having been duly sworn, testified at the Investigation Division, Legal Section, GHQ, SCAP, Osaka Branch Office, Yasuda Building, Osaka, Japan, on the 8th day of February, 1946 as follows:-

- Q. Please state your full name, age, address and nationality?
A. My name is Yorio OGIYA. I am 27 years of age and reside at Yabagani, Heijo Mura, Ikoma-gun, Nara Prefecture. I am of Japanese nationality. (Japanese seal)
- Q. What is your occupation?
A. [I am now working for the Sumi Law Office, Asahi Bldg, Osaka City as a Law Clerk.]
- Q. Do you intend to remain at your present address, and if not, how can your whereabouts in the future be ascertained?
A. I intend to remain at my present address.
- Q. Were you a member of the Japanese Army? If so, when did you become a member, the position you held and what branch of service you were assigned to?
A. [I became a member of the Japanese Army, 1st November 1943 and was discharged on 30th November, 1945. I was assigned to the Judicial Branch. I was a first lieutenant until August 20th, 1945 and was then promoted to a Captain.]
- Q. When were you assigned to the Central Army Area Headquarters?
A. December 26th, 1944.
- Q. What were your duties in the Judicial Branch of the Central Army?
A. My duties were to investigate military cases to find out whether the party is guilty or not guilty either before the case is tried or after the case is tried. All military Judicial Officers do the work of both Judge and Public Procurator.
- Q. What are the duties of the Judge?
A. The judge looks over the case appealed by the Public Precurator to see whether the military personnel is guilty or not at the Military Court, and gives judgment accordingly.
- Q. Could the Military Judicial Officer act both as Public Procurator and Judge the same case?
A. In General they don't in order to give proper judgment. In war-time for example out in the front when either the Judge or the Procurator is killed or wounded then the Procurator or the Judge has to act as both Procurator and Judge.

Do you recall the names of captured American B-29 Fliers by the names of Lt. Robert W. Nelson and Sgt. Alvey Stanley Auganus?

A. Yes, I remember.

Q. When did you first hear his name and under what circumstances?

A. I heard about Lt. Nelson and Sgt Auganus in the middle of May 1945 in the Judicial Department. I don't remember from whom I heard it, but everyone in the Judiciary Department was talking about these two fliers.

Q. Were you ever appointed as a member of the Military Discipline Conference of the Japanese Central Area Army?

A. Yes.

Q. What was your duties on the Military Discipline Conference and what position did you hold?

A. I was appointed as Witness Public Procurator and my job was to read an opinion at the Military Discipline Conference and request a death penalty.

Q. Who were the defendants at the time you were appointed to the Military Discipline Conference?

A. 2nd Lt. Robert W. Nelson and S/Sgt Alvey Stanley Auganus both of the United States Army.

Q. Were Lt. Nelson and Sgt. Auganus the only two American Aviators or soldiers whose matters were brought before the Military Discipline Conference?

A. Yes.

Q. When were you appointed as Witness Public Procurator in the Nelson and Auganus matter and by whom?

A. I was appointed on the 14th or 15th of July 1945 to act as Witness Public Procurator in the Nelson and Auganus matter, by Major General Kiyotomi OTAHARA head of the Judicial Department of the Central and 15th Area Army Headquarters.

Q. Who investigated the Nelson and Auganus matter?

A. Major General Kiyotomi Otahara investigated the Nelson and Auganus matter.

Q. Did you ever investigate the Nelson and Auganus matter?

A. No.

(Japanese Seal)

Q. Then how did you come to act as Witness Public Procurator if you never investigated the Nelson and Auganus matter?

- Q. Major-General Kiyotomi OTAHARA was supposed to be the real Witness Public Procurator in the Nelson and Auganus matter, but he was transferred to the head of the Judicial Branch of the Second General Army in Hiroshima and I was ordered to take his place.
- Q. When did the Nelson and Auganus matter appear before the Military Discipline Conference?
- A. July 18th, 1945 in the Court room of the 15th Area Army Headquarters in the Osaka Castle Grounds.
- Q. Name all the people that were present at the time you presented the Nelson and Auganus matter to the Military Discipline Conference?
- A. The following were present:- Chief Judge Norio YAMANAKA (Major); 1st Lt. Hideo MATSUO (Judge); Capt. Buichi ONO (Judge); W.O. or Sgt/Major Yasukazu SHIMAMURA (Witness Clerk); both Lt. Nelson and Sgt. Auganus and an interpreter whose name I don't know, but his rank is that of Sgt. or Sgt/Major.
- Q. Who instructed you to ask for the death penalty of Nelson and Auganus?
- A. After Maj. Gen. Otahara completed his investigation, he wrote an opinion based on his investigation and forwarded this opinion to Lt. Gen. Eitaro UCHIYAMA Commander of the Central Army Headquarters to get an approval of the death sentence. Then after obtaining (obtaining) the approval of Gen. UCHIYAMA, Maj. Gen. OTAHARA took his opinion to General HATA who was in command of the Second General Army and also got his approval of the death penalty. Lastly Maj. Gen. OTAHARA took the opinion to the War Ministry in Tokyo and the death penalty was also approved. Then on the 18th day of July, 1945, I presented this opinion with the approvals of Gen. UCHIYAMA, Gen. HATA and the War Ministry, to the Military Discipline Conference and demanded the death penalty by reading the opinion and the approvals to the Judges of the Military Discipline Conference.
- Q. Was Lt. Nelson and Sgt. Auganus permitted to say anything in their own defense at the Military Discipline Conference?
- A. I remember Nelson saying that he was only obeying the orders of his higher officers that he bomb Japan. I don't remember Sgt. Auganus saying anything. That was his defense.
- Q. Who asked Lt. Nelson and Sgt. Auganus questions at the Military Discipline Conference?
- A. Capt. Buichi ONO.

Hata
agrees
to
Death

V.P. 4

Q. What were the questions asked and what answers were given?

A. The questions asked were as follows:-

1. What unit they belonged and duties, name, rank, age, schooling, profession.
2. Places they bombed:- March 9th, 1945 Tokyo-incendiary bomb from Saipan
March 14, 1945, bombed Osaka.
March 17, 1945, bombed Kobe.
3. Radar-explanation. Nelson was asked to explain American Radar system.

Radar

Nelson said that he admitted the fact that he bombed Japan, but he only obeyed his higher officer's orders.

Q. What was the verdict of the Military Discipline Conference?

A. Lt. Nelson and Sgt Auganus was found guilty and sentenced to die by the firing squad.

Q. When was Lt. Nelson and Sgt Auganus shot to death and where?

A. Both were shot to death on July 18th 1945 the same day the decision was rendered by the Military Discipline Conference, at about 4:00 PM in the Yokoyama Military Parade Grounds, Senboku-gun, Osaka Prefecture.

Q. Who was present at the execution of Lt. Nelson and Sgt Auganus?

A. Capt. Kanji NAKAMICHI head of the Osaka Military Prison in Ishikiri; 1st Lt. Jisai Minami who was medical officer and witness; I was present and Judicial Officer and director of the execution; Sgt/Maj. Yasuichi SHIMAMURA who was Judicial Officer non-com witness clerk; the firing squad consisted of three non-coms whose last names are MATSUDA, MATSHI and SANTA; also present was a Japanese Buddhist Priest whose name I do not remember; and about two others from the Osaka Military Prison whose names I also do not remember.

Q. Where and when were the bodies of Lt. Nelson and Sgt Auganus buried after they were executed and who was present?

A. The remains of Sgt Auganus and Lt. Nelson were buried the *place* same day on the *in* hills of Yokoyama Military Parade Ground, *give* Senboku-gun, Osaka Prefecture. The same people that witnessed the execution were present. *in*

Q. Describe the execution?

A. Lt. Nelson and Sgt Auganus were blindfolded and placed in *Inclined position* graves already dug on the side of a hill so that the both fliers were on an inclined position with their heads uphill. The firing squad got into a prone position about two meters away from the graves in which the fliers were placed and two of the firing squad shot at Nelson and Auganus simultaneously one round each. Both Nelson and Auganus were hit in the head

but Nelson was still alive. So a third member of the firing squad shot another round into Nelson's head thus completing the execution. A board was placed on the bodies of each of the fliers and their bodies including the boards were covered up with earth right then and there.

(Japanese Seal)

Aug 24

~~Told No cremation~~

Q. Were the remains of Lt. Nelson and Sgt. Auganus ever unearthed again? If so, state what was done with the bodies?

A. On August 24th, 1945 by order of Major General Soji YAMAGAMI, head of the Judicial Branch of the Central Army Area Hqs, I was instructed to unearth the remains of Lt. Nelson and Sgt. Auganus and cremate the bodies and bury them at the Sanadayama Military Cemetery in Osaka. So I got ahold of Sgt. Major Yasuichi SHIMAMURA, MATSUDA, MATSUI, SANTA and two or three other from the Osaka Military Prison whose names I do not remember and cremated the remains of Lt. Nelson and Sgt. Auganus at the Yokoyama Military Parade Grounds, Senboku-gun Osaka Prefecture, and buried the ashes the next day in Sanadayama Cemetery in Osaka. (Japanese seal)

(Japanese Seal)

Q. Describe how you cremated the bodies of Lt. Nelson and Sgt. Auganus specifically naming the materials used to cremate them?

A. I got there a little later, but when I got there Matsuda, Matsui, Santa and others from Osaka Prison got there first and cremated the bodies of Lt. Nelson and Sgt. Auganus with wood and 18 liters of gasoline. The bodies were placed on a piece of iron that straddled Nelson's grave and we all spent a night there because it took from twelve to thirteen hours to burn the bodies.

Q. In a previous affidavit you made under oath on the 11th Day of December, 1945, you stated that Lt. Nelson and Sgt. Auganus were killed by a bomb at the Osaka Castle and you stated that they were cremated at the Sanadayama Military Cemetery. Is that true?

A. Yes I did say it, but the facts are not true. I told a false hood. (Japanese Seal)

Q. Who instructed you to tell a falsehood that Lt. Nelson and Sgt. Auganus was killed by a bomb?

A. Major General Soji YAMAGAMI and Capt. Buichi Ono told me to tell a lie that Lt. Nelson and Sgt. Auganus was killed by a bomb. (Japanese Seal)

all night

- Q. When did they tell you to say this?
- A. I don't remember the day, but it was in October, 1945 at the Osaka Military Prison in Taikiri on the 2nd floor of the prison office which was at that time the Judicial Section of the Central Army Area Hqrs and 15th Army Area Hqrs that I was told by the General and the Capt. to tell these falsehoods about Nelson and Auganus. (Japanese Seal)
- Q. When you buried the remains of Lt. Nelson and Sgt Auganus in the Sanadayama Military Cemetery, why did you not put a marker at their graves with the names of the fliers on the marker?
- A. A marker was not placed on the graves.
- Q. What happened to the dog-tags and personal effects of Lt. Nelson and Sgt. Auganus?
- A. I do not know what happened to the dog tags, but we cremated Nelson and Auganus with their clothes on.
- Q. Did Lt. Nelson and Sgt. Auganus have any shoes on when they were executed and/or cremated?
- A. They had their shoes on when they were executed, but I don't remember them having their shoes on when they were buried or cremated. (Japanese Seal)
- Q. Was the death of the fliers Lt. Nelson and Sgt Auganus reported to any authorities such as the International Red Cross?
- A. I do not know.
- Q. Do you have anything further to add to your statement?
- A. I have nothing further to add.

ALLIED OCCUPATION FORCES)

/s/ Yorio Ogiya (Japanese Seal)

: SS.:

CITY OF OSAKA)

I, Yorio OGIYA, being duly sworn on oath, state that I had read to me and understood the translation of the foregoing transcription of my interrogation and all answers contained therein, consisting of four pages, are true to the best of my knowledge and belief.

/s/ Yorio Ogiya (Japanese Seal)

Suscribed and sworn to before
me this 8th day of February, 1946

/s/ Murray Gray

MURRAY GRAY, 1st Lt. Ord Dept.
Investigating Officer, Legal Sec.
GHQ, SCAP

ALLIED OCCUPATION FORCES)
: SS.:
CITY OF OSAKA)

I, Tanaki KAWASHIMA, residing at #45 Nara City, Nara Prefecture, being duly sworn on oath, state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively, and that after being transcribed, I truly translated the foregoing deposition containing four pages, to the witness; that the witness thereupon in my presence affixed his signature.

/s/ Tanaki Kawashima

Subscribed and sworn to before
me this 8th day of February,
1946

/s/ Murray Gray
MURRAY GRAY, 1st Lt. Ord Dept
Investigating Officer, Legal Sec.
GHQ, SCAP

A CERTIFIED TRUE COPY:

Everett Checket (signed)
EVERETT CHECKET
Major, Infantry

RESTRICTED

Yorio OGIYA, after having been duly sworn, testified at the Investigation Division, Legal Section, GHQ, SCAP, Osaka Branch Office, Yasuda Building, Osaka, Japan, on the 8th day of February, 1946 as follows:-

- Q. Please state your full name, age, address and nationality?
A. My name is [Yorio OGIYA.] I am 27 years of age and reside at Yamagani, [Heijo Mura, Ikoma-gun, Nara Prefecture. I am of Japanese nationality.] (Japanese seal)
- Q. What is your occupation?
A. [I am now working for the Suni Law Office, Asahi Bldg, Osaka City as a Law Clerk.]
- Q. Do you intend to remain at your present address, and if not, how can your whereabouts in the future be ascertained?
A. I intend to remain at my present address.
- Q. Were you a member of the Japanese Army? If so, when did you become a member, the position you held and what branch of service you were assigned to?
A. [I became a member of the Japanese Army, 1st November 1943 and was discharged on 30th November, 1945. I was assigned to the Judicial Branch. I was a first lieutenant until August 20th, 1945 and was then promoted to a Captain.
- Q. When were you assigned to the Central Army Area Headquarters?
A. December 26th, 1944.
- Q. What were your duties in the Judicial Branch of the Central Army?
A. My duties were to investigate military cases to find out whether the party is guilty or not guilty either before the case is tried or after the case is tried. All military Judicial Officers do the work of both Judge and Public Procurator.
- Q. What are the duties of the Judge?
A. The judge looks over the case appealed by the Public Precurator to see whether the military personnel is guilty or not at the Military Court, and gives judgment accordingly.
- Q. Could the Military Judicial Officer act both as Public Procurator and Judge the same case?
A. In General they don't in order to give proper judgment. In war-time for example out in the front when either the Judge or the Procurator is killed or wounded then the Procurator or the Judge has to act as both Procurator and Judge.

- Q. Do you recall the names of captured American B-29 Fliers by the names of Lt. Robert W. Nelson and Sgt. Alvey Stanley Auganus?
- A. Yes, I remember.
- Q. When did you first hear his name and under what circumstances?
- A. I heard about Lt. Nelson and Sgt Auganus in the middle of May 1945 in the Judicial Department. I don't remember from whom I heard it, but everyone in the Judiciary Department was talking about these two fliers.
- Q. Were you ever appointed as a member of the Military Discipline Conference of the Japanese Central Area Army?
- A. Yes.
- Q. What was your duties on the Military Discipline Conference and what position did you hold?
- A. I was appointed as Witness Public Procurator and my job was to read an opinion at the Military Discipline Conference and request a death penalty.
- Q. Who were the defendants at the time you were appointed to the Military Discipline Conference?
- A. 2nd Lt. Robert W. Nelson and S/Sgt Alvey Stanley Auganus both of the United States Army.
- Q. Were Lt. Nelson and Sgt. Auganus the only two American Aviators or soldiers whose matters were brought before the Military Discipline Conference?
- A. Yes.
- Q. When were you appointed as Witness Public Procurator in the Nelson and Auganus matter and by whom?
- A. I was appointed on the 14th or 15th of July 1945 to act as Witness Public Procurator in the Nelson and Auganus matter, by Major General Kiyotomi OAHARA head of the Judicial Department of the Central and 15th Area Army Headquarters.
- Q. Who investigated the Nelson and Auganus matter?
- A. Major General Kiyotomi Otahara investigated the Nelson and Auganus matter.
- Q. Did you ever investigate the Nelson and Auganus matter?
- A. No.
(Japanese Seal)
- Q. Then how did you come to act as Witness Public Procurator if you never investigated the Nelson and Auganus matter?

- Q. Major-General Kiyotomi OTAHARA was supposed to be the real Witness Public Procurator in the Nelson and Auganus matter, but he was transferred to the head of the Judicial Branch of the Second General Army in Hiroshima and I was ordered to take his place.
- Q. When did the Nelson and Auganus matter appear before the Military Discipline Conference?
- A. July 18th, 1945 in the Court room of the 15th Area Army Headquarters in the Osaka Castle Grounds.
- Q. Name all the people that were present at the time you presented the Nelson and Auganus matter to the Military Discipline Conference?
- A. The following were present:- Chief Judge Norio YAMANAKA (Major); 1st Lt. Hideo MATSUMORE (Judge); Capt. Buichi ONO (Judge); W.O. or Sgt/Major Yasukazu SHIMAMURA (Witness Clerk); both Lt. Nelson and Sgt. Auganus and an interpreter whose name I don't know, but his rank is that of Sgt. or Sgt/Major.
- Q. Who instructed you to ask for the death penalty of Nelson and Auganus?
- A. After Maj. Gen. Otahara completed his investigation, he wrote an opinion based on his investigation and forwarded this opinion to Lt. Gen. Eitaro UCHIYAMA Commander of the Central Army Headquarters to get an approval of the death sentence. Then after obtaining (obtaining) the approval of Gen. UCHIYAMA, Maj. Gen. OTAHARA took his opinion to General HATA who was in command of the Second General Army and also got his approval of the death penalty. Lastly Maj. Gen. OTAHARA took the opinion to the War Ministry in Tokyo and the death penalty was also approved. Then on the 18th day of July, 1945, I presented this opinion with the approvals of Gen. UCHIYAMA, Gen. HATA and the War Ministry, to the Military Discipline Conference and demanded the death penalty by reading the opinion and the approvals to the Judges of the Military Discipline Conference.
- Q. Was Lt. Nelson and Sgt. Auganus permitted to say anything in their own defense at the Military Discipline Conference?
- A. I remember Nelson saying that he was only obeying the orders of his higher officers that he bomb Japan. I don't remember Sgt. Auganus saying anything. That was his defense.
- Q. Who asked Lt. Nelson and Sgt. Auganus questions at the Military Discipline Conference?
- A. Capt. Buichi ONO.

Q. What were the questions asked and what answers were given?

A. The questions asked were as follows:-

1. What unit they belonged and duties, name, rank, age, schooling, profession.
2. Places they bombed:- March 9th, 1945 Tokyo-incendiary bomb from Saipan
March 14, 1945, bombed Osaka.
March 17, 1945, bombed Kobe.
3. Radar-explanation. Nelson was asked to explain American Radar system.

Nelson said that he admitted the fact that he bombed Japan, but he only obeyed his higher officer's orders.

Q. What was the verdict of the Military Discipline Conference?

A. Lt. Nelson and Sgt Auganus was found guilty and sentenced to die by the firing squad.

Q. When was Lt. Nelson and Sgt Auganus shot to death and where?

A. Both were shot to death on July 18th 1945 the same day the decision was rendered by the Military Discipline Conference, at about 4:00 PM in the Yokoyama Military Parade Grounds, Senboku-gun, Osaka Prefecture.

Q. Who was present at the execution of Lt. Nelson and Sgt Auganus?

A. Capt. Kanji NAKAMICHI head of the Osaka Military Prison in Ishikiri; 1st Lt. Jisai Minami who was medical officer and witness; I was present and Judicial Officer and director of the execution: Sgt/Maj. Yasuichi SHIMAMURA who was Judicial Officer non-com witness clerk; the firing squad consisted of three non-coms whose last names are MATSUDA, MATSHI and SANTA; also present was a Japanese Buddhist Priest whose name I do not remember; and about two others from the Osaka Military Prison whose names I also do not remember.

Q. Where and when were the bodies of Lt. Nelson and Sgt Auganus buried after they were executed and who was present?

A. The remains of Sgt Auganus and Lt. Nelson were buried the same day on the hills of Yokoyama Military Parade Ground, Senboku-gun, Osaka Prefecture. The same people that witnessed the execution were present.

Q. Describe the execution?

A. Lt. Nelson and Sgt Auganus were blindfolded and placed in graves already dug on the side of a hill so that the both fliers were on an inclined position with their heads uphill. The firing squad got into a prone position about two meters away from the graves in which the fliers were placed and two of the firing squad shot at Nelson and Auganus simultaneously one round each. Both Nelson and Auganus were hit in the head

but Nelson was still alive. So a third member of the firing squad shot another round into Nelson's head thus completing the execution. A board was placed on the bodies of each of the fliers and their bodies including the boards were covered up with earth right then and there.

(Japanese Seal)

- Q. Were the remains of Lt. Nelson and Sgt. Auganus ever unearthed again? If so, state what was done with the bodies?
- A. On August 24th, 1945 by order of Major General Soji YAMAGAMI, head of the Judicial Branch of the Central Army Area Hqrs, I was instructed to unearth the remains of Lt. Nelson and Sgt. Auganus and cremate the bodies and bury them at the Sanadayama Military Cemetery in Osaka. So I got ahold of Sgt. Major Yasuichi SHIMAMURA, MATSUDA, MATSUI, SANTA and two or three other from the Osaka Military Prison whose names I do not remember and cremated the remains of Lt. Nelson and Sgt. Auganus at the Yokoyama Military Parade Grounds, Senboku-gun Osaka Prefecture, and buried the ashes the next day in Sanadayama Cemetery in Osaka. (Japanese seal)
- (Japanese Seal)
- Q. Describe how you cremated the bodies of Lt. Nelson and Sgt. Auganus specifically naming the materials used to cremate them?
- A. I got there a little later, but when I got there Matsuda, Matsui, Santa and others from Osaka Prison got there first and cremated the bodies of Lt. Nelson and Sgt. Auganus with wood and 18 liters of gasoline. The bodies were placed on a piece of iron that straddled Nelson's grave and we all spent a night there because it took from twelve to thirteen hours to burn the bodies.
- Q. In a previous affidavit you made under oath on the 11th Day of December, 1945, you stated that Lt. Nelson and Sgt. Auganus were killed by a bomb at the Osaka Castle and you stated that they were cremated at the Sanadayama Military Cemetery. Is that true?
- A. Yes I did say it, but the facts are not true. I told a falsehood. (Japanese Seal)
- Q. Who instructed you to tell a falsehood that Lt. Nelson and Sgt. Auganus was killed by a bomb?
- A. Major General Soji YAMAGAMI and Capt. Buichi Ono told me to tell a lie that Lt. Nelson and Sgt. Auganus was killed by a bomb. (Japanese Seal)

- Q. When did they tell you to say this?
- A. I don't remember the day, but it was in October, 1945 at the Osaka Military Prison in Itakiri on the 2nd floor of the prison office which was at that time the Judicial Section of the Central Army Area Hqs and 15th Army Area Hqs that I was told by the General and the Capt. to tell these falsehoods about Nelson and Auganus. (Japanese Seal)
- Q. When you buried the remains of Lt. Nelson and Sgt Auganus in the Sanadayama Military Cemetery, why did you not put a marker at their graves with the names of the fliers on the marker?
- A. A marker was not placed on the graves.
- Q. What happened to the dog-tags and personal effects of Lt. Nelson and Sgt. Auganus?
- A. I do not know what happened to the dog tags, but we cremated Nelson and Auganus with their clothes on.
- Q. Did Lt. Nelson and Sgt. Auganus have any shoes on when they were executed and/or cremated?
- A. They had their shoes on when they were executed, but I don't remember them having their shoes on when they were buried or cremated. (Japanese Seal)
- Q. Was the death of the fliers Lt. Nelson and Sgt Auganus reported to any authorities such as the International Red Cross?
- A. I do not know.
- Q. Do you have anything further to add to your statement?
- A. I have nothing further to add.

ALLIED OCCUPATION FORCES)
) : SS.:
 CITY OF OSAKA)

/s/ Yorio Ogiya (Japanese Seal)

I, Yorio OGIYA, being duly sworn on oath, state that I had read to me and understood the translation of the foregoing transcription of my interrogation and all answers contained therein, consisting of four pages, are true to the best of my knowledge and belief.

/s/ Yorio Ogiya (Japanese Seal)

Suscribed and sworn to before
 me this 8th day of February, 1946

/s/ Murray Gray

MURRAY GRAY, 1st Lt. Ord Dept.
 Investigating Officer, Legal Sec.
 GHQ, SCAP

ALLIED OCCUPATION FORCES)
: SS.:
CITY OF OSAKA)

I, Tanaki KAWASHIMA, residing at #45 Nara City, Nara Prefecture, being duly sworn on oath, state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively, and that after being transcribed, I truly translated the foregoing deposition containing four pages, to the witness; that the witness thereupon in my presence affixed his signature.

/s/ Tanaki Kawashima

Subscribed and sworn to before
me this 8th day of February,
1946

/s/ Murray Gray
MURRAY GRAY, 1st Lt. Ord Dept
Investigating Officer, Legal Sec.
GHQ, SCAP

A CERTIFIED TRUE COPY:

Everett Checket (signed)
EVERETT CHECKET
Major, Infantry

Shimōchi = Ashima.

But the Court read it as a

4 "that is included"

Q By the Court, "the danger"

A I don't know the extent

A. 22. A. The way was completely

Q. 14. not not on Osoke.

A. Var. mil. & not mil. together.

Q - Do you mean

W. "It is not a security of the Paper can not clear that
the arm did not have a suitable arm."

Shimōchi

~~CONFIDENTIAL~~

RESTRICTED /s/ E.C.

of fifteen men were tortured in the manner described above. I had a piece of punk placed on my neck and still bear the scar as a result of the burning received. Following this torture we were also beaten with clubs, shoes and belts. Sergeant Major MONTANI apparently took great pleasure in ordering and participating in severe beatings of the prisoners of war.

I have no further information, either favorable or unfavorable pertaining to the incidents related above.

* * * *

STATE OF CALIFORNIA :
: SS
County of Alameda :

I, John Bryan LIPPARD, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of two pages, including this and the title page, and that all answers contained therein are true to the best of my knowledge and belief.

/s/ John B. Lippard

Subscribed and sworn to before me this second day of October 1945, at Oakland, California.

/s/ Walter J. Stoessel, Jr.
Ens. USNR

I, W. J. STOESSEL, Ensign, USNR, certify that John Bryan LIPPARD, Corporal, U. S. Marine Corps, serial number 273486, personally appeared before me on the second day of October 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

/s/ Walter J. Stoessel, Jr.

~~CONFIDENTIAL~~

RESTRICTED /s/ EC

~~CONFIDENTIAL~~
RESTRICTED

1727A
Classification changed
from "CONFIDENTIAL" to
"RESTRICTED" by order
of the Secretary of War
By /s/ E. Checket,
Major, Inf.

Q State your name, rate, serial number, permanent home address, and any other pertinent information concerning yourself.

A My name is John Bryan LIPPARD, Corporal, U. S. Marine Corps, serial number 273486. My permanent home address is Littlefield, Texas. I have a high school education.

Q At what enemy camps were you confined and at what dates?

A I was imprisoned in Cabanatuan No. 3, Philippine Islands, from 28 May 1942 to 5 October 1942. I was then transferred to the Hoten Camp at Mukdon, Manchukuo, where I remained from November 1942 to May 1944. I was then transferred to Kamioka Camp in Japan, where I remained from May 1944 until liberated by American forces.

Q Will you describe briefly your experiences with regard to torture and unusual treatment while imprisoned at the Kamioka Camp in Japan?

Burning
Punk
A A common form of punishment at Kamioka involved placing pieces of smoldering punk approximately as large as an American nickel upon the wrists, stomach or neck of the individual prisoner of war. When the punk was placed on the neck of the prisoner, he would be required to assume the "push-up" position and the punk would then be placed on his neck. A guard would stand over him and beat the prisoner if he flinched or collapsed. This type of torture was inflicted at the whim of one Sergeant Major MONTANI, who acted as the executive officer at Kamioka.

It was reported at the camp that prisoners had been trading with Koreans in the area, and in an effort to ascertain which prisoners of war had been involved in such trading all able-bodied members of my group

~~CONFIDENTIAL~~

RESTRICTED /s/ E.C.

~~CONFIDENTIAL~~

RESTRICTED /s/ EC

Doc. No. 8071*

Page 3 *

Place: Oakland, California

Date: 2 October 1945

Page 3 of 3 pages

A CERTIFIED TRUE COPY

/s/ Edwin F. Svare
EDWIN F. SVARE
1st Lt., Inf.

~~CONFIDENTIAL~~

RESTRICTED /s/ E.C.

RESTRICTED Classification changed from
"CONFIDENTIAL" to "RESTRICTED"
by order of the Secretary of
War, by /s/E. Sware, 1st Lt., Inf.

For The WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

In the matter of mistreatment of * Perpetuation of Testimony of
American prisoners of war at the pri- * Arthur Laurence Maher, Captain,
son camps at Ohuna, Japan, between * USN #58105
the dates of 6 May 1942 and 3 Dec 1- *
ber 1943. *

Taken at: Navy Building, Bureau of Personnel, Room 4040, Arling-
ton, Virginia

Date: 20 November 1945

Reporter: Norval R. Strang, Agent, SIC. MDW.

Questions by: Lloyd E. Gluck, Special Agent, SIC, MDW.

- Q. State your name, rank, serial number and permanent home address.
- A. Arthur Laurence Maher, Captain, #58105, USN, and my permanent home address is 2237 Devonshire Road, N. W., Washington, D. C.
- Q. Have you recently been returned to the United States from overseas?
- A. Yes, on the 9th or 10th of September, 1945, disembarking at Oakland, California.
- Q. Were you a prisoner of war?
- A. Yes.
- Q. At what places were you held, and state the approximate dates.
- A. I was gunnery officer aboard the U.S.S. Houston which was sunk during a night battle in Sunda Strait, off the coast of Java, on 28 February 1942. About three hundred and fifty members of the ship's crew managed to reach shore at a point about one hundred miles from Batavia. Over half of this number was immediately taken prisoner by the Japanese Army, the rest of us managing to make our escape into the mountains. On 2 March 1942, I was captured in the mountains of Java by the Japanese Army Military Police and taken by motor truck to Serang, Java, where I was imprisoned until 6 April 1942, at which time I and thirteen other officers were taken to Batavia and placed aboard the Atsuta Maru, a Japanese ship bound for Shimoneseki, Japan. We arrived on 4 May 1942. We were moved by train from Shimoneseki to Ohuna, Japan, arriving there 5 May 1942. I was imprisoned at Ohuna from 5 May 1942 to 3 December 1943, at which time I was moved by train to Omori, the headquarters camp of the Tokyo area, arriving there on 3 December 1943. I remained a prisoner at Omori until 29 August 1945, at which time I was liberated by U. S. Navy personnel under the command of Commodore Simpson.

RESTRICTED /s/ E.S.

RESTRICTED /s/ E.S.

- Q. Did you witness any mistreatment of American prisoners of war at Ohuna?
- A. On or about 10 May 1942, I was beaten with clubs for talking with another prisoner. We were not allowed to talk to each other. Another time I received a similar beating for failure to remove my shoes while in the concrete structure used as a washroom.

On or about 15 June 1942, Lt. Harlan G. Kirkpatrick, USN, of the U.S.S. Houston, was beaten severely with clubs across the buttocks and kidney region of the back, jumped on and kicked in the groin while on the ground. The Japanese version of why Lt. Kirkpatrick was beaten was that he had spilled a small amount of rice in serving the other prisoners.

On or about 15 July 1942, Lt. Walter G. Winslow, USNR, of the U.S.S. Houston, received a similar beating for drinking from a cup in the toilet area. The Japanese guards insisted that it was unsanitary to drink from a cup in that area.

On or about 1 November 1942, Lt. Carlton H. Clark, a Navy aviator, was beaten severely with clubs because he refused to give what the Japanese considered a satisfactory answer to their questions. Lt. Clark received another beating on or about 1 June 1943, under the accusation of the Japanese that he was not doing his work. Lt. Clark was suffering from physical exhaustion at the time of the second beating.

Lt. Commander John A. Fitzgerald, USN, of the U.S.S. Grenadier, was beaten severely on 1 June 1943 for talking to another prisoner.

Ensign Albert E. Mead, USNR, was beaten on 1 November 1942 for not giving what the Japanese considered true answers during his interrogation.

About the middle of August 1942, Ensign _____ Hunt, USNR, an aviator flying with an air squadron out of Dutch Harbor, Alaska, was beaten for talking to another prisoner.

On 1 November 1942, Lt. Commander David A. Hurt, U.S.S. Perch, was beaten for what the Japanese called "general conduct".

Lt. Commander Welford C. Blinn, USN, U.S.S. Pope, was beaten for talking with another prisoner. This beating took place on 1 November 1942.

Murray Glasser, AMM3/c, USNR, was beaten on 1 November 1942, for absolutely no reason. His compatriots had failed to answer questions in a manner to please the Japanese and Glasser, who had not been questioned, was punished.

Ensign _____ Rhodes, USN, Thomas C. Nelson, ARM 1/c, USNR, and S/Sgt. Theos (?) Lutz, from a B-24 shot down over Rabeul, all received severe beatings on 1 November 1942 for failure to satisfy their Japanese questioners.

- Q. Describe the methods used by the Japanese guards in administering the beatings to these prisoners.

-2-

RESTRICTED /s/ E.S.

RESTRICTED /s/ E.S.

- A. We were compelled to line up in the courtyard, and the Japanese guards would take turns beating us with wood clubs about four feet long and one and one half inches square, which they held in both hands. These were not clubs selected at random, but were regular issue to the Japanese guards. While many of the beatings were due to the sadism of the Japanese guards, others were meted out by the Camp Commandant, as well as his superior officers in the Japanese Navy.
- Q. Were there other forms of mistreatment?
- A. Under the guise of physical reconditioning the Japanese meted out severe punishment and beatings. We were forced to run for long periods of time, and any prisoner lagging behind or dropping from the line from exhaustion was beaten with the two-handed wood clubs. We were forced to do "push-ups" and other violent exercise for long periods of time. Failure to complete these "exercises" in a manner satisfactory to the Japanese guards would result in a beating.
- Q. Can you give the name of any American personnel concerned in these incidents?
- A. All the men listed in the foregoing received this punishment and can offer additional information. I was the senior prisoner at this camp and was interpreter, as the Japanese guards could not speak English. Therefore, I was informed of the ostensible reasons given for the beating of these men. The reasons have been listed above.
- Q. Can you identify the Japanese personnel at this camp?
- A. The commanding officer of the camp from the time of my arrival until about 1 October 1942 was Warrant Officer _____ Ouchi, Japanese Navy. W/O _____ Iida, Japanese Navy, replaced Ouchi as Commanding Officer. Commander C. Misaki, Japanese Navy, was interrogation officer, and came to the camp only when prisoners were to be questioned. A civilian interpreter, _____ Sasaki, accompanied Commander Misaki on his visits to the camp. Commander Misaki spoke excellent English and bragged about taking a post-graduate course at Princeton. The guards at Ohuna were all seamen first class of the Japanese Navy, and their last names are listed as follows: Yanagizawa, Ikado, Natsuhor, Kawashima, Hazawa, Shimada, Yamada, Hamada, Tsuchiya, Nichi, and Kobayashi. Ohuna was not a regular prisoner of war camp, but was the Japanese Navy Interrogation Center, and we were given to understand that we were not considered as prisoners of war, but as rescued persons who could be dropped back into the sea at any time.

/s/ Arthur Laurence Maher
ARTHUR LAURENCE MAHER, Capt., USN

- 3 -

RESTRICTED /s/ E.S.

RESTRICTED /s/ E.S.

DISTRICT OF COLUMBIA)
City of Washington) SS

I, Arthur Laurence Maher, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, and all answers contained therein are true to the best of my knowledge and belief.

/s/ Arthur Laurence Maher

Arthur Laurence Maher, Capt., USN

Subscribed and sworn to before me this 27th day of November 1945.

/s/ W. E. Aornham, 1st Lt. CMP

Summary Court, 2527 SCU.

C E R T I F I C A T E

I, Lloyd E. Gluck, Special Agent, SIC, NDW, certify that Arthur Laurence Maher, Captain, USN #58105, personally appeared before me on the 20th day of November 1945 and testified concerning War Crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

/s/ Lloyd E. Gluck

Place: Washington, D. C.

Date: 27th day of November 1945.

RESTRICTED /s/ E.S.

A CERTIFIED TRUE COPY

/s/ EDWIN F. SVARE
EDWIN F. SVARE
1st Lt., Inf.

19347

RESTRICTED

Classification changed from
"CONFIDENTIAL" to "RESTRICTED"
by order of the Secretary of War-
By /s/ E. Checket, Major, Inf.

AFFIDAVIT OF WILLIAM RUDOLPH LEIBOLD
Chief Boatswain's Mate
U. S. Navy
Serial No. 382-32-14

State of California)
) ss:
County of Los Angeles)

WILLIAM RUDOLPH LEIBOLD, first being duly sworn on his oath,
deposes and says:

1. I am twenty-three (23) years old and my permanent home address is 11442 Cumpston Street, North Hollywood, Calif. I am and at all times hereinafter mentioned was a member of the armed forces of the United States and I now am a Chief Boatswain's Mate, United States Navy, Serial No. 382-32-14.

2. I was a prisoner of war of Japan at the following times and places:

- (a) Aboard Jap Destroyer DE-34 -- Formosa Straits
- (b) Taichow, Formosa (in a warehouse)
- (c) Jap Army Camp -- Northern Formosa (no mistreatment reported)
- (d) Ofuna Naval Prison
- (e) Omara Prisoner of War Camp

3. I was first taken prisoner as a survivor of the U. S. submarine TANG on 25 October 1944 in the Formosa Straits by the Japanese destroyer DE-34 with nine other survivors from the U.S.S. TANG. I was held on board the DE-34 for three days until I was landed at Taichow, Formosa, where I was held over night, then transported by railroad to Kieran, Formosa where I was held in a Japanese Army Camp for three days. I was then transported to Ofuna where I was held in a special Japanese Naval Prison about twenty miles south of Tokyo, arriving there on 3 November 1944 where I was held until 5 April 1945. On 5 April 1945 I was sent to Omori, Japan near Tokyo, a regular prisoner of war camp. I was released from there on 29 August 1945.

I personally witnessed many atrocities and mistreatment of American citizens while I was held prisoner by the Japanese. These instances are as follows:

4. OFUNA NAVAL PRISON

Ofuna

From the Japanese Army Camp in northern Formosa I was taken to Ofuna Naval Prison. I arrived at Ofuna Naval Prison, which is about twenty miles south of Tokyo, on 7 November 1944. We were marched about two and one-half miles from the train to Ofuna Naval Prison. During this march we were barefooted and had no clothing except a shirt and pants which had been given us at the Japanese Army Camp on Formosa. We were also made to carry the baggage of the guards who accompanied us. I do not recall the names of any of these guards. When we got to Ofuna Naval Prison we were given tennis shoes which were mostly worn out, a tooth brush, tooth powder, a small piece of soap, a canvas jumper, and trousers.

We were told that we were to bow to the Japanese guards when they passed near us, and when a Japanese warrant officer or naval officer came near us we were to come to attention and then bow. We were also told that we were to say good morning and good evening to the guards as we bowed. We were also required to fill out a personal history statement which had the above rules printed on it. We were also instructed that we were not to speak to each other except when given special permission.

Ofuna-Naval Prison had about sixty four prisoners of war at this time. There were several one-story buildings with a compound. The building to which I was confined had a corridor about two hundred feet long which opened in the middle. The cells were on both sides of this corridor. I and the other eight prisoners from the submarine TANG were confined separately at Ofuna and were not allowed to mix with the other prisoners until some time in January 1945. While at Ofuna Naval Prison we were given a cup of rice and cup of water at each meal and were given no other food at any time except when we were allowed to have Red Cross packages. I was told by one of the guards (HERSAY) that other food such as fish and meat was sent to the prison for the prisoners but that the guards appropriated this for their own use or sold it in the black market.

The person in charge of Ofuna Naval Prison was a warrant officer of the Japanese Navy who was known as "The Mummy". He was about five feet four inches tall and weighed one hundred and twenty pounds. He had three other petty officers as assistants whose names I never knew. (F.M. CAVERLY, RT1c had their names written down at one time; he may still have this or remember their names. Major BOYINGTON, USMC, also knew their names). A Japanese known as "Congo CHO", who was a Chief Pharmacist's Mate in the Japanese Imperial Navy and formerly a scenario writer, was the prison doctor. There were about ten to twelve Japanese

Scene, making writer

seamen guards. The seamen guards whom I can recall were: NISHI who was head of the seamen group and was about five feet two inches tall, had very bad eyes, and weighed about one hundred and twenty pounds; Walliston OBERA who was about five feet five inches tall, weighed about one hundred and fifty pounds, had a very rosy complexion and was known as "Rosy"; SEGATA who was five feet two inches tall and weighed about one hundred and twenty pounds and looked a lot like NISHI; "Silver Tooth" a guard with a lot of silver teeth in the front of his mouth (I never knew his name); and Suburo HERSAY. I do not remember the names of any of the other guards. NISHI and SEGATA were the leaders of the seamen guards and caused most of the trouble. Suburo HERSAY never beat any of the prisoners to my knowledge and did all he could to help us.

When we first arrived at Ofuna they began to question us. This questioning was done by three officers who were the Board of Inquiry for Ofuna from Yokosuka Naval Station. They were over the warrant officer in charge and we were supposed to make any complaints or requests of them. After we had been questioned the officers would leave instructions for us to be beaten by the guards if our questioning had not pleased them.

During the whole time that we were at Ofuna we were required to scrub the corridor between the cells in our building. This scrubbing was done with a knot of line which we dipped in the water and then were made to line up two at a time at the entrance of the corridor. We were made to bend over in a stooping position with our feet on the floor and our hands on the mop. At a signal we were told to start and run all the way to the end of the corridor and back again. If we did not run fast enough to suit the guards the guard behind us would strike us. If we slipped and fell down or fell for any other reason the guard would beat us until we arose and started on. During the winter it was so cold that the water would freeze on the deck before we were through and we would slip on the ice. After about four trips we would be so tired that we would fall down many times in the round trip but the guards never stopped at this and always made us make about two more round trips.

All of the guards at the prison except HERSAY participated in this "rat race" with the exception of the warrant officer and chief petty officers. The warrant officer and chief petty officers and Congo CHO, the camp doctor, all knew this was going on and often came to watch it.

In the other side of our building were confined American pilots who had been shot down at various times and taken captive. These pilots were made to mop the other side of the corridor, in front of their cells in the same manner that we were required to mop our side, although the guards never waited until they fell down to start beating them but always began beating them at the beginning and beat them all the way down the corridor and all the way back. Among these pilots was a F4F pilot by the name of EMO (FNU) who was shot down over Foxmosa in October 1944 and who had arrived at Oruna before I did. EMO had no physical defects to my knowledge.

One morning in late December or early January of 1945 while EMO was being beaten by SEGATA and "Silver Tooth" in the "rat race", one of the blows fell upon his spine, paralyzing him from the hips down. He immediately fell to the floor and could go no farther, whereupon SEGATA and "Silver Tooth" beat him for about twenty minutes with clubs which were about the size of baseball bats. At the end of this beating EMO, who was unconscious, was picked up and thrown in his cell. I was standing near the entrance to the building at the time and saw most of this beating. I heard from other prisoners, whose names I can not recall now, that the guards went into his cell and beat him after this but I don't know how many times or how severe the beatings were. About a week after the first beating Congo CEO told me that EMO was going to die that night, which he did. Commander O'KANE and F.M. CAVERLY, one of the pilots, either saw or heard these subsequent beatings and may know which guards did the beating. Others who may have witnessed the above beatings of EMO were: Staff Sergeant Gene BIRDWELL, USAAF, Lieutenant DAVIDSON (FNU), USS WASP, and Frank O'CARA, reporter from the "Philadelphia Inquirer".

The first beating that I recall occurred on 26 November 1944. On this occasion we were told that we had not been bowing deep enough to the guards and had not been

RESTRICTED /s/ E.C.
AFFIDAVIT OF WILLIAM RUDOLPH LEIBOLD

showing them proper respect which had been noticed by the Board of Inquiry. All of the prisoners were then marched into the compound and twenty-seven of them were lined up, with the rest of the prisoners watching from their position. I was not one of the twenty-seven and I cannot now recall the names of the twenty-seven who were beaten. All of the guards and Congo CHO participated in the mass beating. The warrant officer and petty officers watched it. The guard HERSAY was the only guard who did not participate. These twenty-seven prisoners were struck thirty times each by various guards with clubs about the size of baseball bats and Congo CHO used a piece of two-by-four about three feet long. During this beating Lieutenant William HARRIS, USMC, was suffering from beri beri and was in a very weakened condition; he lost consciousness on the third blow and Congo CHO had the guards pick him up and hold him for the rest of the beating. Commander FITZGERALD, who was struck on the spine, collapsed and the warrant officer in charge ordered the guards not to beat him any more.

While I was at Ofuna there was an Ensign FLINN who was imprisoned with the aviators and who had been shot down over Formosa in October. He contacted dysentery and couldn't eat his food. The guards took his regular food away from him for about ten days and fed him on a dry rice mixture. During this time he was beaten by the guards in his cell because he couldn't leave his cell and because he wasn't able to get up. I was told by Commander O'KANE that FLINN died after I left Ofuna. FLINN was in solitary confinement across from my cell part of the time and I was able to see some of the beatings. I recall seeing NISHI beat him once and OBERA beat him once. I do not know whether any of the other prisoners saw these beatings but I believe they did. I know that some of the prisoners who were in solitary confinement near him heard the guards beat him.

Shortly after I arrived at Ofuna Congo CHO asked me to make him a model airplane, which I did. Congo CHO was pleased with this model airplane and made me his assistant in January, which position I held until I left Ofuna in April. My duties were to keep Congo CHO's quarters clean, shine his shoes, put out the medicine for him and wash bandages. There were other odd jobs which I do not recall at this time.

Some time in January Lieutenant (jg) Richard HUNT, who was formerly attached to the U.S.S. HANCOCK, had been shot down over Hong Kong and was brought to Ofuna Naval Prison. I saw him for a few moments when they first brought him in. I was about fifty

RESTRICTED /s/ E.C.
AFFIDAVIT OF WILLIAM RUDOLPH LEIBOLD

feet away. His right arm was bandaged at the time and he had bloody bandages from his hips down. The next day Richard HUNT was made to walk from his cell to Congo CHO's office which was about two hundred yards away. At this time Richard HUNT was in such a condition that he staggered most of the way to Congo CHO's office. His wounds were poorly bandaged and blood was running out of the bandages on his legs. Congo CHO kept HUNT in his office for about half an hour and I believe that he may have changed HUNT's bandages at the time but I don't recall having to wash the old bandages afterwards. A few days later Congo CHO sent me and Charles ROGERS, Chief Telegrapher, British Royal Navy, who was also a prisoner, to HUNT's cell to bring him to Congo CHO's office. We placed HUNT on a stretcher and carried him to Congo CHO's office. When we arrived there Congo CHO had us hold the stretcher beside a bench in Congo CHO's office while Congo CHO rolled HUNT off the stretcher onto the bench right on HUNT's right arm which was broken and had not been set. I could see it had not been set even though it was bandaged by the angle of his arm. HUNT told me once that they had never set it and that it was a compound fracture. I never saw the arm unbandaged. We were made to leave the office and wait outside the door for about forty-five minutes when Congo CHO called us back in to take HUNT back to his cell. HUNT's bandages had been changed by Congo CHO but HUNT told us on the way back to the cell that Congo CHO had hurt him very badly and asked us never to take him back to Congo CHO's office.

HUNT stayed in his cell for about another week before Congo CHO had ROGERS and me bring him to his office again. During this week HUNT was in such a state that he was not able to feed himself and Congo CHO would not allow any of the prisoners to go into his cell to help him eat nor did any of the guards help HUNT eat. The guards would take HUNT's food to him and come back later and take it away when they found he had not eaten it. The second time we carried HUNT to Congo CHO's office Congo CHO made us lay the stretcher with HUNT on it on the wooden bench and then made us leave. Congo CHO called us back about half an hour later to get HUNT. When we got HUNT out of his office HUNT said that Congo CHO had hurt him very badly but did not describe how and it was obvious that Congo CHO had not changed any of his bandages and I know that I did not wash any dirty bandages after this and none of the clean bandages in Congo CHO's office had been used. I don't know whether Congo CHO ever beat HUNT or struck him as I was not present at Congo CHO's office while he had HUNT there and I never saw Congo CHO or any of the guards beat him at any other time.

On one of the occasions when we carried HUNT to Congo CHO's office a Jap doctor from the Yoskoska Naval Station was there and

saw HUNT's condition. About one week after the last time we carried HUNT to Congo CHO's office HUNT died in the night, which was either 16 or 17 February. The next day I, ROGERS, and some of the other prisoners buried HUNT's body. HUNT was in Ofuna Naval Prison for about one month before he died. The only times that Congo CHO saw him, to my knowledge, were on the three occasions mentioned. I do not believe that Congo CHO ever went to HUNT's cell because the stench there was terrible as Congo CHO only allowed me to clean the cell twice. Some of the other prisoners and I sneaked into HUNT's cell several times when the guards were not looking to cover him and try to make him comfortable, as it was very cold and HUNT was unable to keep covers on himself.

During the winter of 1944 and 1945 there was no heat in our prison. The cracks through the walls were large enough for snow to sift in on the decks of the cells and it was very hard for us to keep warm. There were many other beatings which I witnessed at Ofuna but I cannot recall them now. However, I was not beaten after I became Congo CHO's assistant except on the day before I left Ofuna Naval Prison when I and all the other prisoners were lined up by the guards and made to bend over in a stooping position. The guards then asked us to sign written statements that we had stolen Red Cross packages from the room in which they were kept. We refused to do this and the guards beat us for about twenty minutes. The reason the guards did this was because we were not given all of the Red Cross packages which were sent to Ofuna Naval Prison. As far as I can remember I got one Red Cross package on Christmas and one some time in January. The guard HERSAY and other prisoners told me that the other guards had carried some of the Red Cross packages to their homes and that when the Inquiry Board found out that there were some Red Cross packages missing, the guards tried to get us to make written confessions so that they could tell the Inquiry Board that we had stolen the Red Cross packages.

26 Oct 1945

(Date)

/s/ William Rudolph Leibold

(Signature)

Subscribed and sworn to before me this 26 day of October 1945.

A CERTIFIED TRUE COPY:

Edwin F. Svare (signed)

EDWIN F. SVARE

1st. Lt., Inf.

/s/ NW Neukom

N. W. NEUKOM

Lieut., USMR

RESTRICTED

Classification changed from
"CONFIDENTIAL" to "RESTRICTED"
by order of the Secretary of
War By s/E. Checket, Major, Inf

My name is George (n) McRAE. My permanent home address is 13 Cozzens Avenue, Riverside, Rhode Island. I am a high school graduate and enlisted in the Marine Corps in October 1938. I became Private, First Class, and my serial number is 268634.

At the surrender of Corregidor I was seized by the Japanese and placed in Cahanatuan Camp #3, staying there from May 1942 until October 1942. In November 1942 I was transferred to Umeda Camp in Osaka, where I remained until May 1945. At that time I was transferred to what was known as the Headquarters Prison Camp (Chico), also at Osaka, and again in June 1945 I was transferred to Nagoya Camp #10, where I remained until the end of the war. I have already filled out a questionnaire (this was a statement sworn to and signed by me and also witnessed by a Naval Intelligence Officer), submitted to me by a Naval Intelligence Officer aboard the U.S.S. Rescue while enroute during the month of September from Yokohama to San Francisco. In addition to the information I gave at that time, there are the following facts which I should also like to have made a matter of record.

While at the Headquarters Camp at Osaka I witnessed Japanese refusal to distribute Red Cross supplies of clothing and the results of previous refusals to do that over a period of several years. All Red Cross supplies for the Osaka area came to the Headquarters Camp first and the prisoners at that camp were fully provided for from these supplies. However, instead of sending the balance of these supplies to the other prison camps in the area, of which there were four or more, these supplies were simply kept stored at the Headquarters Camp. The result was that the prisoners in the Umeda Camp, where I was previously stationed, were dependent almost entirely upon tropical clothing they wore when they were seized in the Philippines, for 1942-1943. A small amount of Japanese army clothing was distributed subsequently, but, except for one issue of gloves and an army hat, not a single item of Red Cross clothing was given to the prisoners at the Umeda Camp from the supplies received in the Headquarters Camp. In addition to having the opportunity to see what was distributed at the Headquarters Camp as compared to what had been passed

on to us at the Umeda Camp, I also saw stocks of shoes and underwear, furnished by the Red Cross, which remained unused.

The Headquarters Camp was managed when I was there in 1945 by a Japanese Lieutenant called by the prisoners "you know", who was slender, about 5'8" tall and wore glasses. At that same Headquarters Camp was also stationed a Japanese Army Colonel by the name of MaRada TAISHA, who was the Osaka G.M. area commander for prisoner of war camps. There were four or more such camps in this area under his command, including Umeda.

Just before I arrived at the Headquarters Camp, an incident occurred which was related to me by A. Knudsen, a Merchant G.M. Marine Officer who was formerly Chief Mate on the S.S. Stanvac Calcutta, and was also confined to the Headquarters Camp. This incident happened in April 1945 following B-29 raids in the area. An evening roll call was taken of all the prisoners of the camp, of which there were 500 or 600, and every man answering to the number "29" was taken down into the prison yard. These prisoners were then beaten severely with bamboo sticks and then forced to kneel on rock piles for about 1½ hours, during which time they were additionally beaten with these same bamboo sticks.

This information to the best of my knowledge represents true facts in each instance, and I have no information favorable or unfavorable to add.

s/ George McRae

RESTRICTED

s/E.C.

RESTRICTED

s/E.C.

STATE OF CALIFORNIA :
: SS
County of Alameda :

I, George (n) McRae of lawful age, being duly sworn, state that I have read the foregoing transcription of my interrogation, consisting of two pages, and that all answers contained therein are true to the best of my knowledge and belief.

s/ George McRae

Subscribed and sworn to before me this ninth day of October 1945 at Oakland, California.

s/ K. H. Brown
(Rank) Lieut Comdr. U.S.N.R.

STATE OF CALIFORNIA:
: SS
County of Alameda :

I, K. H. Brown, Lieut. Comdr., U.S.N.R. certify that (name) George (n) McRAE (Rank) Pvt. 1st class (ASN) 268634, personally appeared before me on the ninth day of October 1945, and testified concerning war crimes, and that the foregoing is an accurate transcription of the answers given by (him) (her) to the several questions set forth.

Place: Oakland, CaliforniaDate: 9 October 1945s/ K. H. BrownPage two of two pages

A CERTIFIED TRUE COPY:

s/ Edwin F. Svare
EDWIN F. SVARE
1st Lt. Infantry

RESTRICTED

s/ E.C.

1941A

XXXXXXXXXXXX Classification changed
R E S T R I C T E D from "CONFIDENTIAL"
to "RESTRICTED" by
order of the Secretary
of War -- By /s/ E.
Checkett, Major, Inf.

Q. State your name, rate, serial number, permanent home address, and any other pertinent information concerning yourself.

A. My name is Matthew David MONK. I am a Sergeant, U.S. Marine Corps. My serial number is 273489. My permanent home address is Quinlan, Texas. I completed the eighth grade in school and have been in the Marine Corps for six years.

Q. Did you witness any killings, executions, torture, beatings or other cruelties during the time you were a prisoner of war?

A. Yes, I did. This took place at Norima Prison Camp near Nagoya, Japan, about 20 July 1945. One WAGNER, an Aviation Ordnanceman, U.S. Navy, who had been captured at Corregidor, was killed. WAGNER's death occurred as a result of punishment for a second offense in attempting to procure additional food from the galley after the galley had been secured for the night. WAGNER's first offense occurred in March 1945. At that time he attempted to break into the galley at night and was caught in the attempt. His punishment at that time was a beating by approximately four Japanese guards, who struck him with rifle butts and clubs generally about the body, and beat him in the face with shoes, the beatings extending for a period of approximately fifteen minutes. After the beatings WAGNER was required to stand in front of the guard house for a period of seventy-two hours, during which time all passing Japanese would further beat him at their discretion with clubs. During this period he was beaten by approximately fifteen to twenty Japanese with clubs, each of whom would strike him at least four or five times. As a result of these beatings WAGNER was in a serious condition, although there were no broken bones. Upon release from this punishment WAGNER was warned against a second attempt at breaking into the galley. The Japanese considered WAGNER's offense as an attempt to escape and warned him that a second attempt would be punishable by his own death as well as further punishment for the entire camp.

During the ensuing months the food decreased drastically in quality and quantity, and on or about 18 June 1945 WAGNER, as a result of his hunger, was driven to a second attempt to

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R E S T R I C T E D /s/ E. C.

break into the galley after dark. He left his locked barracks via the expedient of picking the lock. Entering the galley, he procured some food and as return to the barracks was apparently impossible at the moment, he hid himself on some mats that had been placed across some rafters in the galley structure. His absence from the barracks was discovered by the Japanese next morning and a search was instituted. The search continued for two days. The evening of the second day the cooks on duty in the galley noticed a pool of blood on the floor beneath the mats. Inasmuch as the entire camp had been confined to barracks during the search, the cooks had no alternative but to report the blood to the Japanese. A search by the Japanese apprehended WAGNER in his hiding place. The blood resulted from a neck wound self-inflicted by WAGNER in an attempt at suicide. The camp doctor, Dr. SCHULTZ, U.S. Army, was notified, and he bandaged WAGNER's neck and, at the insistence of the Japanese, enlisted the aid of another prisoner, one Benny VALENCIA, a U.S. Army sergeant of Mexican descent, and myself in removing WAGNER from his hiding place. The Japanese insisted that WAGNER remain on the floor of the galley and refused permission for his transfer to the sick bay for the purpose of treatment of his wounds. WAGNER at this time was conscious but quite weak from loss of blood.

The Japanese insisted that WAGNER remain upon the galley floor pending decision as to disposition of his case. This decision was in the hands of the Japanese officers of the camp, which group included the commanding officer of the camp, the camp interpreter, and the camp NCO. The camp NCO at this time was a two-star sergeant in the Japanese Army, and he was the only man with that rate among the Japanese officials of the camp. The interpreter was a Japanese who had resided for some time in Honolulu. While WAGNER's fate was being considered, the Japanese commanding officer, the camp NCO, and the interpreter walked over to him and kicked him about the head, with each of them kicking him about four or five times, but with the interpreter being the most vicious. A short time later the interpreter returned and found WAGNER with his eyes open and looking around. The interpreter thereupon kicked him twice more in the head, then told him that he (WAGNER) was not fooling the Japanese. During this time a Japanese guard had been stationed to prevent any of the Americans from conversing with WAGNER.

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RESTRICTED /s/ E. C.

WAGNER had been discovered at approximately 0200 on 20 June 1945. At approximately 0400, Dr. SCHULTZ, VALENCIA and I were sent back to the barracks. The next morning at muster WAGNER was seen by the assembled members of the group seated in front of the guard house on the ground with his knees tied together with rice-straw rope, and his hands secured with the same material behind his back. WAGNER was conscious at this time. After breakfast the camp was lined up for the morning march to work in the nearby factories and at that time the Japanese guards who had been searching the area for WAGNER had begun to return to camp. Each one of these guards was permitted to beat WAGNER with a club, and before the prisoners were marched to work I saw between fifteen and twenty Japanese guards beat WAGNER with the club and also kick him. The beatings averaged approximately five or six blows per man. The last I saw of WAGNER before leaving for work, he appeared to be badly beaten, with one side of his face bleeding heavily and the blood flowing down his neck.

WAGNER was allowed to remain in his position before the guard house for 72 hours, during which time the Japanese personnel of the camp beat him continuously at the individuals discretion. A board approximately four inches wide, four feet long, and one-half inch thick was kept handy at the guard house, and when any Japanese would feel so inclined he would seize this board and beat WAGNER as long as he desired. During this period of 72 hours WAGNER was permitted no food and no water. After approximately eighteen hours the weather turned cold with a heavy rain. Meanwhile, WAGNER's hands and feet had become swollen as a result of the bindings, from which he was permitted no release. In an attempt to obtain some shelter from the rain he had worked his way to a nearby barracks. This barracks, however, was flea-ridden and the effect of the fleas, from which he had absolutely no protection in his bound condition, drove him hysterical. He began swearing and cursing the Japanese for the treatment he received. Each time he would speak a Japanese would beat him again.

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R E S T R I C T E D /s/ E. C.

After the 72 hours, WAGNER's bonds were released and he was permitted to walk to the shower room, take a shower and don clean clothes. He was then taken by the Japanese to a small room in the guard house where he could not be seen by any of the other prisoners in the camp. The Japanese announced that his punishment would be reduced rations for thirty days, and the amount he was to receive was equal to a GI spoon full of rice and one-half cup of tea three times a day. WAGNER's incarceration continued for some seventeen days, when two of the men, one WHITE, a Carpenter's Mate First Class, U.S. Navy, and one OWENS, a civilian, were incarcerated with him after a severe beating they had received, and which resulted in a broken hand for OWENS. They found WAGNER lying on the floor unconscious, but screaming, "Quit beating me," and asking for water. On 20 July 1945, when the cooks took WAGNER's morning chow to him they were informed by the Japanese that WAGNER had died. No doctor's examination was permitted and no Americans were permitted to see WAGNER, and the Japanese placed him in his casket themselves. It was the opinion of many of the men engaged in camp work, such as the cooks, who had seen WAGNER placed in the casket, that he was still alive and breathing at that time.

I do not know the names of the Japanese involved. The camp NCO referred to above was known by the nickname of "Violet Eyes." A toothless guard was known as "Snag," and the interpreter's name may have been YOKOMOTO.

Prisoners in this camp were utilized in nearby factories manufacturing airplane parts, bombs, etc. Public beatings of prisoners in the nude before the guard house with the further punishment that they were required to remain standing in front of the guard house the next day, the whole time without food, were a commonplace in the camp. These beatings were severe and were accomplished with rifle butts, clubs and belts.

I have no further information, either favorable or unfavorable, pertinent to the incidents related above.

XXXXXXXXXXXX
RESTRICTED /s/ E. C.

STATE OF CALIFORNIA:
: SS
County of Alameda :

I, Matthew David MONK, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of four pages, including this and the title page, and that all answers contained therein are true to the best of my knowledge and belief.

/s/ Matthew D. Monk

Subscribed and sworn to before me this third day of October 1945, at Oakland, California.

STATE OF CALIFORNIA: /s/ Thomas P. Guerin
: SS
County of Alameda :

I, Thomas P. GUERIN, Lieutenant, USNR, certify that Matthew David MONK, Sergeant, U.S.M.C., serial number 273489, personally appeared before me on the third day of October 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Oakland, California

Date : 3 October 1945

/s/ Thomas P. Guerin

Page 4 of 4 pages

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RESTRICTED /s/ E.C.

A CERTIFIED TRUE COPY:

/s/ EVERETT CHECKET

EVERETT CHECKET
Major Inf.

Doc. No. 8095*

AUSTRALIAN WAR CRIMES.BOARD OF INQUIRY.BEFORE HIS HONOR, MR. JUSTICE PHILP.

VI. 60320, L/Sgt ARNOLD FRASER CADDY, 8th Div. Intelligence Section, Private address "Chandpara" Tylden, Victoria.

Sworn and Examined:-

I was captured after the fall of Singapore and taken to Changi Camp. On 14th. May, 1942 I went with A Force into Burma. I travelled on the Toyohashi Maru, on which conditions were bad.

At Tavoy we were marched 28 miles to an aerodrome. Several deaths resulted from this march among men who had dysentery, which had become prevalent during the voyage.

At the aerodrome at Tavoy 8 men escaped and were recaptured three days later. Two of these men were named Quittenden (a Warrent Officer of the 4th Anti Tank Regiment) and Dangher (who I think was in the Anti Tank Regiment). Despite Brig. Varley's intervention all the eight men were executed. I know of this from Brig. Varley and from members of the burial party. The officer responsible was Lieut. Chinn.

18 KILO.
(HLEPAUK)

I later went to Thanbyuzayat, and later again to 18 Kilo (Hlepaik). At this camp Sgt. Ronald McDonald 2/20th Field Regiments, was fatally shot by a guard known to us as Dillinger.

Dillinger story was that he had shot McDonald while McDonald was escaping. I know from members of McDonald's working party that McDonald had no intention of escaping. At the time he was shot the only clothing he had on was a pair of shorts. He had no footwear. He was carrying nothing but a parang. He had other clothing, including boots and a pack, in the camp, and if he had intended to escape he no doubt would have been more properly equipped than he was.

Dillinger seemed to be subnormal, even for a Japanese.

Our Medical Officer, Capt. Richards was not allowed to examine McDonald's body. The Regimental Aid Post Sergeant, Armstrong, who prepared the body for burial found in it one bullet wound from which bleeding had occurred and two bullet wounds from which there was no bleeding. Apparently these two latter bullet wounds were made after death in order to support Dillinger's story that McDonald had endeavoured to escape.

GIB/CR/1-

1.

L/Sgt. A.F. CADDY.
25/1/46.

The Japanese Commander was Corporal, later Sergeant, Panaka. I later went to Camp 35 Kilo, 60 Kilo and 70 Kilo. From 60 Kilo on, the tasks upon which we were employed, line building, were increased and we were forced to work 24 hour shifts; that is to say, twenty four hours on and twenty four hours off, and as the camp was a good distance from the line, these men in 48 hour work periods had only about 18 hours in camp.

Although our Doctors reported men sick, the Japanese over-rode this and forced men to work.

I later went to 131 Kilo. At this camp Sergeant J.P. Lynch, 2/15th. Field Regiment was beaten to insensibility by a Korean Guard, Aria. I heard him being beaten. He was punished for not being on guard duty. In fact, he had gone to wake up his relief, when Aria arrived. Colonel Anderson and Captain Drower protested against this beating and they themselves were also beaten up by Aria. The matter was reported by Colonel Anderson and Colonel Shomso. The complaint was forwarded to the Lieut. Col in charge of No. 3 Thai Prisoner of War Camp. Aria was returned to the base camp allegedly to be disciplined but on his return from the base camp his behaviour continued as before. This man was responsible for I should say, one half of the beatings which occurred and was the worst Japanese with whom I came into contact.

Sergeant Lynch died a week after this beating and I attribute his death partly to it.

I later went to Kanduri in January 1944 and remained there until June 1944. This camp was placed near a large dump and railway station.

I later went to Rice Valley Road, Singapore, and was there put to work loading military stores including ammunition. One Dutch prisoner of war was killed by a shell, which he was carrying, exploding. My informant is Sapper Hollaman, 2/12th Field Coy R.A.E., New South Wales.

On the 15th December I embarked for Japan on the "Awa Maru". The conditions on board were very bad. The space allowed being only 6 cubic feet per man.

During the voyage two submarine alarms occurred, each of about $\frac{1}{2}$ hour's duration. During both periods of alarm the P.O.W.'s were locked in.

In Japan (December 1944) we landed at MOJI and were taken thence to Sendeyu. At this camp the Commander was Lieut. Hayashi.

Accommodation:

The accommodation consisted of wood and lathe huts. We slept on rice floor mats. We were given plenty of blankets and the space was adequate.

Medical & Hygiene:

At this camp there were four Japanese Medical Officers in succession when I was there. The first of these was responsible for the death of certainly one man by refusing to allow Capt. Higgins of the 2/4th. C.G.S. to give him any attention.

The man who died through lack of attention was Lance Corporal Ronald Banks of the Aust. Army Ord. Corps. The Japanese Medical Officer was a Staff Sergeant and he persistently refused to allow our doctor to give any medical attention to sick men. I do not know the name of this Staff Sergeant.

Food:

The food at first was adequate, the issue of rice being 20 ounces a day, but later it got worse until three weeks before the cessation of hostilities men who were working were allowed only 12 ounces of rice and the sick only 8 ounces of rice. Plus in each case of about 1½ ounces of dried fish and vegetable. The Japanese enforced this division of food between those working and the sick through the cook house, despite our Medical Officers' protests.

Clothing:

The clothing issued to us was adequate.

Work:

Men were engaged in mining coal.

General:

At this camp beatings were frequent but were not severe. Lieut. Hayashi on one occasion confiscated 8 Red Cross parcels from a party of Englishmen for an imaginary cause. I heard from P.O.W.'s working in the cookhouse that the contents of tins bearing Red Cross markings had been used by the Japanese Guard.

From the treatment meted out at all the camps it was clear that the Japanese policy as carried out by various Camp Commanders and their subordinates was to keep P.O.W.'s in a low state of health and morale by keeping them short of food and by severe treatment and humiliation.

This is the third and last page of the evidence of L/Sgt. Arnold Fraser Caddy taken and sworn before me at Melbourne in the State of Victoria on the 25th Day of January, 1946.

A. Fraser Caddy (sgd)

Deponent

R. Philp (sgd)

Member,
Australian Board of Inquiry
into War Crimes.

GIB/CR/1-

3. L/Sgt. A. F. CADDY,
25/1/46.

CONFIDENTIAL

STATE OF CALIFORNIA)

) SS

City and County of San Francisco)

MICHAEL J. ROBERTSON, S/SGT. ASN 18226321, 1315 Cartwright Street, Beaumont, Texas, being first duly sworn, deposes and says:

On 26 May 1945, I bailed out of our B-29 Aircraft over the metropolitan Tokyo area. I lost consciousness during the bail-out and when revived I was being attacked by a mob of Japanese men and women in the Tokyo area. The irate mob were beating me with rocks, sticks and their fists. I was also kicked. The mob was finally dispersed by Japanese military police, and I was taken to the Kempeitai Military Police headquarters in Tokyo, where I was interrogated. During the interrogation, I was beaten on the buttock and back with a bamboo stick approximately one yard long and two inches in diameter. I was struck approximately 25 times with the only explanation that I was an enemy of the Imperial government. During this beating I was suffering with a broken leg and severe shrapnel wounds in both legs. Following this beating, I was transferred to a cell which was approximately 10 by 12 feet, and in which there were confined 18 prisoners. I remained in this cell from the date of my capture until August 15, 1945. During this time we were not allowed to leave the cell or to talk to our fellow prisoners. Our food consisted of 3 bowls of rice daily and approximately 5 or 6 times during our confinement we were also permitted a very limited supply of beans and grass. No medical attention was given to my broken leg or to the shrapnel wounds. As a result, the wounds in both legs became infected to such an extent that at my release, plasma injections, together with penicillin was administered by our American doctors.

While confined, we were required to sit at attention from 5 AM to 9 PM and if anyone was caught in a reclining position, a beating would be administered by the Japanese guards. Another punishment for the infraction of this rule was to require the offender to sit on his legs in Japanese fashion. Hours of this would result in momentary paralysis. We were allowed one dirty blanket at night. This, however, was removed from the cell during the daytime. The cell was ridden with fleas and lice, and the only toilet fixture available was a small box kept in the corner of each room. This was emptied each morning. However, during the day it provided a foul odor and health hazard. Most of the prisoners confined were suffering with acute dysentery. The only light admitted to the cell was from a window approximately two feet square. This window was permanently closed.

On 7 August 1945 at approximately 11 AM the Japanese guards brought a Theodore Fox, a P-50 pilot from Ohio, to our cell. Fox was running a high temperature and was in a semi-delirious condition. When coherent, he mentioned having been tortured by the Japs and on his hands there were

Figure attached in Tokyo

wounds showing evidence of cigarette burns. From the time of his arrival, until approximately 12:30 that same night Fox passed blood from parts of his intestines. We made strong pleas for medical attention and supplies. However, they were unheeded by the Japanese guards. At 12:30 that night, Fox died. It was generally believed that his death was caused by dysentery

I am unable to identify either by description or name the Japanese officials in charge at Kempi headquarters, Tokyo. The Japanese guard in charge was called "Knuckl Head" by name. He was 5'2" tall, heavy set, spoke excellent English. His only unusual physical characteristic was his Hitler-type mustache and heavy beard. The following Americans imprisoned at Kempi were submitted to the surroundings which I have described, and may be able to further identify responsible Japanese officials:

1st Lt. O'Hara, 6th Bomb. Sq., Tinian; 1st Lt. Newcomb, 678th Sq., 444 Group; 2nd Lt. Miller, c/o General Delivery, Du Pree, S. Dakota; S/Sgt. Glen B. Guiton, 444th Group, 676th Squadron, Sperry, Oklahoma; Sgt. Hooper, Air Corps, Marion, Oregon.

These are all the pertinent details I am able to remember of the above incidents at this time.

/s/ MICHAEL J. ROBERTSON
MICHAEL J. ROBERTSON, S/SGT.

Subscribed and sworn to before me this 19th day of October 1945.

/s/ EULA MAE STACK
Notary Public - Jefferson Tex

Com: Ex June 1, 1947

Notary Public, County of Jefferson, Texas
(Seal)

A CERTIFIED TRUE COPY

/s/ EVERETT CHECKET

EVERETT CHECKET

Maj Inf

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

Interviewed by Edward C. Scharetz, Agent, SIC

Classification changed from
"CONFIDENTIAL" to "RESTRICTED"
by order of the Secretary of War
By /s/ E. Checket, Major, Inf.

AFFIDAVIT

STATE OF CALIFORNIA)

SS:)

City and County of San Francisco)

HARRY (NMI) SLATER, JR., Sgt., AUS, AAF, ASN 39286722, Ring Gunner
CFC, age 21 years, address 1476 Forest Avenue, Pasadena, California, being
first sworn deposes and says:

I have completed the 12th Grade in school. I entered the military service of the United States on 2 March 1943 at Arlington, California, was sent overseas 3 May, 1945 and returned from overseas on 3 October 1945.

My plane, a B-29 Superfortress, was shot down in the Tokio area on 25 May 1945 and I was captured and held in custody as a prisoner of war by the Imperial Japanese Government at the following places: Kempi Hq., Tokio, Japan from 27 May 1945 to 15 August 1945; Omori, Japan from 15 August 1945 to 29 August 1945. I did not hold any special office or position in any prisoner organization at any of my places of imprisonment. I do not know the names of any Japanese military or civilian personnel in authority at any of my places of imprisonment.

[A civilian we nicknamed "The Man in the Black Coat" appeared to be in charge of all interrogation at Kempri Prison. He was approximately 5'6" tall, weighed about 150 lbs., was about 45 or 50 years of age, dark hair and wore a small black goatee, mustache and glasses. He spoke excellent English and interrogated most of the American prisoners personally. Fifteen other American prisoners and myself were confined in a small wooden cell approximately 7' x 10' at Kempri and were never allowed out of the cell except during interrogation periods. On about the 1st or 2nd of June 1945 I was taken from the cell, blindfolded and handcuffed, and marched to a small room in the same building for interrogation. I was pushed and roughed up a bit while going to the interrogation room. On arrival there, my blindfold and handcuffs were removed and I was forced to kneel in front of "The Man in the Black Coat", who questioned me for approximately half an hour regarding how our plane was shot down and where we were from. He sat before me at a table and continually struck me on the head with a large bamboo cane while asking questions. When he thought that I was lying he would strike me with a great deal of force about the head and back. I would estimate that I was struck with great force over 50 times during the half-hour period. When the interrogator would tire of beating me, he would hand the cane to an armed guard, who was the only other person in the room, and the guard would proceed to beat me. At the end of this period I was again blindfolded and handcuffed and returned to my cell. I had many large welts on my back about 4 or 5 inches long which were very painful. About half the men in the cell were subjected to the same treatment.]

XXXXXXXXXXXXXXXX

RESTRICTED /s/ E. C.

/s/ H S Jr.

X X X X X X X X
RESTRICTED /s/ E.C.

A cellmate, S/Sgt "Red" McQuade, a B-29 gunner from New Mexico, was in a great deal of pain as the result of severe burns on the back of his legs and rectum caused when his plane was shot down. McQuade was unable to stand or walk and his legs were discolored and the odor of the burned flesh was almost unbearable. We repeatedly requested medical attention for McQuade and on one occasion a Japanese doctor examined his injuries but he was never given any medical attention. On or about 28 June 1945, the Japanese guard told us that they would take McQuade out of the cell for medical treatment. Instead of being taken to a hospital, McQuade was forced to walk into the interrogation room, and he later reported to us that he was questioned at some length and was slapped and stuck several times by the interrogators. We learned that two American prisoners in the cell next to ours had compound leg fractures but were never given any medical attention. Our food at Kempi consisted of 3 balls of steamed Korean rice per man per day. The balls of rice were approximately the size of the average fist. On rare occasions we received a small supply of cooked or uncooked vegetable greens and toward the end of our imprisonment we received a little thin soup. Each man received one small cup of water 3 times a day. We were issued 11 thin blankets for 16 men. The Japanese guards took away our shoes and socks and a few other articles of clothing. We observed through our cell window that the pigs immediately outside the cell were furnished better food than the American prisoners. The latrine facilities in our cell consisted of a small block of cement about 3' x 4' with a hole in the center leading to the outside.

The following men were cellmates of mine in Kempi Prison:

Sgt. James Evans, B-29, CFC Gunner; home address, Box #1, Hanley, West Virginia.

Sgt. John Ryan, B-29, CFC Gunner; home state, Massachusetts.

Capt. Boyington, B-29 Pilot; home address Kalamazoo, Mich.

2nd Lt. William McCall, B-29 Co-pilot; home address, Chicago, Illinois.

I do not now recall the names of any enemy officer or personnel not heretofore mentioned who were immediately involved in this incident.

/s/ Harry Slater Jr.
HARRY (NMI) SLATER, JR., Sgt
ASN 39286722

Subscribed and sworn to before me this 12th day of October, 1945.

Interviewed by George G. Barker,
Special Agent, SIC, 9 Oct. 1945

/s/ Charles E. Taylor
Capt. JAGD.

A CERTIFIED TRUE COPY:

/s/ Everett Checket
EVERETT CHECKET
Major, Infantry

X X X X X X X X
Restricted /s/ E.C.