

**FIFTH DAY**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Marianas Islands.  
Friday, September 26, 1947.

The commission met at 9:15 a.m.

**Present:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry E. Roscoe, Coast Artillery Corps, United  
States Army,  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Regan, U. S. Navy, and  
Lieutenant James P. Kenny, U. S. Navy, judge advocates.  
Robert R. Miller, yeoman first class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

277. Q. You testified that Commander Ueno operated on one prisoner and then  
he discontinued the operations. Did he look very tired due to his  
recuperation from his sickness?

A. As I recall he looked weak.

278. Q. You testified that after the operation Commander Ueno told Eriguchi  
who was nearby to put the prisoner at ease. What was Eriguchi doing up to  
this time in the air raid shelter?

A. He was watching the operation.

279. Q. Was he watching the operation together with yourself all through  
the operation?

A. I do not remember from what stage of the operation he was present.

280. Q. Was it shortly after Eriguchi had come to Truk to take up duties  
that he watched this operation?

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

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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The accused replied.

The commission announced that the objection was not sustained.

A. It was shortly after he arrived there.

281. Q. Then do you mean that Higuruchi did not have an established position there yet?

A. He was working as a dentist.

282. Q. What was his rank at this time?

A. He was an ensign.

283. Q. Was it shortly after he graduated from school?

A. Yes.

284. Q. This is on the meaning of what Uno said to Higuruchi when he said, "Put him at ease." Did you understand it to be the same meaning as when in Japan members of the family of a person who has no hope of recovery tell a doctor - feeling sorry for the patient - that he should suffer to put him at ease? Did you understand it to have the same meaning?

This question was objected to by the judge advocate on the ground that counsel was testifying.

The accused withdrew the question.

285. Q. In Japan when a patient is very sick and there is no hope for him, the members of the family would ask the doctor to put him at ease. Do you know of this?

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

The accused withdrew the question.

286. Q. When Commander Uno said to Higuruchi, "Put the prisoner at ease," what did you understand him to mean?

A. Under the atmosphere that prevailed at that time I understood it to mean to dispose of the prisoner.

287. Q. Do you think this order was given because it was thought that the prisoner did not have a chance to live?

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

The accused made no reply.

The commission announced that the object was sustained and cautioned defense counsel to refrain from testifying.

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*James P. Kenny*  
JAMES P. KENNY,  
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Judge Advocate.

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288. Q. Did you go along with the prisoner when the prisoner was taken to the scene of execution?

A. After the prisoner was carried out of the battle dressing station I left the battle dressing station and I went to a water tank where I washed my hands and then I went to the scene of the execution.

289. Q. When you went to the scene of the execution did you go by yourself?

A. Yes.

290. Q. You testified that you talked with the prisoner. Where was this place that you talked with the prisoner?

A. The prisoner had been placed on the ground about fifteen meters in front of the hole which had already been dug and I walked to the prisoner at this place.

291. Q. When you say the hole that was already dug, was it a hole that had been already dug or a bomb crater that was already there.

A. I do not remember which it was.

292. Q. Was there anyone near you when you talked with the prisoner?

A. There were some persons from the Forty-first Naval Guards there but I do not remember their names.

293. Q. How many persons were there?

A. I think there were about one hundred from the edge of the hole toward the road.

294. Q. How many persons were close by you?

A. As there were persons standing from the hole all the way down to the road I do not get what you mean when you say nearby me.

295. Q. Persons standing in the area who could hear you talking to the prisoner?

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

The accused replied.

The commission announced that the objection was sustained.

296. Q. Do you think there was anyone who heard you speaking to the prisoner?

A. I think there were.

297. Q. How many were there?

A. I think there were about ten.

298. Q. Do you remember anyone among those ten?

A. I do not remember.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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299. Q. Were these ten persons officers or enlisted men?  
A. This I also cannot remember.

300. Q. Can you speak English?  
A. I can speak very simple English.

301. Q. Tell us to the extent that you can remember in English the conversation that you had with the prisoner at this time.  
A. "How old are you? What is your name? Have you a mother? Have you a brother? Have you a sister? Have you a father." (The witness stated the foregoing in English.) This is all.

302. Q. When you testified that Eriguchi beheaded the prisoner. How long a time was it after you had this conversation with the prisoner that this occurred?  
A. As I recall about fifteen minutes.

303. Q. When Eriguchi beheaded the prisoner what persons were close by?  
A. Ensign Yoshinuma was close by.

304. Q. Did Yoshinuma do anything?  
A. I do not remember.

305. Q. Do you have any recollection of Yoshinuma showing Eriguchi how to do the beheading?

This question was objected to by the judge advocate on the ground that counsel was testifying.

The accused made no reply.

The commission announced that the objection was sustained.

306. Q. Was Kobayashi nearby?  
A. As I recall he was not nearby.

307. Q. Do you remember where Kobayashi was?  
A. As I recall of the many persons who were assembled there he was close to where the hole was.

308. Q. Do you have any recollection of Kobayashi showing Eriguchi how to cut the prisoner?  
A. No.

309. Q. You testified you saw Commanding Officer Asano on a path. Where is the path located?  
A. It is a path which leads north from the sick bay and leads by the hole toward the east.

310. Q. Is this area by the path a garden?  
A. To the east of this path there were some gardens.

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311. Q. How far away was this from the scene of the execution?  
A. It was adjoining this path.

312. Q. Please indicate this on Exhibit 1.

The witness indicated on Exhibit 1 the path, a patch of spinach and a patch of sweet potatoes.

313. Q. This path leading from this <sup>row</sup> of banana trees, how far away from the row of banana trees did this path start?

A. It leads through the row of banana trees and leads north.

314. Q. How far away from the row of banana trees was the commanding officer standing on this path?

A. As I recall it was about forty meters.

315. Q. How far away was the commanding officer standing from this hole that was dug?

A. As I recall about twenty to thirty meters.

316. Q. Is this the path you would have to go by to reach the scene of the execution?

A. Yes.

317. Q. When was it that you first saw Asano standing on this path?

A. It was after I washed my hands and walked down this path to go to the scene of the execution.

318. Q. At this time what was the commanding officer doing?

A. As I recall he was standing on the path and looking toward the hole.

319. Q. Was he holding anything?

A. As I recall he was holding nothing.

320. Q. How was he dressed?

A. He was wearing a summer uniform, a shirt with short sleeves and shorts.

321. Q. Was there anyone near him?

A. Members of the guard unit were lined up from the hole to where the commanding officer was standing.

322. Q. How long was the commanding officer standing in the place where you first saw him?

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

The accused withdrew the question.

323. Q. How long was the commanding officer standing there?

A. My attention was attracted toward the scene of the execution and I did not notice.

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Judge Advocate.

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324. Q. When you said that you saw the commanding officer on the path did you walk by him?

A. I walked down the path to a point about ten meters in front of the commanding officer and then left the path and headed toward the stretcher.

325. Q. Can you go to the scene without following this path?

A. The side of the path is an open field. The hole was dug about twenty to thirty meters off the path and you can go to the hole from any point on the path.

326. Q. Did you turn off from the path and head toward the hole ten meters in front of the hole?

A. I turned off the path ten meters in front of the commanding officer.

327. Q. Did you say anything to the commanding officer when you were passing by?

A. As I recall I did not.

328. Q. Did the commanding officer see you?

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

The accused replied.

The commission announced that the objection was sustained.

The commission then, at 10:18 a.m., took a recess until 10:38 a.m., at which time it reconvened.

Presents: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

329. Q. Did you salute the commanding officer when you turned off the road toward the hole?

A. I do not recall.

330. Q. According to the diagram the hole is toward the right of the path. You testified that you turned off toward the left of the path. How do you explain that?

A. I went from the sick bay down this path and the hole is toward the left from this path.

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331. Q. According to your testimony the number of spectators which were lined up from the path to the hole was one hundred and at the very end of this one hundred spectators was Asano. Is this correct?

A. Yes.

332. Q. Did Commander Ueno arrive at the scene of the execution before or after you?

A. I do not remember who was first.

333. Q. Where was Ueno's position?

A. About the middle between the hole and the road.

334. Q. Do you mean there were one hundred persons between the hole and Asano and that Ueno was in the middle of these one hundred persons?

A. Yes.

335. Q. What was the relationship in time between the time you saw Asano and the time you saw Ueno?

A. I saw Ueno after I saw Asano.

336. Q. You stated the names of persons that you saw at the scene of the execution. Will you tell us their positions at the scene? You have testified as to the positions of the Commanding Officer Asano and the head medical officer Ueno. I wish you would state the positions of the persons you have named being present at the scene in relation to the position of these two persons.

A. I recall Yoshizawa was standing by the side of Eriuchi, Kobayashi was standing among the group of one hundred spectators close to the edge of the hole and Kuno was standing close by me.

337. Q. Tell us what you recall of what the persons that you stated were present at the scene of the execution were doing at this time.

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

The accused replied.

The commission announced that the objection was sustained.

338. Q. Tell us what you recall of what the persons that you saw at the scene of the execution were doing at the time that you saw them.

A. As I recall the Commanding Officer Asano was standing on the road and looking toward the hole when I saw him. Yoshizawa was standing by the side of Eriuchi when Eriuchi beheaded the prisoner according to the order of the head medical officer. Kobayashi was standing by the hole when the prisoner was carried to the other side of the hole and was looking toward the prisoner. Kuno and the head medical officer were standing close by me looking toward the prisoner.

339. Q. Have you ever been confined in Sugamo prison?

A. Yes.

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Lieutenant, U. S. Navy,  
Judge Advocate.

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340. Q. Are you confined at the Guam War Criminal Stockade?

A. Yes.

341. Q. How do you remember the name and rank of Tanaka?

A. I remember him because he was sick and I examined him many times.

342. Q. He was sick when?

A. After the end of the war he damaged his eye and I took him to the hospital.

343. Q. Was he sick at the time of this incident?

A. As I recall he was sick.

344. Q. Do you remember seeing Tanaka at the stockade when you were being questioned in regard to this incident?

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

The accused replied.

The commission announced that the objection was sustained.

345. Q. Has anyone promised not to bring charges against you if you would testify in behalf of the prosecution in this case?

A. I was given no promises but I was told that I was to act as a witness for the prosecution.

346. Q. This diagram that was handed to you a short time ago and to which you made some additions, was it correct when it was handed to you?

A. That diagram that I was handed was a little different as to how I remember it.

347. Q. Could a person standing in the position marked Kodama have seen Tanaka when he was alleged to have stabbed?

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

The accused replied.

The commission announced that the objection was sustained.

348. Q. Can you remember so as to state exactly what orders were used when Commander Uno ordered you to assist in the operation?

A. Yes, I remember the words.

349. Q. Will you tell the exact words that Commander Uno used?

A. He said, "I was told by the executive officer to dispose of the two prisoners I am going to do research on them. Kinoshita you will assist me."

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350. Q. Did you object to assisting him?

A. No.

351. Q. Were you armed when you went to get the two prisoners?

A. No.

352. Q. Were the petty officers that went with you armed?

A. No.

353. Q. Were these cells where the prisoners were kept damaged by bombing when you went to get the two prisoners?

A. As I recall the end of the cells was damaged.

354. Q. You have testified that Asano was responsible for the prisoners of war. Did you go to Asano and ask him to let you have these two prisoners?

A. No.

355. Q. You also testified that Nakase was responsible for these prisoners. Did you go and ask Nakase to let you have these two prisoners?

A. No.

356. Q. Did you ask any officers for permission to take these two prisoners from their cells?

A. I do not remember.

357. Q. What was the extent of your authority as a medical officer as regards these two prisoners of war?

A. I had no authority.

358. Q. Then when you went and got these two prisoners did you only get them by imposing on the non-commissioned officer by your authority as an officer?

A. I relayed the order of Commander Ueno and received the prisoners.

359. Q. If you had not gone and gotten these two prisoners from their cell and their apparent safety these two prisoners would not have been killed that day. Is that correct?

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

The accused replied.

The commission announced that the objection was sustained.

360. Q. Did you ever see any written orders which made Asano responsible for these two prisoners of war at the guard unit, the two prisoners that you took from their cells that day?

A. I do not recall any.

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*James A. Kenny*  
JAMES A. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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361. Q. Did you ever see any written orders which made Nakase as the acting executive officer responsible for these two prisoners of war that you took from their cells that day?

A. I saw a written circular which stated, "Executive Officer Nakase also appointed officer of the guards."

362. Q. Is that why you thought Nakase was responsible for these two prisoners of war?

A. Yes.

363. Q. Then why didn't you go to Nakase and ask him to release these two prisoners of war to you?

A. When I relayed the order of Ueno, the senior petty officer of the guard opened the door and let me in.

364. Q. But why didn't you go to Nakase in the first instance if you knew that he was responsible for these two prisoners?

A. Because I thought the superior orders had already been relayed to the senior petty officer of the guard.

365. Q. From the time that you received these orders from Ueno to go to get the prisoners until the time they were executed did you at any time see Nakase?

A. I did not see him.

366. Q. Did you see Asano at any time?

A. I saw him at the scene.

367. Q. Did you tell him that you had taken these two prisoners from their cells when you saw him?

A. No.

368. Q. Why didn't you?

A. It did not occur to me to do so.

369. Q. Is it not true that the reason it didn't occur to you was that you didn't see Asano there at the scene that day?

A. No.

370. Q. Do you know whether these two prisoners were American army personnel or navy personnel?

A. I didn't know.

371. Q. Do you know who captured these two prisoners?

A. I do not know.

372. Q. You said the prisoners' faces were sunburned but their skins were white. Were they without clothes when you saw them at the guard house?

A. As I recall they were wearing clothes.

373. Q. How did you know that their skins were white then?

A. Because when his clothes were removed at the time of the operation his skin was white.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy;  
Judge Advocate.

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374. Q. Do you know how long these prisoners had been in confinement if their faces were still sunburned?

A. I do not know.

375. Q. When you first took this prisoner to the battle dressing station was Kobayashi there?

A. Which Kobayashi do you mean?

376. Q. The accused.

A. No he was not there.

377. Q. Is there another Kobayashi?

A. I do not remember.

378. Q. Why then did you ask which Kobayashi?

A. It was to determine whether Kobayashi meant the head corpman.

379. Q. Was there another corpman by the name of Kobayashi too?

A. There was a corpman.

380. Q. At any time in your testimony so far whenever you have referred to Kobayashi, have you always referred to this accused?

A. Yes.

381. Q. Did the prisoner that you carried on the stretcher ask that he be carried on the stretcher this short distance of only one hundred meters?

A. No.

382. Q. Did you tie him to the stretcher?

A. No.

383. Q. Did you tie the other prisoner?

A. The guard tied the other prisoner's hands.

384. Q. Was this on your orders?

A. No.

385. Q. Why didn't you tie the prisoner that you put on the stretcher?

A. There is no meaning behind this, the corpman just laid the prisoner on the stretcher.

386. Q. Did you sign a receipt to the petty officer of the guard for these two prisoners?

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

The accused replied.

The commission announced that the objection was sustained.

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*James L. Kenny* 88  
JAMES L. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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387. Q. Did you tell this petty officer of the guard that you would be responsible for these two prisoners?

A. No.

388. Q. You said you had the other prisoner start out toward the battle dressing station. In whose custody was he?

A. I do not remember.

389. Q. You mean you went and took two prisoners out of their cells and then forgot all about one of them?

A. I mean I forgot who it was that took this other prisoner.

390. Q. Was he one of the guards?

A. I do not recall.

391. Q. Did you give him any orders?

A. I told him to take the prisoner toward the battle dressing station.

392. Q. Did you ever check to see what had happened to this prisoner?

A. No.

The witness was duly warned.

The commission then, at 11:28 a.m., took a recess until 2 p.m., at which time it reconvened.

Presents: All the members, the judge advocates, the accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

393. Q. Did you carry out the orders that you received from Commander Ueno when you let one prisoner go ahead and you said you did not know where he went?

A. I ordered the prisoner taken on ahead to the battle dressing station and carried out the order.

394. Q. You testified that you administered the anesthetic during the operation. Was this usual for a doctor to administer the anesthetic during an operation?

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

The accused replied.

The commission announced that the objection was sustained.

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JAMES L. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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395. Q. How did you administer the anaesthetic?

A. I administered the anaesthetic in the usual way by placing a mask over his face.

396. Q. How much did you administer?

A. I think it was about ten minutes.

397. Q. Was the prisoner still under the influence of the anaesthetic when Commander Ueno ordered him carried out of the battle dressing station?

A. The anaesthetic was losing its effect and he was coming to.

398. Q. You said that when you went to get him that there were wounds on his hands and feet from the bombing. Was this bombing by American planes or English planes?

A. As I recall, yes.

399. Q. American planes?

A. The bombing was by American planes.

400. Q. Do you know Yoshinuma?

A. Yes.

401. Q. Did you see Yoshinuma instruct Briguchi in how to handle the sword in connection with this incident?

A. I have no recollection.

402. Q. Who was the regularly assigned executive officer of the 41st Naval Guard Unit in July of 1944?

A. Lieutenant Commander Nakase, Shohichi.

403. Q. But you testified that he was the acting executive officer. Who was the officer that he relieved while he was the acting executive officer?

A. There was no executive officer.

404. Q. Was the head medical officer, Ueno, responsible to the acting executive officer, Nakase, for what he did as a medical officer?

A. I think he was.

405. Q. On what do you base that answer?

A. Because all treatment is administered through the executive officer.

406. Q. Will you explain how that was?

A. All examinations connected with the medical section were done under the orders of the commanding officer and the executive officer and the head medical officer would perform them accordingly.

407. Q. Did you ever hear Asano or Nakase order Ueno how to perform an operation?

A. No.

408. Q. Did you ever hear Asano order Ueno to dispose of these two prisoners?

A. No.

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*James A. Kenny*

JAMES A. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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409. Q. Did you ever hear Nakase order Ueno to dispose of these two prisoners?

A. I heard this from the head medical officer before the operation.

410. Q. Did you yourself hear Nakase order Commander Ueno to dispose of these prisoners?

A. I did not hear the executive officer order Ueno.

411. Q. What was Commander Ueno's reputation as a medical officer at the Guard Unit?

A. At the time of this incident I had just returned from another island and I do not know about his general reputation at this time.

412. Q. Did you know of the death by bombing of three American prisoners at or about this same time?

A. I heard about it when I returned from the other island.

413. Q. What is your opinion as to whether commander Ueno was qualified to say if an operation was necessary on this one prisoner after three American prisoners had been killed by bombing in an adjacent center?

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

The accused replied,

The commission announced that the objection was sustained.

Reexamined by the judge advocate:

414. Q. Doctor, do you know what the standard medical treatment for shock is?

A. A thorough internal examination would be made.

415. Q. What treatment is administered, doctor?

A. To keep the patient very quiet and watch his food and keep the patient under observation.

416. Q. In addition to that would you keep the patient very warm?

A. Yes.

417. Q. To your knowledge was any of this treatment administered to either of these prisoners?

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

The judge advocate replied,

The commission announced that the objection was not sustained.

The question was repeated.

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JAMES H. KERRY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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A. No.

418. Q. After you had left the battle dressing station and washed your hands and started toward the scene of the execution, was the prisoner at the scene already?

A. Yes.

419. Q. And it was at that time that you saw Admiral Asano there. Is that correct?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. Yes.

Recross-examined by the accused.

420. Q. You testified as to the treatment in case of shock you stated that the patient was kept very quiet, to watch his food, to keep him warm and under observation. In a case when outward signs can not be recognized and there are wounds internally which weakens the patient, is this treatment sufficient?

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

The accused replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. According to the condition of the patient in a case of internal bleeding in the abdomen which brings about Anemia or when there is blood in his feces in some cases there is an incision made in the abdomen for examination purposes.

421. Q. You were asked by the judge advocate if this treatment was administered to either of these prisoners and you testified "no", and you also testified that you were not at the guard unit at the time of the bombing. Do you mean that no treatment were given these prisoners?

A. I meant it was one or two days after the bombing that I returned to the guard unit and that there was no treatment given them, after I returned there.

422. Q. Did you see the prisoners who had been bombed after you had returned from the other island?

A. No.

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*James H. Kenny*  
JAMES H. KENNY,  
Lieutenant, U. S. Navy, 92  
Judge Advocate.

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Reexamined by the judge advocate:

423. Q. Would a person suffering from cerebral anemia be in severe shock?  
A. Do you mean would the person suffering from cerebral anemia be affected with shock or do you mean would cerebral anemia occur due to shock?

424. Q. If a person had suffered shock as a result of a blast and he had a cerebral anemia condition would that person be in severe shock?

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

The judge advocate withdrew the question.

425. Q. Was any treatment administered to this prisoner during the operation?  
A. No treatment was given.

Recross-examined by the accused:

426. Q. Wasn't the operation itself a treatment?  
A. An operation is a treatment.

The judge advocate moved to strike out this answer on the ground that it was not responsive.

The commission directed that the answer be stricken and the question again put to the witness.

The question was repeated.

A. The operation was for the purpose of research and I do not think it was for treatment.

427. Q. When you state this - you state this as your own conclusion, is that correct?  
A. Yes.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rate.  
A. Do you mean at the time of demobilization?

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*James L. Kenny*

JAMES L. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

93

0899

2. Q. That will be sufficient.

A. Corporal Chief Petty Officer Uchihira, Seihichi.

3. Q. If you recognize any of the accused tell us their names and former rates or ranks?

A. Rear Admiral Asano, Shinsai; Lieutenant Commander Nakase, Shohichi; Surgeon Commander Ueno, Chisato; Dentist Lieutenant, junior grade, Higuchi, Takeshi; Corporal Ensign Kobayashi, Kazumi. The other defendants rate - do you want the rate of his demobilization?

4. Q. It doesn't matter.

A. Petty Officer First Class Tanaka, Suta.

5. Q. Did you ever serve at Truk?

A. Yes.

6. Q. To what unit were you attached at Truk?

A. The 41st Naval Guards.

7. Q. Between what dates were you attached to the 41st Naval Guards?

A. I arrived at Truk in January 1944 and was temporarily attached to the 41st Naval Guards. I was temporarily attached to this unit to the beginning of March of the same year. The beginning of March of the same year for a time I was regularly attached to the 41st Naval Guards. I do not remember the month and the day but in the middle of April I became attached to the sick bay of the headquarters of the 41st Naval Guards and this was called "temporary barracks." In the middle of the same April I became attached to the sick bay of the 41st Naval Guards and had been there until the end of the war. And until the time I was brought to Guam I was attached to this 41st Naval Guards.

8. Q. Were you attached to the sick bay of the 41st Naval Guards in June of 1944?

A. Yes.

9. Q. What was your rate in June of 1944?

A. I was a corporal petty officer, first class.

10. Q. What were your particular duties in June of 1944?

A. I was the senior petty officer of the medical section.

11. Q. Did you ever see any prisoners of war at the 41st Naval Guards?

A. Yes.

12. Q. When?

A. My recollection is not very clear and I can not say the exact month and day but it was the middle of June or the latter part of June.

13. Q. Of what year?

A. 1944.

14. Q. And where did you see these prisoners of war at the 41st Naval Guards?

A. There was a concrete air raid shelter which at this time was called the battle dressing station.

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JAMES E. KENNY 94  
Lieutenant, U. S. Navy:  
Judge Advocate.

0900



15. Q. How did you happen to go to the battle dressing station?

A. Just before the noon meal I was sitting at the office when Corporal Warrant Officer Kobayashi, Kasumi came in and said, "Today in the afternoon the head medical officer is going to operate on prisoners in the air raid shelter. Tell the persons in the surgical room and make the preparations."

16. Q. You say it was just before the noon meal. About what time do you usually have your noon meal at the 41st Naval Guards?

A. As I recall that at that time noon meal was about 11:45 or 12:00 o'clock, and the noon meal at this time was about 11:00 o'clock or 11:30.

17. Q. You say you were told by Kobayashi. Is that the Kobayashi that is present here in this court room today?

A. Yes.

18. Q. What was Kobayashi's rank in June of 1944?

A. He was a corporal warrant officer.

19. Q. Did he tell you what time this operation was going to be performed?

A. He just said the afternoon.

20. Q. After he gave you these orders, what did you do?

A. I relayed what I had been told to the corporals who were attached to the surgical room at that time.

21. Q. Can you give us the names of these corporals?

A. As I recall it was Kodama, or Hoshino.

22. Q. He told you to make preparations for this operation. What preparations did you make?

A. I made no preparations.

23. Q. What did you do?

A. After the noon meal as work usually began at one o'clock in the afternoon, after work had begun as I knew there was to be an operation I went to this battle dressing station.

24. Q. When you got there what did you see?

A. From the sick bay I went to the air raid shelter and by the side to the right of the air raid shelter there were two stretchers and by these stretchers were head medical officer Ueno who was a lieutenant commander and as I recall two or three corporals.

25. Q. Did they go into the air raid shelter?

A. They did not enter the air raid shelter at this time. At this time I was ordered by Commander Ueno to get him an operating gown so I went back to the sick bay to get it.

26. Q. Did you bring the gown to the air raid shelter?

A. I went to the sick bay and as air raids were anticipated at this time most of the medical supplies had been stored away in an air raid shelter, and from an emergency chest I took out this gown and about ten or fifteen minutes later I returned to the battle dressing station with the gown.

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*James P. Kenny*  
JAMES P. KENNY 95  
Lieutenant, U. S. Navy.  
Judge Advocate.

0901

27. Q. Did you go into the battle dressing station?

A. Yes.

28. Q. What did you see in there?

A. The operation on the prisoner who was on the stretcher had already begun.

29. Q. Who was present at the time you went to that battle dressing station?

A. Do you mean the time I entered the battle dressing station?

30. Q. Tell the witness we finally got him into the air raid shelter. He just got there. Now tell us who he sees there?

A. When I first entered the air raid shelter I saw the head medical officer, Surgeon Lieutenant, junior grade, Kinoshita, and two or three corporals.

31. Q. Can you tell us the names of the corporals?

A. I have no distinct recollection but I think it was Kodama and Hoshino.

32. Q. When you say the head medical officer, whom do you mean?

A. Surgeon Lieutenant Commander Ueno, Chiato.

33. Q. Now other than Ueno, Kinoshita, Kodama, Hoshino and yourself and the prisoner, was there anyone else in that battle dressing station?

A. Before I finally left the battle dressing station I saw Dentist Ensign Higuchi and Surgeon Lieutenant Kuno.

34. Q. Did you see anyone else?

A. I did not see him when I left but I saw the head corporal Kobayashi, Kasumi enter the air raid shelter.

35. Q. What did you do with the apron that you brought to the battle dressing station?

A. I helped Commander Ueno put it on.

36. Q. Is this the only thing you brought to the operation?

A. Yes.

37. Q. Who was Commander Ueno operating on?

A. The prisoner.

38. Q. What did the prisoner look like?

A. The prisoner was lying on the stretcher and there was a cloth which is used in operations placed over his abdomen.

39. Q. What was the color of the skin of this prisoner?

A. The skin that I could see was about his neck and legs.

40. Q. What color was it?

A. It was sunburned and in a copperish color.

41. Q. Was the prisoner awake then?

A. I think he was.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge-Advocate.

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0902

42. Q. Do you know whether or not the prisoner was an American?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. I just heard that he was a prisoner and I never heard if he was an American or not.

43. Q. When you entered this room what was being done to this prisoner?

A. An incision was being made in the abdomen. I do not know exactly where this incision was because of the cloth that was over the prisoner.

44. Q. Who made the incision in the prisoner's abdomen?

A. The head medical officer, Lieutenant Commander Uno.

45. Q. Do you know whether or not the prisoner had been given chloroform or ether?

A. When I entered this battle dressing station there was a strong odor of medicine and I thought it was either ether or chloroform.

The commission then, at 3:20 p.m., took a recess until 3:40 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

Uchihira, Seihichi, the witness under examination when the recess was taken, entered. He was urged that the oath previously taken was still binding, and continued his testimony.

(Examination Continued)

46. Q. Did you actually see anyone administering an anesthetic to the prisoner?

A. When I entered the battle dressing station I was watching the operation. I forget who it was but someone was administering the anesthetic. I was then told to take over administering the anesthetic so I took over.

47. Q. Do you remember the name of the person who was administering the anesthetic?

A. I do not remember.

48. Q. You say you observed Uno make an incision in the abdomen of the prisoner. Did you see him do anything else to the prisoner?

A. As there was a cloth over the prisoner I could not say definitely what part of the body it was but I remember his holding the appendix with a pinners and stating it was large.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

0903



49. Q. After Commander Ueno did this did he do anything else to the prisoner?

A. Shortly after this I left the air raid shelter and when I reentered the air raid shelter the operation was over and I was ordered with two or three corporals to bandage the wounds of the prisoner. I noticed when I was bandaging the wounds that there was an incision in the chest and the abdomen. The places that I bandaged were the chest, the abdomen and the femoral artery.

50. Q. Did you notice where the other corporals bandaged the prisoner?

A. I have no recollection.

51. Q. While you were administering the anesthetic to the prisoner did you notice whether or not he had anything around his neck?

A. I did not notice.

52. Q. After you finished bandaging this prisoner what happened then?

A. Someone ordered the prisoner taken to the back of the sick bay.

53. Q. Who was this?

A. I have no recollection.

54. Q. Was this order carried out?

A. Two or three corporals and myself took the prisoner.

55. Q. Where did you take him?

A. As I had been instructed to take the prisoner in back of the sick bay I carried him out of the battle dressing station and started to follow a small path. About twenty to thirty meters in front of us I saw persons gathered there. I went toward this group and toward the left of this path there were rushes growing all through this area and among these rushes there was a place where they had been drilling and there were twenty to thirty men assembled there and I think it was an officer who instructed us to put the prisoner on the ground.

56. Q. What orders did you receive in the battle dressing station concerning the removal of this prisoner?

A. I only recall that I was told to take this prisoner in back of the sick bay.

57. Q. Did they tell you just where in back of the sick bay to take him?

A. I do not remember.

58. Q. Why did you take him such a distance from the battle dressing station?

A. I do not know.

59. Q. We are talking about something you yourself did and we are asking what you did. Why did you take him such a distance from the dressing station? Why did you take him there?

A. Because I was told to take him there.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

60. Q. Then you were told just where to take him. Is this correct?  
A. I took him there because I was told to take him back of the sick bay.

61. Q. Weren't you told something more specific than just in back of the sick bay?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. I was not told just to take him in back of the sick bay. I think I was told to take him to a specific place but I do not remember.

62. Q. Where did you finally take the prisoner?

A. From the back of the sick bay I followed a small path and I took the prisoner to where a group of persons were assembling and there someone instructed us to place him on the ground, so we placed him on the ground.

63. Q. What happened then?

A. This is my recollection and I am not sure but we lowered the stretcher five to six meters away from a hole which had been dug. I think it was Lieutenant, junior grade, Higurashi ran toward the sick bay and when he returned he had a sword with him. I think it was Lieutenant, junior grade, Higurashi who told me to take the prisoner to the edge of the hole. The hole was half covered and there was a dead body in it. I do not recall but I think half of the body was buried. There was five to six inches of water in the hole. The edge of the hole and the land around it was muddy and very muddy. Myself and two or three other corporals had carried the prisoner to the edge of the hole. I think it was Lieutenant, junior grade, Higurashi who had ordered the prisoner placed on the ground and one of the corporals carried the prisoner and placed him by the edge of the hole.

64. Q. What happened then?

A. After the prisoner had been lowered to the ground he did not have the strength to sit upright and he was lying down. This is my recollection but I am not sure which but I think it was Lieutenant, junior grade, Higurashi who said to place a support in his back and one of the corporals brought a stick with which to support him. When the prisoner was sideways Higurashi took his sword and beheaded him. At the same time the body fell into the hole. Myself and three or four corporals were ordered to place dirt over the hole and we did this. But as there was much water in the hole there was not sufficient dirt to cover up the hole entirely. There was a depression there. At that time I think it was Kobayashi who said to place enough dirt on the hole to bring it up to the level of the surrounding ground. We gathered the dirt in the neighborhood and covered up the hole.

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*[Signature]*  
Lieutenant, U. S. Navy.  
Judge Advocate.

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0905

65. Q. About how many people were present at the beheading?  
A. As it isn't in my recollection and at this time it was not necessary for me to count the persons present I am not sure but I think there were about twenty to thirty persons assembled there.

66. Q. Can you give us the name of the persons assembled there?  
A. Ensign Kobayashi. I do not know when he arrived but he was there. Dentist Ensign Eriguchi and I think Surgeon Lieutenant, junior grade, Kinoshita was also there. Other to this I seem to remember two or three officers being present but I do not know their names. Other to this I forget their names but there were seven or eight corporals.

67. Q. How many of these accused were there?  
A. I only remember two.

68. Q. When did you first notice that Eriguchi had a sword?  
A. As I recall Eriguchi followed the stretcher. After I placed the stretcher on the ground he ran toward the sick bay and brought back his sword.

69. Q. Was any officer in charge of you and the other corporals who carried this prisoner out on a stretcher?  
A. As I recall someone instructed me to take the prisoner in back of the sick bay but I do not know his name.

70. Q. Did any officer accompany you from the sick bay to the spot where you placed the stretcher?  
A. I think Eriguchi followed in our wake but I am not sure.

71. Q. Getting back to the battle dressing station for the moment. How many officers or how many persons were present in that battle dressing station at the time you were ordered to take the prisoner out in back of the sick bay?  
A. I recall the head medical officer, Lieutenant Commander Uno; Lieutenant Kuno, and Lieutenant, junior grade, Kinoshita.

72. Q. Was Eriguchi also there?

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

The judge advocate withdrew the question.

73. Q. Was anyone else there?  
A. The others I do not remember.

74. Q. Who was the senior officer in that air raid shelter when the operation was finished?

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

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*James I. Kenny*

JAMES I. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

100

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The judge advocate made no reply.

The commission announced that objection was not sustained.

The question was repeated.

A. I seem to recall Surgeon Lieutenant Commander Uno being present.

75. Q. How was the order to take the prisoner out in back of the sick bay?

A. I do not remember the name.

76. Q. Do you remember the voice?

A. I do not remember the voice but as there were three or four officers there it must have been the officer.

The witness was duly warned.

The commission then, at 4:10 p.m., adjourned until 9 a.m., tomorrow, Saturday, September 27, 1947.

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*James A. Kerry*

JAMES A. KERRY,  
Lieutenant, U. S. Navy. 101  
Judge Advocate.

0907

**SIXTH DAY**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Marianas Islands.  
Saturday, September 27, 1947.

The commission met at 9 a.m.

**Presents:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States  
Army,  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Ragan, U. S. Navy, and  
Lieutenant James P. Kenny, U. S. Navy, judge advocates.  
Robert R. Miller, yeoman first class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

**Cross-examined by the accused:**

77. Q. In reply to a question yesterday concerning the periods of time  
you were attached to the Forty-first Naval Guards you answered, "From  
January 1944 until I came to Guam." When was it that you came to Guam?

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

The accused replied.

The commission announced that the objection was sustained.

78. Q. Have you been on Guam from the time that you arrived here?  
A. I returned to Japan once.

79. Q. When did you return to Japan?

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

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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The accused made no reply.

The commission announced that the objection was sustained.

80. Q. You testified that you saw prisoners at Truk in the middle or latter part of June 1944. Wasn't it the beginning of July that you saw these prisoners?

A. As I recall it was the middle or latter part of June but as my recollection is faint I cannot say definitely.

81. Q. Do you mean you have no event or date on which you base your recollection of that date but just that you recall in your recollection it was the middle or latter part of June?

A. Yes.

82. Q. To a question concerning the time of the noon meal at the Forty-first Guard Unit you replied that it was 11:45 to 12. Wasn't the noon meal about 10:30 at this time?

A. As this is my recollection I believe as I testified yesterday.

83. Q. You testified that you were ordered by Kobayashi to make preparations for the operation and that you relayed this to the corporals who were attached to the surgical room, Kodama and Hoshino. Where was the place and time that you relayed this to them?

A. As I testified yesterday it was just before the noon meal. It was about 11 or 11:30 but as I said yesterday I do not recall the definite time.

84. Q. Where was the place that you relayed this to Kodama and Hoshino?

A. I think it was the surgical room.

85. Q. To relay this message you went from the office to the surgical room. Is this correct?

A. Yes.

86. Q. Did you hear any reports from Kodama or Hoshino that preparations had been completed?

A. As it is something that occurred some time back I have no recollection.

87. Q. Did you go to see if Kodama and Hoshino were making preparations?

A. After the afternoon work had started, about 1:30, I went to see if the operation was being performed.

88. Q. You testified yesterday when you went to the battle dressing station and to the right of the entrance were two stretchers and the head medical officer and two or three corporals were by the entrance. Show us on "Exhibit 1" the positions of the stretchers, the corporals and the head medical officer when you saw them?

The witness indicated the requested positions on "Exhibit 1".

"Exhibit 1" was submitted to the judge advocate and to the commission for information.

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JAMES P. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate

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0909



89. Q. According to your diagram to the right of the air raid shelter are two stretchers on the ground and by the stretcher is Uno and around the stretcher are the corpomen. Is this correct?

A. My recollection is as I have indicated on the diagram.

90. Q. Was Lieutenant (junior grade) Kinoshita present at this time?

A. I do not remember.

91. Q. You testified that when you entered the air raid shelter you saw a prisoner being operated on the stretcher. Was the prisoner being operated on the stretcher or was he placed on a table when he was being operated on?

A. As I recall the prisoner was on the stretcher and the stretcher was on the operating table.

92. Q. You testified that Commander Uno ordered you to get him an operating gown and that you went and got it and gave it to Commander Uno. Had Commander Uno been operating without a gown until the time you handed him this gown?

A. As I recall he was wearing a gown which he usually used in examinations, a medical gown.

93. Q. You testified that when you entered this air raid shelter the head medical officer, Kinoshita and Hoshino were present and that later Higurashi, Hume and Kobayashi came to the air raid shelter. Do you remember what Kinoshita was doing during this time?

A. He was doing something.

94. Q. What was he doing?

A. I have no distinct recollection.

95. Q. Do you remember what Hoshino was doing?

A. Either Hoshino or Hoshino was handing and taking instruments from the person operating.

96. Q. Do you remember what Higurashi did?

A. I have no recollection of his doing anything.

97. Q. Do you remember what Hume was doing?

A. I also have no recollection of Hume doing anything.

98. Q. Do you remember what Kobayashi was doing?

A. I have no recollection.

99. Q. Did Kobayashi say anything during this operation?

A. I heard Ensign Kobayashi's voice.

100. Q. What did he say?

A. I do not know.

101. Q. Do you have any recollection of how long Kobayashi was in this battle dressing station?

A. All I saw was his face and heard his voice. I do not know how long he was in the battle dressing station.

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*James H. Keeney*  
JAMES H. KEENEY  
Lieutenant, U. S. Navy,  
Judge Advocate.

09 10

102. Q. You testified yesterday what was the color of the prisoner's skin. You testified that it was sunburned and of a copperish color. Then you were asked if he was a white man and you replied that you thought he was. How did you know that he was a white man?

A. I did not have a chance to explain about the color of his skin, but the abdomen was wrapped in shirts and I could not see, but from the lower part of the thigh it was uncovered. His neck was of a copperish color while that below the middle of the thigh was of a very white color.

103. Q. Did you see any wounds on the various parts of the prisoner's body?

A. As I testified before, on the parts of the body that I could see I could see no wounds.

104. Q. You testified that you saw someone administering anesthetic. Wasn't that person that was administering that anesthetic Kinoshita?

A. As there were about five or six persons around the head medical officer I could not distinguish who it was.

105. Q. You testified that this person who was administering the anesthetic told you to relieve him and that you relieved him. Do you still say that you do not remember who he was?

A. I have no recollection.

106. Q. Do you know how the anesthetic was administered?

A. Under the prisoner's nose was some cotton and drops of either ether or chloroform were dropped on this piece of cotton that was on the prisoner's nose.

107. Q. You testified that this anesthetic was chloroform ether. Was this anesthetic always used?

A. In the neighborhood of the prisoner on a box toward the head of the prisoner was a bottle marked chloroether but I do not know whether this was used or not.

108. Q. Do you have any recollection of injections being made on the prisoner?

A. I have no recollection.

109. Q. You testified that you heard the head medical officer say that the appendix was large and then shortly after you left the air raid shelter. Why did you leave the air raid shelter?

A. Around this time the air raids were pretty bad and the head medical officer was very careful about these air raids. Usually the head medical officer had a corpsman placed on air raid watch every night and I had been told to have a person watch for air raids during anything unusual or an operation so I went out of the air raid shelter to place a man on watch because I had forgotten about it.

110. Q. Where did you go when you left this air raid shelter?

A. Looking out to see if there was anyone who did not have anything to do I went toward the office of the sick bay. Everyone was working busily and

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*James A. Kenny*

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JAMES A. KENNY,  
Ensign, U. S. Navy,  
Judge Advocate.

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there was no one who did not have anything to do so I kept searching for someone but as I could find no one I returned to the air raid shelter.

111. Q. Then you found no one to place on watch and you yourself did not stand watch. Is this correct?

A. As I recall no one.

112. Q. How long a time had gone by from the time you left the air raid shelter and you again entered the air raid shelter?

A. As I recall about ten to fifteen minutes.

113. Q. Do you remember how long a time it was from the time you first entered the air raid shelter and when you left the air raid shelter to look for a watch?

A. I have no recollection of time.

114. Q. Just before you left this air raid shelter weren't you administering the anesthetic?

A. I was administering the anesthetic but I had come to a point where it was no longer needed. I dropped drops of anesthetic only once in a while and later I stopped altogether.

115. Q. You testified that when you first entered the air raid shelter an operation on the abdomen was being performed and that when you left the shelter and returned the operation was over. How long, in your opinion, did the operation last?

A. From the time the scalpel was taken up I judged the time to be about one hour.

116. Q. While you were in the air raid shelter did you hear any conversation outside of the air raid shelter?

A. No.

117. Q. While you were in the air raid shelter did the head medical officer leave the air raid shelter?

A. I have no recollection of his leaving the air raid shelter.

118. Q. While you were in the air raid shelter did the head medical officer ever state anything concerning this operation?

A. I have a recollection of his saying something about the operation but I do not know what he said.

119. Q. While you were in the air raid shelter did you see the testicle of the prisoner placed on a tray?

A. I have a recollection of seeing one on a tray somewhere around the operating table.

120. Q. Are you sure that this was a testicle?

A. It looked like a testicle but I do not know anything about testicles.

121. Q. Have you ever seen a human testicle before?

A. I have never seen one that was removed.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

106

09 12



122. Q. You testified that when you left the air raid shelter and again returned the operation was over and that you were ordered to bandage this prisoner. Do you remember who ordered you to bandage this prisoner?  
A. I think it was the head medical officer.

123. Q. You testified that you bandaged the wounds in the chest, abdomen and femoral artery. When you bandaged the abdomen was the incision in the abdomen sewed up?  
A. I do not think it was sewed.

124. Q. Are you sure of this?  
A. This is just my recollection.

125. Q. You were asked if while administering the anesthetic to the prisoner you saw anything around the neck of the prisoner. You replied that you thought there was nothing around the neck of the prisoner. Was there anything that looked like a rosary around the neck of the prisoner?  
A. I have no recollection.

126. Q. You replied that after the operation was over you were ordered to take the prisoner back of the sick bay and that you took the prisoner with two or three corporals. Do you remember the names of these corporals?  
A. One of them I believe was Kodama but I do not remember the other one or two.

127. Q. You testified that three or four of you carried the prisoner. How did three or four of you carry the prisoner?  
A. A person took the front of the stretcher and two persons took the back of the stretcher and I was the person on the right and also other to this there were some persons around the stretcher.

128. Q. Did you carry an end of the stretcher?  
A. Yes.

129. Q. Then you mean there was one person carrying the two handles of the stretcher and there were two persons in back carrying a handle each. Is that correct?  
A. There were one or two more along the side of the stretcher.

The commission then, at 10:13 a.m., took a recess until 10:42 a.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

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*James P. Kenny* 107

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge-Advocate.

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130. Q. You testified that you thought that Higurashi followed you when you were carrying the stretcher out to the scene of the execution. Did you look back and see him?

A. The person who gave the order to place the stretcher on the ground I believe was Higurashi.

131. Q. Do you have any basis for this recollection?

A. None.

132. Q. Had the prisoner recovered from the effects of the anesthetic?

A. I think he was conscious.

133. Q. Did you hear him make any sounds or speak anything?

A. When I was ordered to place the stretcher on the ground I have a recollection of the prisoner mumbling something.

134. Q. You testified that you placed the prisoner on the ground five or six meters away from the hole and then you again moved the prisoner by the hole. How much time was there between these two actions?

A. I do not have a distinct recollection of the time but I think it was about five to six minutes.

135. Q. Where were you during this time?

A. I was by the stretcher.

136. Q. What were you doing?

A. I was just standing there.

137. Q. While the prisoner was on the ground for five or six minutes did anyone speak to the prisoner?

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

The accused withdrew the question.

138. Q. While the prisoner was placed on the ground five or six meters from the hole for a period of five or six minutes did you see anyone speak to the prisoner?

A. Do you mean myself?

139. Q. Did you see anyone speak to the prisoner?

A. This is a faint recollection but I seem to remember seeing someone speak to the prisoner.

140. Q. Who was it that spoke to the prisoner?

A. I do not remember the name.

141. Q. What was said to the prisoner?

A. I do not have any recollection.

142. Q. The prisoner was moved to the edge of the hole from the place five or six meters from the hole. When the stretcher was lowered do you have any recollection of the prisoner being placed on a board?

A. My recollection is faint but I seem to recall a board being there.

143. Q. After the stretcher was placed on the ground five or six meters from the hole, was this stretcher moved to the other side of the hole?

A. I have no recollection of this kind.

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JAMES P. KENNY,  
Lieutenant, U. S. Navy,

144. Q. When this prisoner was moved to the edge of the hole, looking at the prisoner from where the spectators were, was the prisoner placed in front of the hole or the side of the hole?

A. It is difficult to explain the position unless a diagram is drawn. Spectators were drawn up in approximately three irregular lines parallel with the path leading to the sick bay and it is difficult to explain.

145. Q. You testified that when the prisoner was taken to the scene of the beheading, Briguishi said to support the prisoner with a stick. Show us how the prisoner was supported by this stick?

A. When the prisoner was lowered from the stretcher he fell forward on his face and was lying on his face and a stick was placed to keep the upper part of his body upright.

146. Q. Was this stick placed upright in the ground or was it horizontal to the ground?

A. It was diagonal to the ground.

147. Q. Then you mean one end of the stick was placed into the ground. Is this correct?

A. The ground was very soft and it did not necessitate the stick being placed in the ground, just placed against the ground and it would go into it.

148. Q. You testified that Briguishi beheaded the prisoner. Was there anyone who ordered Briguishi to do so?

A. I have no recollection of this at the scene.

149. Q. After the operation and before the prisoner was being carried out of the air raid shelter was there such an instance?

A. While we were bandaging the prisoner the officers were talking.

150. Q. When you say the officers were talking who was talking to whom?

A. As the corporals were bandaging the prisoner the officers, who I stated were present yesterday, were talking among themselves and I do not know who was talking to whom.

151. Q. When Briguishi was beheading the prisoner, how far away were you from the prisoner?

A. I think it was two or three meters.

152. Q. Was it in front of the prisoner or in back of the prisoner?

A. I was diagonal and to the side of the prisoner.

153. Q. Then do you mean diagonal in back of the prisoner?

A. I have no distinct recollection.

154. Q. Was there anyone who showed Briguishi how to cut when Briguishi beheaded the prisoner?

A. I do not remember.

155. Q. Was there anyone other to Briguishi in that vicinity when Briguishi beheaded the prisoner?

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*James J. Kenny*

JAMES J. KENNY,  
Platoon Sergeant, U. S. Army  
First Cavalry Division

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A. I have a strong recollection of Corporal Warrant Officer Kobayashi, a faint recollection and seem to remember Hinoshita and five to six others may were twenty to thirty enlisted men and among them I remember seeing two or three officers.

156. Q. Do you remember how Kobayashi was dressed at this time?  
A. I do not know.

157. Q. Then was there any reason for your strong recollection of Kobayashi?  
A. There is no reason but at this time I was always together with Warrant Officer Kobayashi so that is why I remember him and that is the only reason.

158. Q. You testified that there were twenty or thirty spectators at the beheading. Wasn't there one hundred?  
A. I did not count them and also my attention was not attracted to the spectators so I do not know how many were there.

159. Q. There is a great difference in the number one hundred and the number twenty or thirty. In your opinion which was the number of spectators?  
A. I have no recollection of the number.

160. Q. Then why did you testify that there were twenty to thirty?  
A. Because that was my recollection.

161. Q. Then you mean that your recollection of twenty to thirty is stronger than your recollection of one hundred?  
A. Yes.

162. Q. Did you hear anything from your superiors after this incident had occurred?  
A. When do you mean? Do you mean up to this time?

163. Q. Yes.  
A. I would like to have the question repeated.

164. Q. After this incident occurred were you asked anything by your superiors?  
A. I do not remember.

165. Q. Were you asked anything after the end of the war?

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

The accused withdrew the question.

166. Q. Did Kobayashi say "prisoners," that is more than one, when he ordered you to have persons prepare for the operation?  
A. He just said prisoner and he did not state the number.

Interpreter's note: In Japanese the word "Toryo" means "prisoner" or "prisoners". It can be either singular or plural.

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JAMES A. KERRY  
Lieutenant, U. S. Navy  
Judge Advocate.

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167. Q. How many operations did you order the persons to prepare for?  
A. I did not state the number of operations.

168. Q. How many operations did they prepare for?  
A. I do not know.

169. Q. When you received this order from Hidayashi, was this the usual way that Hidayashi passed the orders to you and was it in the regular way?  
A. Yes.

170. Q. Then you became responsible to see that all preparations were made for this operation. Is that correct?  
A. All I did was to relay that order.

171. Q. You did not go to see whether the preparations had been made for that operation then?  
A. I went later.

172. Q. You testified regarding the appendix of the person that was being operated on. Did you see this appendix actually removed by Commander Vano when he was operating?  
A. No.

173. Q. When Hidayashi cut at the prisoner was the prisoner blindfolded?  
A. I do not remember.

174. Q. Were his eyes open?  
A. I have no recollection of his face.

175. Q. Was the prisoner breathing at this time?

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

The accused withdrew the question.

176. Q. Do you know whether the prisoner was breathing or not at the time that Hidayashi cut his head off?  
A. Concerning his condition while he was being carried on the stretcher he was hardly breathing but I can not answer whether he was dead or not.

The commission directed the witness to answer the question.

The question was repeated in Japanese.

A. I do not know.

177. Q. Was the operation and the beheading of this prisoner done only by personnel of the surgical and medical department?  
A. Is this my opinion?

178. Q. No, you were there both at the operation and the beheading.  
A. What I know is just as I have testified.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U.S. Navy  
Judge Advocate.

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179. Q. And what is that?

A. It is as I have just stated up to now.

180. Q. Did you see Asano at the operation?

A. I do not remember seeing him.

181. Q. Did you see Nakase at the operation?

A. I do not remember seeing him.

182. Q. Did you see Asano at the beheading?

A. As I stated before other to the officers that I named I stated there were two or three officers present but I do not remember their names. I do not remember if Asano was there or not.

183. Q. Did you see Nakase at the scene of the beheading?

A. I do not remember.

184. Q. You said this air raid shelter was concrete. How much of it was concrete?

A. It was all built of concrete and toward the top of the air raid shelter was an air shaft made of wood.

185. Q. But the floor, walls and ceiling were all made of concrete.

A. As I recall, yes.

186. Q. Was it primarily prepared for a battle dressing station?

A. As I was not there when this air raid shelter was built I do not know.

187. Q. Was it used mostly for a battle dressing station?

A. Yes.

188. Q. When you went to this battle dressing station and saw Uno standing outside was the prisoner already inside?

A. The prisoner was outside of the air raid shelter.

189. Q. Who carried the prisoner in then?

A. I do not know.

190. Q. Was he on a stretcher when you saw him outside?

A. He was on a stretcher.

191. Q. You said that air raids were anticipated. Was there an air raid on this particular day?

A. As I recall there was none in the afternoon.

192. Q. Was there an air raid before, during or after the operation?

A. As I recall I do not think there was an air raid that day.

193. Q. Can you fix the date of this operation and this execution by any particular air raid?

A. I remember a big air raid two or three days before this incident but I cannot connect this air raid and state the time the incident occurred, in the middle of June or the latter part of June.

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*James A. Kenny*  
JAMES A. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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194. Q. This big air raid. Were any American prisoners killed by this air raid?

A. I have a recollection that I heard that prisoners had been killed in an air raid. I heard this from no one in particular but just heard it.

195. Q. And this air raid, was it in June or was it in July 1944?

A. I do not have any basis for it but I think it was in June before the incident.

196. Q. And this operation was two or three days after the air raid you are speaking about.

A. Yes, but I heard about the prisoners being killed by bombing after this incident occurred.

197. Q. The operation, how long did the operation last? How long a period of time?

A. I was not there when the head medical officer took up the scalpel and started the operation but from the circumstances, in my opinion, it was about one hour.

198. Q. How long was it after you stopped administering the anesthetic until the end of the operation?

A. I left and then I returned so the time I believe was about ten to fifteen minutes.

199. Q. Was the patient still under the influence of the anesthetic when the operation was finished?

A. I have no recollection.

200. Q. Did you see any of the doctors examine the patient at the end of the operation?

A. No.

The witness was duly warned.

The commission then, at 11:29 a.m., adjourned until 9 a.m., Monday, September 29, 1947.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy  
Judge Advocate.

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**SEVENTH DAY**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Marianas Islands.  
Monday, September 29, 1947.

The commission met at 9 a.m.

**Present:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry K. Reese, Coast Artillery Corps, United States  
Army,  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Regan, U. S. Navy, and  
Lieutenant James P. Kenny, U. S. Navy, judge advocates.  
Robert Oldham, yeoman third class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

201. Q. Was there an air raid by the Americans about this time which  
resulted in the death of three of the five prisoners who were at the guard  
unit?

A. After the incident occurred, I forget the date, but I heard three  
prisoners had died by bombing.

202. Q. Did the person that you relieved, that you saw administering the  
anesthetic, have an operating gown on when he was administering the  
anesthetic?

A. I do not remember.

203. Q. Do you remember what kind of anesthetic you were administering to  
the patient?

A. I think it was chloroform or ether.

204. Q. Did you continue to administer it all during the time the operation  
was going on?

A. When I relieved this other person who administered the anesthetic, the  
prisoner was unconscious due to the anesthetic and the intervals between  
the time that I dropped the anesthetic on the cotton were very long and  
the period was short.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

205. Q. What did the person that you relieved do after you had relieved him and you continued to administer the anaesthetic?

A. As I recall I continued to administer the anaesthetic until the end.

The commission directed the witness to answer the question.

The question was repeated in Japanese.

A. I do not remember.

206. Q. Having administered the anaesthetic are you in a position to state how long this patient would be under the influence of this anaesthetic that you administered?

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

The accused made no reply.

The commission announced that the objection was sustained.

207. Q. Was this patient under the influence of anaesthetic when he was propped up on this board just before he was beheaded?

A. I do not know how long the effect of the anaesthesia is and I do not know whether he was or was not under the effect of the anaesthesia.

208. Q. Did you put the bandage on the incision over the abdomen?

A. I think I did.

209. Q. By that do you mean that you are not sure whether you did or not?

A. My recollection that I did bandage the abdomen of the prisoner is stronger than my recollection that I did not bandage the abdomen of the prisoner.

210. Q. What time did you notice that the incision was not sewed up?

A. It was at this time.

211. Q. Was it just a small incision then?

A. It was big.

212. Q. Was it usual when operating on patients not to sew them up after having made an incision like this?

A. As I am not a doctor I do not know.

213. Q. Did you call the doctor's attention to the fact that the incision was not sewed up?

A. I did not say anything.

214. Q. Then isn't it true that the incision was really sewn up and you just went ahead and bandaged it in the usual way?

A. During my eight and one-half years in the navy I have seen a great number of operations but I had never seen a wound like this bandaged just as it was.

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*James P. Kenny* 145

JAMES P. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate.

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215. Q. By that you mean you felt that you should not bandage the wound the way it was?

A. I do not know about the condition at that time.

216. Q. Why did you bandage it then if you had any doubts if you should or not?

A. When I bandaged this wound there were a lot of doctors there and they gave me no instructions so it was not for me to say what to do, so I just bandaged it.

217. Q. They did give you orders to bandage the prisoner though?

A. Yes.

218. Q. And you obeyed these orders blindly without hesitation?

A. Yes.

219. Q. If they had ordered you to cut off the prisoner's <sup>head</sup> you would have done so?

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

The accused replied,

The commission announced that the objection was sustained.

220. Q. Did Lieutenant Kinoshita order you to carry the prisoner out of this battle dressing station at the end of the operation?

A. I do not know who it was.

221. Q. Was it Commander Uno?

A. We received this order to carry the prisoner out while we were doing the bandaging and we just did as we were told and I do not know who it was that gave the order.

222. Q. Was it Warrent Officer Kobayashi?

A. According to my recollections Kobayashi was not there at this time.

223. Q. Where did you take the patient?

A. There is a small path leading from the air raid shelter and in back of the sick bay there is a small garden. I passed along this path on the left side of the garden and passing the row of banana trees I took the prisoner forward to a place where there were some people gathered in front of us.

224. Q. Is that where you were ordered to take him?

A. Yes.

225. Q. You were ordered to take him to where this group of persons were assembled. Is that correct?

A. I do not have a distinct recollection at this time.

226. Q. Did Lieutenant Commander Nakase order you to take him to this group of persons?

A. I have no recollection of Commander Nakase being there.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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227. Q. Did you just stop when you got to this group of persons or were you actually ordered to take him to where this group of persons were assembled?  
A. The person in back that was following us, I think it was Higurashi, when we arrived there said, "Wait just a moment," and we placed him on the ground.

228. Q. In this group of persons was Nakase there?  
A. I do not remember.

229. Q. Was Kobayashi there?  
A. I first noticed Kobayashi when we placed the stretcher we had on the ground next to the hole.

230. Q. Was the commanding officer, Asano, there?  
A. I do not remember.

231. Q. You say that the prisoner did not have strength to sit up, that he was lying down. Were his eyes open at this time?  
A. I have no recollection as to his face.

232. Q. Was he still under the influence of the anesthetic?  
A. I do not know.

233. Q. Was he still bleeding?

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

The accused made no reply.

The commission announced that the objection was sustained.

234. Q. Did the prisoner bleed from the cut which Higurashi gave him?  
A. At the same time that he cut as I recollect the body fell into the hole so I do not know about that incident.

235. Q. All of the prisoner fell into the hole?  
A. That is how I remember it.

236. Q. So Higurashi didn't cut the head off then?  
A. I stated that Higurashi did cut.

237. Q. He cut at the head of the prisoner but he didn't cut the head off, did he?  
A. As I remember Higurashi cut the head. The head was not cut off from the body and the upper part of his body dropped into the hole.

238. Q. Did you see blood from the cut that Higurashi made on the prisoner?  
A. When the prisoner went into the hole I remember seeing a little blood.

239. Q. Do you know Yoshizawa?  
A. Do you mean at the scene?

240. Q. Do you know who he is?  
A. Yes.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy  
Judge Advocate.

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241. Q. Did you see him at the scene?  
A. I do not remember.

242. Q. Did you see Kobayashi at the scene?  
A. Yes.

243. Q. Did you see Yoshimura instruct Briguchi in how to cut?  
A. I do not remember.

244. Q. Did you see Kobayashi instruct Briguchi in how to cut?  
A. This also I do not remember.

Reexamined by the judge advocate:

245. Q. Who was in charge of the corpsmen at this battle dressing station?  
A. I think it was the head medical officer.

246. Q. Was there any particular enlisted man who was the head corpsman at the 41st Guard Unit?  
A. A warrant officer named Kobayashi at this time had the duty as the head corpsman.

247. Q. Is that the Kobayashi that is here in court now?  
A. Yes.

248. Q. How many times did you leave the battle dressing station while that operation was in progress?  
A. As I recall twice.

249. Q. And how long would you say that you stayed away each time?  
A. The first time about ten to fifteen minutes. The second time it was just a short while about one or two minutes.

250. Q. How many entrances were there to this battle dressing station?  
A. Two.

Recross-examined by the accused:

251. Q. Was Lieutenant Kinoshita senior to Warrant Officer Kobayashi?  
A. Yes.

252. Q. Was Commander Uno?  
A. Yes.

253. Q. Who was the senior person there at the operation?  
A. At that time Surgeon Lieutenant Commander Uno.

254. Q. Did you receive orders at the operation from Lieutenant Kinoshita and Commander Uno?  
A. The order to make preparations for the operation I received from Kobayashi, at this time a warrant officer. All the instructions during the operation I received from the head medical officer, Uno.

255. Q. Did you receive any instructions while the operation was going on from Warrant Officer Kobayashi?

A. No.

*James P. Henry*  
JAMES P. HENRY  
Lieutenant, U. S. Navy,  
Judge Advocate.

0924



256. Q. Was Warrant Officer Kobayashi present from the start of the operation until the end of the operation?

A. I do not know when he entered or when he left but I remember seeing him once in the air raid shelter.

257. Q. Did he take any part in the operation - such as - administering anesthetic or other things?

A. I do not remember.

258. Q. Did he bring any dressing gowns for the doctors?

A. The one who brought the operating gowns was myself.

259. Q. Did you see him hand any operating instruments to the doctors at any time during the operation?

A. I have no recollection.

260. Q. He had no part in the operation whatsoever then?

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

The accused replied.

The commission announced that the objection was not sustained.

A. I do not know.

261. Q. Did he take any part in the beheading?

A. I would like to have the question given more clearly.

262. Q. Did you see Kobayashi do anything at the beheading?

A. I heard his voice but I do not know what he was saying.

263. Q. Did you see him cut at the beheading?

A. No.

264. Q. Did you see him touch the prisoner at the beheading?

A. No.

265. Q. Did you touch the prisoner at the beheading - move him?

A. I moved him just as he was on the stretcher.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

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*James A. Kenny*

JAMES A. KENNY, 119  
Lieutenant, U. S. Navy.  
Judge Advocate.

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1. Q. State your name and former rank.  
A. Former Surgeon Lieutenant Kuno, Keijiro.

2. Q. If you recognize any of these accused state their names and former ranks?

The witness identified all of the accused with the exception of Tanaka, Susa.

3. Q. Between what dates did you serve at Truk?  
A. From November of 1943 until January of 1946.

4. Q. To what unit were you attached while at Truk?  
A. The 41st Naval Guards.

5. Q. In June of 1944 what were your duties at the 41st Naval Guards?  
A. I was working at the sick bay of the guard unit.

6. Q. What other doctors were working at that sick bay?  
A. The head medical officer, Ueno, myself and Surgeon Lieutenant Kinoshita.

7. Q. You said the head medical officer, Ueno. Was Ueno actually the head medical officer?  
A. Yes.

8. Q. Did you ever see any prisoners of war at the 41st Naval Guards?  
A. Yes.

9. Q. Under what circumstances did you see these prisoners?  
A. The first time I saw prisoners was in November of 1943 when I saw prisoners from an American submarine. Next I saw the prisoners that Surgeon Captain Iwanami experimented on in January of 1944 on stretchers being placed on a truck. Next I saw the prisoners who were involved in this case.

10. Q. When did you see them?  
A. I do not remember the day but it was the latter part of June or the beginning of July of 1944.

11. Q. Did you have a conversation with anyone concerning these prisoners?  
A. Yes.

12. Q. With whom did you have this conversation?  
A. I do not remember the day but it was in the morning I think it was Kobayashi who stated to me, "the head medical officer stated that he is going to perform an operation today in the afternoon at the air raid shelter."

13. Q. Did he say upon whom this operation was to be performed?  
A. He said, "on prisoners."

14. Q. Do you know how many prisoners there were at the 41st Naval Guards at the time you had this conversation?  
A. I do not know.

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*James A. Kenny*  
JAMES A. KENNY, 20  
Lieutenant, U. S. Navy.  
Judge Advocate

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15. Q. Do you know the nationality of these particular prisoners?

A. I do not know.

16. Q. After you had this conversation with Kobayashi what happened?

A. When I had this conversation with Kobayashi he seemed worried at the time. I did not like to stay at the sick bay and I wanted to go to a different gun emplacement but I had no special reason to go so I stayed there.

17. Q. What do you mean when you say "I didn't want to stay at the sick bay." Why was that?

A. I had not heard that the prisoners had been wounded and it was said that prisoners were going to be operated on who had not been wounded so I did not want to stay there.

The accused moved to strike out this answer on the ground that it was the opinion of the witness.

The judge advocate replied.

The commission announced that the motion to strike was denied.

18. Q. Who did you hear this from?

A. When you say "hear this" what do you mean?

19. Q. Hear that there was to be an operation on prisoners who had no wounds.

A. It was because I had not heard up to this time that prisoners had received wounds.

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

The judge advocate made no reply.

The commission directed that the answer be stricken.

20. Q. Did you have a conversation with anyone else concerning these prisoners?

A. None at this time.

21. Q. Before the operation did you have a conversation with anyone other than Kobayashi concerning these prisoners?

A. No.

22. Q. Did you go to the battle dressing station?

A. Yes.

23. Q. Why did you go there?

A. Because my superior officer was working there and I thought I had to be by him.

24. Q. Before you went to this air raid shelter were you told to go there by anyone?

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*James A. Kenny*  
JAMES A. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No.

25. Q. About what time of the day was it that you went to the air raid shelter?

A. I do not remember it distinctly but I think it was about one-thirty in the afternoon.

26. Q. When you went in what did you see?

A. I saw a prisoner lying on the stand in the middle of the room. Toward the entrance I saw a person who I thought to be a prisoner lying on the stretcher with a cloth over him.

27. Q. What else did you see?

A. The prisoner inside, Commander Uno was there, Lieutenant Kinoshita was there and I think two or three corpsmen were present.

28. Q. What were the corpsmen doing?

A. They were preparing the surgical instruments.

29. Q. Had anyone started to operate at the time you went into the air raid shelter?

A. I do not remember distinctly but I think it had not yet begun.

30. Q. What happened after you arrived?

A. Shortly afterwards Commander Uno operated on the big toenail of the foot.

31. Q. Which foot?

A. I do not remember exactly but as Commander Uno was standing on the right side of the prisoner, I think it was the right foot.

32. Q. What did he do to this toenail?

A. My recollection is not clear on this. I just remember that he was operating on the toenail.

33. Q. Do you know whether or not he removed the toenail?

A. I have no distinct recollection on this.

34. Q. Did he say anything as he operated on this toenail?

A. I do not remember.

35. Q. What else did you observe?

A. Next, he was operating around the inguinal region.

36. Q. What did he do in that region?

A. My recollection is not clear but he was operating in the vicinity of the femoral artery.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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37. Q. What did he do?

A. I do not remember.

38. Q. While this operation was going on did anyone come into the operating room?

A. I do not remember distinctly but I think Kobayashi, the head corpsman, came into the room and soon left.

39. Q. Do you remember anyone else coming in?

A. I do not remember.

40. Q. After you saw Commander Uno operate on the inguinal region of the prisoner what happened then?

A. About this time as I was afraid that I may be ordered to assist I left and went back toward the sick bay.

41. Q. Why were you afraid that you might be ordered to assist?

A. Because I thought this operation was not a justifiable one.

The accused moved to strike out this answer on the ground that it was immaterial, irrelevant, an opinion of the witness and a self-serving statement.

The judge advocate concurred.

The commission directed that the answer be stricken out.

The commission then, at 10:15 a.m., took a recess until 10:35 a.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

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

(Examination continued.)

42. Q. Doctor, how long did you practice medicine before you entered the navy?

A. After I graduated from medical school I stayed at the medical school for one month. After that I entered the navy.

43. Q. Are you a surgeon?

A. Yes.

44. Q. Doctor, based upon your observation of this operation and your previous experience as a doctor, what was the purpose of this operation?

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

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*James P. Kenny*  
JAMES P. KENNY,  
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Judge Advocate.

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The judge advocate replied,

The commission announced that the objection was not sustained.

The question was repeated,

A. It was an operation in which true treatment was not administered.

45. Q. What was it then?

A. The contents of the operation was an operation in which the true treatment was not administered.

46. Q. If true treatment wasn't administered, do you know why this operation was performed?

A. I cannot understand myself why this operation was performed.

47. Q. About how long did you remain in this battle dressing station?

A. I can not say definitely but I was there for about fifteen minutes.

48. Q. Do you know what became of that prisoner that was operated on?

A. Yes.

49. Q. What happened to him?

A. I heard later that the prisoner was about to die and had been beheaded by Dentist Lieutenant, junior grade, Brigsby.

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

The judge advocate concurred.

The commission directed that the answer be stricken out.

50. Q. Who did you hear this from?

A. I have no definite recollection but I think it was a corpsman.

51. Q. Do you know what became of the other prisoner?

A. Yes.

52. Q. What happened to him?

A. This was about the same time as the other prisoner but I think it was from a corpsman that I heard this prisoner had been stabbed by the enlisted man.

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

The judge advocate concurred.

The commission directed that the answer be stricken out.

53. Q. Do you remember which corpsman told you?

A. I do not remember at all.

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*James P. Kenny*

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JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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54. Q. At any time after this did you have a conversation with anyone concerning this operation?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. It was two or three months after the incident. Commander Ueno, the head medical officer, said to me, "the operation was performed by orders but I did not like it."

The accused moved to strike out this answer on the ground that it was not part of the res gestae.

The judge advocate replied.

The commission announced that the motion to strike was denied.

55. Q. What else did he say to you?

A. The head corpman, Kobayashi, said to me that such and such a thing had not happened.

56. Q. What else did Ueno say to you?

A. He stated nothing further.

57. Q. Do you know what became of the bones of these two prisoners?

A. After the end of the war the corpman dug them up from the back of the sick bay.

58. Q. Did you watch them while they were digging up the bones?

A. I went to see it two or three times.

59. Q. Who was in charge of the detail that was digging up these bones?

A. I do not think he was especially in charge of this detail but I saw the head corpman, Kobayashi, there.

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

The judge advocate replied.

The commission announced that the motion to strike was denied.

60. Q. After the bones were dug up did you have a conversation with anyone concerning them?

A. No.

61. Q. Did anyone say anything to you about these bones?

This question and any answer the witness may give was objected to by the accused on the ground that it was irrelevant and immaterial.

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*James L. Kenny*  
JAMES L. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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The judge advocate replied.

The commission announced that they would withhold the ruling of the commission until the answer was given.

The question was repeated.

A. It was shortly after this that I asked the head corpsman, Kobayashi, "Did you bury the bones?", and Kobayashi replied, "The head medical officer had stated that it was better to dispose of them in the sea so they were disposed of in the sea."

The commission announced that the objection was not sustained.

Cross-examined by the accused:

62. Q. Did you see the prisoner who was operated on before the operation?  
A. No.

63. Q. Did you examine the prisoner before the prisoner was operated on?  
A. No.

64. Q. You testified that you heard from the head corpsman, Kobayashi, that prisoners were to be operated on at the air raid shelter in the afternoon. Where was the place that you were told this?

A. I am not sure but it was the head corpsman, Kobayashi. When I testified I said "I thought" and the place, I think, was the officers quarters in the sick bay.

65. Q. You testified that at this time Kobayashi had a worried look on his face and previous to this that you were not sure that it was Kobayashi. What is your basis for this testimony?

A. My recollection that probably it was the head corpsman, Kobayashi, and upon this recollection there is a recollection that he had a worried look on his face.

66. Q. Is your recollection distinct on whether the person you heard this from was an enlisted man or an officer?

A. I can not say definitely that it was an officer but I think probably it was an officer.

67. Q. Was Kobayashi at this time an officer?

A. He was a warrant officer.

68. Q. When you were told this was there someone nearby?

A. I do not remember.

69. Q. Do you have any recollection that you were together with Kinoshita?

A. I do not remember.

70. Q. Do you have a recollection that it was Commander Uno who told you this?

A. I do not remember.

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*James I. Kenny*

JAMES I. KENNY, 126  
Lieutenant, U. S. Navy.  
Judge Advocate.

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71. Q. You testified that you were ordered by no one to be present at this operation. Are you sure of this?

A. Yes.

72. Q. Then wasn't it unnecessary for you to go to this battle dressing station?

A. It is courteous for me to be present when my superior officer is working.

73. Q. When a special work is being performed is it the custom in the Japanese military service that a subordinate has to be present when his superior officer is working?

A. It is the custom in the military service.

74. Q. When you say courteous it sounds peculiar. When a person is doing a special job isn't it discourteous to be present when he is doing this?

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

The accused replied.

The commission announced that the objection was sustained.

75. Q. You testified that you did not want to go to the operation. Wasn't it all at best for you when you were not ordered to be present at the operation? Why did you testify as you did?

A. I could not tell him I had been ordered.

76. Q. Then do you mean that you were worried?

A. Yes.

77. Q. Are you sure when you state that you were only at the operation fifteen minutes?

A. I am sure.

78. Q. What were you doing during this time?

A. Just watching.

79. Q. When you watched the operation on the foot of the prisoner, did you notice the paronychia on the foot where the operation was performed?

A. There may have been but as I was standing toward the back of the head I could not see well.

80. Q. Isn't it natural when there is paronychia the nail is removed?

A. Yes, this is natural.

81. Q. When paronychia becomes worse and affects the blood stream isn't it usual that sulfa drugs are injected into the femoral artery to combat this?

A. Yes.

82. Q. That Commander Vane probed for the femoral artery in the inner part of the thigh, isn't this a natural operation in such a case?

A. It can be thought of.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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83. Q. Then the operations that you saw were the operations on the foot and the operation for this femoral artery. Is this correct?

A. Yes.

84. Q. And to the extent of the operation that you saw you testified that you thought the operation of Commander Veno was not justifiable. What is your basis for this?

A. I saw him operate on the foot but I have no recollection of his treating the foot.

85. Q. When you say "treating the foot," do you mean administer medicine to the foot?

A. Yes.

86. Q. When a doctor treats a person aren't there cases when medicine is not administered?

A. There are.

87. Q. In this case there was a paronychia and the removal of the infected parts there, doesn't this constitute a treatment in itself?

This question was objected to by the judge advocate on the ground that the counsel was again testifying.

The accused replied.

The commission announced that the objection was sustained and cautioned the defense counsel to refrain from testifying.

The witness was duly warned.

The commission then, at 11:25 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Robert R. Miller, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

88. Q. This morning you testified as to the operation of Commander Veno. According to the operation that you saw Commander Veno perform if paronychia had become worse would the operation of the head medical officer, Veno, have been natural?

This question was objected to by the judge advocate on the ground that the form of the question was improper.

The accused withdrew the question.

*James A. Kenny*  
JAMES A. KENNY,  
Lieutenant, U. S. Navy. 128  
Judge Advocate.

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89. Q. If paronychia was present would the operation of Commander Uno have been natural?

A. The operation in which the toenail was removed is natural but concerning the operation on the thigh I do not remember an injection being made.

90. Q. If there was evidence of infection would it be natural to make an injection in the artery?

A. I think it is the natural thing to do.

91. Q. Have you ever handled patients who had been hurt by bombing?

A. Yes.

92. Q. In such cases when there are no outward signs of trouble can there be trouble internally?

A. Yes.

93. Q. What symptoms would the patient show in such a case?

A. It differs in the various cases.

94. Q. Are there symptoms in which there are no outward signs and the patients become sicker?

A. Yes.

95. Q. When diagnosis cannot be made from the outside how would diagnosis of the internal trouble be made ordinarily?

A. Diagnosis would be made by feeling the various parts and listening to the sounds in the body and then the necessary steps taken.

96. Q. Where there is thought to be trouble in the internal organs, is there a means of diagnosing which involves an incision in the abdomen?

A. Yes.

97. Q. Did you see what outward signs of wounds this prisoner had?

A. No.

98. Q. Did you know that this prisoner could not walk and that he had been brought to the place of operation on a stretcher?

A. The other prisoner was on a stretcher with a cloth over him and as there was another empty stretcher in the air raid shelter I think the prisoner was brought on a stretcher.

99. Q. Did you know that a bomb had dropped where these prisoners were in confinement and that three prisoners had been killed by it?

A. I do not remember hearing of this.

100. Q. Do you know of a bomb dropping in the vicinity of where the prisoners were being confined?

A. There was a time when many bombs dropped in the area of the guard unit and the guard unit was turned into a shambles.

101. Q. Do you know of the fact that this prisoner due to a bombing had received serious wounds?

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy  
Judge Advocate 129

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This question was objected to by the judge advocate on the ground that there had been no testimony that this prisoner had been wounded by a bomb and that counsel was again testifying.

The accused made no reply.

The commission announced that the objection was sustained.

102. Q. Then you do not know anything at all concerning whether this prisoner was wounded or not. Is this correct?

A. I did not hear anything and I myself did not diagnose the prisoner.

103. Q. When you testified in reply to a question of the judge advocate that you did not think that the operation of Commander Ueno was justifiable, did you reply merely as what you presumed or as your opinion?

A. If the prisoner was wounded I would have heard something about it. As I heard nothing I presumed that the prisoner was not wounded and imagined that it was not a justifiable operation.

104. Q. You testified that when you saw the prisoner it was in the latter part of June or the beginning of July. Do you have any basis for this time?

A. On the tenth of June a dentist lieutenant (junior grade) returned to Japan and I am sure that this incident did not occur while he was there so I am sure of this date. Also in the middle of August a part of the sick bay was destroyed by bombing and it was not after this date and I am sure of this bombing. Therefore I presumed that it was the latter part of June or the beginning of July.

105. Q. When was it that this bombing occurred?

A. As I recall it was about in the middle of August.

106. Q. Was the guard unit bombed several days before this incident occurred?

A. As around this time the guard unit was bombed every other day or every other two days I cannot say exactly when the guard unit was bombed.

107. Q. Did you hear anything about how the prisoners were brought to the battle dressing station from the place of confinement?

A. No.

108. Q. Then the prisoner, other to the one that you saw being operated on, by the entrance of the air raid shelter, was he also on a stretcher?

A. The prisoner who was near the entrance was the one who was on the stretcher.

109. Q. When you saw this prisoner on the stretcher what was his condition?

A. He was on a stretcher with a cover over him.

110. Q. Was he moving?

A. As I recall he was not moving.

111. Q. Do you recall his saying anything or talking to someone?

A. No.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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112. Q. Then this prisoner that you saw he was not very active. Is this correct?

A. I could not say.

113. Q. Did he look as if he was sick?

A. As there was a cover over him I could not see him.

114. Q. The prisoner that was being operated on was he removed from the stretcher and placed on this table?

A. Whether he was removed from the stretcher or whether he was on the stretcher and on the table I do not recall.

115. Q. Did you see Kinoshita in the battle dressing station at this time?

A. Yes.

116. Q. What was Kinoshita doing?

A. As I recall he was watching close by.

117. Q. Was he administering anesthetic or assisting in the operation?

A. As I recall he was not assisting.

118. Q. When you entered the battle dressing station did you talk to someone in the battle dressing station?

A. As I recall I spoke to no one.

119. Q. While you were in the air raid shelter did you hear anyone speaking toward the entrance of the air raid shelter or any commotion toward the entrance of the air raid shelter?

A. I do not recall any.

120. Q. Do you have any recollection of Nakase coming nearby or hearing his voice?

A. I do not have any recollection.

121. Q. Did Nakase ever become sick and was he looked after by you?

A. Yes.

122. Q. When was this?

A. It was the beginning of January or the latter part of February that he entered the sick bay with amoebic dysentery.

123. Q. Was there a carpenter named Kodama at the sick bay at this time?

A. I have no recollection.

124. Q. After the operation did you go to the spot where the prisoner had been beheaded?

A. I went two or three times where they were digging up the bones.

125. Q. Had you never been to the scene of the beheading?

A. No.

126. Q. Why did you go to where they were digging up the bones?

A. I just went to see them.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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127. Q. Were you told about it by someone or did you just happen to go there by chance?

A. As I knew that they were being dug up I went there.

128. Q. Were you told by anyone about it?

A. I heard from someone.

129. Q. Do you remember who it was?

A. I do not remember.

130. Q. By the prisoners that Iwanami experimented upon do you mean the two prisoners handed to the guard unit by the hospital in July 1944?

This question was objected to by the judge advocate on the ground that it went into collateral material. The judge advocate further moved to strike that portion of this witness' testimony that related to Captain Iwanami.

The accused concurred.

The commission directed that that portion of the answer to question nine which referred to Captain Iwanami be stricken.

131. Q. When you say "the head corpsman, Kobayashi," what do you mean by the term head corpsman?

A. Do you mean the duties?

132. Q. You testified that Kobayashi was the head corpsman.

A. I do not know the exact regulations as to the duties of a person in the position as head of the corpsmen but the actual work that I think he was doing was the direct supervision of the corpsmen and office work at the sick bay.

133. Q. As the head corpsman was it his duty to arrange the place, instruments, the operating gowns and such other things in case an operation was held at the guard unit?

A. If there is a competent petty officer, the petty officer would do it. Otherwise the head corpsman would do it.

134. Q. Do you know who arranged for such things as the instruments and arranged for the place of this operation?

A. I do not know.

135. Q. Did you make the arrangements for this operation yourself?

A. No.

136. Q. Did you ever ask Commander Ueno what the purpose of this operation was?

A. As I recall, no.

137. Q. Did you ever hear Commander Ueno state what he did that day was anything but a surgical operation that he considered necessary?

A. I have no recollection.

138. Q. Was Kobayashi the only warrant officer at the guard unit in June and July 1944?

A. In the Medical section he was the only warrant officer, in the other sections there were many warrant officers.

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Lieutenant, U. S. Navy, 32  
Judge Advocate.

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139. Q. At this operation did you express any opinion or give any diagnosis as to the patient to Commander Ueno?

A. I stated nothing to Commander Ueno.

140. Q. The opinion that you had and expressed here in court, was that an opinion based on a thorough examination of the patient?

A. I did not make any diagnosis.

141. Q. This opinion that you expressed then, was it based on the education or the lack of education, the skill or the lack of skill, the training or lack of training on the part of Commander Ueno?

A. No.

142. Q. Do you know where Commander Ueno went to medical school?

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

The accused replied.

The commission announced that the objection was sustained.

143. Q. Where did you go to medical school?

A. The medical department of the Tokyo Imperial University.

144. Q. When did you graduate?

A. 1942.

145. Q. How did you stand in your medical class scholastically?

A. The standings were not made public.

146. Q. What was your rank at the time of this incident?

A. I was a surgeon lieutenant.

147. Q. Ordinarily why does a surgeon operate on a patient?

A. In order to cure the patient.

148. Q. Were the preparations that were made for this operation any different than those made for any other operation?

A. I have no distinct recollection as to this.

149. Q. You said that you were present from time to time when these bones were dug up. Were you then the senior officer present at the time these bones were dug up?

A. At this time Commander Ueno was head of the hospital over on Fusan Island but he was still the head of the hospital while he was absent. I was the senior officer of the medical section at the guard unit.

150. Q. Did you ever actually see any of these bones that were dug up?

A. No.

151. Q. Supposing you had seen these bones and being a doctor and knowing bones and bone structure, would you have known that these were the bones of this patient that was operated on that day?

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*James A. Kenny*

JAMES A. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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

The accused replied.

The commission announced that the objection was sustained.

152. Q. Was it the custom for Kobayashi to be present when the doctors operated on persons at the guard unit?

A. There were times when he was present and times when he was not.

153. Q. Was Kobayashi present when this operation started this day?

A. According to my recollection he just entered the air raid shelter and immediately left.

154. Q. Did you see Kobayashi do anything during the operation when he was present?

A. As I recall he did nothing.

155. Q. Did you hear Kobayashi say anything during the time he was present?

A. According to my recollection he said nothing.

156. Q. Do you remember whether Nakase was a patient at the dispensary at any time during the months of May, June and July of 1944?

A. As I recall he was not in the sick bay.

157. Q. Do you know whether he had a bad cough in June or July 1944?

A. I do not remember.

158. Q. Do you remember hearing anyone cough who was outside while you were in the operating room that day?

A. I remember nothing at all.

159. Q. Do you remember a cough which you could identify as the cough of Nakase who might have coughed outside during that time?

A. I do not remember.

160. Q. Was Nakase present at any time during the operation inside of that battle dressing station?

A. I do not remember seeing him.

161. Q. When you left that battle dressing station after having been there a short time did you see Nakase outside there?

A. I do not remember seeing him.

162. Q. Was Asano present inside that battle dressing station during that operation?

A. I do not remember him.

163. Q. Do you remember seeing him outside of the battle dressing station after you left?

A. I do not remember.

164. Q. Where did you go after you left this operation?

A. I went to the officers' quarters of the sick bay.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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165. Q. Did you see Tanaka stab a prisoner that day?

A. No.

166. Q. Did you see Kobayashi instruct Briguishi in how to cut a prisoner?

A. No.

167. Q. Did you see Asano assault or strike, mistreat or <sup>Torture</sup> abuse any prisoners by doing any surgery or by assisting Commander Ueno in doing any surgery at this battle dressing station this day?

A. No.

168. Q. Did you see Kobayashi beheading a prisoner this day?

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

The accused made no reply.

The commission announced that the objection was sustained.

169. Q. Do you know if Commander Ueno as the head medical officer was in charge of these two prisoners of war so that as the head medical officer he was responsible for their safety at the guard unit?

A. No.

170. Q. Was it the duty of Commander Ueno as the acting head medical officer of the guard unit to protect these two prisoners at the guard unit?

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

The accused replied.

The commission announced that the objection was sustained.

Reexamined by the judge advocate:

171. Q. Doctor, you have testified that assuming a paronychia condition that it was proper treatment to remove the toenail and expose the femoral artery. Don't you believe that is radical treatment for that kind of operation?

A. It is usual to remove the nail in such a case and there are many cases in which injections are made in the femoral artery.

172. Q. Injections of what?

A. Do you mean stating in general?

173. Q. I am asking you to assume this paronychia condition. What would you inject into the femoral artery in these cases in general?

A. Sulfu drugs and if obtainable penicillin.

174. Q. Assuming a paronychia condition would it be usual or necessary to make an incision and expose the femoral artery before injecting these drugs?

A. Usually if an injection can be made without revealing the femoral artery, that would be best.

*James J. Kenny*  
JAMES J. KENNY,  
Lieutenant, U. S. Navy  
Judge Advocate.

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175. Q. Isn't it best to reach the femoral artery without making an incision and bringing it to the surface?

A. Some cases this can be done and some cases this cannot be done.

176. Q. Doctor, is the mere exposing of the femoral artery without any injection being made a treatment for a paronychia case?

A. No.

Recross-examined by the accused:

177. Q. You testified that injections in the artery can be made without incisions being made and in some cases with incisions being made. Injections in veins from the outside are usual but in case of injections in the artery isn't it safer to reveal the artery and then make injections in the artery?

A. I think an injection can be made without making an incision but it would all differ according to the way the person performing it worked, his method or the way he practiced. It would depend upon the person who practices.

178. Q. In general veins are near the surface and arteries are deeper. Therefore can it be said that it is safer to reveal the artery and make the incision?

A. It is only natural that if the artery is revealed it would be all the easier to make the injection.

179. Q. Isn't the operation to reveal the femoral artery a very simple one?

A. It is not a major operation.

180. Q. Do you consider yourself as a surgeon in contradistinction to a doctor who practices internal medicine?

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

The accused replied:

The commission announced that the objection was not sustained.

A. I consider myself a surgeon.

181. Q. If there is some question as to whether a surgeon should operate or not, doesn't the surgeon usually operate?

A. According to his judgment if he believes an operation is necessary, he would operate.

182. Q. Isn't it also true that a doctor who specializes in internal medicine wants to try internal medicine before he operates?

A. Yes.

183. Q. Isn't it true that the patient and layman are reluctant to have an operation performed on them and would rather try internal medicine first?

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

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy. 36  
Judge Advocate:

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The accused withdrew the question.

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

The commission did not desire to examine this witness.

The witness made the following statement:

I did not have a chance to state this in this morning's testimony but as I returned from the air raid shelter toward the sick bay I saw the head corpmen, Kobayashi, together with one or two corpmen planting banana trees.

The witness was duly warned and withdrew.

The commission then, at 3:25 p.m., took a recess until 3:50 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.  
A. Hoshino, Jinkuro, corpmen petty officer first class.

2. Q. If you recognize these accused state their names and former ranks.

The witness correctly identified all of the accused by name and rank.

3. Q. Did you ever serve at Truk?  
A. Yes.

4. Q. To what unit were you attached at Truk?  
A. Forty-first Naval Guards.

5. Q. Between what dates were you attached to the Forty-first Naval Guards?  
A. From January 1944 till the end of the war.

6. Q. During June 1944 what was your rate?  
A. I was a leading corpmen.

7. Q. And in June 1944 what were your duties?  
A. I was attached to the surgical room.

8. Q. Who was in charge of the surgical room?  
A. This recollection is not definite but as I recall Petty Officer Kodama.

9. Q. Did you ever see any prisoners of war at the Forty-first Naval Guards?  
A. Yes.

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*James I. Kenny*  
JAMES I. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate

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10. Q. When was this?

A. It was about July or August of 1944.

11. Q. How many did you see?

A. One.

12. Q. Under what circumstances did you see this prisoner?

A. In an air raid shelter when he was being operated on I saw this prisoner.

13. Q. How did you happen to go to this air raid shelter?

A. I was ordered by Ensign Kobayashi to go there so I went there.

14. Q. When you say Kobayashi is he the Kobayashi that is in this court room?

A. Yes.

15. Q. What did Kobayashi say to you?

A. I do not remember distinctly but I was told to go to the air raid shelter.

16. Q. Did he tell you why you were to go to the air raid shelter?

A. To make preparations for an operation.

17. Q. Did he tell you upon whom this operation was to be performed?

A. I do not remember.

18. Q. Is this statement in your own handwriting?

(Showing witness statement.)

A. Yes.

19. Q. I wish to direct your attention to a particular portion of this statement and ask you if it refreshes your recollection?

(Indicating portion to witness.)

A. Yes.

20. Q. Has your recollection been refreshed?

A. Yes.

21. Q. Did Kobayashi tell you upon whom this operation was to be performed?

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

The judge advocate withdrew the question.

22. Q. Were you told upon whom this operation was to be performed?

A. Yes.

23. Q. What were you told?

A. I was ordered to prepare the instruments because an operation was to be performed.

24. Q. Have you told who was going to be operated on?

A. Yes.

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JAMES P. KENNY,

Lieutenant, U. S. Navy,  
Judge Advocate.

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25. Q. Who was it?

A. A prisoner.

26. Q. Were you told what kind of a prisoner it was?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No.

27. Q. After you were told this by Kobayashi what did you do?

A. I prepared the instruments.

28. Q. When you say you prepared the instruments what exactly did you do?

A. I just laid out the instruments which were already in the air raid shelter.

29. Q. When you went to the air raid shelter to lay out these instruments who was there?

A. Petty Officer Uehihira and the others I do not remember.

30. Q. Was the prisoner there when you got there?

A. No.

31. Q. Was the prisoner brought to the air raid shelter?

A. Yes.

32. Q. Who brought him there? Do you know?

A. I do not remember distinctly.

33. Q. After the prisoner arrived did any others come into the air raid shelter?

A. Commander Ueno, Lieutenant Kinoshita, Ensign Kobayashi, Petty Officer Uehihira, Petty Officer Kanai, Petty Officer Saito and Petty Officer Kodama. The others I do not remember.

34. Q. Other than Commander Ueno, Lieutenant Kinoshita and Ensign Kobayashi, were there any other officers present at that operation?

A. I think there was one other but I cannot recall his name.

35. Q. Of the men that are here in court today how many of them were present during that operation?

A. Three.

36. Q. Which three are they?

A. Commander Ueno, Lieutenant (junior grade) Briguchi and Ensign Kobayashi.

37. Q. When did Briguchi come into the dressing station if you remember?

A. I do not remember.

38. Q. After Commander Ueno arrived and the prisoner was there, what happened to the prisoner?

A. A general anesthetic was administered and an operation performed.

JAMES E. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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39. Q. Who administered the anesthetic?

A. At first an officer administered the anesthetic and later Petty Officer Ushihira administered the anesthetic.

40. Q. Who performed the operation?

A. Commander Ueno.

41. Q. What did you do while the operation was going on?

A. I cleaned the instruments, handed gauze and things of that sort.

42. Q. Did you see what was done to the prisoner?

A. Yes.

43. Q. What was done to the prisoner?

A. The toenail of the big toe on the right foot was removed, a testicle was removed, the femoral artery was revealed and an incision made in the abdomen. I am not sure which operations came first or the order in which they were performed.

44. Q. Was anything else done to the prisoner?

A. I do not remember.

45. Q. Was Commander Ueno the only one who operated on the prisoner?

A. According to my recollection that is how I remember it.

46. Q. After Commander Ueno finished operating on the prisoner what was done then?

A. Do you mean what Commander Ueno did?

47. Q. What was done to the prisoner?

A. A bandage was placed around the abdomen of the prisoner and then he was carried away on a stretcher.

48. Q. Were any of the other wounds bandaged?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. As I recall, no.

49. Q. Who bandaged the prisoner?

A. I do not remember.

50. Q. After he was bandaged what was done with him?

A. He was carried out on a stretcher.

51. Q. Did you hear any orders given concerning this prisoner before he was carried out of this air raid shelter?

A. I do not know.

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*James J. Kenny*  
JAMES J. KENNY

Lieutenant, U. S. Navy. 140  
Judge Advocate.

0946

52. Q. After this operation did you ever at any time have any conversation with any of the accused concerning this incident?

A. Yes.

53. Q. With whom did you have this conversation?

A. I was told by Ensign Kobayashi to say nothing about this incident to anyone.

The accused moved to strike this answer out on the ground that it was not part of the res gestae and that it was irrelevant and immaterial.

The judge advocate replied,

The commission announced that the motion to strike was denied.

54. Q. Did you have a conversation with any other accused concerning this incident?

A. Do you mean before the end of the war?

55. Q. I do not care when you had it. Did any of the other accused ever say anything to you about this incident?

A. Yes.

56. Q. Who was this?

A. Commander Uno.

57. Q. And what did Commander Uno say to you?

This question was objected to by the accused on the ground that it was not part of the res gestae and that it was irrelevant and immaterial.

The judge advocate replied,

The commission announced that the objection was not sustained.

A. He said to say nothing about the contents of the incident.

58. Q. Did he say anything else?

A. Other to this I do not remember.

The witness was duly warned.

The commission then, at 4:13 p.m., adjourned until 9 a.m., tomorrow, September 30, 1947.

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*James J. Kenny*  
JAMES J. KENNY,  
Lieutenant, U. S. Navy 41  
Judge Advocate

0947

**KINDER DAY**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Marianas Islands,  
Tuesday, September 30, 1947.

The commission met at 9 a.m.

**Present:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry E. Roscoe, Coast Artillery Corps, United States  
Army,  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Ragan, U. S. Navy, and  
Lieutenant James P. Kenny, U. S. Navy, judge advocates.  
Robert Oldham, yeoman third class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

**Cross-examined by the accused:**

59. Q. You testified that you were attached to the surgical room of the  
41st Guard Unit in July of 1944. When was it that you first became attached  
to this surgical room?

A. I was ordered attached to this surgical room at the time I was attached  
to the Guard Unit.

60. Q. Have you ever been attached to the internal medicine room?

A. No.

61. Q. You testified that when you saw these prisoners it was in July or  
August of 1944. Did you have any special event to calculate the date which  
you saw these prisoners?

A. The basis for this date was the arrival of Commander Ueno at the guard  
unit.

62. Q. When did Commander Ueno arrive at the guard unit?

A. As I recall it was around June of 1944.

63. Q. Is there any relationship between the transfer of Commander Ueno to  
the guard unit and this incident?

A. I do not get the exact meaning of the question.

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*James P. Kenny*  
JAMES P. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate.

0948



64. Q. You were asked if you had any basis for stating the date of the incident was in July or August of 1944. You testified that the basis for this incident was the arrival of Commander Veno at the guard unit around June and the question was, was there any relationship between the arrival of Commander Veno at the guard unit and this incident?

A. Because the operation on the prisoner was performed by Commander Veno and I recall this.

65. Q. Do you know if a few days before this incident occurred the guard unit was bombed and three of the five prisoners that were in the custody of the guard unit were killed?

A. I can not say definitely but I have a faint recollection of having heard about this through rumors.

66. Q. Can you testify as to the date of this incident from the time that you heard of this rumor?

A. I can not say.

67. Q. You testified that you were ordered to make preparations for the operation by the head corpsman, Kobayashi. Isn't this a mistake in your recollection and you were ordered to make preparations by the senior petty officer, Uehihira?

A. The senior petty officer, Uehihira, and Kobayashi both came but the one who told us to make the preparations was the head corpsman, Kobayashi.

68. Q. Then at this time besides Kobayashi and Uehihira and yourself was anyone else present?

A. When I was told, as I recall, there was only the two of them.

69. Q. When you received this order from Kobayashi do you recall Kodama being present?

A. I do not remember distinctly.

70. Q. What time of day do you remember this to be?

A. It was about 8:30 or 9:00 in the morning.

71. Q. What time was the noon meal at the guard unit at this time?

A. As I recall it was about 10 o'clock.

72. Q. Are you sure of this?

A. It was 11 o'clock or 10 o'clock. I can not say definitely which it was. It was around this time.

73. Q. When you received the order it was before the noon meal. Is this correct?

A. Yes, that is how I recall it.

74. Q. Where was the place that you were ordered to make preparations for this operation?

A. In the corridor of the surgical ward.

75. Q. What were you doing at this time?

A. I have no distinct recollection.

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*James P. Kenny*  
JAMES P. KENNY  
Lieutenant, U. S. Navy 45  
Judge Advocate.

0949

76. Q. You testified that you were given this order together with the senior petty officer, Uchihira. Did both yourself and the senior petty officer, Uchihira, make the preparations?

A. I have no distinct recollection if Senior Petty Officer Uchihira came with me.

77. Q. Have you any recollections of having made preparations with Petty Officer Kodama?

A. My recollection is not distinct but I may have gone with Kodama.

78. Q. You testified that when you made preparations all you did was to lay out the instruments which were in the air raid shelter. Do you mean the air raid shelter where these instruments were stored?

A. The instruments were at the place where the operation was performed.

79. Q. Then you did not bring the instruments from another air raid shelter. Is this correct?

A. I have no recollection of having brought instruments from another air raid shelter.

80. Q. Then when you say you laid out the instruments, did you gather up the instruments from various places and lay them out or were the instruments together in one place?

A. They were instruments which were in one place.

81. Q. You testified that you were in the surgical room. Had you made preparations for an operation many times?

A. Very seldom.

82. Q. And then the instruments that you laid out they were all in one group. Do you have any special recollection that you brought instruments from another place?

A. Not only the instruments, there were other things that were brought from another place.

83. Q. What do you mean by this?

A. The operating gown and others.

84. Q. How long was it after you entered the air raid shelter that the prisoner was brought there?

A. I made the preparations in the morning and the prisoner was brought in the afternoon. As I did not stay there all the time I can not say how long a time it was.

85. Q. Were you at the scene of this operation?

A. Yes.

86. Q. How did you come to go to the operation?

A. I had been ordered to go to the operation.

87. Q. Did you receive this order together with the order to make preparations?

A. The order to make preparations were orders to go to the air raid shelter.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy  
Judge Advocate.

0950

88. Q. Were you told what time in the afternoon the operation was to begin?

A. No.

89. Q. Then how could you go to this operation without receiving a separate order?

A. As complete preparations had not been made in the air raid shelter.

90. Q. What do you mean by "complete preparations"?

A. Word from the person operating stating that the preparations were all right.

91. Q. How many prisoners were brought to the air raid shelter?

A. One.

92. Q. How was this prisoner brought to the air raid shelter?

A. He was brought on a stretcher.

93. Q. Who was carrying the stretcher?

A. I do not remember.

94. Q. Was there an officer who was in charge of these persons bringing the person on a stretcher?

A. I have no recollection.

95. Q. When the prisoner was brought to the air raid shelter were you still making preparations?

A. As I recall I was doing something.

96. Q. Was the prisoner placed on the operating table immediately upon his arrival there?

A. Yes.

97. Q. When the prisoner was placed on the operating table was he placed there together with the stretcher or was he removed from the stretcher and placed on the operating table?

A. As I recall he was placed on the operating table as he was on the stretcher.

98. Q. Had Commander Uno already arrived there at this time?

A. I have no distinct recollection.

99. Q. Did he have anything around his neck?

A. I have no recollection.

100. Q. What was the physical condition of the prisoner? Was he healthy? Was he weak?

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

The accused replied.

The commission announced that the objection was not sustained.

A. I did not see him because of the clothes but he seemed weak.

101. Q. Did you see any wounds on the body of the prisoner?

A. I do not remember.

*James J. Kenny*  
James J. KENNY,  
Lieutenant, U. S. Navy.  
Judge Advocate.

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0951



102. Q. You testified that the head medical officer, Commander Ueno, operated on the prisoner. Did Commander Ueno examine the prisoner before doing so?

A. According to my recollection he did not perform an examination but I am not sure of this.

103. Q. You testified that a general anaesthetic was administered to the prisoner. How was it administered?

A. A piece of gauze was placed on the face and it was administered.

104. Q. Do you mean this anaesthetic was administered through the nose?

A. Yes.

105. Q. Do you know what kind of an anaesthetic was used?

A. Ether or chloroform was used.

106. Q. Yesterday you were asked by the judge advocate who had administered the anaesthetic and you stated that it was an officer. Was this officer Lieutenant Kinoshita?

A. I do not remember.

107. Q. Do you know that Lieutenant Kuno was present during the operation?

A. I do not remember him.

108. Q. You testified that Corporal Kanai, Saito, and Kodama were present. Do you remember what Kanai was doing during the operation?

A. I do not remember.

109. Q. Do you have any recollection concerning Saito?

A. No.

110. Q. Did the head medical officer, Ueno, say anything while he was operating?

A. He talked while he operated but I do not remember anything at all that he said.

111. Q. Do you remember Commander Ueno stating while he was operating that this prisoner had only one testicle?

A. I have no distinct recollection.

112. Q. You testified that Commander Ueno performed an operation on the testicle. What kind of an operation did he perform?

A. He revealed the testicle.

113. Q. When you say "revealed," do you mean an incision was made and it was revealed?

A. An incision was made and the testicle was exposed.

114. Q. You testified that Briguchi was present at the scene of the operation. Did Briguchi assist in this operation?

A. I do not remember.

115. Q. Did Briguchi say anything during the operation?

A. I do not remember.

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*James P. Kenny*  
JAMES P. KENNY

Lieutenant, U. S. Navy: 46  
Judge Advocate.

0952

116. Q. You also testified that Kobayashi was present during the operation. Do you remember his assisting in any way during the operation?  
A. I do not remember.

117. Q. Do you have any recollection of his saying anything?  
A. No.

118. Q. Did Commander Ueno leave this battle dressing station to go outside during this operation?  
A. As I recall, no.

119. Q. You testified that a bandage was applied to the body after the operation. Did you yourself bandage the prisoner?  
A. As I recall I did not bandage the prisoner.

120. Q. Do you know who did?  
A. I do not remember.

121. Q. You testified that after the bandaging was over the prisoner was carried out. Do you know who ordered the prisoner carried out?  
A. I do not remember.

122. Q. Who were the persons who carried the prisoner out?  
A. I believe it was Uchihira who carried the prisoner out but I am not sure of this.

123. Q. When the prisoner was carried out on the stretcher - one person could not have carried him out. Do you have a recollection of another person carrying him out?  
A. No.

124. Q. Did you go together with the prisoner who was carried out on the stretcher?  
A. No.

125. Q. Were you ordered to clean up after the operation?  
A. Yes.

126. Q. Were you the last person to leave this battle dressing station?  
A. I am not sure of this but I think I was.

127. Q. Were you the only person who was ordered to clean up?  
A. Rather than being ordered, as I was the one who made the preparations I cleaned up.

128. Q. Then you were present from the beginning of the operation until the end of the operation. Is this correct?  
A. Yes.

129. Q. What were you doing during the operation?  
A. I was cleaning the instruments and handling gauze.

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*James P. Kenny*  
JAMES P. KENNY  
Lieutenant, U. S. Navy 447  
Judge-Advocate

0953

130. Q. What time in the afternoon did this operation begin and what time in the afternoon did it end?

A. I do not know the time that it began but as I recall it continued until about five o'clock in the afternoon.

131. Q. Then how long did this operation take?

A. I can not say as to the time in figures of time but for an operation it was very long.

132. Q. Was it two hours or three hours? Have you no recollection at all?

A. As I recall it took more than two hours.

133. Q. During the operation did you hear any voices talking or any commotion outside of the air raid shelter?

A. As I recall it was noisy outside.

134. Q. Among the noises you heard outside of the air raid shelter is there anything that you remember distinctly which you heard said?

A. No, there is not.

135. Q. Did you hear anything that sounded like a cough?

A. I do not remember.

136. Q. Do you have any recollection of another prisoner being toward the entrance of the air raid shelter?

A. At this time I did not know about it.

137. Q. Then did you find out later?

A. Yes.

138. Q. How did you find out about it?

A. I found out through the conversations of the others in which it was said two had been brought there.

139. Q. Do you remember the prisoner as having recovered from the effects of the anesthetic when he was carried out of the battle dressing station?

A. I do not know.

140. Q. You testified that you were cautioned by the head corpsman, Kobayashi, not to say anything about this incident. Was this after the end of the war?

A. Yes.

141. Q. You testified that you received the same caution from Commander Vann, the head medical officer. Was this also after the end of the war?

A. Yes.

142. Q. Do you remember around when this was?

A. According to my recollection it was immediately after the end of the war.

143. Q. How many enlisted men were attached to the sick bay of the guard unit in 1944?

A. As I recall there were over ten.

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*James A. Kenny*  
JAMES A. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate

0954



144. Q. Is that all? Just ten.

A. I have no distinct recollection.

145. Q. How many officers were there attached to the sick bay unit?

A. As I recall - four.

146. Q. Can you remember how many patients there were at the sick bay in July of 1944?

A. I do not remember.

147. Q. Why is it that you do not remember so many many things about this incident?

A. Because at this time my rate was low and I was very busy and also because I did not know I would have to relate this at a later time.

148. Q. You say that you saw one prisoner some time in July or August in 1944. Can you fix this date more definitely by some particular fierce American air raid that might have killed three prisoners?

A. I have no recollection.

149. Q. Then were there air raids every day during these months of June, July and August of 1944?

A. That is how I remember it.

150. Q. When you say you saw a prisoner in an air raid shelter, do you mean an air raid shelter that was fitted out as a battle dressing station?

A. Yes.

151. Q. Was it used exclusively for a battle dressing station rather than an air raid shelter?

A. Yes.

152. Q. During the time of the operation was there an air raid?

A. According to my recollection there were no air raids.

153. Q. When Kobayashi gave you the order to prepare for an operation in the air raid shelter, what you actually mean was this battle dressing station?

A. Yes.

154. Q. Then there was nothing unusual in the way that Kobayashi ordered you to prepare for it?

A. As I recall there was nothing unusual about it.

155. Q. Was this the only prisoner that was at the sick bay that day?

A. No prisoners were at the sick bay.

156. Q. Do you know whether Commander Ueno ever went to the place where the prisoners were kept and examined them there?

A. I do not know.

157. Q. You stated that the following persons also came to the battle dressing station: Ueno, Kinoshita, Masiga Kobayashi, Ushihira, Saite and Kodama. Did they come together?

A. As I recall - yes.

*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy.  
Judge Advocate.

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158. Q. You say you do not remember that Lieutenant Rano was there. Could you forget that one of the three medical officers of the sick bay wasn't present during this operation?

A. I remembered that there was another officer there but I do not remember him as being Lieutenant Rano.

159. Q. And you said Ensign Kobayashi came also. Was Kobayashi an Ensign then?

A. I have no distinct recollection of this.

160. Q. You have no recollection that he was a warrant officer rather than an ensign?

A. My recollection is not clear as to the rank.

161. Q. When you first came there did you see Kobayashi?

A. No.

162. Q. Do you remember when he came?

A. I do not remember.

163. Q. Do you remember whether he was there when the operation ended?

A. As I recollect he was there.

164. Q. He was there when the operation ended?

A. I recollect his being there but I am not sure.

165. Q. Do you remember whether he gave you any orders to clean up the place?

A. As I recollect I was not ordered.

166. Q. Where did you go after you left the battle dressing station?

A. I went to the sick bay and I had my meal.

167. Q. Did you see the prisoner on the way to the sick bay?

A. No.

168. Q. Did you see any group of persons assembled nearby?

A. No.

169. Q. How long after the operation then was it when you arrived at the sick bay?

A. It took me about thirty minutes to an hour.

170. Q. It took you approximately between thirty minutes and an hour to clean up at the battle dressing station. Is that right?

A. I am not sure but it is approximately this time.

171. Q. Did you eat your meal at the regular time that day?

A. I was a little late.

172. Q. Do you know then about what time you arrived to eat your meal?

A. My memory is not clear on this.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy.  
Judge Advocate.

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173. Q. What time was the regular meal during this period?

A. As I recall it was about from 4:30 to 5.

174. Q. When you say that Commander Uno performed the operation, do you mean that no one assisted him at all - not any of the other doctors there?

A. Practically everything was done by Commander Uno.

175. Q. Weren't the other two doctors at the sick bay competent doctors so that they could perform some of this operation?

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

The accused replied.

The commission announced that the objection was sustained.

176. Q. You say that this was a particularly long operation. Was it a particularly difficult operation?

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

The accused replied.

The commission announced that the objection was sustained.

177. Q. Was Uno the senior surgeon there at this operation?

A. Yes.

178. Q. Who placed the bandage around the abdomen of the patient?

A. I do not remember.

179. Q. Was the bandage wrapped entirely around the body of the patient?

A. Yes.

180. Q. Did you notice the extent of the incision that Commander Uno had made in the abdomen?

A. Do you mean the length of the incision?

181. Q. Yes.

A. It was the usual incision that is made in the abdomen. I do not remember the length but it was from above the navel just below the navel.

182. Q. Do you know whether this incision was sewed up in the usual way?

A. According to my recollection it was not sewed.

183. Q. Did only one person bandage this patient?

A. Do you mean was it done by one person?

184. Q. Yes.

A. It could not be done by one person so I think it was done by more than one.

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*James P. Kenny*  
JAMES P. KENNY  
Lieutenant, U. S. Navy, 51  
Judge Advocate.

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185. Q. Did Kobayashi take any part in this operation?

A. According to my recollection Kobayashi did not assist in the operation.

186. Q. Did you see the acting executive officer, Nakase, present during the operation?

A. I do not remember him being there.

187. Q. Could you have remembered him if he had been there?

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

The accused replied.

The commission announced that the objection was not sustained.

A. If he had come in I might have remembered him.

188. Q. Do you remember seeing the commanding officer, Asano, there during the operation?

A. As I recall he was not there.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 10:22 a.m., took a recess until 10:45 a.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.

A. Carpenter Petty Officer First Class Saito, Kazuo.

2. Q. If you recognize any of these accused state as whom.

The witness properly identified all of the accused by their last names.

3. Q. During what period were you in the Imperial Japanese Navy?

A. From May of 1941 until December of 1946.

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*James A. Kenny*  
JAMES A. KENNY, 152  
Lieutenant, U. S. Navy.  
Judge Advocate.

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4. Q. During what period were you stationed on Dublon Island, Truk Atoll?  
A. From December of 1943 until May of 1946.

5. Q. To what unit were you attached there?  
A. The 41st Naval Guards.

6. Q. What was your rank in 1944?  
A. I was a leading corpsman.

7. Q. Sometime after February of 1944 did you see any prisoners of war at the 41st Naval Guards?  
A. Yes.

8. Q. When was this?  
A. It was in May or June at the time of the incident that I saw the prisoners.

9. Q. Where were you when you first saw the prisoners?  
A. I was at the pharmacy treatment room when I first saw them.

10. Q. What did you see?  
A. I saw them being carried on a stretcher.

11. Q. How many prisoners were there?  
A. My recollection at this time was two.

12. Q. Did you see these prisoners later on?  
A. Yes.

13. Q. Where?  
A. At the air raid shelter.

14. Q. How did you happen to go to the air raid shelter?  
A. I was ordered to bring the ether for anaesthetic.

15. Q. Who gave you this order?  
A. I do not know exactly but the order was from the head medical officer, Ueno, or the Senior Petty Officer Uchihira. It was told to another enlisted man and that person relayed it to me.

16. Q. Who was this other enlisted man that relayed the order to you?  
A. I do not remember who it was.

17. Q. To whom did you deliver this anaesthetic?  
A. At the entrance of the air raid shelter I handed it over to the senior petty officer, Uchihira.

18. Q. Tell us what you saw when you got to the air raid shelter?  
A. In this air raid shelter there were four to five persons. They were Commander Ueno, Lieutenant Kinoshita, the senior petty officer, Uchihira, Kodama, and there were others. The above four I remember distinctly. There were others but I do not remember them.

19. Q. Did you see the prisoners at this time?  
A. There was one prisoner lying in a stretcher in the air raid shelter.

20. Q. Did you see any other prisoners?  
A. No.

Lieutenant, U. S. Navy.

Judge Advocate

James P. Henry 153

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21. Q. Was anything being done to the prisoner on the stretcher when you went in the air raid shelter?

A. What I saw was the incision being made in the abdomen.

22. Q. How long did you stay there?

A. Two or three minutes.

23. Q. What did you do then?

A. I went back to the pharmacy.

24. Q. Did you return to that air raid shelter at any time?

A. Yes.

25. Q. What did you see when you returned?

A. The prisoner who had been operated on had temporary bandages on him and was lying on a stretcher outside of the air raid shelter.

26. Q. Did you see the other prisoner at this time?

A. No.

27. Q. What did you see happen after this?

A. I saw the prisoner being carried toward the swamp.

28. Q. Who accompanied the prisoner toward the swamp?

A. I do not know what persons there were but a great number of people went with the prisoner.

29. Q. Did you see any officers going with the prisoner?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. The officers I remember going with the prisoner were Ensign Briguchi and Head Carpenter Kobayashi.

30. Q. What did you do after seeing this?

A. I went to the veranda in back of the treatment room.

31. Q. Did you see anything from the veranda?

A. I saw a great number of people assembled but I could not distinguish who they were.

32. Q. Where were they assembled?

A. It was in the swamp about twenty to thirty meters away from the sick bay.

33. Q. Did you see what happened at that scene?

A. I could not see.

34. Q. Could you see the prisoner?

A. No.

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*James A. Kenny*  
JAMES A. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate

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35. Q. How long did you stand there watching the scene?

A. About five minutes.

36. Q. Did you know at that time what was being done at the scene?

A. I did not know at this time.

37. Q. Following this, where did you go?

A. I stayed at the sick bay.

38. Q. On that day and following this incident did you have a conversation with the accused, Kobayashi?

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

The judge advocate replied,

The commission announced that the objection was not sustained.

A. Yes.

39. Q. What did Kobayashi say to you?

A. He did not say this directly to me but he said it to the persons who were present and I remember him saying the following: "I, Kobayashi, showed Brigushi how to cut the prisoner, and Brigushi cut the prisoner skillfully."

The accused moved to strike out this answer on the ground that the witness was not competent to testify to it, and that it was hearsay.

The judge advocate replied,

The commission announced that the motion to strike was denied.

40. Q. Is that the same Kobayashi who is sitting here in court today?

A. Yes.

41. Q. Following this incident did you hear any of these other accused make any statements with reference to the incident itself?

A. After the end of the war the head medical officer, Ueno, assembled all of the personnel of the medical section at the mess hall and cautioned them as follows: That Commander Ueno had operated on prisoners at the air raid shelter - on two prisoners out of the five prisoners who were in the custody of the guard unit in September or October and that three of them had died from bombing. The two remaining prisoners had been operated on by him and that they had died after the operation. And also I recall we were told by the head corpsman, Kobayashi, to adhere to the caution of the head medical officer.

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

The judge advocate replied,

The commission announced that the motion to strike was denied.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy, 55  
Judge Advocate.

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42. Q. Did Ueno say why he was telling you this?

A. In case you were questioned in Japan he said to answer as before.

43. Q. What was the color of the skin of these two prisoners?

A. White.

44. Q. What was their nationality?

A. Americans.

The accused moved to strike out this answer on the ground that it was the opinion of the witness.

The commission announced that the motion to strike was denied.

45. Q. How do you know they were Americans?

A. The only personnel who attacked Truk were Americans at this time.

The witness was duly warned.

The commission then, at 11:15 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel, and the interpreters.

Robert R. Miller, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

Cross-examined by the accused:

46. Q. You testified that when you first saw a prisoner it was in May or June of 1944. What is the exact date that you saw these prisoners?

A. My recollection is not distinct but I think it was in June that I saw the prisoners.

47. Q. What part of June was it - the beginning, the middle, or the latter part of June?

A. I do not have any recollection as to the part of that month.

48. Q. Have you any event or basis by which you calculate this date that you saw these prisoners?

A. I remember this date because Commander Ueno was transferred to the guard unit in April or May of that year.

49. Q. Do you remember any event occurring just before the incident?

A. I remember that there was an attack by an American task force on April 30 but other to this I do not remember any important events.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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50. Q. Weren't there frequent air raids about the time of the incident?

A. There was an air raid almost every day.

51. Q. Do you remember an air raid in which three prisoners, who were confined, died due to the bombing?

A. I remember this bombing.

52. Q. What was the relation between this incident and the bombing in which the three prisoners died?

A. As I recall according to my recollection the bombing in which the prisoners died was in September or October.

53. Q. What is your basis for this recollection?

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

The accused replied,

The commission announced that the objection was not sustained.

A. Because there was a bombing to this effect at this time.

54. Q. Did you see the prisoners who were killed by the bombing?

A. No.

55. Q. Did you hear from someone about the prisoners?

A. I heard it through rumors.

56. Q. Do you mean then that you heard rumors about this time?

A. Yes.

57. Q. Did you hear any rumors as to when they were killed by the bombing?

A. I heard rumors but I did not hear the exact date and so I have forgotten about it.

58. Q. Then do you mean that you heard these rumors in September or October?

A. Yes.

59. Q. You testified that when you were in the pharmacy you saw the two prisoners being carried on stretchers. About what time of that day was it?

A. It was in the afternoon of that day. I forget the time.

60. Q. Was there anyone else at this place with you?

A. Yes.

61. Q. Who was it?

A. Do you mean in the pharmacy?

62. Q. Yes.

A. I forget their names but they were persons assigned to the pharmacy at this time.

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*James P. Kenny*

JAMES P. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate.

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63. Q. Did you see the prisoners together with these persons at the pharmacy?

A. I do not know if the other person saw the prisoners.

64. Q. Describe what you saw when you saw these two prisoners being carried on stretchers.

A. When I was in the pharmacy I saw them through the window in the pharmacy. I just got one glance at them and I do not have a distinct recollection of them.

65. Q. Were there persons around the stretchers?

A. There were.

66. Q. What persons were there?

A. I have forgotten their names.

67. Q. How many were there?

A. I think there were four or five.

68. Q. Were they officers or enlisted men?

A. They were enlisted men.

69. Q. Were both of the prisoners being carried on stretchers?

A. That is how I remember it.

70. Q. Were the prisoners both carried past at the same time or were there intervals between the two prisoners?

A. I think it was the same time.

71. Q. Do you have any recollection of one of the prisoners walking?

A. I do not know.

72. Q. You testified that you took the anesthetic to the air raid shelter. What was the relation in time between the time you saw the prisoners and when you took the anesthetic to the air raid shelter?

A. I forget the time but after I saw the prisoners I took the anesthetic to the air raid shelter.

73. Q. Was this anesthetic in your custody? Were you in charge of this anesthetic or was someone else in charge of it?

A. This anesthetic was an anesthetic which was in the storeroom of the sick bay.

74. Q. Did you get authorization from anyone when taking this?

A. When an item is taken from the storeroom I am given an order by a superior officer and I go and get it.

75. Q. Did you speak to the person who was in charge of the items?

A. At this time the drawing and receiving of items at the storeroom was one of my duties.

76. Q. When you took this anesthetic to the air raid shelter had the operation already begun?

A. As I recall it had already begun.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy, 158  
Judge Advocate.

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77. Q. Then do you mean that the operation had started without an anaesthetic being administered?

A. I think a different anaesthetic had been administered.

78. Q. You testified that the first operation you saw was the incision in the abdomen. Is this correct?

A. Yes.

79. Q. You testified that you went to the air raid shelter twice. Why did you go there?

A. The first time I took the anaesthetic and then I came back and then I went back and then I went again. That is why I went twice.

80. Q. What was your reason for going the second time?

A. I had no reason.

81. Q. Then why did you go?

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

The accused replied.

The commission announced that the objection was sustained.

82. Q. While you were at the air raid shelter either the first or second time did you hear any commotion toward the entrance of the air raid shelter?

A. I know of no commotion.

83. Q. Did Commander Nakase appear at the air raid shelter while you were there?

A. I did not notice him.

84. Q. Did you hear the voice of Commander Nakase or a cough of Commander Nakase?

A. I do not know.

85. Q. How much time had gone by from the first time that you went to the air raid shelter and the second time that you went there?

A. I am not sure, but I think thirty minutes passed.

86. Q. You testified that the prisoner was carried out toward the swamp and that the officers you saw going along with the prisoners were Briguchi and Kobayashi. Was there any special reason or characteristic by which you determined them?

A. Other officers also went with them but I remember Briguchi and Kobayashi because they were officers of the medical section.

87. Q. Was Kinoshita also there?

A. I do not know.

88. Q. What was Briguchi doing at this time?

A. Briguchi was talking together with Kobayashi and walking down toward the swamp.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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89. Q. Were they in front of this group of persons going toward the swamp or in back of them?

A. What do you mean by "this group."

90. Q. I mean the group that went with the prisoner.

A. According to my recollection they were in back of the group.

91. Q. You testified that when you were on the veranda of the sick bay you saw a group of persons assembled. How many were in this group that were assembled?

A. I think there were from forty to fifty persons but I cannot say to the exact number of persons.

92. Q. You testified that you could not see what occurred and you could not see the prisoner. Was there anything between this veranda and this group of persons that obstructed your view?

A. Yes.

93. Q. What was it?

A. There was a grove of banana trees and also toward the swamp there were a lot of tall reeds growing there.

94. Q. What was the space between each individual banana tree?

A. The banana trees were planted about one and one-half meters apart.

95. Q. Was there anything planted between each banana tree?

A. In some places between the banana trees there were some flowers and plants planted there but in most cases there was nothing between the banana trees.

96. Q. From the area of the sick bay could you see what was occurring or who was in the swamp by the sick bay?

A. If you were standing on the veranda you could only see the heads of persons in the swamp due to the reeds which were growing and you could not see the body.

97. Q. You testified that Kobayashi said that he had shown Eriguchi how to cut and that Eriguchi had beheaded the prisoner. What time of day was it when you were told this?

A. I do not remember the time.

98. Q. Was it in the evening or during the day?

A. It was after the beheading.

99. Q. Were the lights on?

A. I do not remember.

100. Q. Where in the sick bay did you hear this?

A. In the office of the sick bay.

101. Q. Who was present at this time?

A. The senior petty officer, Ushihira, and there were others there but I forget the others.

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*James P. Kenny*  
JAMES P. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate

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102. Q. How many persons were there?

A. I think all of the enlisted men of the office were there.

103. Q. How many would there be if all of them were there?

A. Three or four.

104. Q. And who among this three or four do you remember?

A. Petty Officer Ushihira.

105. Q. Is Ushihira the only one you remember?

A. Yes.

106. Q. What did Kobayashi come there for?

A. The head carpenter, Kobayashi, had a desk there at the office and that is where he always worked.

107. Q. You stated that when Kobayashi spoke about this everyone grouped about him. Did they assemble there especially to hear this?

A. No.

108. Q. Can Kobayashi use a sword?

A. I do not know.

109. Q. Did you hear any rumors to this effect?

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

The accused made no reply.

The commission announced that the objection was sustained.

110. Q. That Kobayashi showed Eriguchi how to cut, did Kobayashi himself tell you this or who did tell you?

A. He did not speak directly to me. I think it was addressed to the senior petty officer but I was there and heard it.

111. Q. When you say senior petty officer, do you mean Ushihira?

A. Yes.

112. Q. Then, have you always remembered this or did you recall this recently?

A. I remember it at that time and in February of this year when I was questioned in Tokyo I recalled it again.

113. Q. Have you ever talked about this with anyone?

A. I think I talked to no one.

114. Q. Have you talked with Kodama?

A. I did not talk with Kodama.

115. Q. Was Kodama present at this time?

A. When you say "this time" when do you mean?

116. Q. At the time when Kobayashi spoke about this.

A. I do not know.

*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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117. Q. You testified that after the end of the war you were cautioned by Commander Ueno concerning this incident. Was Kobayashi present when Commander Ueno said this?

A. Yes.

118. Q. When something is relayed by a superior officer that the person in charge of the enlisted men go over again and repeat it, is this something that is usually done in the military service?

A. The head corpsman usually did this whenever there were any cautions or instructions from the head medical officer or any other officer. He would tell it over to us again to refresh our recollection.

119. Q. When Kobayashi spoke about his showing Briguchi how to cut, this person who worked together with you at the pharmacy must have been with you. Can you remember him as being among the persons assembling at the office at this time?

A. I cannot remember.

120. Q. You said you brought ether. How much did you bring?

A. Ether and chloroform ether were only one or two items at the sick bay of the guard unit at this time so I took one of each.

121. Q. Was Kobayashi there at the battle dressing station when you brought these two containers with the anaesthetic?

A. Do you mean inside the air raid shelter?

122. Q. Yes.

A. I did not see him inside the air raid shelter.

123. Q. Was the patient under the influence of an anaesthetic when you first got there?

A. I could not tell.

124. Q. Did anyone use this ether or chloroform that you brought?

A. I remember handing it over but I do not remember who used it.

125. Q. How many bandages did you see on the patient?

A. The only bandage that I remember is the bandage that was over his abdomen.

126. Q. After you left you said that you saw some persons in a group going toward the swamp and that you remember some of them because they were in the medical department. Do you know Yoshinuma?

A. I know an ensign named Yoshinuma.

127. Q. Wasn't he the one that you saw with Briguchi and not Kobayashi?

A. I do not know.

128. Q. Did you see Doctor Kuno in this group?

A. I did not notice him.

129. Q. Was Captain Asano at the operation?

A. I did not see Captain Asano there so I do not know.

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*James P. Kenny* 162  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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130. Q. Did you see him there in the group of persons at the swamp?

A. I do not know.

131. Q. Couldn't you recognize anyone there in the group of persons at the swamp?

A. There were a great many people there and I could not tell who was who.

132. Q. Were all the people that were there people from the medical department of the guard unit?

This question was objected to by the judge advocate on the ground that it was vague, since the witness had stated he did not recognize anyone.

The accused replied.

The commission announced that the objection was sustained.

133. Q. You said there were only three or four enlisted men attached to the dispensary of the guard unit. Can't you remember the names of those three or four persons?

A. Do you mean in the medical section of the guard unit?

134. Q. Yes.

A. It is not three or four.

135. Q. How many is it?

A. There were a great many more but I do not remember the exact number.

136. Q. Was it as many as ten?

A. I think it was more than ten.

137. Q. What particular department were you attached to in this medical department of the guard unit?

A. The pharmacy.

138. Q. And is the pharmacy the place where Kobayashi had his desk?

A. It was the office of the sick bay where he had his desk.

139. Q. How did you happen to be in the office of the sick bay at this particular time?

A. I left the pharmacy and went toward the office.

140. Q. Were you on duty at the pharmacy when you left?

A. There is no regular duty man at the pharmacy.

141. Q. Can you remember if any of the people there, when you heard Kobayashi talking, were from your pharmacy department?

A. I did not notice anyone.

142. Q. Was it after the evening meal?

A. I have no distinct recollection as to whether it was before or after the evening meal.

143. Q. Did you hear Kobayashi say when he had instructed Briguchi in how to cut?

A. When they were talking in the office of the sick bay I heard Kobayashi say this.

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JAMES P. KERRY  
Lieutenant, U. S. Navy  
Judge Advocate.

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144. Q. Did you hear him say that he had instructed Eriguchi the same day or the day before or when did he say he had instructed him?

A. I do not know when it was that he showed him.

145. Q. Did you hear Kobayashi say that he had seen Eriguchi cut?

A. The head corpsman did not say that he saw Eriguchi cut.

146. Q. Did he say that it was the same prisoner that you had seen operated on?

A. I forget.

147. Q. Can you still remember that you heard Kobayashi say this?

A. When you say this what do you mean?

148. Q. When you say you heard him say that he had instructed Eriguchi how to cut.

A. I still remember it.

149. Q. When Commander Ueno assembled the persons and cautioned them, how many persons did he assemble?

A. I forget how many assembled but all of the enlisted men and officers of the medical section assembled.

150. Q. Do you remember whether Kinoshita was there?

A. He was there.

151. Q. He was still attached to the guard unit at that time?

A. He was still attached to the guard unit.

152. Q. Was Commander Ueno still attached to the guard unit or was he over at Fafan?

A. They were talking about his going to Fafan but he was still at the guard unit.

153. Q. Were there any persons assembled there who were not present at the operation?

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

The accused replied.

The commission announced that the objection was sustained.

154. Q. In the group of persons that you saw at the swamp did you recognize Commander Ueno?

A. I did not see and I could not tell.

155. Q. Did you see any other enlisted men, nearby to where you were standing, also watching this scene?

A. There were also others watching the same as myself but I forget who they were.

156. Q. Were they also on the veranda?

A. Do you mean Commander Ueno?

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*James A. Kenny*  
JAMES A. KENNY,  
Lieutenant, U. S. Navy, 164  
Judge Advocate.

0970

157. Q. No, these other people that you saw watching.

A. Yes.

158. Q. Did you see anyone on the path leading to the veranda?

A. I remember no one.

159. Q. Was the veranda the best place to see what was going on in the swamp at this particular vicinity or could you have seen better if you would have been down on the path or the road leading to the veranda?

A. Naturally you could not see much from the veranda but as it was higher it was much better.

Reexamined by the judge advocate:

160. Q. How far off the ground was this veranda that you were standing on watching the scene?

A. About one meter above the ground.

161. Q. What was between the veranda and the scene that obstructed your view?

A. Banana trees and a dense growth of weeds.

162. Q. Where was the foliage on the banana trees? Was it at the top or near the ground?

A. There were leaves toward the top of the tree and there were some of them that were drooping down toward the ground.

163. Q. If one was standing on the ground he could see between the open space that led between these banana trees, could he not?

A. You could see through the banana trees but beyond the banana trees there was a dense growth of reeds. Even if you could see you could only see the heads.

164. Q. Where was this growth of reeds? In what part of the area?

A. Looking from the sick bay it seemed to be growing every place.

Recross-examined by the accused:

165. Q. Do you remember how tall these banana trees were?

A. I think they were about two meters.

166. Q. Do you remember how tall this swamp grass you talk about was?

A. The tall reeds grew taller than my head.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrawn.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy. 165  
Judge Advocate.

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The commission then, at 3:22 p.m., took a recess until 3:40 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.  
A. Tsuboi, Haruo, corpsman chief petty officer.
2. Q. If you recognize any of these accused state their names and former ranks.

The witness correctly identified all of the accused by name and rank.

3. Q. Have you ever served at Truk?  
A. Yes.
4. Q. Between what dates did you serve there?  
A. From August 1942 till December 1945.
5. Q. To what unit were you attached while you were at Truk?  
A. Forty-first Naval Guards.
6. Q. Were you attached to the Forty-first Naval Guards from August 1942 till December 1945?  
A. In March 1945 I went to the Forty-ninth Naval Guards.
7. Q. In June 1944 what was your rate?  
A. I was a second class petty officer.
8. Q. And to what particular section of the Forty-first Naval Guards were you attached in June 1944?  
A. The medical section.
9. Q. Did you ever see any prisoners of war at the Forty-first Naval Guards?  
A. Yes.
10. Q. Can you tell us when you saw them?  
A. I saw them in 1944. I forget the day and the month.
11. Q. Where did you see them?  
A. In the jail at the guard unit.
12. Q. How did you happen to visit this jail at the guard unit?  
A. I did not have any reason for going there but I just looked in.
13. Q. Were you ever given any orders by anyone concerning these prisoners?  
A. No.

*James P. Kenny*  
JAMES P. KENNY  
Lieutenant, U. S. Navy 66  
Judge Advocate

0972



14. Q. Did you ever help carry these prisoners any place?

A. No.

15. Q. Did you ever see these prisoners on stretchers?

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

The judge advocate replied,

The commission announced that the objection was not sustained.

A. Yes.

16. Q. Will you tell us about that?

A. The prisoners who were on stretchers were carried into the air raid shelter by the sick bay.

17. Q. Did you help carry these prisoners?

A. Yes.

18. Q. How did you happen to carry these prisoners?

A. I do not know the reason why they were carried there.

19. Q. Had you been given any orders to carry the prisoners on stretchers?

A. According to my recollection I was told by the head corpsman, Kobayashi.

20. Q. What did he tell you to do?

A. He said to carry them over in stretchers.

21. Q. Do you remember about what time of the day it was that you received these orders?

A. As I recall it was about one o'clock in the afternoon.

22. Q. Were you the only one given these orders?

A. To carry them I was the only one.

23. Q. Did anyone help you carry these prisoners?

A. Four of us carried them.

24. Q. Can you tell us the names of the other three who helped you?

A. I do not remember the names.

25. Q. Was there an officer in charge of you?

A. I do not remember.

26. Q. Did any officer go with you to get the prisoners?

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

The judge advocate withdrew the question.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

0973

27. Q. When Kobayashi told you to carry the prisoners where did he tell you to go to get them?

A. He said to go to the jail and bring them.

28. Q. Did you go to the jail?

A. Yes.

29. Q. Other than yourself and the three men that helped you did anyone else go with you?

A. I do not remember.

30. Q. When you got to the jail what happened?

A. The two prisoners were placed on a stretcher and I brought them.

31. Q. Who placed the two prisoners on the stretcher?

A. The persons who went to get them.

32. Q. Did you help place them on the stretcher?

A. Yes.

33. Q. Was there any particular need to place them on stretchers?

A. I did not know the reason.

34. Q. When you got to the jail and found the prisoners there, were they standing up or lying down?

A. As I recall they were standing.

35. Q. After you got the prisoners placed on stretchers, what did you do with them?

A. The others tied their hands and feet and we brought them.

36. Q. After you got them tied where did you take them?

A. To the front of the air raid shelter by the sick bay.

37. Q. And what happened then?

A. One of the prisoners was carried into the air raid shelter.

38. Q. What became of the other prisoner?

A. He was left outside.

39. Q. After you had placed these prisoners there where did you go?

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

The judge advocate withdrew the question.

40. Q. After you placed the prisoners there, did you go any place?

A. I went into the sick bay.

41. Q. How long did you remain there?

A. As I recall I was in the sick bay until the operation in the air raid shelter was almost over.

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*James F. Kenny*  
JAMES F. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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0974

42. Q. Did you ever go into the air raid shelter while the operation was going on?

A. No.

43. Q. How do you know when the operation was over?

A. I heard about it from someone.

44. Q. This other prisoner who was ~~not~~ taken into the air raid shelter, did you ever see him again that day?

A. I did.

45. Q. Tell us about that.

A. I did not see him when he was being carried on a stretcher but I saw him when the stretcher was placed on the ground and he was made to stand and I saw him being led into the swamp.

46. Q. What happened to him after he was led into the swamp?

A. The arms of the prisoner were stretched out sideways and to this was tied a pole and two men took hold of each end of the pole.

47. Q. What happened then?

A. He was stabbed.

48. Q. Who stabbed him?

A. Tanaka, Susta stabbed him.

49. Q. Is that the Tanaka that is present here in this courtroom today?

A. Yes.

50. Q. How many men stabbed the prisoner?

A. As I recall four to five.

51. Q. Who was the first person to stab the prisoner?

A. It was Tanaka.

52. Q. What did Tanaka stab him with?

A. A rifle with fixed bayonet.

53. Q. Where did Tanaka stab him?

A. The chest.

54. Q. Whereabouts in the chest?

A. The middle of the chest.

55. Q. How far were you from Tanaka at the time that he stabbed?

A. I was four or five meters behind him.

56. Q. How many people were there at this scene?

A. About seventy.

57. Q. Were there any officers present there?

A. I do not remember.

58. Q. How did you happen to be present there?

A. I heard everyone talking and I went there.

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*James J. Kenny*  
JAMES J. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate.

169

0975



59. Q. Where were you when you heard everyone talking?

A. In the sick bay.

60. Q. And what did you hear?

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

The judge advocate withdrew the question.

61. Q. Why did you go from the sick bay to this scene where Tanaka stabbed this prisoner? Were you ordered to go there?

A. No.

62. Q. Then why did you go?

A. Because a lot of men were saying that he was to be stabbed, so I heard this and went.

63. Q. Are you sure that it was Kobayashi who told you to go with three others to get these prisoners from the jail?

A. I have no distinct recollection as to this.

64. Q. What does that mean?

A. It is just that that is how I remember it.

Cross-examined by the accused:

65. Q. You testified that you saw the prisoner in 1944 but that you did not remember the date or the month. Don't you know approximately whether it was spring, summer, autumn or what? A whole year is a long time.

A. I have none.

66. Q. Were you bombed frequently about the time you saw these prisoners?

A. I recall bombings.

67. Q. Then were there air raids every day or every other day, continuously?

A. I think it was at a time when it was not so fierce.

68. Q. Do you know of an incident when three prisoners out of five prisoners that were confined at the guard unit died due to bombings?

A. No.

69. Q. You testified that you were given an order by Kobayashi to go to the jail and bring the prisoners. Where was the place that you received this order?

A. It was in the sick bay.

70. Q. What were you doing?

A. I do not remember clearly what I was doing.

71. Q. Was there someone nearby when you received this order or were you the only one in the sick bay at this time?

A. I recall some others being present.

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*James P. Kenny*

JAMES P. KENNY  
Lieutenant, U. S. Navy,  
Judge Advocate.

0976

72. Q. Do you know their names?

A. I do not remember their names.

73. Q. You testified that the head corpman, Kobayashi, ordered you to bring the prisoners on stretchers. How many stretchers did you bring?

A. Two.

74. Q. You testified that the four of you carried the prisoners. Did all four of you go together to the jail?

A. Four of us went.

75. Q. Then you testified that you were the only one who received the orders. Did you get the other three to come along?

A. I did not get them to come along.

76. Q. When you say that you did not get them to come along did you say, "I have been ordered to get the prisoners, come with me and help me"?

A. I was ordered to take three persons and two stretchers and get the prisoners.

77. Q. Then when you say three persons when you were given this order, did the head corpman, Kobayashi, say the names of three persons that you were to take?

A. As I recall he did not say the names of each of the three persons, he just said, "the four of you go."

78. Q. Then the three persons that went with you to the jail, were they persons that were present with you at the sick bay when you received this order from the head corpman, Kobayashi?

A. I took three men along who were not doing any work at that time.

79. Q. You testified that you took three persons along with you. When I previously asked you did you get three persons to go along with you, you said no. What do you mean when you say you took three persons with you?

A. The head corpman told me to take three persons and get the prisoners.

80. Q. Then, you mean that you told three other persons that you had received such an order from Kobayashi so to come, you. Is this correct?

A. Yes.

81. Q. Were you the senior member of this party?

A. I was the senior member of the party that went to bring the prisoners.

82. Q. You testified that you took two stretchers. Where did you get the stretchers?

A. The stretchers were stored in the sick bay.

83. Q. When you went to the jail who was present at the jail?

A. There were guards at the jail.

84. Q. How many guards were there?

A. I do not remember.

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*James L. Kenny*

JAMES L. KENNY,  
Lieutenant, U. S. Navy, 71  
Judge Advocate.

0977

85. Q. Did you say anything to the guard as to having the prisoners released to you?

A. I said to the guard I have been ordered by the head medical officer to bring the prisoners.

86. Q. You testified that you were ordered to bring the prisoners by the head corpman, Kobayashi, and you told the guard at the jail that you had been ordered to bring the prisoners by Commander Ueno. Why is this?

A. I was told the head medical officer was going to perform an experiment in the air raid shelter so I was to bring them.

87. Q. Then did the guard, without receiving permission <sup>from</sup> for his superiors, just hand the prisoners over to you?

A. He handed the prisoners over.

88. Q. Who opened the lock to this place of confinement?

A. The guard.

89. Q. Then did you take two prisoners?

A. Two.

90. Q. Were both of the prisoners in the same cell?

A. As I recall they were in separate cells.

91. Q. Were both of them standing?

A. As I recall they were standing.

92. Q. When you saw the prisoners were they in condition that they could not go to the air raid shelter unless they were carried in a stretcher?

A. If they were made to walk they could walk.

93. Q. Then did you have them walk?

A. Carried them on a stretcher.

94. Q. Why did you carry them on a stretcher?

A. Because I was ordered to bring them on a stretcher I carried them on a stretcher.

95. Q. Did you carry both of them on stretchers?

A. Yes.

96. Q. Did a doctor named Kinoshita go with you when you went to get the prisoners?

A. I do not remember.

97. Q. You say Kobayashi ordered you to bring the prisoners. Wasn't it Kinoshita instead of Kobayashi who ordered you to bring the prisoners?

A. My recollection is not clear on this.

98. Q. Do you mean you are not sure whether it was Kinoshita or Kobayashi?

A. According to my recollection it was the head corpman but I am not sure on this.

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*James I. Kenny*

JAMES I. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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0978



99. Q. Then you testified that the prisoners were carried by the four of you. How did you carry them?

A. Two persons carried each stretcher.

100. Q. Did you carry the forward part of the stretcher or the back?

A. I carried the second stretcher.

101. Q. Do you mean there was one stretcher in front and one in the back and you carried part of the back stretcher?

A. Yes.

102. Q. Did you carry the forward part of the back stretcher?

A. As I recall, I carried the back part of the second stretcher.

The witness was duly warned.

The commission then, at 4:26 p.m., adjourned until 9 a.m., tomorrow, October 1, 1947.

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*James P. Kenny*  
JAMES P. KENNY,

Lieutenant, U. S. Navy: 473  
Judge Advocate.

0979

**MINUTE BOOK**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Marianas Islands.  
Wednesday, October 1, 1947.

The commission met at 9 a.m.

**Present:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United  
States Army,  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Ragan, U. S. Navy, and  
Lieutenant James P. Kenny, U. S. Navy, judge advocates.  
Robert Oldham, yeoman third class, U. S. Navy, reporter.  
The accused, their counsel and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

103. Q. Do you have any recollection concerning the face of the prisoners  
that you took out from the jail of the Naval Guard Unit?  
A. No.

104. Q. Did you see anything special about their faces?  
A. I do not remember.

105. Q. What were their heights?  
A. As I recall they were tall.

106. Q. Do you have any recollection of one of them being tall and the  
other one being about medium height?  
A. My recollection does not go back to this extent.

107. Q. Do you have any recollection of the clothes that they were wearing?  
A. I think they were wearing khaki colored shirts.

108. Q. Were they wearing short pants or long pants?  
A. According to my recollection they were wearing long pants.

109. Q. When you carried the prisoner, did you see any wounds on the  
prisoner?  
A. I do not remember any.

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*James P. Kenny*  
JAMES P. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate

0980

110. Q. Did you see any insignia of rank on the clothing of the prisoners?  
A. I do not recall any.

111. Q. Were both of them in the same physical condition?

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

The accused withdrew the question.

112. Q. Were both of them in good spirits or were they weak?  
A. As I recall they were not too healthy.

113. Q. Were both of them in the same condition?  
A. This I do not know.

114. Q. Do you know if one of the prisoners was weak and they carried him on the stretcher and the other one was not weak so they had him walk?  
A. I do not know of this.

115. Q. Did you see if one of the prisoners walked or if one of the prisoners were carried on a stretcher?  
A. I did not see this.

116. Q. Then do you mean that there was no such thing as one prisoner walking and one prisoner being carried?  
A. I know of the two prisoners being carried on the stretchers because I went there but I do not know of one prisoner being carried on a stretcher and the other one made to walk.

117. Q. You testified that the hands and the feet of the prisoners were tied. Were both of the prisoners hands and feet tied?  
A. Both of them were tied.

118. Q. Who tied them?  
A. I do not remember the name of the person who tied them.

119. Q. Was it one of the persons of your group who went to pick up the prisoners or was it a person at the jail?  
A. I recall one of the persons of my group as tying the prisoner.

120. Q. How was the prisoner tied?  
A. The hands were tied in front and the feet were tied just as they were lying on the stretcher.

121. Q. What was the approximate distance from the place of confinement where the prisoners were confined to the battle dressing station?  
A. I think it was approximately one hundred meters.

122. Q. Wasn't it two hundred meters?  
A. I do not know.

123. Q. Tell us what kind of a path you followed from the jail to this battle dressing station?  
A. I think we passed by the number one barracks and passed the ammunition dump.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

175

0981



124. Q. Did you pass in front of the pharmacy?

A. I do not recall passing in front of the pharmacy.

125. Q. You mean you did not pass in front of the pharmacy. Is this correct?

A. That is how I recall it.

126. Q. When you entered the air raid shelter, from which entrance did you enter it?

A. As I recall through the entrance opposite the sick bay.

127. Q. Do you have any recollection of having placed the prisoner other to the one that was operated upon at the opposite entrance from the one that you entered the air raid shelter?

A. I placed him at the same entrance that I entered the air raid shelter.

128. Q. When you took this prisoner into the air raid shelter was there anyone inside of the air raid shelter?

A. As I recall the head medical officer was in the air raid shelter.

129. Q. Do you remember anyone else?

A. I do not remember anyone else.

130. Q. Was there anyone near the entrance of the air raid shelter?

A. I do not remember.

131. Q. You testified that you took one prisoner into the air raid shelter and that you left one prisoner outside of the air raid shelter. Were you instructed to do this by anyone?

A. I do not remember from whom I received these instructions.

132. Q. Then is it a fact that you received instructions from someone?

A. We were just told to bring them there and once we brought them there our job was finished.

133. Q. To whom did you hand over this prisoner when you took inside of the air raid shelter?

A. The prisoner was handed in from the outside and I do not know who took over the prisoner inside.

134. Q. Then the prisoner that was handed inside of the air raid shelter, was this the prisoner that you carried?

A. Yes.

135. Q. Did you report to anyone that you had brought the prisoner?

A. I do not think I reported to anyone.

136. Q. You testified that you were the senior member of this group that carried the prisoner. Did you report to anyone that you had brought the prisoner that you left outside of the air raid shelter?

A. I did not report.

137. Q. Then do you mean that you placed one prisoner inside of the air raid shelter and you left one outside of the air raid shelter and just left?

A. Yes.

*James L. Kenny*  
JAMES L. KENNY, 176  
Lieutenant, U. S. Navy.  
Judge Advocate.

0982

138. Q. You testified that after you left the prisoner at the air raid shelter you went to the sick bay. Did the persons who carried the prisoner together with you also go to the sick bay?  
A. I have no distinct recollection on this.

139. Q. You testified that you went to the sick bay and you stayed at the sick bay until the operation was almost over. What were you doing all this time at the sick bay?  
A. At the sick bay I was doing the work that I had.

140. Q. How long was this time that you worked at the sick bay?  
A. I think it was about four hours.

141. Q. Then do you mean that the operation took four hours?  
A. I think it took four hours.

142. Q. You testified that you heard about the end of the operation from someone. Who was the someone that you heard this from?  
A. I did not mean that one person told me. Everyone was saying that it was over so that is how I found out.

143. Q. Then at this time you were in the sick bay. Is this correct?  
A. Yes, I was in the sick bay.

144. Q. From this position where did you hear these cries that the operation was over?  
A. I did not know about the operation being over in the air raid shelter.

145. Q. You replied that you did not know about the operation being over but in reply to a question by the judge advocate you replied that you heard about the operation being over from someone. Whether you heard it from someone or whether you knew that the operation was over doesn't make any difference. Did you know about the operation being over?  
A. This was what I heard through rumors from someone else.

146. Q. Coming back to the previous question, you stated that you heard about the operation being over by the loud voices of others. From what direction did you hear these cries from where you were?  
A. From the back of the sick bay.

147. Q. You testified that you saw the other prisoner made to stand up and led off toward the camp. When was it that you saw this?  
A. Do you mean what time was it?

148. Q. If you knew the time that would be the best but what was the relation to the time that you heard the rumors that the operation was over?  
A. It was before the operation was over.

149. Q. Then do you mean that you saw the prisoner being led away before you heard the rumors about the operation being over?  
A. Yes.

150. Q. From where did you see the prisoner being led away?  
A. Back of the sick bay.

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*James J. Kenny*  
JAMES J. KENNY  
Lieutenant, U. S. Navy  
Judge Advocate

0483

151. Q. Then do you mean that you were at the back of the sick bay?  
A. When the prisoner was being taken away I was not in the back of the sick bay.

152. Q. You testified that you saw the prisoner being led away. When you saw this prisoner being led away, where were you?  
A. I was at the back of the sick bay.

153. Q. Why did you go to the back of the sick bay?  
A. To see.

154. Q. What did you go to see?  
A. I went to see the prisoner being stabbed.

155. Q. Then you know that the prisoner was to be stabbed?  
A. I knew through the commotion that the other persons created and went to see it.

156. Q. When and where did you hear this commotion that the other men were making?  
A. I knew through the commotion that they were making as they were leading the prisoner away.

157. Q. You testified that you were in back of the sick bay when you saw this prisoner being led away and that you were in the sick bay when you heard that the operation was over. Do you mean that you left the sick bay to see the prisoner? You went to the back of the sick bay and then returned to the sick bay.  
A. I returned to the sick bay.

158. Q. How long a time had elapsed since you left the sick bay and returned to the sick bay?  
A. I have no distinct recollection of this.

159. Q. What was the distance between the place that you were watching the prisoner from, the back of the sick bay, and the place where the prisoner was being led into the swamp?  
A. I do not know the distance but from the air raid shelter to the swamp it was about forty meters.

The question was repeated.

A. When I saw the prisoner - the stretcher in which the prisoner was had been lowered in the swamp and the prisoner made to stand and walk toward the hole.

160. Q. You testified that you did not see the prisoner being carried on the stretcher but you saw the prisoner being made to stand up from the stretcher and led off into the swamp. Where were you when you saw this?  
A. In the back of the sick bay in the part before you enter the swamp.

161. Q. Do you know of a row of banana trees being between the swamp and the sick bay?  
A. I know of these banana trees.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

0984



162. Q. You state you saw the prisoner being led into the camp. On which side of the banana trees did you see it from? On the side toward the camp or on the side toward the sick bay?

A. On the side toward the sick bay.

163. Q. From where you were standing to the scene of the execution, what was the distance?

A. As I recall it was about ten to fifteen meters.

164. Q. Were there any people in the vicinity of where you were?

A. As I recall there were.

165. Q. You testified that at the scene you thought there were about seventy persons. Were seventy already assembled there when you arrived at the scene or did people continue to assemble as you were watching the scene?

A. There was a great number of people already assembled when I went there but as I recall more people arrived after I went to the scene.

166. Q. You testified that seventy persons were at the scene. What time do you mean when you say seventy persons were assembled?

A. At the time of the stabbing as I recall there were about seventy persons.

The commission then, at 10:15 a.m., took a recess until 10:35 a.m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel and the interpreters.

Robert R. Miller, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

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

(Cross-examination continued.)

167. Q. You testified that the two arms of the prisoner were tied on a pole. Who was the person who tied the arms of the prisoners to the pole?

A. I do not remember the name.

168. Q. Was it an officer or an enlisted man?

A. I do not remember.

169. Q. Tell us how he was tied to the pole?

A. The wrists were tied to the pole and his position is as I have indicated.

The witness indicated a position with his arms outstretched in the form of a cross.

170. Q. What part of the prisoner's body was tied to this pole? Was it just the wrists?

A. As I recall just the wrists were tied.

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*James J. Kenny*  
JAMES J. KENNY,  
Lieutenant, U. S. Navy. 79  
Judge Advocate.

0985

171. Q. You testified that two enlisted men held up the two ends of the pole. Do you remember who they were?  
A. I do not remember.

172. Q. You testified that Tanaka stabbed this prisoner. Did you know Tanaka at this time?  
A. When he stabbed I found out that it was Tanaka.

173. Q. When did you first come to know Tanaka other to this incident?  
A. I first came to know him when he came to be examined.

174. Q. How long before this incident was it that Tanaka came to be examined at the sick bay?  
A. I do not remember.

175. Q. Do you have any recollection of Tanaka being sick just before this incident?  
A. As I recall he was sick.

176. Q. Was Tanaka still sick at the time of this incident?  
A. I do not remember.

177. Q. Was there anyone who gave an order when Tanaka stabbed?  
A. I do not remember.

178. Q. Do you know a person called Nagashima, Mitsuo?  
A. I know a person of this name.

179. Q. Did you see this person at the scene of the stabbing?  
A. I did not notice.

180. Q. You testified that four or five persons other to Tanaka also stabbed. Did all of these persons also stab with a rifle with a fixed bayonet?  
A. As I recall they all stabbed with rifle and bayonet.

181. Q. Did these people when Tanaka stabbed already have rifles and bayonets?  
A. I do not remember.

182. Q. What was the relationship in position between Tanaka and these four or five other stabbers?  
A. When you say relationship do you mean the position of the other four or five?

183. Q. Yes.  
A. As I recall they were in back of Tanaka.

184. Q. Were they in one row or were they in two rows?  
A. I do not have any recollection as to this.

185. Q. Did Tanaka say anything when he stabbed?  
A. As I recall I think he said something.

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*James V. Kenny*

JAMES V. KENNY, 180  
Lieutenant, U. S. Navy.  
Judge Advocate.

0986

186. Q. What did he say?

A. As I recall he shouted "Ya."

187. Q. When Tanaka stabbed did blood come from the body of the prisoner?

A. As I recall blood came out after he stabbed once or twice.

188. Q. Then how many times did Tanaka stab?

A. As I recall three or four times.

189. Q. Did the others stab the same way?

A. Yes.

190. Q. Did you see blood on the bayonet that Tanaka stabbed with?

A. I do not remember if there was blood on the bayonet.

191. Q. Did the prisoner say anything when he was stabbed?

A. As I recall he did.

192. Q. What did he say?

A. If it was said in Japanese the sound felt as if "it hurt."

193. Q. I am not asking your interpretation of it in Japanese. I am asking what did it sound like when you heard it?

A. It sounded like "ahh."

194. Q. Where did Tanaka go after he stabbed?

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

The accused made no reply.

The commission announced that the objection was sustained.

195. Q. You testified that you were watching this scene about four or five meters to the rear. To the rear of what?

A. About diagonally to the rear from the place of the stabbing.

196. Q. You testified that there were about seventy persons watching the scene. Were these persons lined up in the shape of a fan?

A. Yes, that is how I recall it.

197. Q. Where was your position among this fan shaped group of spectators?

A. If it was in the shape of a fan, a little toward the left from the middle.

198. Q. You stated that this area was a camp. Was everyone wearing shoes?

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

The accused replied.

The commission announced that the objection was sustained.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate,

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199. Q. Do you remember anyone who was near you in this group which was shaped like a fan?

A. I do not remember anyone.

200. Q. Was this Nagashima a corporal?

A. He was a line cook.

201. Q. Did you see him stab the prisoner?

A. I did not see him stab the prisoner.

202. Q. Was Tanaka a corporal?

A. No.

203. Q. Did you examine him when he came to the sick bay?

A. No.

204. Q. Who did?

A. I do not remember.

205. Q. Did you ever see him at the sick bay as a patient?

A. Yes.

206. Q. Was he a patient at the sick bay the day you saw him stab?

A. He was not at the sick bay.

207. Q. Were the other persons that stabbed corporals?

A. I do not remember.

208. Q. Do you remember when you first got to know the name of this person that you say is Tanaka and you saw stab?

A. Do you mean when did I first find out Tanaka's name?

209. Q. Yes.

A. I learned his name when he first came to be examined at the sick bay.

210. Q. You say that you did not examine him. How about that? Is it true that you did not examine him?

A. I am not a doctor so I do not examine patients.

211. Q. How did you actually get to know his name then?

A. Before the examination starts the patients would come and wait and at this time I saw him and learned his name.

212. Q. Did you ask him what his name was at this time?

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

The accused replied.

The commission announced that the objection was sustained.

213. Q. Isn't it true that you first found out Tanaka's name after you were questioned in regard to this incident?

A. I know that it was Tanaka before that.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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214. Q. Did you see the head medical officer, Commander Ueno, down there in the swamp at the scene of this stabbing?

A. I do not remember seeing him.

215. Q. Did you see Nakase?

A. I have no recollection of having seen him.

216. Q. Did you see the Commanding Officer, Asano?

A. I have no recollection of seeing him.

217. Q. Have you any recollection of seeing anyone down there but yourself, Tanaka and the prisoner?

A. I saw Okawa.

218. Q. Who is he?

A. He is an enlisted man.

219. Q. Did he stab?

A. Yes.

220. Q. Did he stab before Tanaka did?

A. After Tanaka.

221. Q. So when he stabbed the prisoner was not dead. Is that right?

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

The accused replied.

The commission announced that the objection was sustained.

222. Q. When you went to the jail to get these two prisoners, was the jail badly damaged by bombing?

A. I do not remember.

223. Q. Were you armed when you went to get these two prisoners? That is, did you have a rifle or any other weapon?

A. I was not armed.

224. Q. Were the persons that were guarding the prisoners armed?

A. I do not remember.

225. Q. When you got to the jail you said the prisoners were in the cell. Did you order them to come out of their cells?

A. I did not order them.

226. Q. Who ordered them to come out of their cells?

A. As I recall the guard brought them out.

227. Q. Where did you get the ropes to tie them?

A. I do not remember.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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228. Q. Did the prisoners object to being tied?  
A. As I recall they did not object.

229. Q. Were they blindfolded?  
A. I do not remember.

230. Q. Now this guard, when he ordered them out of their cells did he speak to them in Japanese or did he speak to them in some other language?  
A. I do not remember.

231. Q. Can you explain how you, a second class petty officer, went up there to the jail and took two prisoners and walked off with them?  
A. My recollection is not clear on this.

232. Q. Would you like to change your testimony regarding what you said that you carried both of these prisoners on stretchers and the only reason that you don't want to do so is because you are afraid to when you say you carried the two prisoners away?

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

The accused withdrew the question.

233. Q. Are you afraid to change your testimony once having testified as you did?  
A. I am not afraid.

234. Q. Then would you like to start all over again and tell what happened according to your own conscience?  
A. I have stated what actually happened.

235. Q. Would you say then according to your own conscience that Lieutenant Kinoshita was not with you when you went to get the two prisoners?  
A. I do not remember.

236. Q. You do not remember that Kinoshita ordered the two prisoners to walk out of their cells?  
A. As my recollection is faint, it is not clear.

237. Q. On cross-examination you admitted entering the battle dressing station at the air raid shelter. Did you see Kobayashi there when you entered with this prisoner?  
A. I do not remember, if I saw him or not.

238. Q. Did you see Lieutenant Commander Nakase there?  
A. I do not remember.

239. Q. Did you see Captain Inoue there?  
A. I do not remember.

240. Q. Who was it that guarded this other prisoner when you left him?  
A. I do not remember.

241. Q. This other prisoner that you saw started. Was he started after the operation was over?

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy, 184  
Judge Advocate.

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A. It was before the operation was over.

242. Q. Was the prisoner who was operated <sup>on</sup> brought back to the sick bay after he was operated on?

A. I do not know.

243. Q. You said you were not ordered to go down to the scene of the stabbing but that you went because you heard someone say there was going to be a stabbing. Did you want to stab the prisoner?

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

The accused replied.

The commission announced that the objection was sustained.

244. Q. Did you have a particularly hostile feeling toward this prisoner? Is that why you wanted to go down to the scene?

A. No, I went to see just out of curiosity.

Reexamined by the judge advocate:

245. Q. What became of this prisoner after he was stabbed?

This question was objected to by the accused on the ground that it was beyond the scope of the cross-examination.

The judge advocate withdrew the question.

246. Q. This hole that you noticed when you went to the scene. Will you describe this hole for us?

A. As I recall it was a hole of considerable size.

247. Q. How long was it and how deep?

A. The length was to a length in which the prisoner could be placed in it. As to the depth there was water in the hole so I could not tell.

248. Q. Was this a man made hole as distinguished from a bomb crater?

A. I think it was a hole that was dug.

249. Q. Do you know when this hole was dug?

A. I do not know.

250. Q. Couldn't you get some idea from looking at the dirt that was there just how long that hole had been dug?

A. As I recall the hole was freshly dug.

Recross-examined by the accused:

251. Q. You testified as to the length and that there was water in the hole. Did you go close by the hole?

A. No, I did not look into the hole.

252. Q. How far away from the hole were you when you saw this hole?

A. My position was about four or five meters away from the hole.

*James P. Kenney*  
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Lieutenant, U. S. Navy  
Judge Advocate.

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253. Q. You testified that this was a hole that was dug. Did you see the hole being dug?

A. No.

254. Q. Did you hear about this from someone?

A. I did not know about it until the time of the incident.

255. Q. Then how could you tell that it was a hole that was dug?

A. Because the dirt around the hole was fairly fresh. That is why I thought so.

256. Q. You said you saw water in this hole. Did you see anything else in this hole?

A. I could not tell.

257. Q. Did you stay there at this scene until the execution was all over or did you leave before it was over?

A. I was present at the scene until the prisoner was placed in the hole.

258. Q. Then you did see something else in the hole besides water?

A. When the prisoner was being placed in the hole I heard the splash of the water and I saw the water.

259. Q. Did you see anyone fill up the hole with dirt after the prisoner was placed in there?

A. I did not see the filling in of the hole.

260. Q. Did you look in the hole and see water in there and one prisoner? Is that correct?

A. I did not go close by and see it but I think there was a prisoner and water in the hole.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:25 a.m., took a recess until 2 p.m., at which time it reconvened.

Present: All the members, the judge advocates, the accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

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Judge Advocate.

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Examined by the judge advocate:

1. Q. State your name and former rank.  
A. Chief Petty Officer Ronald, Takumi.
2. Q. If you recognize any of the accused, state their names and former ranks?

The witness correctly identified all of the accused by last names and former ranks.

3. Q. When you say you were a chief petty officer, were you a particular kind of chief petty officer?  
A. Just the usual chief petty officer.
4. Q. Were you a seaman chief petty officer?  
A. I am a seaman.
5. Q. Between what dates did you serve at Truk?  
A. From December of 1940 until December of 1945.
6. Q. What unit were you attached to in June of 1944?  
A. I was attached to the headquarters of the Forty-first Naval Guards.
7. Q. What were your duties in June of 1944?  
A. I was a deck petty officer.
8. Q. Did you ever see any prisoners of war at the Forty-first Naval Guards?  
A. Yes.
9. Q. How many prisoners did you see?  
A. Do you mean prisoners that I saw in June of 1944?
10. Q. How many prisoners have you ever seen down there?  
A. Do you mean while I was at the guard unit?
11. Q. Yes.  
A. I saw about nine.
12. Q. Did you see any prisoners in June of 1944?  
A. Yes.
13. Q. How many did you see in June?  
A. As I recall - two.
14. Q. Where did you see these prisoners?  
A. While they were in the jail.
15. Q. Do you know what became of these prisoners?  
A. I do not remember the date but as I recall they were taken toward the sick bay.

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16. Q. What happened then?

*[Signature]*  
Lieutenant, U. S. Navy,  
Judge Advocate.



A. As I recall one of the prisoners was executed in back of the sick bay but I do not know about the other one.

17. Q. Did you see the execution of this prisoner in back of the sick bay?

A. I did.

18. Q. How did you happen to be there?

A. I was working at a different place but one of the men said to me that it seemed like he heard an order so I went to see.

19. Q. You went where to see about this order?

A. Do you mean where I went?

20. Q. That's right.

A. I went right in back of the sick bay.

21. Q. When you got right in back of the sick bay what did you see?

A. The prisoner was being held up by two persons.

22. Q. Will you describe how the two persons were holding up this prisoner?

A. A pole was placed through his arm pits and they were holding him up.

23. Q. Was the prisoner tied in any way?

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

The judge advocate withdrew the question.

24. Q. Where were the prisoners hands?

A. As I recall they were toward his back.

25. Q. Show us exactly where his hands were?

A. I have no distinct recollection on how they were.

26. Q. When you saw this prisoner how far away from him were you?

A. About fifty meters.

27. Q. Did you ever get any closer?

A. No.

28. Q. How many people were holding up the prisoner?

A. As I recall - two.

29. Q. Do you know who they were?

A. I do not know.

30. Q. What happened then?

A. Shortly after this one of the enlisted men stabbed the prisoner with a rifle and bayonet.

31. Q. Do you know who this enlisted man was?

A. It was Petty Officer First Class Tamm.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy, 188  
Judge Advocate.

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32. Q. Is the Tanaka you are talking about the same Tanaka that is here in court today?

A. Yes.

33. Q. How many times did Tanaka stab this prisoner?

A. I do not remember.

34. Q. How many men stabbed the prisoner?

A. As I recall four or five but my memory is not clear on this.

35. Q. Who stabbed the prisoner first?

A. It was Tanaka.

36. Q. Do you know in what portion of the body Tanaka stabbed the prisoner?

A. I do not remember where he stabbed.

37. Q. After the stabbing was finished what was done with the prisoner?

A. I remember the prisoner said something when he was stabbed but other to this I do not remember what happened.

38. Q. After the stabbing was over what was done with the body of the prisoner?

A. I do not know.

39. Q. Was he taken away from the place where he was stabbed or was he left there?

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

The judge advocate withdrew the question.

40. Q. Was the body of the prisoner ever taken away from the spot in which he was executed?

A. I do not know.

41. Q. When you first came to watch this scene, did you notice whether or not there was a hole dug nearby?

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

The judge advocate made no reply.

The commission announced that the objection was not sustained.

A. As I recall there was a hole already dug.

42. Q. Will you describe that hole for us? How long was it? How wide was it?

A. I do not remember the size of the hole.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy. 189  
Judge Advocate.

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43. Q. Well, from looking at the hole can you say it was a man-made hole as distinguishable from a bomb crater?

A. I thought it was the hole to bury the prisoner.

The accused moved to strike out this answer on the ground that it was the opinion of the witness.

The judge advocate concurred.

The commission directed that the answer be stricken out.

The commission directed the witness to answer the question as it was put.

A. It was not a bomb crater.

44. Q. When you looked at this scene how many people did you see around the prisoner?

A. As I recall forty to fifty.

45. Q. Other than Tanaka did you recognize any of the other people that were there?

A. I do not remember anyone else.

46. Q. Do you remember how many officers were present at that scene?

A. I do not remember how many were there.

47. Q. Isn't it a fact that you were ordered to go to that scene?

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

The judge advocate withdrew the question.

48. Q. You said that you were working with three or four men and that someone told you that they had heard an order. Did you ever find out what that order was?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. It was not an order but I heard that a prisoner was to be killed in back of the sick bay as I went there.

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

The commission announced that the motion was denied.

49. Q. Who did you hear this from?

A. I do not know from whom I heard this.

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*James A. Kenny*  
JAMES A. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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Cross-examined by the accused:

50. Q. You testified that you saw two prisoners in June of 1944. Do you know of any prisoners being killed by bombing?

A. No.

51. Q. Was the guard unit bombed during June of 1944?

A. Yes.

52. Q. When was this bombing?

A. I do not remember the dates.

53. Q. Do you have any recollection that there was a bombing about the time of the incident?

A. No.

54. Q. You testified that you were working with three or four others. What kind of work were you doing?

A. It was clearing sand from some drainage ditches by the road.

55. Q. Where was the place where you were working?

A. It was toward the back gate of the guard unit.

56. Q. When you say the back gate is it far from the sick bay?

A. About seventy to eighty meters.

57. Q. Were the only ones that were working in this vicinity yourself and the three or four others?

A. There were persons other to ourselves.

58. Q. When was it that you heard about this?

A. I do not remember the time.

59. Q. Was it in the morning or the afternoon?

A. I think it was in the afternoon.

60. Q. Was it early in the afternoon or toward the evening?

A. I do not remember.

61. Q. You testified that while you were working you were told by one of the persons that they thought they heard an order and that you went toward the sick bay and later you testified that it was not an order but that someone heard that prisoners were to be executed. Is the latter testimony correct?

A. It sounded like an order.

62. Q. Then you would be changing your testimony three times. First you stated it sounded like an order. Then in the next testimony you stated that you heard prisoners were to be executed and now you state again that it sounded like an order. Which testimony is correct?

A. At first I stated it sounded like an order but the contents of that order was as I later testified.

63. Q. When do you mean that you yourself heard those words which sounded like an order?

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

64. Q. Then you mean that someone else heard this and told you these words sounded like an order. Is this correct?

A. Yes.

65. Q. Then you yourself can not say if that was an order or not. Is this correct?

A. I thought this because the men who were working together with me told me this.

66. Q. Was this person, who was working together with you and told you this, working far away from you?

A. Yes.

67. Q. How far away was he?

A. As I recall he was about thirty meters away.

68. Q. Then do you mean that you could not hear anything at all?

A. I could not hear clearly.

69. Q. Then how did you hear?

A. I do not remember.

70. Q. Then do you mean that you remember nothing of what you heard?

A. Yes.

71. Q. Then how did this person working with you tell you about this?

A. He told me as I stated before.

72. Q. You testified as to the contents of what you were told but tell us as much as you can remember how he told you this?

A. I just remember his telling me they were going to kill a prisoner in back of the sick bay.

73. Q. As it was said they were going to kill a prisoner in back of the sick bay it doesn't sound like an order. Was it a rumor?

A. That is all that I remember.

74. Q. If that is all that you remember isn't this called a rumor?

A. I do not think it was a rumor.

75. Q. Then why do you think it was an order?

A. Because the person who was close by me told me that there had been such an order.

76. Q. You testified that all that you heard was the prisoner was to be executed. How can this be an order? How can you say that this is an order?

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

The accused replied.

The objection announced that the objection was sustained.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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77. Q. Then this person who told you about this, how did he relay this to you when he was thirty meters away?

A. He came to me and said this.

78. Q. Did he come running to you - or how did he come?

A. I do not remember.

79. Q. Did you go by yourself or did you go with anyone else?

A. I went together with the persons who were working with me.

80. Q. With how many persons did you go?

A. I think it was four or five.

81. Q. Who were these persons?

A. I forget their names.

82. Q. Did you forget all four of their names?

A. Yes.

83. Q. You testified that you saw a hole at the scene of the execution and that you did not think this hole was a bomb crater. Why did you think this?

A. If it was a bomb crater it would be larger.

84. Q. Is that the only reason?

A. As it was at a place where usually nobody went, even if a bomb dropped there the crater would be left just as it was and it should be larger.

85. Q. How large was this hole?

A. I could not see the size.

86. Q. As long as you say that it was a bomb crater it would be larger than you must have recognized the size of the hole?

A. If it was a bomb crater it would be at least five to ten meters square. The hole that I saw was about two to three meters square.

87. Q. When you say two to three meters square do you mean the length - width - or the depth?

A. As it is a swamp I could not tell the depth. I do not remember if it was the width or the length.

88. Q. When you came upon this scene were the forty to fifty persons already assembled there or did they arrive after you first saw the scene?

A. Persons also came after I first saw the scene.

89. Q. Did you know this Tanaka that you say stabbed before the incident?

A. I knew him well.

90. Q. Did you know that Tanaka had been sick and this was right after his illness?

A. I do not remember.

91. Q. Was there any of the defendants other to Tanaka present at the scene of the execution?

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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A. I remember officers being there but I do not know which officers were there.

92. Q. Were any of the defendants other than Yamaka present?

A. I do not remember.

93. Q. How far away were you from the scene?

A. As I recall about fifty meters.

94. Q. Were the other forty to fifty persons also about fifty meters away?

A. There were some close by the scene and some much further away.

95. Q. How many persons were close by the scene and how many persons were watching from afar?

A. I do not remember.

96. Q. What was your position in relation to the forty to fifty other spectators?

A. I was approximately fifty meters away from the scene of the execution. There were some people watching close by the scene and some people watching from afar.

97. Q. How were these forty to fifty persons watching the scene assembled? Were they all in one group? Were they in a line or how were they grouped?

A. They were scattered.

98. Q. Wasn't this a place where you could only line up in single file?

A. As I recall it was a much wider space.

99. Q. Then it wasn't inside of the swamp?

A. Yes.

100. Q. How far away was it from the swamp?

A. Do you mean my position?

101. Q. No. The place where the forty to fifty spectators were?

A. As I recall I think the execution took place in the sandy area between the swamp and the sandy area. Therefore, it was not very far away from the swamp.

102. Q. Is Yamaka the only one that you saw and that you recognized at the scene?

A. Yes.

103. Q. How many men were attached to the guard unit at the time of the incident?

A. I do not remember how many there were.

104. Q. At this scene did you see anybody with a shovel?

A. No.

105. Q. Where were you when you said you went to see right back of the sick bay?

A. So you mean where I was before I went?

*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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106. Q. Yes.

A. By the rear gate.

107. Q. And these four to five men were with you working?

A. Yes.

108. Q. Did you march then to this scene?

A. No.

109. Q. Did they all go together with you?

A. Yes.

110. Q. Can you describe this area where you were fifty meters away from the prisoner?

A. Do you mean the scenery from the execution to where I was standing?

111. Q. Yes.

A. I was about fifty meters away from the scene of execution and I was standing in back of the sick bay. Around the prisoner there were standing spectators. The prisoner was held up by two persons on a pole. The place where the execution occurred was in the swamp. The place where the spectators were watching was the sandy area.

112. Q. Did you have a clear view of the prisoner from where you were standing?

A. Yes.

113. Q. So there were no banana trees between you and the prisoner?

A. In front of me were some reeds. Other to this there was nothing.

114. Q. How tall were the reeds?

A. Three or four feet in height.

115. Q. Then you could see right through them? Then could you see how the prisoner was dressed from where you were standing fifty meters away?

A. He was dressed.

116. Q. In Japanese clothing?

A. I do not remember.

117. Q. Was he blindfolded?

A. I do not remember.

118. Q. The two persons that you saw holding this prisoner up, were they holding him up so that he was suspended in the air?

A. I do not remember.

119. Q. Was he standing upright on his feet on the ground?

A. I do not know.

120. Q. When you saw Tanaka stab this prisoner did the prisoner's feet buckle under him when Tanaka stabbed him?

A. I did not notice.

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JAMES R. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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121. Q. Then would you say that the bayonet of Tanaka only went into the clothes of the prisoner?

A. I do not know how deep the bayonet went.

122. Q. Could you see from fifty meters away whether the bayonet pierced the body of the prisoner?

A. I could see him stab but I could not tell how deep it went.

123. Q. Could you see blood on his bayonet when he extracted it?

A. No.

124. Q. How many times did you see him stab?

A. Tanaka only stabbed once.

125. Q. Are you sure of that?

A. Yes.

126. Q. You say you don't remember any of these accused at the scene.

Do you remember Nagashima, Mitsuo being at the scene?

A. I did not see him.

127. Q. When you say you don't remember seeing any of these accused there, by that do you mean you do not remember seeing Admiral Amano, Commander Vano, or Lieutenant Commander Nakase?

A. I saw no one who is here.

128. Q. How long have you known Tanaka?

A. I knew him before this incident because we lived in the same quarters.

129. Q. Since you knew Tanaka well what was his general reputation at the guard unit?

A. He was the head of the gardens and he worked well and he was spoken well of by the officers.

130. Q. Did they say anything more about him?

A. Other to this I do not recall any.

131. Q. You say that the place was where nobody went. Then, was this stabbing done in secret?

A. I do not know about the ordering of this.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 3:20 p.m., took a recess until 3:41 p.m., at which time it resumed.

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

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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Robert R. Miller, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.  
A. Corporal Petty Officer First Class Kanai, Massachusetts.

2. Q. If you recognize these accused state as whom?

The witness correctly identified all of the accused by name and rank.

3. Q. During what period were you stationed on Dublon Island, Truk Atoll?  
A. From 7 March 1944 till the end of the war.

4. Q. To what unit were you attached?  
A. The Forty-first Naval Guards.

5. Q. What section of the Forty-first Naval Guards?  
A. The company.

6. Q. During 1944 did you see any prisoners of war at the Forty-first Naval Guards?  
A. Yes.

7. Q. When did you see them?  
A. It was toward the end of June or the beginning of July 1944.

8. Q. Where did you see them?  
A. By the battle dressing station which was by the sick bay.

9. Q. How did you happen to go to the area around the battle dressing station?  
A. I was in the sick bay and as I heard voices saying that prisoners had been brought I went outside to see them.

10. Q. Did you know how many prisoners were brought at this time?  
A. Two.

11. Q. When you got to the battle dressing station what did you see?  
A. By the battle dressing station there was a prisoner on a stretcher.

12. Q. Describe for us how he was on that stretcher?  
A. The prisoner was blindfolded and his hands were tied in front of him.

13. Q. Do you know where the other prisoner was at this time?  
A. At this time the other prisoner was in the battle dressing station.

14. Q. Were there any officers outside the battle dressing station when you saw this one prisoner?  
A. There were about two officers.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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15. Q. Do you know who they were?

A. I do not remember them.

16. Q. Were there any enlisted men out there?

A. There were seven or eight enlisted men.

17. Q. What was the nationality of this prisoner when you saw outside of the battle dressing station?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I heard that he was an American prisoner.

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

The commission announced that the motion to strike was denied.

18. Q. What was the color of the skin of this prisoner?

A. He was wearing a khaki colored uniform.

19. Q. What was the color of his skin?

A. It was a reddish white color.

20. Q. Did you see his uniform at this time?

A. Yes.

21. Q. Did you observe any insignia on the uniform?

A. At this time I did not know what it was but there was a mountain-shaped marking.

22. Q. Was there only one of these mountain-shaped markings or were there a number of them?

A. It was over two.

23. Q. On what part of the uniform were they?

A. On the upper part of the right arm.

24. Q. Were these markings similar to those on the arm of this man over here, the provost marshal?

A. I think the color was purple.

25. Q. Do you have a distinct recollection of the color of these?

A. The background was blue and this mountain-shaped marking was white.

26. Q. What was the color of the uniform that he was wearing?

A. Khaki colored.

27. Q. After seeing this prisoner outside of the battle dressing station, what did you do then?

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*James P. Kenny*

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JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate

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A. I went back to the bacteriology room.

28. Q. How long did you stay there?

A. About one hour.

29. Q. Why did you leave there?

A. I heard the voices of persons making a commotion outside.

30. Q. What did you do?

A. I went to the back of the sick bay toward where everyone was going.

31. Q. What did you see there?

A. A prisoner was there with his hands tied behind his back and a pole passed through his arms and held up by two persons. In front of them were about twenty persons assembled.

32. Q. Was this the same prisoner that you had seen outside of the battle dressing station previously?

A. Yes.

33. Q. What happened to the prisoner?

A. He was executed at this place.

34. Q. How was he executed?

A. He was stabbed by a bayonet.

35. Q. Who stabbed him?

A. The first one to stab as I recall was Leading Seaman Tanaka.

36. Q. How many others did you see stab?

A. Four or five.

37. Q. What did Tanaka stab him with?

A. A rifle and bayonet.

38. Q. Did the bayonet pierce the body of the prisoner?

A.

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

39. Q. Were there any officers present at this scene?

A. There were two or three.

40. Q. What officers do you recall being there?

A. As I recall one of them was Lieutenant Commander Nakase.

41. Q. Is that the same Nakase who is here in court and whom you identified previously?

A. Yes.

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JAMES P. KENNY  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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42. Q. Where do you recall Nakase was standing at this execution?  
A. In front of the prisoner was standing the person who stabbed the prisoner and the spectators. He was standing toward the rear of these persons.

43. Q. What was done with the body of the prisoner after he was stabbed by Tanaka and these others?  
A. There was a hole dug nearby and it was immediately placed in it.

Cross-examined by the accused:

44. Q. You testified that you were a corporal at the Forty-first Naval Guards. What kind of work did you do as a corporal?  
A. I worked in the bacteria examination room.

45. Q. You testified that you saw prisoners in the latter part of June or the beginning of July 1944. Do you have any basis for this date?  
A. The head medical officer, Commander Jones, was transferred to the guard unit in May and it was shortly after this. That is why I think it was June or July.

46. Q. Were there many air raids around this time?  
A. There were.

47. Q. Do you know of a bombing in which a bomb landed nearby where five prisoners were confined and three of the five died?  
A. I do.

48. Q. Which came first, the bombing or the occurrence of this incident?  
A. The prisoners who died of the bombing was much later than this incident.

49. Q. Then you yourself did not see this bombing in which three prisoners died. Did you hear about it?  
A. I heard about it.

50. Q. When did you hear about it?  
A. I do not remember.

51. Q. You testified that the bombing incident was way after the occurrence of this incident. Do you mean you heard about this bombing incident way after this incident occurred?  
A. Yes.

52. Q. You testified that you saw the prisoner by the battle dressing station. Will you tell us more explicitly where by the battle dressing station. For instance, there are two entrances, one facing the road and one by the sick bay. In relation to these where was the prisoner?  
A. He was about five meters away from the entrance facing toward the road.

53. Q. Do you mean five meters away from the air raid shelter closer to the road?  
A. Toward the side of the entrance about five meters to the side of the entrance.

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JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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54. Q. Was there only one prisoner there?

A. Yes.

55. Q. Was this prisoner on a stretcher?

A. Yes.

56. Q. Were his hands tied?

A. Yes.

57. Q. Were his feet tied?

A. Yes.

58. Q. You testified that the other prisoner was in the battle dressing station. Did you enter this battle dressing station?

A. I heard about this from an enlisted man who was outside of the battle dressing station.

59. Q. What is the name of that person?

A. I do not remember his name.

60. Q. Can you recall the words that this person used?

A. He said they are operating on the prisoner inside.

61. Q. You testified that you heard that prisoners had been brought to the battle dressing station so you went outside to see them. From whom did you hear this?

A. Do you mean did he say or did he come?

62. Q. You testified that you heard that prisoners had come to the battle dressing station. Who was the person who said this?

A. It was a patient.

63. Q. When you say patient, do you mean a patient who was near you?

A. About ten meters from where I was there was a room in which there were patients and the patient in that room said it.

64. Q. Was this patient in bed?

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

The accused made no reply.

The commission announced that the objection was sustained.

65. Q. You testified that you heard from someone that the prisoner by the air raid shelter was an American. From whom did you hear this?

A. I do not remember.

66. Q. Where did you hear this?

A. When I went to see him, from the person who was standing by his side.

67. Q. You testified that you returned to the bacteria examination room, then you heard many voices and went out. What did you think these voices meant?

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*James P. Kenny* 201  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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A. They were voices saying that they were going to kill the prisoner.

68. Q. Then why did you go to the back of the sick bay?

A. Because I saw people going there.

69. Q. Why did you go?

A. I went to see it.

70. Q. Did you go through curiosity?

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

The accused made no reply.

The commission announced that the objection was sustained.

71. Q. You testified that when you saw the scene of the execution you saw the prisoner with his hands tied behind his back and a pole passed through his arms. Show us how he was?

A. His hands were tied behind his back and there was a pole of the length of about six feet passed under his arm pits and two persons sustaining the ends of the pole.

72. Q. Then the arms were not outstretched and the wrists tied to the pole?

A. No.

73. Q. What was your distance from the prisoner at the scene?

A. About ten meters.

74. Q. Was it in front of the prisoner?

A. To the side of the prisoner.

75. Q. You testified that there were about twenty persons there. Were you in the midst of these twenty persons that you saw at the scene?

A. I was about five meters away from the persons who were standing there watching.

76. Q. When you say five meters away from this group do you mean further away from the prisoner or closer?

A. Further away from the prisoner.

77. Q. Were these twenty persons lined up or were they in a shape of a fan or were they scattered?

A. They were lined up in front of the prisoner. They were not in regular lines but irregularly in the shape of a fan.

78. Q. Then were these persons between yourself and the prisoner?

A. No.

79. Q. You testified that Tanaka stabbed the prisoner. Did you know that it was Tanaka at this very moment?

A. Yes.

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JAMES P. KENNY, 202  
Lieutenant, U. S. Navy,  
Judge Advocate.

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80. Q. Since when have you known Tanaka?

A. From about April.

81. Q. How did you come to know him?

A. He frequently came for examinations.

82. Q. Do you know that Tanaka was sick about this time?

A. I do not remember.

83. Q. You testified that four or five persons other to Tanaka stabbed. Did all of them have rifles with fixed bayonets?

A. No.

84. Q. How did they stab if they did not have rifles with fixed bayonets?

A. When a person finished stabbing he handed the rifle and bayonet to the next person.

85. Q. Are you sure of this?

A. Yes.

86. Q. Do you know what part of the prisoner Tanaka stabbed?

A. About his chest.

87. Q. When Tanaka stabbed did blood come from the wound?

A. I could not see.

88. Q. You testified that there were two or three officers at the scene and one of them you thought was Nakase. How was he dressed at this time?

A. He was wearing a summer uniform shirt and a pair of long pants.

89. Q. Did Nakase say anything at the scene?

A. No.

90. Q. Was there anyone at the scene other to Nakase and Tanaka that you remember?

A. There are two or three corporals that I remember.

The witness was duly sworn.

The commission then, at 4:27 p.m., adjourned until 9 a.m., tomorrow, October 2, 1947.

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*James I. Kenny*

JAMES I. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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**THIRD DAY**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Marianas Islands.  
Thursday, 2 October 1947.

The commission met at 9 a.m.

**Present:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry K. Reese, Coast Artillery Corps, United  
States Army;  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Regan, U. S. Navy, and  
Lieutenant James P. Kenny, U. S. Navy, judge advocates.  
Robert Oldham, yeoman third class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Kasai, Mashiro, the witness under examination when the adjournment  
was taken, entered. He was sworn that the oath previously taken was still  
binding and continued his testimony.

(Cross-examination continued.)

91. Q. You say that this prisoner was an American. Did you ever see an  
American before?

A. I saw some prisoners on Enjalein in December of 1943.

92. Q. You saw prisoners, but did you see Americans?

A. No.

93. Q. How far was it from the outside of the sick bay to this battle  
dressing station?

A. About twenty meters.

94. Q. What were those seven or eight enlisted men doing when you saw  
them outside of the battle dressing station?

A. The prisoner was on a stretcher.

95. Q. What were the enlisted men doing?

A. They were standing close by watching.

96. Q. Were any of them guarding the prisoner?

A. I do not know.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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97. Q. Was the prisoner tied to the stretcher?

A. The prisoner had already been tied and he was laid in the stretcher and he was tied on the stretcher. On the stretcher there are straps with which to keep the person from falling out of the stretcher and he was strapped to the stretcher.

98. Q. Was the prisoner blindfolded?

A. Yes.

99. Q. Now you say that you saw at this time that the prisoner had mountain-shaped insignia on his uniform. Was it a mountain like Mount Fujiyama?

A. It is a mountain with a point at the top.

100. Q. You said the background was blue and the mountain-shape white. Would you say the prisoner was a marine?

A. The marking is different from the ones the marines here wear.

101. Q. Have you ever seen any other American with markings like that on his uniform?

A. I had not seen any up to the time I saw the prisoner.

102. Q. Have you ever seen any since?

A. Yes.

103. Q. Where?

A. On Guam.

104. Q. Are they army personnel or navy personnel?

A. It is army.

105. Q. With a blue background and a white mountain, is that right?

A. Yes.

106. Q. Where was this bacteria room at the guard unit where you said you worked?

A. About ten meters toward the opposite side of the sick bay from the air raid shelter.

107. Q. What kind of work did you do in this bacteria room?

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

The accused replied.

The commission announced that the objection was sustained.

108. Q. How long did you work in this bacteria room at the guard unit?

A. About a year and nine months.

109. Q. Who was the executive officer of the guard unit in March of 1944 when you say you reported for duty at the guard unit?

A. I do not remember.

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Lieutenant, U. S. Navy, 205  
Judge Advocate.



110. Q. Do you remember who the executive officer was at the time of this incident?

A. I think it was Lieutenant Commander Nakase.

111. Q. When did you first get to know Lieutenant Commander Nakase?

A. My recollection is not clear on when I first came to know him.

112. Q. Did you come to know him because he was a patient at the sick bay?

A. I forget. I do not know exactly when I came to know him but I knew him before the incident.

113. Q. So when you saw him with the group of spectators, this was not the first time that you had seen him?

A. I have known him from before.

114. Q. When you saw him that day, what kind of a shirt was he wearing?

A. It was a shirt with short sleeves of a summer uniform.

115. Q. Made of khaki material?

A. Yes.

116. Q. And did you say he was wearing long trousers?

A. Yes.

117. Q. Did he wear a khaki cap?

A. My recollection is not clear on this.

118. Q. What kind of markings did you see on the front of the cap?

A. I do not know.

119. Q. Didn't you see the markings?

A. I do not remember.

120. Q. Was he wearing glasses that day?

A. No.

121. Q. You are sure you saw that he wasn't wearing glasses that day?

A. Yes.

122. Q. How many people were attached to the guard unit at the time of this incident?

A. About eight hundred.

123. Q. How many people were down at the scene of this stabbing?

A. About twenty.

124. Q. How many people do you remember the names of, of those twenty people that were there?

A. Seven.

125. Q. Was Nakase the only officer you remember being there?

A. Yes.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U.S. Navy, 206  
Judge Advocate.

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126. Q. Now you said that you went to the back of the sick bay where everyone was going. Then you didn't mean that all eight hundred were going. You only meant that twenty were going?

A. Yes.

127. Q. When you say that you saw Lieutenant Commander Nakase at the scene do you mean that he was in charge of the scene?

A. I do not know.

128. Q. Do you remember Lieutenant Commander Nakase because he was standing head and shoulders above everyone else there?

A. Because he was the highest ranking officer I remembered him.

129. Q. Did you see Lieutenant Commander Nakase kill the prisoner by stabbing him with a bayonet?

A. No.

130. Q. Did you see any officer stab with a bayonet?

A. No.

131. Q. You don't remember seeing Captain Asano there?

A. No.

132. Q. You don't remember seeing Commander Ueno there?

A. No.

133. Q. Did you see Nagashima, Mitsuo there?

A. I do not remember.

134. Q. Now you said that you saw these spectators and you saw the prisoner and you saw Tanaka stab. There were some twenty spectators and you standing behind the spectators. Do you mean to tell me that you could recognize Lieutenant Commander Nakase among twenty spectators when you saw only his back?

A. I saw his face, not his back.

135. Q. Then you weren't standing five meters behind the spectators?

A. I was looking on from the side so I could not see his back.

136. Q. Then actually you saw him and this is true according to your own conscience?

A. Yes.

137. Q. You saw Tanaka stab?

A. Yes.

138. Q. How far into the body did this bayonet pierce the body?

A. I do not remember.

139. Q. Did any blood come out?

A. I could not see any blood.

140. Q. Did you see blood on the bayonet?

A. I do not remember.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy, 207  
Judge Advocate.

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141. Q. Was there only one rifle and one bayonet at this execution?  
A. There were two.

142. Q. What did Tanaka do with his bayonet and rifle when he finished stabbing?  
A. He handed it to another person.

143. Q. Do you know who he handed it to?  
A. I do not remember.

144. Q. Did you hear anybody give orders at this execution?  
A. No.

145. Q. Were you there right from the start of the execution?  
A. Yes.

146. Q. And you heard no one order Tanaka to stab?  
A. No.

147. Q. You heard no one say anything all during the time you were there?  
A. They were saying things among themselves but I do not remember what they were saying.

148. Q. Were the officers all in one group?  
A. They were separated and mixed in the group.

149. Q. You mean you saw Nakase right in the midst of the group of the enlisted men?  
A. The spectators were not in a regular line. They were just grouped there irregularly and as I recall there were some persons in back of him.

150. Q. Is that the usual thing in the Japanese Navy to have the officers mixed right up there with the enlisted men?

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

The accused replied,

The commission announced that the objection was sustained.

151. Q. From what you saw at the scene was it clear to you that the prisoner was to be executed by stabbing?  
A. Yes.

152. Q. You testified that you didn't see blood come out of the prisoner when Tanaka stabbed, and you didn't see any blood on the bayonet. What happened to the prisoner when Tanaka stabbed?

This question was objected to by the judge advocate on the ground that the counsel was misquoting the witness.

The accused reframed the question.

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JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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10 14



153. Q. You testified that you don't remember seeing blood come out of the prisoner when Tanaka stabbed him and you don't remember seeing blood on the bayonet when Tanaka stabbed him. What happened to the prisoner when Tanaka stabbed?

A. He shouted in a loud voice and his head fell on his chest.

154. Q. After Tanaka stabbed you saw four or five other persons stab?

A. Yes.

155. Q. Now you testified that it was clear to you that the prisoner was to be executed. Then from what you saw watching Tanaka stab you can say that the prisoner was not dead since four or five other persons stabbed?

This question was objected to by the judge advocate on the ground that it failed for the opinion of the witness, and that it was immaterial and irrelevant.

The accused replied,

The commission announced that the objection was sustained.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The judge advocate made the following statement:

Due to the fact that the next witness for the prosecution is presently in Japan and will not arrive on Guam until late Friday night it is requested that the commission adjourn until 9 a.m., Saturday, October 4, 1947.

The commission announced that the request was granted, and the commission then, at 9:55 a.m., adjourned until 9 a.m., Saturday, October 4, 1947.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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10 15

**TENTH DAY**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Marianas Islands.  
Saturday, October 4, 1947.

The commission met at 9:15 a.m.

**Presents:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry E. Rescoe, Coast Artillery Corps, United  
States Army.  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army.  
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Ragan, U. S. Navy, and  
Lieutenant James P. Kenny, U. S. Navy, judge advocates.  
Robert Oldham, yeoman third class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the prosecution entered and was duly sworn.

Examined by the judge advocates:

1. Q. Will you state your name and rank, please?  
A. Frederick P. Tremayne, Lieutenant, junior grade, U. S. Naval Reserve.
2. Q. If you recognize any of these accused will you state their names  
and former ranks?

The witness correctly identified all of the accused by name and rank.

3. Q. To what office are you attached, Mr. Tremayne?  
A. I am attached to the Tokyo office of the Director of War Crimes,  
United States Pacific Fleet.
4. Q. I show you a statement and ask you if you recognize this statement?  
A. Yes, I do.
5. Q. Will you tell us under what circumstances and when you first saw  
this statement?  
A. This statement was given to me by Nagashima, Mitsuo on 20 April 1947.

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*James P. Kenny*

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JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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6. Q. Is that statement pertinent to the issues which are presently being tried in this court?

A. Yes, it is.

7. Q. At the time that statement was given to you had you made any promises to Nagashima or had you in any way threatened him?

A. No, I had not.

8. Q. What did you say was the date on that statement?

A. This statement was given to me on 20 April 1947.

9. Q. Do you know the present whereabouts of Nagashima, Mitsuo?

A. Yes, I do.

10. Q. Where is he?

A. At present Nagashima is in the Matsunaga Psychiatric Hospital in Tokyo, Japan.

11. Q. Do you know when he entered this hospital?

A. No, I do not know the exact date.

12. Q. Do you know whether or not the date he entered the hospital was subsequent to the date that he gave you that statement?

A. Yes, I do.

13. Q. Was his entrance into the hospital subsequent to the date on which he gave you that statement?

A. Yes, it was.

The statement of Nagashima, Mitsuo, in Japanese and an English translation thereof, was submitted to the accused and to the commission, and by the judge advocate was offered in evidence.

The accused requested a recess until 9:55 a.m., in order to prepare an objection to the receipt of this document into evidence.

The commission announced that the request was granted, and the commission then, at 9:25 a.m., took a recess until 9:55 a.m., at which time it reconvened.

Present:

All the members, the judge advocates, the reporter, the accused, their counsel and the interpreters.

No witnesses not otherwise connected with the trial were present.

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

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JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

10 17



Cross-examined by the accused:

14. Q. When was this statement made by Nagashima?

A. This statement was made on 20 April 1947.

15. Q. Does this statement show that it was made at that time?

A. No, it does not.

16. Q. Did you give Nagashima to understand at this time he was at liberty not to make a statement?

A. No, I did not.

17. Q. Was this statement made by Nagashima while he was under arrest and being held in confinement?

A. No, it was not.

18. Q. Was a warrant for his arrest properly secured and legally served upon him?

A. Yes, it was.

19. Q. Have you a copy of this warrant or the warrant itself?

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

The accused replied.

The commission announced that the objection was sustained.

20. Q. How many days had Nagashima been held in confinement before you induced him to sign this statement?

A. Nagashima made the statement before he was confined.

21. Q. Wasn't the statement secured from him after you had investigated him and found out that he was involved in such a way that an accusation may be implied?

A. No, it was not.

22. Q. Before the statement was made by Nagashima did you inform him of the gist of the evidence that tended to implicate him?

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

The accused replied.

The commission announced that the objection was sustained.

23. Q. Did you instruct Nagashima that he would be accorded the rights of an accused before a court martial, namely: the right to be present, the right to have counsel, to introduce and cross-examine witnesses, to introduce new matter pertinent to the inquiry?

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

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy, 212  
Judge Advocate.

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The accused replied.

The commission announced that the objection was sustained.

24. Q. Did you instruct Nagashima that he had the right of any witness to refuse to answer incriminating or degrading questions, particularly as to such questions or answers that he might make in a statement?

A. No, I did not.

25. Q. Was this statement of Nagashima's sworn to?

A. No, it was not.

26. Q. Did Nagashima ever waive any of the rights of a defendant guaranteed by the Constitution of the United States as set forth in Section 734 of Naval Courts and Boards?

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

The accused replied.

The commission announced that the objection was sustained.

27. Q. Did you instruct Nagashima as to the full import of his act in making this statement?

A. No, I did not.

28. Q. Did you instruct Nagashima that if he was not in the full possession of his faculties at the time he made this statement he should not make an admission, confession or a statement?

A. No, I did not.

29. Q. Did you instruct him that he was not to make a statement founded on rumors?

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

The accused replied.

The commission announced that the objection was sustained.

30. Q. You testified that Nagashima, Mitsuo was not interned in the Matsuzawa Psychiatric Hospital in Tokyo, Japan. If you know, tell us the relationship of time between the time he wrote this statement and when he started to show effects of psychiatric needs?

A. Nagashima wrote this statement on 20 April 1947. He was subsequently placed in Sugamo Prison. After his confinement in Sugamo Prison in Tokyo, Japan, he began to show signs of mental illness. He was then transferred to the 361st Station Hospital in the middle of June 1947, and has recently been transferred to the Matsuzawa Psychiatric Hospital.

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*James D. Kenny*  
JAMES D. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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31. Q. You testified that it was on the 20th of April 1947 that Nagashima wrote this statement and was subsequently confined in Sugamo Prison. How many days after he had written this statement and confined in Sugamo Prison did he show signs of mental illness?

A. He first showed signs of mental illness in the middle of June 1947 and was immediately transferred then to the 361st Station Hospital.

32. Q. Do you know in what condition Nagashima is at present?

A. Nagashima is still being treated as a mental patient at the Matsunawa Psychiatric Hospital.

33. Q. Then at present he is not capable of testifying as a witness. Is this correct?

A. Yes, it is.

34. Q. Did you investigate Nagashima as to the facts in this incident after Nagashima had written this statement?

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

The accused replied.

The commission announced that the objection was sustained.

Reexamined by the judge advocate:

35. Q. At the time that this statement was made were you of the opinion that Nagashima was in complete possession of his faculties?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes, I believe Nagashima was in complete possession of his faculties.

Recross-examined by the accused:

36. Q. Did you ever see Nagashima before he made this statement?

A. Yes, I did.

37. Q. How many times?

A. Once.

38. Q. And from having seen him one time before he made this statement are you qualified to state whether he was sane or insane?

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

The accused replied.

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy:  
Judge Advocate.

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The commission announced that the objection was sustained.

Mr. Kumata, Hideo, counsel for the accused, read a written objection to receiving this document into evidence, appended marked "R".

An interpreter read a translation in English of the objection of Mr. Kumata to the receipt of this document into evidence, appended marked "R".

Commander Martin E. Carlson, U. S. Naval Reserve, counsel for the accused, read a written further objection to the receipt of this document into evidence, appended marked "R".

The accused waived the right to have the objection of Commander Carlson read in Japanese in open court at this time.

The judge advocate replied.

The accused waived the right to have the reply of the judge advocate read in Japanese in open court at this time.

The commission announced that the objection was not sustained, and the document would be received into evidence.

Reexamined by the judge advocate:

39. Q. Will you read this statement, please?

The witness read the statement of Nagashima, Mitsuo, in English, appended marked "Exhibit 2".

An interpreter read the statement in Japanese, appended marked "Exhibit 3".

The witness was duly warned.

The commission then, at 11 a.m., adjourned until 9 a.m., Monday, October 6, 1947.

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*James P. Kenny*

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JAMES P. KENNY  
Lieutenant, U. S. Navy;  
Judge Advocate

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**EXHIBIT**

United States Pacific Fleet,  
Commander Harrison,  
Guam, Marianas Islands.  
Monday, October 6, 1947.

The commission met at 9 a.m.

**Present:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United States  
Army,  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradford W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Ragan, U. S. Navy, and  
Lieutenant James P. Henry, U. S. Navy, judge advocates.  
Robert B. Miller, yeoman first class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Frederick F. Tremayne, the witness under examination when the adjournment  
was taken, entered. He was warned that the oath previously taken was still  
binding, and continued his testimony.

(Reexamination continued.)

40. Q. I show you a statement and ask you if you can identify this  
statement?

A. Yes, I can.

41. Q. In whose handwriting is that statement?

A. This statement is in the handwriting of Tanaka, Sute.

42. Q. Can you tell us about approximately the first time you ever saw  
that statement?

A. I first saw this statement some time before 10 July 1947. I am not  
sure of what date.

43. Q. Is the statement dated?

A. No, it is not.

44. Q. Can you tell us the circumstances under which you first saw this  
statement?

A. As a result of a conversation with Tanaka I asked Tanaka if he would  
write down the contents of this conversation. He wrote the following state-  
ment and it was forwarded to me by the Sugamo Prison authorities.

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*James P. Henry*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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45. Q. Did you yourself make a translation of that document?

A. Yes, I did.

46. Q. Prior to securing that document did you make any promises to Tanaka in order to have him give you that document?

A. No, I did not.

47. Q. Did you in any way threaten Tanaka in order to have that document written?

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

The judge advocate withdrew the question.

48. Q. Does that document pertain to the issues of this case?

A. Yes, it does.

49. Q. I show you another document and ask you if you can identify it.

A. Yes, I can.

50. Q. Do you know in whose handwriting that document is?

A. It is in the handwriting of Higurashi.

51. Q. Is that document dated?

A. No, it is not.

52. Q. Can you tell this commission approximately when you first saw that document?

A. I first saw this document on approximately 20 March 1947.

53. Q. Can you tell us under what circumstances that document came into your possession?

A. Previous to the writing of this document I interrogated Higurashi concerning the circumstances of this case and as a result of that interrogation I asked him to write down the facts which he told me. He wrote this statement and gave it to me in Sugamo Prison.

54. Q. Did you make any promises or any threats to Higurashi in order to secure that document?

A. No, I did not.

55. Q. Does that document pertain to the issues of this case?

A. Yes, it does.

56. Q. I show you another document and ask you if you can identify it.

A. Yes, I can.

57. Q. Do you know in whose handwriting that document is?

A. This document is in the handwriting of Uno.

58. Q. Is that document dated?

A. Yes, it is.

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*James P. Kenny*

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JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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59. Q. What is the date on the document?

A. 24 March 1947.

60. Q. When did that document first come into your possession?

A. This document came into my possession on approximately 24 March 1947.

61. Q. Can you tell us the circumstances under which you received that document?

A. I previously interrogated Ueno concerning the circumstances of this case and as a result of that interrogation I asked him if he would write down the facts which he told me. He wrote this document and gave it to me in Sugamo Prison.

62. Q. Prior to securing this document did you make any promises or threats to Ueno?

A. No, I did not.

63. Q. Does that document pertain to the issue of this case?

A. Yes, it does.

The statements of Tanaka, Saito, Higuchi, Takeuchi, and Ueno, Chiato, in Japanese and English translations thereof, were submitted to the accused and to the commission, and by the judge advocates were offered in evidence.

The accused requested a recess in order to prepare an objection to the receipt of these documents into evidence.

The commission announced that the request was granted, and the commission then, at 9:25 a.m., took a recess until 9:45 a.m., at which time it reconvened.

Present: All the members, the judge advocates, the reporter, the accused, their counsel, and the interpreters.

No witnesses not otherwise connected with the trial were present.

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

Recross-examined by the accused:

64. Q. You stated that you interrogated Tanaka. Have you written orders from competent authority to interrogate Tanaka?

A. No, I have not.

65. Q. Did you have or have you in the case of Higuchi?

A. No, I have no written orders.

66. Q. In the case of Ueno?

A. I have no written orders.

67. Q. This document that you testified to, the document that you say that Tanaka signed, is this document sworn to by Tanaka?

A. No, it is not.

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*James P. Kenny* 218

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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68. Q. Is the document which you state is signed by Higurashi sworn to?  
A. No, it is not.

69. Q. Is the document which you say Ueno signed sworn to by Commander Ueno?  
A. No, it is not.

70. Q. The document of Tanaka, is that dated?  
A. No, it is not.

71. Q. Do you know why it is not dated?  
A. Because Tanaka did not write the date on the statement.

72. Q. Is the document which Higurashi signed, dated?  
A. No, it is not.

73. Q. Is the document which Ueno signed dated?  
A. Yes, it is.

74. Q. Were you present when Tanaka wrote this statement?  
A. No, I was not.

75. Q. Do you know who was?  
A. No, I do not.

76. Q. Do you know whether he wrote it while he was held in confinement at Sugamo Prison?  
A. Yes, I do. He wrote it while he was in confinement in Sugamo.

77. Q. Were you present when Tanaka signed it?  
A. No, I was not.

78. Q. Do you know who was?  
A. No, I do not.

79. Q. Was it signed while he was in Sugamo?  
A. To my knowledge it was.

80. Q. Were you present when Higurashi wrote and signed the statement which you say was written and signed by him?  
A. No, I was not.

81. Q. Do you know who was?  
A. No, I do not.

82. Q. Was this statement written by him and signed by him when he was in confinement in Sugamo?  
A. Yes, it was.

83. Q. Were you present when Ueno wrote and signed the statement which you say he wrote and signed?  
A. No, I was not.

84. Q. Do you know who was?  
A. No, I do not.

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*James H. Kenny*  
JAMES H. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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85. Q. Was this statement written by him and signed by him when he was in confinement in Sugamo?

A. Yes, it was.

86. Q. Were you present when Ueno wrote and signed the statement which you say he wrote and signed?

A. No, I was not.

87. Q. Do you know who was?

A. No, I do not.

88. Q. Was it written and signed by him while he was in confinement in Sugamo?

A. Yes, it was.

89. Q. Are you the legal custodian of these three documents?

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

The accused replied.

The commission announced that the objection was not sustained.

A. After receiving these documents I delivered them to the judge advocate of the war crimes commission.

90. Q. When?

A. The statements of Higurashi and Tanaka and Ueno were all delivered to the judge advocate before 28 July 1947.

91. Q. Did you give the accused Ueno to understand that he was at liberty not to make a statement?

A. No, I did not.

92. Q. Did you give the accused Tanaka to understand at this time that he was at liberty not to make a statement?

A. No, I did not.

93. Q. Did you give the accused Higurashi to understand that he was at liberty not to make a statement?

A. No, I did not.

94. Q. Do you know how many days Ueno had been held in confinement before he made this statement?

A. I do not remember.

95. Q. Tanaka?

A. I do not remember.

96. Q. Higurashi?

A. I do not remember that either.

97. Q. This statement of Ueno's, wasn't it secured from him after you had investigated him to the extent that you found out that an accusation might be implied against him?

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy, 220  
Judge Advocate.

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This question was objected to by the judge advocate on the ground that it was irrelevant on the question of the admissibility of the document into evidence.

The accused replied.

The commission announced that the objection was not sustained.

A. Yes, it was.

96. Q. And the statement of Tanaka?

A. Yes, it was.

99. Q. The statement of Briguchi?

A. Yes, it was too.

100. Q. Did you inform Vane that he was involved to such an extent that an accusation against him might be implied and that he might become an accused or defendant in the case?

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

The accused replied.

The commission announced that the objection was sustained.

101. Q. Did you inform Vane of the gist of the evidence that tended to implicate him?

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

The accused replied.

The commission announced that the objection was sustained.

102. Q. Did you instruct Vane that he had the right of any witness to refuse to answer incriminating and degrading questions?

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

The accused replied.

The commission announced that the objection was not sustained.

A. No, I did not.

103. Q. As to Tanaka?

A. No, I did not.

104. Q. As to Briguchi?

A. No, I did not.

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*James I. Kenny*  
JAMES I. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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105. Q. Did you instruct Ueno that he was not to make statements founded on rumors?

A. No, I did not.

106. Q. Tanaka?

A. No.

107. Q. Kriguchi?

A. No, I did not.

108. Q. Did the accused Ueno ever waive any of the rights of a defendant?

This question was objected to by the judge advocate on the ground that at that time Commander Ueno was not an accused nor a defendant.

The accused replied.

The commission announced that the objection was sustained.

109. Q. Did you instruct Commander Ueno as to the full import of his act in making this statement?

A. No, I did not.

110. Q. Tanaka?

A. No, I did not.

111. Q. Kriguchi?

A. No, I did not.

Examined by the judge advocate:

112. Q. What are your duties in the office of Director of War Crimes, Pacific Fleet?

A. My present duties are as interpreter, translator, and investigator, in the Tokyo office of the Director of War Crimes, Pacific Fleet.

113. Q. And none of the investigations that you make in your official capacity are done under any special written authority, are they?

A. No, they are not.

114. Q. No convening authority makes you an independent board of investigation every time you set out to investigate war crimes, do they?

A. No, they do not.

Mr. Hamada, Hideo, a counsel for the accused, read a written objection to the receipt of these documents into evidence, appended marked "U."

An interpreter read an English translation of the objection of Mr. Hamada to the receipt of these documents into evidence, appended marked "V."

Commander Martin E. Carlson, U. S. Naval Reserve, a counsel for the accused, read a written further objection to the receipt of these documents into evidence, appended marked "W."

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*James P. Kenny*  
JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate, U. S. Navy,

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The accused waived the right to have the objection of Commander Carlson read in Japanese in open court at this time.

The judge advocate replied.

The commission was cleared. The commission was opened and all parties to the trial entered.

The commission announced that the objections were not sustained, and the documents would be received in evidence and accorded their proper weight.

The statement of Tanaka, Susta, in English, and the original Japanese thereof, were marked "Exhibit 4" and "Exhibit 5" respectively. The statement of Higuchi, Takashi, in English, and the original Japanese thereof, were marked "Exhibit 6" and "Exhibit 7" respectively. The statement of Uno, Chisato, in English, and the original Japanese thereof, were marked "Exhibit 8" and "Exhibit 9" respectively.

115. Q. Will you read "Exhibit 4"?

The witness read the statement of Tanaka, Susta, in English, appended marked "Exhibit 4."

An interpreter read the statement in Japanese, appended marked "Exhibit 5."

The witness was duly warned.

The commission then, at 11:27 a.m., took a recess until 2 p.m., at which time it reconvened.

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

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

No witnesses not otherwise connected with the trial were present.

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

(Reexamination continued.)

116. Q. Will you please read "Exhibit 6," the statement of Higuchi?

The witness read the statement of Higuchi, Takashi, in English, appended marked "Exhibit 6."

An interpreter read the statement in Japanese, appended marked "Exhibit 7."

117. Q. Will you please read "Exhibit 8," the statement of Uno, Chisato?

The witness read the statement of Uno, Chisato, in English, appended marked "Exhibit 8."

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*James J. Kenny*  
JAMES J. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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An interpreter read the statement in Japanese, appended marked "Exhibit 9."

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The prosecution rested.

Commander Martin E. Carlson, U. S. Naval Reserve, a counsel for the accused made a motion for a directed verdict of acquittal in behalf of Asano, Shimpei; Nakase, Shohichi; and Kobayashi, Kazumi, appended marked "X."

The accused waived the reading in Japanese in open court of the motion of counsel for the accused.

Mr. Kurota, Hideo, a counsel for the accused, read a written statement in support of the motion for a directed verdict of acquittal in behalf of Asano, Shimpei; Nakase, Shohichi; and Kobayashi, Kazumi, in Japanese, appended marked "X."

An interpreter read the English translation of Mr. Kurota's statement appended marked "X."

The judge advocate replied.

The accused waived the reading in Japanese of the reply of the judge advocate.

The commission announced that the motion was denied.

Commander Martin E. Carlson, U. S. Naval Reserve, a counsel for the accused, made the following statement:

Mr. Kurasawa, a defense counsel is still in Japan interviewing prospective defense witnesses. The judge advocate is arranging for the transportation of two of these witnesses from Tokyo to Guam but we are informed that they will not arrive until Saturday, October 11, 1947. We, therefore, request an adjournment until Monday, October 13, 1947 for the preparation of our defense.

The commission was cleared.

The commission was opened. All parties to the trial entered.

No witnesses not otherwise connected with the trial were present.

The commission announced that the request of the accused was granted, and the commission then, at 3:20 p.m., adjourned until Monday, October 13, 1947.

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*James P. Kenny*

JAMES P. KENNY,  
Lieutenant, U. S. Navy,  
Judge Advocate.

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ASANO, SHIMPEI et al. (22 SEP 1947)

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CASE OF

*ASATO ET AL*

VOLUME 2

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Case of

Asano, Shimpei,  
Ueno, Chisato,  
Nakase, Shohichi,  
Eriguchi, Takeshi,  
Kobayashi, Kazumi,  
Tanaka, Sueta.

September 22, 1947

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

VOLUME 2

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**MEMORANDUM**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Mariana Islands.  
Monday, October 13, 1947.

The commission met at 9:35 a.m.

**Present**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry E. Brown, Coast Artillery Corps, United  
States Army,  
Lieutenant Colonel Victor J. Catherine, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradley W. Lee, Junior, U. S. Naval Reserve,  
Major Joseph T. Smith, Junior, U. S. Marine Corps, reserve, and  
Lieutenant Commander Joseph A. Ryan, U. S. Navy, and  
Lieutenant James P. Keady, U. S. Navy, judge advocates.  
Robert R. Miller, yeoman first class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Commander Martin E. Carlson, a defense counsel, made a plea in  
statement in behalf of all the accused based on the admission in evidence  
of the unverified statements of Negashima, Higuchi, Tano, and Tanaka,  
appended marked "44."

An interpreter read a Japanese translation of Commander Carlson's  
plea.

The judge advocates replied.

An interpreter read a Japanese translation of the judge advocates's  
reply.

The commission announced that the plea was denied.

Commander Carlson made a plea in statement in behalf of all the  
accused based on the alleged lack of authentication of the witness, Lieuten-  
ant Frederick P. Thompson, to take the affidavits of Negashima, Tano,  
Higuchi and Tanaka, appended marked "45."

An interpreter read a Japanese translation of Commander Carlson's plea.

The judge advocates replied.

An interpreter read a Japanese translation of the judge advocates's  
reply.

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*James P. Keady*  
JAMES P. KEADY,  
Lieutenant, USN,  
Judge Advocate.



The commission announced that the plea was denied.

Commander Carlson made a plea in abstention in behalf of all the accused based on the fact that the statements were immaterial, appended marked "40."

An interpreter read a Japanese translation of Commander Carlson's plea.

The judge advocate replied.

An interpreter read a Japanese translation of the judge advocate's reply.

The commission announced that the plea was denied.

Commander Carlson made a motion in behalf of all the accused to quash all four statements on the ground that they were improperly admitted into evidence, appended marked "41."

An interpreter read a Japanese translation of Commander Carlson's motion.

The judge advocate replied.

An interpreter read a Japanese translation of the judge advocate's reply.

The commission announced that the motion was denied.

Commander Carlson made a motion in behalf of all the accused for a mistrial on the ground that the statement of Nagashima, Mitsuo, had been improperly admitted into evidence to the prejudice of all the accused, appended marked "42."

An interpreter read a Japanese translation of Commander Carlson's motion.

The judge advocate replied.

An interpreter read a Japanese translation of the judge advocate's reply.

The commission announced that the motion was denied.

Commander Carlson requested the commission to issue a writ of habeas corpus for Nagashima, Mitsuo, appended marked "43."

An interpreter read a Japanese translation of Commander Carlson's request.

The judge advocate replied.

An interpreter read a Japanese translation of the judge advocate's reply.

The commission announced that the request was denied.

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*James P. Kenney*  
JAMES P. KENNEY  
Lieutenant Colonel, USAF  
Judge Advocate

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The defense began.

Mr. Kume, Hideo, a counsel for the accused, read a written opening statement in Japanese, appended marked "01."

An interpreter read an English translation of the opening statement of Mr. Kume, appended marked "01."

Mr. Karamura, Takao, a counsel for the accused, read a written request for judicial notice in Japanese, appended marked "02."

An interpreter read an English translation of the request for judicial notice as follows:

1. Article 61, Articles for the Government of the United States Navy:

"Limitation of trials: Offenses in general.—No person shall be tried by court martial or otherwise punished for any offense except as provided in the following article, which appears to have been committed more than two years before the issuing of the order for such trial or punishment, unless by reason of having absented himself, or of some other manifest impediment he shall not have been amenable to justice within that period (R. S., sec. 1624, art. 61; Feb. 25, 1895 c. 128, 28 Stat. 680)."

2. The fact that Truk was in possession of Japan prior to 2 September, 1945.

3. The Fifth Amendment to the Constitution of the United States:

"AMENDMENT V—CAPITAL CRIMES; DUE PROCESS."

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment of indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

4. Articles 60 and 63, Geneva Convention, 27 July 1929.

"Article 60. At the opening of a judicial proceeding directed against a prisoner of war the detaining power shall advise the representative of the protecting power thereof as soon as possible and always before the date set for the opening of the trial."

"Article 63. Sentence may be pronounced against a prisoner of war only by the same courts and according to the same procedure as in the case of persons belonging to the armed forces of the detaining power."

5. The fact that neither Italy nor Bulgaria have ratified the Hague Convention of 1907.

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6. Articles of War, 25 and 36:

"Sec. 1496. Depositions: When admissible (article 25). A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or district in which the court, commission, or board is ordered to sit or beyond the distance of one hundred miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: Provided, that testimony by deposition may be adduced for the defense in capital cases. (June 4, 1920, c. 227, Subchapter II, section 1, 41 Stat. 792.)"

"Sec. 1509. President may prescribe rules (article 36). The president may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States: Provided, that nothing contrary to or inconsistent with these articles shall be so prescribed: Provided further, that all rules made in pursuance of this article shall be laid before the Congress annually. (June 4, 1920, c. 227, subchapter II, section 1, 41 Stat. 794.)"

7. Section 454, Naval Courts and Boards:

"454. Limitation when a deposition is used. -- In any case where a deposition is used in evidence by the prosecution by reason of the fact that oral testimony can not be obtained, as authorized by article 66, A. G. N., the maximum punishment which may be imposed shall not extend to death or to imprisonment or confinement for more than one year."

"Also, as a matter of policy, where a deposition has been used by the prosecution in the trial of a commissioned or warrant officer, the maximum punishment adjudged should not extend to dismissal."

"These limitations apply to all cases, whether or not the trial is for an offense for which a limitation is otherwise prescribed. Where a deposition does not enter into proof of all the specifications, the limitation applies only to those specifications into which it enters."

8. "Japanese Service Regulation for Personnel on Ships."

General Principles.

II. Military discipline is the life of the military force in order to unify the spirits of the military person, and is the principle to mould

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the minds of a thousand persons into one.

Therefore, military discipline aboard must be most solemnly observed and maintained without the slightest relaxation, by the captain of the ship down to the rank and file. Solemnity of military discipline can be achieved only by training the spirit of each individual military person. Therefore, all hands on ships, in every moment of their service, should bear the Imperial will in mind, greatly foster the military spirit, faithfully pursue their duty, harmonize the mind and act, respect, honor, and calmly discharge the duty of a military person when faced with death.

III. The effectiveness of the armed forces lies in the replenishment of its true ability. Therefore, the true object of training on the ship, lies in the fostering of the true ability together with the training of military spirit and enforcement of military discipline.

IV. Order is the source of military action. It must be precise and pertinent. When an order is once given, the commander should supervise its execution and determine its thoroughness.

Moreover, the commander should be careful not to give uncertain orders so as to bewilder the receiver, or make impertinent demands so as to make the performance difficult, or overlook the negligence of the receiver without giving correction.

VI. Obedience in the military forces is implicit, and it must become second nature. But, once an order is issued, to complain about the difficulty of its execution, or neglect its execution, or to discuss its propriety, should definitely not be allowed.

But there are not a few occasions, when arbitrary action is necessary. When the situation is imminent and circumstances undergo a change, and further instructions cannot be had, the intention of the commander must be judged, and with arbitrary action to cope with the situation, the opportunity must be grasped.

Arbitrary action is not taken in conflict with the spirit of obedience, but always pursued within the scope of the commander's intention and without ending in self-indulgence.

9. Japanese Naval Criminal Code, Chapter IV, Crimes of Resisting Order, Article 55:

One who resists the superior officer's order or who is not subordinate to it, shall be sentenced to such penalties as follows:

1. In the face of the enemy, he shall be sentenced to death or a life term or above ten years' confinement.
2. In war time, or when in need of emergency measures of rescuing ships, from above one to ten years' confinement.
3. In other cases, under five years' confinement.

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The judge advocate replied,

The commission was cleared,

The commission was opened. All parties to the trial entered.

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

The commission announced as follows:

The commission will take judicial notice of all items requested by the defense with the exception of the Japanese Service Regulations of Personnel aboard ship.

A witness for the defense entered and was duly sworn.

Examined by the judge advocate:

1. Q. State your name and former rank.  
A. Former Lieutenant, junior grade, Yoshinuma, Yoshikawa.
2. Q. If you recognize these accused state as whom?

The witness correctly identified all of the accused by name and former rank.

Examined by the accused:

3. Q. Were you ever stationed at Truk?  
A. Yes.
4. Q. During what period of time?  
A. From the 30th of April 1943 until the 11th of July 1944.
5. Q. Calling your attention to a day in June or July 1944, do you know of an operation at the battle dressing station at the Forty-first Naval Guards?  
A. I know of it vaguely.
6. Q. Were you outside this battle dressing station at the time while this operation was taking place?  
A. No.
7. Q. Are you an expert swordsman?  
A. I am not an expert.
8. Q. Were you ordered or were you told to show Higurashi how to handle a sword on the day that this operation took place?  
A. I do not have any recollection of this.
9. Q. Did you on this day show Higurashi how to handle a sword?  
A. No.

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10. Q. Do you know of the beheading of a prisoner on this same day at the Forty-first Naval Guard?

A. I know of this vaguely.

11. Q. Were you at the scene of this beheading?

A. No.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

Kuno, Keijiro, a witness for the prosecution, was recalled as a witness for the defense and was warned that the oath previously taken by him was still binding.

Examined by the accused:

1. Q. State your name.

A. Kuno, Keijiro.

2. Q. When was it that you saw the prisoner in this case?

A. It was in the latter part of June or the beginning of July 1944.

3. Q. When you saw this prisoner what was being done to the prisoner?

A. He was being operated on.

4. Q. Did you watch the operation until it was completed?

A. No.

5. Q. What operations did you see being performed?

A. The operation on the toenail - on the big toenail of the foot and the operation on the femoral artery.

6. Q. Tell the commission your history as a doctor?

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

The accused withdrew the question.

7. Q. Tell us in what instances the femoral artery would be revealed by a surgeon?

A. When you state I am not sure whether you mean removal of the femoral artery. Do you mean removal or revealing of the femoral artery. The question is confusing and I think it is confusing.

The accused refrained the question.

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8. Q. As a surgeon tell us in what instances the femoral artery would be revealed?

A. The artery would be revealed in cases of spontaneous gangrene in which the artery would be revealed to perform a periodical arterial sympathectomy and the other case would be when an injection would be made into the femoral artery. If the femoral artery can be located, the artery is revealed and the injection made.

9. Q. The injection - the treatment by injection into the femoral artery and the injection into the femoral artery. Is this an effective way of treating?

A. This is a very effective treatment in cases of tuberculosis and infections and also tuberculosis in the joints and rheumatism in the joints.

10. Q. Tell us about the treatment by injections into the exposed femoral artery?

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

The accused replied.

The commission announced that the objection was sustained.

11. Q. Do you know the theory of the treatment by injections into the femoral artery?

A. I do.

12. Q. Do you know of the theory of the injections into the femoral artery in treating infections?

A. I do.

13. Q. Tell the commission of the general outline of the treatment by injections into the femoral artery for infections?

A. This treatment was first introduced by a professor of the Chiba Medical College in Japan - Professor See. His theory was in treating infectious diseases. A strong solution of sulphur drugs into the artery which feeds into the infectious area, would produce shock in that area due to the thick solution of the drug and stop the progress of that disease. This was looked into by many of his colleagues and confirmed. The effectiveness of this treatment was looked into by many of his colleagues and confirmed.

14. Q. Do you know the defendant Kobayashi?

A. I do.

15. Q. What was Kobayashi's position at the time of this incident?

A. He was the head corporal of the Forty-first Naval Guards.

16. Q. What are the usual duties of the head corporal?

A. I do not know the exact regulations as to the duties of the head corporal but during my life in the navy I have come in contact with four

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head corpsman and thru this experience I can state that he is directly in charge of the corpsmen and that his duties involve everything that goes on in the medical section. If stated more concretely he is in charge of teaching the corpsmen and of instructing corpsmen in medical affairs, also particularly he is in charge of personnel duties; drawing up of the documents for the medical section. Responsible for the medical supplies and tends to farming and such things as building of air raid shelters. He supervises the corpsmen.

17. Q. What was the general reputation of Kobayashi and also his reputation in his performance of his duties?

A. He was diligent and worked well. There were many head corpsmen at Truk but Kobayashi's reputation was the best. All the work of the medical section could be left to the head corpsman and we did not have to look into the way he performed his duties.

18. Q. Is it usual for the head corpsman to order his subordinate corpsmen to make preparations for an operation?

A. It is usual.

19. Q. Do you know the defendant Ueno?

A. I do.

20. Q. What was Ueno's general reputation?

A. He was kind to his patients. He was diligent in his work and we were glad when he came to take up his duties at the guard unit.

21. Q. Do you know the defendant Briguchi?

A. I do.

22. Q. What was Briguchi's position at the time of this incident?

A. His position was that of a dentist at the medical section.

23. Q. How long had Briguchi been working at the guard unit at the time of this incident?

A. As I recall it was about one month.

24. Q. What was Briguchi's general reputation?

A. He had just graduated from the medical section and he was cheerful and sort of a person that everyone liked.

25. Q. Was he a sort of person who would on his own initiative behind a prisoner?

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

The accused withdrew the question.

26. Q. In usual cases when an operation is being performed, is it usual for the head corpsman to be present?

A. It is usual for the head corpsman if he wants to watch the operation he can watch the operation, and if he doesn't want to watch the operation he doesn't have to watch the operation.

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Cross-examined by the judge advocate:

27. Q. Isn't it true that in this operation by Uno on the prisoner that no injection was made into the femoral artery?

A. I do not remember.

28. Q. weren't you looking on at the time that the femoral artery was exposed?

A. Yes.

29. Q. Did you see anybody present Uno with anything with which to make an injection in the femoral artery?

A. I do not have any recollection.

30. Q. Isn't it true that the only reason that the femoral artery of this prisoner was exposed was to show those present how it could be done?

A. I do not have a distinct recollection of the scene at the time but the incision to reveal the femoral artery is not an especially difficult operation and it is not an especially hard one that has to be taught.

31. Q. Well, you were a doctor and you were present. Why was the incision made?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. I do not know.

32. Q. You say you know and you don't want to say. Isn't that true?

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

The judge advocate withdrew the question.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly sworn and withdrew.

The defense counsel requested an adjournment until 9 a.m., Wednesday, 15 October 1947, in order to complete the preparation of its case.

The judge advocate replied.

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The commission announced that the request for an adjournment until 9 a.m., Wednesday, 15 October 1947, was not approved, but that the commission would grant an adjournment until 2 p.m., Tuesday, 14 October 1947.

The commission then at 11:45 a.m., adjourned until 2 p.m., tomorrow, Tuesday, 14 October 1947.

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**FOURTH DAY**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Marianas Islands.  
Tuesday, October 14, 1947.

The commission met at 2 p.m.

**Present:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry E. Roscoe, Coast Artillery Corps, United  
States Army,  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradner W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Rogers, U. S. Navy, and  
Lieutenant James P. Kenny, U. S. Navy, judge advocates.  
Robert E. Miller, yeoman first class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the defense entered and was duly sworn.

Examined by the judge advocates:

1. Q. State your name and former rank.  
A. Hirata, Seizo, lieutenant (junior grade), IJN.
2. Q. If you recognize these accused, state as when.

The witness correctly identified all of the accused by name and rank.

Examined by the accused:

3. Q. When did you enter the navy?  
A. 7 June 1928.
4. Q. How long have you been in the navy?  
A. Since 7 June 1928 until the end of the war.
5. Q. Have you had duty on Truk?  
A. I have.
6. Q. What period did you have duty on Truk?  
A. Since 11 May 1943 till the end of the war.

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7. Q. In what unit were you attached on Truk?

A. The Forty-first Naval Guards.

8. Q. What was your position in the Forty-first Naval Guards?

A. From September 1943 to the end of the war I was the Deck Officer.

9. Q. Do you know anything about prisoners during June 1944?

A. Around the middle of June 1944 I heard that one prisoner of war was operated on in the sick bay and later died and another prisoner of war was killed.

10. Q. When did you hear this?

A. On that day.

11. Q. Was it during the morning or in the afternoon of that day?

A. During the evening.

12. Q. Please explain to the commission how you came to hear about this.

A. In the afternoon of that day, as I was told by the Commandant to go to the construction corps about two or three days before this time in regard to the fixing of barracks which were damaged by the bombing, I went to the construction corps. After I finished I came back to the unit and I went to the OOD's office to report that I came back. On the way to the OOD's office I heard it from one seaman.

13. Q. What did this seaman say to you?

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

The accused withdrew the question.

14. Q. Then what did you do?

A. Then I went to the OOD's office and I reported my requirements and then I planned to report my dealings with the construction corps to the Commandant but as there was a red mark under his name which signified that he was out I asked the messenger if he was out and he said he was out and he said the Commandant went to inspect the defense of Hai Jim or Kade Jim and went on to say that he will be back about evening, therefore I did not make this report.

The judge advocate moved to strike out this answer on the ground that it was not responsive and that it was hearsay.

The accused replied.

The commission announced that the motion to strike was denied.

15. Q. When you say "Commandant" who do you mean?

A. Rear Admiral Anne, Shippey, USN.

16. Q. The relation of the day when the Commandant went to Hai Jim and Kade Jim and the day the prisoner was killed. Could you tell the commission the relation between these dates?

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A. When I came back from the construction corps and on the way to the ODP's office to make my report I heard about the prisoners and when I went to the administration building I saw the red mark under the Commandant's name which signified that he was out, therefore it was the same day.

17. Q. What was the general reputation of Commandant Leone at that time?  
A. The Commandant was gentle, especially kind, efficient, earnest in everything he did and was fair. He also noticed any small details, even the things we did not notice. For example, one day he found out about one man sick with malnutrition lying on the floor with only a blanket in one of the barracks. When he saw this he said to us, "Don't you do anything for him, because in this way it is not good for the sick person." Another thing the Commandant in 1934 was the Prince's aide and from this alone one can tell how good his character was. Another thing the Commandant in his speeches he used to say that when he met Americans he liked them very much because they were very gay and happy. By this we can say the Commandant was pro-American.

18. Q. You have stated that the Commandant went on an inspection trip. Does the witness know for what purpose he went?

This question was objected to by the judge advocate on the ground that there had been no testimony that the witness knew that the Commandant went anywhere.

The accused withdrew the question.

19. Q. You have testified that you went to the construction corps to have the barracks which were damaged by bombing repaired. How were the barracks damaged?

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

The accused replied.

The commission announced that the objection was sustained.

20. Q. You have testified that the barracks were damaged by bombing. How long was this bombing from the time you heard about this execution?

A. The date is not clear.

21. Q. Do you recollect the relationship between when you were told by the Commandant to go to the construction corps with the date of this bombing?

A. About two or three days after the bombing I was ordered by the Commandant to go to the construction corps as I recall.

22. Q. Do you know the executive officer, Belmont?

A. I do.

23. Q. What was the general reputation of the executive officer, Belmont, during that time?

A. The executive officer was very gentle, efficient, snappy, interested in everything he did and to men. If an enlisted man did anything wrong he would recognize the fact and try to lead him to the right road. He was a self-made man. By this there were many men who shed tears and righted their ways. Also he was a well trained man.

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**Cross-examined by the judge advocate:**

24. Q. Were you present at the scene where one American was beheaded?

A. I was not.

25. Q. Were you present at the scene where the other American was hanged to death?

A. I was not.

26. Q. At any time during the day that you heard about the execution did you yourself see Asano?

A. I did not.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 3:07 p.m., took a recess until 3:20 p.m., at which time it reconvened.

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

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

No witnesses not otherwise connected with the trial were present.

An accused, Kobayashi, Kazumi, was, at his own request, duly sworn as a witness in his own behalf.

**Examined by the judge advocate:**

1. Q. Are you an accused in this case?

A. Yes, I am.

**Examined by the accused:**

2. Q. When did you enter the Japanese Navy?

A. On the first of June 1941 I entered the Japanese Navy as a volunteer. I entered the Yokosuka Naval Station as a volunteer.

3. Q. Have you ever had duty at Truk Atoll?

A. Yes, I have.

4. Q. During what period of time did you have duty at Truk Atoll?

A. I had duty on Truk from 24 December 1943 until 5 February 1944.

5. Q. Where did you have duty during this time?

A. I had duty at the Forty-first Naval Guard Unit on Dublon Island, Truk Atoll.

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6. Q. What kind of work did you do at the Forty-first Naval Guard Unit?  
A. I was attached to the dispensary of that unit and I did general office work. I also supervised the enlisted men in their work.

7. Q. While you were at the Forty-first Naval Guard Unit did you hear anything relating to prisoners of war?  
A. Yes, I did.

8. Q. When did you hear this?  
A. I believe it was the end of June or the beginning of July of 1944.

9. Q. From whom did you hear this?  
A. From Head Medical Officer Uno.

10. Q. What did you hear about prisoners from Head Medical Officer Uno?  
A. About ten o'clock in the morning at the entrance of the dispensary officers' quarters I heard from Uno that he was going to operate on the prisoner of war today.

11. Q. Where did he say he was going to perform this operation?  
A. He stated that it was to take place in the battle dressing station.

12. Q. After you were told about this did you do anything afterwards?  
A. Several days before this time I heard that the stockade where the prisoners were confined was bombed and some were wounded and some died. I did not seek an explanation at this time and went to the office at the dispensary. There I met Senior Petty Officer Uchihira and I told him to ask Uno for the details of what I was told. I notified this to the senior petty officer.

13. Q. You have stated that you told Senior Petty Officer Uchihira what Uno told you. What did you tell Senior Petty Officer Uchihira?  
A. I said to him, "Head Medical Officer Uno said to me that this afternoon he was going to operate on a prisoner so will you please ask Uno once more for the details of it."

14. Q. When you heard from Uno that he was going to operate on the prisoner, what did you think was the reason that the operation was going to be performed on the prisoner?

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

The accused withdrew the question.

15. Q. Did you know the reason for this?  
A. I felt that as some of the prisoners were killed and some were wounded by the bombing, I felt it was normal to have an operation and I just thought it. I didn't think it very hard but it just came to my mind.

The judge advocate moved to strike out this answer on the ground that it was the opinion of the witness.

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The commission directed that the answer be stricken out.

16. Q. Then did you order Senior Petty Officer Uchihira to prepare for the operation?

A. No, I did not.

17. Q. After you told Senior Petty Officer Uchihira to get the details from Uno, what did you do then?

A. As it was nearly time for chow I went to chow.

18. Q. Then what happened?

A. In the afternoon while I was working at the office I heard from someone whom I do not remember now that the operation was under way. Therefore, I went to the place of this operation which was the battle dressing station.

19. Q. From when did you hear that the operation had started?

A. Right now I do not remember.

20. Q. You testified that you went to the battle dressing station. Why did you go to the battle dressing station?

A. As I have testified before I was the head of the corpsmen and I supervised enlisted men. At this time the Head Medical Officer Uno had just recovered from dengue fever so he was ill-tempered, so I wondered if the enlisted men were being scolded by the head medical officer, so I went.

21. Q. When you went to the battle dressing station what did you see?

A. Head Medical Officer Uno was operating on the big toe. Surgeon Lieutenant Kinoshita was assisting him and there were several others but I do not recall who they were.

Commander Carlson, a defense counsel, moved on behalf of the accused Uno, to strike out this answer on the ground that the witness, an accused, was testifying against a co-defendant.

The judge advocate replied.

The commission was cleared. The commission was opened, and all parties to the trial entered.

The commission announced that the motion to strike was denied.

22. Q. Then what did you do?

A. As the operation was progressing well and the enlisted men were not being scolded I left the battle dressing station after staying there for about four or five minutes. After I went out I told two or three corpsmen that as I wanted to plant banana trees to carry some fertilizer to the place and then I went back to the office and worked.

23. Q. Did you help with the operation or have any connection with the operation?

A. I did not do anything.

24. Q. Then what did you do?

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A. Then I worked at the office. When I was continuing to work at the office someone said that Briguchi was going to behead a person. I do not know who said this. I was surprised and I went out of the dispensary and saw many persons going in back of the dispensary near to the storage of medical supplies and I went too from curiosity following the persons and went behind the dispensary and near the storage of medical supplies.

25. Q. Did you go to the scene and get the prisoner?

A. No, I did not.

26. Q. Did you order carpenter to carry the prisoner from the stockade to the battle dressing station?

A. No, I did not.

27. Q. Then did you supervise in carrying the prisoner from the battle dressing station to the scene?

A. No, I did not.

28. Q. Then at the scene of the beheading did you order someone to go and get a piece of board?

A. No, I did not.

29. Q. Then at the scene of the beheading did you show anyone how to behead a person by saying, "This is the way to do it?"

A. No.

The commission then, at 4:25 p.m., adjourned until 9 a.m., tomorrow, Wednesday, 14 October 1947.

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*James P. Henry*

JAMES P. HENRY,  
Lieutenant, USN,  
Judge Advocate.

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**EXHIBIT D-1**

United States Pacific Fleet,  
Commander Marianas,  
Guam, Marianas Islands.  
Wednesday, October 15, 1947.

The commission met at 9 a.m.

**Present:**

Rear Admiral Arthur G. Robinson, U. S. Navy,  
Lieutenant Colonel Henry K. Roscoe, Coast Artillery Corps, United  
States Army,  
Lieutenant Colonel Victor J. Garbarino, Coast Artillery Corps, United  
States Army,  
Lieutenant Commander Bradford W. Lee, junior, U. S. Naval Reserve,  
Major Joseph T. Smith, junior, U. S. Marine Corps, members, and  
Lieutenant Commander Joseph A. Regan, U. S. Navy, and  
Lieutenant James P. Kenny, U. S. Navy, judge advocates.  
Robert R. Miller, yeoman first class, U. S. Navy, reporter.  
The accused, their counsel, and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

Kobayashi, Kazumi, the witness under examination when the adjournment  
was taken, resumed his seat as a witness in his own behalf. He was warned  
that the oath previously taken was still binding, and continued his test-  
imony.

(Examination continued.)

30. Q. You testified yesterday that Commander Vane told you, "This  
afternoon an operation is to be performed." Did he tell you why the oper-  
ation was to be performed?

A. I did not receive any detailed instructions.

31. Q. Without being given any detailed instructions, did you know that  
this operation was for?

A. I just felt that it was to be an operation to look into the patient's  
condition which had been brought about by bombing.

The judge advocate moved to strike out this answer on the ground that  
it was not responsive and it was the opinion of the witness.

The commission announced that the motion to strike was denied.

32. Q. You stated that you entered the navy in 1931. Have you ever been  
disabled?

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

The accused replied,

The commission announced that the objection was sustained.

33. Q. Did you behold an American prisoner with a sword on or about June 20, 1944?  
A. No.

34. Q. Did you kill an American prisoner of war by striking him with a deadly weapon on or about June 20, 1944?  
A. No.

35. Q. Was it your duty to carry out the orders of the head medical officer, Uno, and to prepare or cause to be prepared the place where the operation was to be performed?  
A. If I was ordered to make preparations, I would have to make preparations.

36. Q. Did you do anything else in connection with the preparations other than pass the word on to Uchihira?  
A. I did not relay to Uchihira to make preparations.

37. Q. Did you relay anything to Uchihira?  
A. I did say something to him.

38. Q. Was it your intent to do an unlawful thing when you passed the word on to Uchihira?  
A. No.

39. Q. Did you do anything like surgical explorations while you were in the battle dressing station that day on the prisoner?  
A. No.

40. Q. Did you make any cuts on the breast, abdomen, scrotum, right thigh or the foot of that prisoner while you were there in that battle dressing station?  
A. No.

41. Q. Now, when you went there that day was it your intent to perform an illegal operation or in any way to assist in an illegal operation?  
A. I absolutely had no intent.

42. Q. Do you know Nagashima, Mitsuo?  
A. I do.

43. Q. Do you know what kind of a person he is?

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

The accused replied,

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The commission announced that the objection was not sustained.

A. I hate to state this about a fellow person, but while he was in the warrant officers' quarters he was a person who told many lies, his nickname was, "A person who told three truths in a thousand."

44. Q. Now you testified that you heard someone say that Brigueld was going to behead a person and you went there from curiosity. Was it your intent to commit murder when you went to this so-called scene?

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

The accused replied.

The commission announced that the objection was sustained.

45. Q. What was your intent when you went to this scene of execution?

A. I went there through curiosity.

Cross-examined by the judge advocate:

46. Q. Was it your duty at the Forty-first Naval Guards to supervise all the corporals that were subordinate to you?

A. Yes.

47. Q. When Commander Uno performed operations did you also supervise the corporals that aided him in his operations?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. At the scene I did not instruct and supervise the corporals.

48. Q. When an operation was scheduled at the Forty-first Naval Guards was it usual for the senior medical officer to advise you that the operation was going to be performed?

A. There are some times he would and some times he would not, but most of the time he would let me know about the operation.

49. Q. Why did he let you know about this operation?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

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4. Why he told me I do not know the intent of the head medical officer.

50. Q. After you were told this what did you do?

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

The judge advocate withdrew the question.

51. Q. After Commander Ueno had informed you that he was going to perform an operation on a prisoner what did you do?

A. As I stated yesterday I went to the office and said to the senior petty officer, Uchihira, "There is to be an operation on a prisoner in the battle dressing station this afternoon, ask the head medical officer about the details."

52. Q. Why did you ask Uchihira to ask Ueno about the details. Why were you interested in the details?

A. At this time we were very busy farming and sorting medical supplies and when I was told this I took this as a meaning you could not do any major work this afternoon so I told this to Uchihira.

53. Q. Were you senior to Uchihira?

A. Yes.

54. Q. Why didn't you go and ask Commander Ueno about the details?

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

The judge advocate replied,

The commission announced that the objection was not sustained.

A. The operation was to be performed by the head medical officer and as it was a habit of mine to have them ask the doctors who were the ones that were going to perform the operation about the details.

The commission directed that the question be repeated in Japanese and directed the witness to answer the question as his previous answer was not responsive.

The question was repeated in Japanese.

A. (Cont.) As I personally do not make the preparations I did not go and find out the details.

55. Q. No, but you personally had responsibility for getting ready for that operation. Isn't that true?

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

The judge advocate replied,

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The commission announced that the objection was not sustained.

A. If I was ordered to make preparations it would be my duty to see that they were made but in the guard unit in a usual case the head medical officer or the corpsman petty officer who made the preparations usually reported to the doctor and the head medical officer.

56. Q. As the head corpsman at the forty-first Naval Guards wasn't it your duty to make preparations for these operations?

A. If I was ordered to make preparations, it is my duty to make preparations.

57. Q. Were you ordered to make the preparations for this particular operation?

A. I was not ordered to make preparations.

58. Q. Did you yourself order any other corpsmen to make preparations for this particular operation?

A. During my fifteen years in the navy I have had much trouble with orders being relayed from a superior directly to the lowest ranking person and therefore in case an order was to be relayed I would relay it through the usual channels.

The commission directed that the question be repeated in Japanese and directed the witness to answer.

The question was repeated in Japanese.

A. (Cont.) No.

59. Q. Did you yourself tell any corpsmen to attend that operation?

A. No.

60. Q. Did you yourself go to the brig and get the prisoners and bring them to the battle dressing station?

A. No.

61. Q. Did you yourself order anyone else to go to the brig and get the prisoners and bring them to the battle dressing station?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. No.

62. Q. Do you know a Japanese by the name of Tsuboi?

A. I do.

63. Q. Did you hear Tsuboi when he was sitting in the same chair that you are occupying?

A. Yes.

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64. Q. Do you recall Tsuboi testifying that you ordered him to go and get the two prisoners at the brig?

A. I do.

65. Q. Was Tsuboi telling the truth?

A. I think it was a mistaken recollection of Tsuboi's.

66. Q. Did you yourself ever go to the battle dressing station while the operation was in progress?

A. I did.

67. Q. Why?

A. As the head medical officer had just recovered from dengue fever he was very short tempered. It was also my duty to supervise and look after the corpman. With this feeling I went to see if the corpman were being scolded in any way.

68. Q. Don't you mean you went there to see that the corpman were doing their job properly?

A. I also had this feeling.

69. Q. Didn't you go there because it was your duty to supervise all of these corpman?

A. Yes.

70. Q. How long did you remain there?

A. As I recall it was four or five minutes.

71. Q. When the prisoner was carried from the battle dressing station on a stretcher to the hole where he was executed, did you go along?

A. No.

72. Q. Do you know who carried that stretcher?

A. No.

73. Q. Do you know a Japanese by the name of Saito?

A. I do.

74. Q. Do you recall having heard Saito testifying from that stand that you went along to that hole where the prisoner was executed?

A. I did.

75. Q. Was Saito telling the truth?

A. He is absolutely mistaken.

76. Q. Did you show Higurashi how to behead that prisoner?

A. No.

77. Q. Were you present beside Higurashi when that prisoner was beheaded?

A. I was about four or five meters away from him.

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78. Q. But you were at the scene when the prisoner was beheaded?  
A. I was.

79. Q. Do you know Kodama?  
A. I do.

80. Q. Do you recall Kodama testifying that you showed Kriguchi how to behead the prisoner?  
A. I do.

81. Q. Was Kodama telling the truth?  
A. There is no truth in his statement. It is a lie.

82. Q. Do you recall hearing Saito testify that after the execution you told him that you had showed Kriguchi how to behead the prisoner and he had done a pretty good job?  
A. I do.

83. Q. Was Saito telling the truth when he told us of this conversation with you?  
A. Absolute lie.

84. Q. Did you ever warn any of the carpamen not to speak about this operation?  
A. After the end of the war, yes.

85. Q. Why?  
A. While I was eating a carpamen told me that they had been warned by Commander Ueno not to talk about the operation in 1944. As I had come late I also told the carpamen to, "do as Commander Ueno told you to."

86. Q. Why was it necessary for you to warn the carpamen not to speak about this operation?

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

The judge advocate replied,

The commission announced that the objection was not sustained.

A. Because it was my feeling that I wanted them to do as the head medical officer had told them to.

Reexamined by the accused:

87. Q. Do you feel that you neglected your duty when you did not personally make any preparations for this operation?

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

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The accused replied,

The commission announced that the objection was not sustained.

A. As I had not received any orders to make any preparations I did not feel that I neglected my duty.

88. Q. Don't the doctors and surgeons take over and tell the assisting corpsmen what to do at the operation and not allow you, the head corpsman, to take over and give directions to the assisting corpsmen during an operation which was being performed?

A. Concerning operations and treatments the doctors gave orders directly to the corpsmen and have them perform what was needed.

89. Q. Did you take any more of a part in this execution than any of the other spectators that were there?

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

The accused replied,

The commission announced that the objection was sustained.

90. Q. You testified that you were told by Commander Vane that there was to be an operation to be performed that afternoon at the battle dressing station and you testified that you told Yoshinaka about this and told him to ask the head medical officer about the details. What do you mean by details?

A. About the preparations and also about the instruments to be used.

91. Q. You testified that when you went to the place where the operation was being performed you went to see if the corpsmen were being scolded or if the corpsmen were carrying out their duties properly. When a high ranking officer like Commander Vane was actually in command of the operation and the corpsmen, do your duties necessitate you giving instructions to the corpsmen?

A. When a high ranking officer is in charge of performing an operation it is not my duty to instruct the corpsmen then, but later in case a corpsman made a mistake it is my duty to see that that mistake is not repeated at a later date.

92. Q. Do you know a person named Yoshinaka?

A. I do.

93. Q. Was Yoshinaka at the scene of the beheading?

This line of questioning was objected to by the judge advocate on the ground that it was beyond the scope of the cross-examination.

The accused made no reply.

The commission announced that the objection was sustained.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness resumed his status as an accused.

The commission then, at 10:08 a.m., took a recess until 10:30 a.m., at which time it reconvened.

Presents: All the members, the judge advocates, the accused, their counsel and the interpreters.

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

No witnesses not otherwise connected with the trial were present.

A witness for the defense entered and was duly sworn.

Examined by the judge advocates

1. Q. State your name and former rank.

A. Hosaka, Kanyoshi, former chief petty officer.

2. Q. If you recognize any of these accused state their names and former ranks?

A. The person with the white shirt is Tanaka. The person to the left - I forget his name - he is the head cookman. The person in front of him - I do not know his name - he is the head medical officer. The person to his right - I do not know his name - I think he is a cookman. The person in front of him is the Executive Officer - I forget his name. The commanding officer - I forget his name also.

Examined by the accused:

3. Q. When did you enter the navy?

A. The 28th of April 1943.

4. Q. Have you ever had duty at Truk?

A. Yes.

5. Q. Through what period of time were you stationed at Truk?

A. From the 15th of June 1943 until the 28th of November 1945.

6. Q. To what unit were you attached to at Truk?

A. To the Forty-first Naval Guard Unit.

7. Q. Did you see any prisoners in June of 1944 at the guard unit?

A. Yes.

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8. Q. Where in the guard unit did you see these prisoners?

A. At an air raid shelter to the west of the dispensary.

9. Q. How did you come to see these prisoners?

A. While we were doing gardening work in a garden to the west of the sick bay by the side of a road, the senior petty officer came around with several men. Passing by he said, "We are going to dispose of a prisoner. Come and watch it." We put away the garden implements and went in the direction that the senior petty officer had gone. When we arrived there, there were a great number of persons assembled there. Among them there was a prisoner standing.

10. Q. What did you do after this?

A. While we were watching at the outside of this group the senior petty officer ordered the prisoner taken toward the swamp and as was ordered the men took the prisoner toward the swamp.

11. Q. Did you also go toward the swamp?

A. We followed after the prisoner and went toward the swamp.

12. Q. After you arrived at the scene of execution what happened?

A. The senior petty officer ordered the men to bring a rifle. The rifle was brought and handed to the senior petty officer. The senior petty officer took the rifle and was going to hand it to Tanaka but Tanaka seemed to be reluctant to take the rifle. The senior petty officer shouted at Tanaka in a loud voice. Still Tanaka hesitated and did not take the rifle. The senior petty officer again raised his voice at Tanaka. Tanaka hesitatingly took the rifle. After taking the rifle he was standing just as he was. The senior petty officer again raised his voice and scolded Tanaka. After this I remember Tanaka stabbed the prisoner with the rifle and bayonet.

13. Q. From where were you watching this?

A. I was standing about ten meters away from this place in the neighborhood of where a lot of the men were watching.

14. Q. Did anyone else other to Tanaka stab?

A. I remember someone else stabbing. I do not know who it was and I do not remember his face or name at this time.

15. Q. How is it that you just remember Tanaka?

A. We were of the same division and the same squad and he also was a person who came from Nagoya which was near my home and I was intimate with him.

16. Q. At the scene were there any officers?

A. Including warrant officers I think there were two or three officers. At this time I do not remember their faces nor their names.

17. Q. Did you see the commanding officer, Isawa, there at the scene?

A. No.

18. Q. Did you see the executive officer there?

A. I do not remember.

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19. Q. When you say you do not remember, do you mean it is stronger that you did not remember seeing him there or that you don't remember his being there.

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

The accused withdrew the question.

20. Q. How can you state explicitly that the commanding officer was not present and that you did not see the commanding officer?

A. The commanding officer was the highest ranking officer at the guard unit. If we had seen him there we would have had to stand - come to attention and salute him. I have no recollection of this, therefore, I can say that he was not there.

21. Q. What was the distance from the air raid shelter where you first saw the prisoner to the place where the execution was performed?

A. Do you mean the distance from the air raid shelter to the scene of the execution?

22. Q. Yes. The place where you first saw the prisoner by the air raid shelter and the scene of the execution?

A. It is about thirty to forty meters.

23. Q. From the air raid shelter to the scene of the execution was the view unobstructed?

A. The view is completely obstructed.

24. Q. Was there something in between which would obstruct the view?

A. There was a row of banana trees which was planted about a meter and a half to two meters apart and also toward the bottom of these banana trees there were many branches. And also there were a lot of weeds growing there and there was also a hedge of hibiscus which obstructed the view.

25. Q. What was the condition of Tanaka's health at the time of this incident?

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

The accused replied.

The commission announced that the objection was not sustained.

A. At this time Tanaka had gone to the hospital and been entered into the hospital and had just come back from the hospital. In the barracks I saw a blanket spread out and this blanket was that of Tanaka.

26. Q. What was Tanaka's general reputation at this time?

A. Tanaka was working at farming at the guard unit and his every day work was very good. He was conscientious in his work and he was very frank. This can be seen through the fact that later Tanaka became head of the farming detail.

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Cross-examined by the judge advocate:

27. Q. You testified that a great number of people were present at this execution. Approximately how many were there?

A. As I remember there were about twenty to thirty persons.

28. Q. Did you look at everybody that was assembled there that day to see who they were?

A. I think I looked at their faces at this time but at the present time I can not recall them.

29. Q. You testified that there were two or three officers present. You don't actually know how many officers were present, do you?

A. The ones who came to my attention I seem to recall two or three.

30. Q. But there were some there who didn't come to your attention, isn't that true?

A. But the officers were different from the enlisted men and they were noticeable. If they were there I think they would have been noticed.

31. Q. Where were you with relation to the group of spectators that were lined up watching this execution?

A. What do you mean by relation?

32. Q. Were you at the front of the group of spectators?

A. As we had gone later we were toward the rear of the spectators.

33. Q. Well, how many rows of spectators were between you and the prisoner?

A. As they were not lined up I could not say as to this point.

34. Q. Can you name the people that were standing in the first row?

This question was objected to by the accused on the ground that the judge advocate was misquoting the witness.

The judge advocate withdrew the question.

35. Q. Were you watching the execution or the spectators?

A. I went to see the execution.

36. Q. If you are so definite on who the spectators were why can't you tell us who the other man was that stabbed the prisoner?

A. My division was made up of persons who worked at various separate duties. In my division some were members of a crew of a small motor boat. Some acted as guides at the gate. Some who worked in the ship's store and some who worked in the general construction. They are all members of the guard unit but hardly ever at the guard unit, therefore, I, myself was very seldom at the division. I had very few chances of meeting other persons of the guard unit and I barely knew their faces. Some of them I don't even know their faces in my division.

37. Q. Did you have a man named Chama in your division?

A. At the present day I can not say exactly as to the name.

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38. Q. If, when you arrived at the scene of the commanding officer was standing as a spectator in the front row you wouldn't go around and pick him out to salute him, would you?

A. In many instances if the commanding officer is present you would come to attention and salute him.

39. Q. That is only when you see him, isn't that true?

A. But in every instance persons around him would salute him.

40. Q. If he was standing in the front of the group, the people in the rear who couldn't see him wouldn't salute him, would they?

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

The judge advocate replied,

The commission announced that the objection was not sustained.

A. As the others would salute we would all follow suit.

Reexamined by the accused:

41. Q. Do you recall that Yoshizawa was there at the scene?

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

The accused replied,

The commission announced that the objection was sustained.

42. Q. Do you recall that Nakase, the acting executive officer, was at the scene and in charge of the execution?

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

The accused withdrew the question.

43. Q. Do you recall that Nakase was in charge of the execution?

A. I do not remember this.

44. Q. Do you recall that Nagashima was in charge of the execution?

A. I have a deep recollection of this because Nagashima was there from the beginning until the end of the execution and was the center of it.

45. Q. The Nagashima that you mentioned. Is that Nagashima, Hitomi?

A. I meant the senior petty officer.

46. Q. Who was the senior petty officer?

A. It is Nagashima.

NO OTHER EVIDENCE BEING PRESENTED

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47. Q. Were you close enough to see if Tanaka's bayonet pierced the prisoner?

A. The prisoner was wearing a loose fitting suit. I do not know if the bayonet pierced the prisoner or not but I recall that the prisoner cried out.

48. Q. Did Tanaka's bayonet have blood on it after he had finished his thrust and extracted it?

A. I do not know.

49. Q. Did you hear the senior petty officer give any orders to Tanaka?

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

The accused withdrew the question.

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

The commission did not desire to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The commission then, at 11:30 a.m., took a recess until 2:00 p.m., at which time it reconvened.

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

Robert R. Miller, yeoman first class, U. S. Navy, reporter.

No witnesses not otherwise connected with the trial were present.

An accused, Tanaka, Susa, was, at his own request, duly sworn as a witness in his own behalf.

Examined by the judge advocate:

1. Q. Are you an accused in this case?

A. Yes.

Examined by the accused:

2. Q. What was your former rank in the navy?

A. Tanaka, Susa, former petty officer first class.

3. Q. When did you first enter the navy?

A. I first entered the navy on the first of December 1925. I entered it when I was twenty-one years old as a conscript.

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4. Q. How long did you stay in at that time?

A. I was in the navy three years.

5. Q. Were you again conscripted for service after that?

A. Yes.

6. Q. When?

A. I was again conscripted into the service on the 25th of November 1943 into the Yokosuka Naval Barracks.

7. Q. How old were you at that time?

A. I was thirty-nine years old.

8. Q. Did you have a family?

A. Yes, I have a family.

9. Q. Of what does it consist?

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

The accused made no reply.

The commission announced that the objection was sustained.

10. Q. When did you arrive on Truk for duty?

A. I arrived on Truk on 11 July 1943.

11. Q. Were you ever attached to the Forty-first Naval Guards?

A. Yes.

12. Q. During what period?

A. When I went to Truk, Truk was under the jurisdiction of the Forty-first Naval Guards and I was attached to this naval guard unit.

13. Q. How long were you attached to this naval guards?

A. After I arrived on Truk I was on Seon for three months. I came back to the Forty-first Naval Guards and I was a bowman on motor boat. Next, I went to the Fourth Base Force Headquarters and acted as a telephone operator and handled communication dispatches, after which I returned to the Forty-first Naval Guards and worked at farming for three months up to March, after which I became sick and rested for three months and after that I continued to work at farming until the end of the war.

14. Q. Then what happened to you?

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

The accused replied.

The commission announced that the objection was sustained.

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15. Q. Were you ever a patient at the Forty-first Naval Guard?

A. Yes.

16. Q. During what period of time and why?

A. About the middle of May or the early part of June 1944 I became stricken with amoebic dysentery and was sent to the Fourth Naval Hospital.

17. Q. How long did you stay there?

A. I was in the hospital for about twenty-five to twenty-six days. About this time there was an epidemic of amoebic dysentery at Truk so the hospital became full so I was discharged from the hospital and told to stay resting in the barracks for one week. I was discharged from the hospital and sent to the guard unit in a car.

18. Q. Were you then a patient at the guard unit dispensary during those four or five days?

A. No, I was resting in the barracks. I went to get my medicine at the sick bay and rested in a corner of the barracks.

19. Q. After those four or five days did you go back to your normal duties?

A. I received an order from the senior petty officer to start work as a light duty patient.

20. Q. And what kind of light duty did you perform?

A. The light duty was sorting rice and beans which had been damaged by bombing, and some light work around the garden.

21. Q. Do you remember an incident, the stabbing of a prisoner, during the time you were detailed for this light duty work?

A. I do.

22. Q. Tell the commission about it.

A. When I was discharged from the hospital I was told to rest for about one week. I went to the sick bay after I returned to the guard unit and got the medicine and rested in a corner of the barracks. I got the permission of the senior petty officer. Four or five days after I had been resting the senior petty officer and the petty officer of the division came and said, "The work of the farm will be carried on by a petty officer. You do the work of the division from now on. Today is a good day and the light duty patients are out doing work. Why don't you do some work?" But as I did not feel up to going out to work I asked them to let me rest a little longer. The senior petty officer said harshly and sarcastically, "Rest a week or two weeks, as much as you want." When I was told this in such a way I thought it would be better if I went out and worked so I went to the place I was to go. There were four or five persons and they looked at me and said, "You look pale, sit down and rest." Hearing these sympathetic words I sat down and was resting.

23. Q. Then what happened?

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A. About one hour or an hour and one-half later the senior petty Nagashima, came from the garden toward the back. He looked a little different from himself. He looked pale and excited. He came and said in a loud voice, "Stop work and line up." We wondered if something was wrong and stopped work and lined up. As I was the tallest I lined up at the top of the line.

24. Q. Did Nagashima say anything more?

A. At this time the senior petty officer of the guard, Nagashima, said, "I received an order from the superiors, the order is to dispose of a prisoner. I will have you dispose of him."

25. Q. What did you do then?

A. As the order was so sudden and frightful and we did not know about this beforehand I said to him, "We are patients and it is unreasonable to have patients do such a thing and we cannot do it and even though it be an order of a superior, we cannot do it. We are patients and cannot do such a thing."

26. Q. Did Nagashima say anything more?

A. He glared at us and his attitude was one as if he would jump on us, he shouted at us and said, "You fools, can you say that you are sailors in the Imperial Japanese Navy, and do you mean that you refuse the superior orders. Do you know that you can be punished for disobedience of orders. You should know that if you disobey you will be punished. I will take the responsibility. You do as you are told and follow me."

27. Q. Did you really believe that Nagashima had received orders from superiors to do this?

A. The senior petty officer of the guards was the highest ranking person of the enlisted men and we usually followed his orders blindly but his attitude and words that day were frightening.

28. Q. Did you follow Nagashima then?

A. If we disobeyed any further we could not tell what would happen to us. We did not want to do so but we followed him.

29. Q. Where did you go?

A. To the back of the sick bay of the Forty-first Naval Guards.

30. Q. And what happened there?

A. When we came to the sick bay there were twenty or thirty persons already assembled there and then Nagashima from the direction of the sick bay brought a blindfolded prisoner. I think there were two men with him.

31. Q. What did this prisoner look like?

A. He was wearing a summer uniform and he was blindfolded. I do not remember whether it was in the back or the front, but as I remember his hands were tied.

32. Q. Could you see what color his skin was?

A. As I recollect it was a little red.

33. Q. Was he an American?

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33. A. As I am a farmer who lived out in the country I have never seen foreigners and I could not say whether he was English or American. I could not tell his nationality.

34. Q. At this time did you have a rifle and a bayonet?  
A. No.

35. Q. Then what happened?  
A. The senior petty officer, Nagashima, ordered two who were lined up in back to tie the hands of the prisoner in back and as there was a middle-sized pole nearby he ordered this put through the arms of the prisoner and had them take the prisoner by the heels, the back crutch, and had him stand up. It seemed that someone came and handed the senior petty officer a rifle with a fixed bayonet. The senior petty officer bringing the rifle and fixed bayonet said, "I suppose you have not stabbed a man before. You cannot tell when the enemy will invade us. Each of you stab once to test your spirit."

36. Q. Are you sure that this was Nagashima that did all of this?  
A. It was the senior petty officer of the guards, Nagashima.

37. Q. What did he do then, or what happened then?  
A. As I was at the head of the line he brought the rifle and bayonet to me and said, "Start stabbing from you." I hesitated and again he said, "You stab." I took the bayonet and rifle but as I had been on a soft mat for about forty days my physical condition was weak and I could hardly hold the rifle and bayonet and I thought what shall I do.

38. Q. Did Nagashima order you to stab?  
A. As I was standing hesitating and thinking what to do Nagashima shouted, "You coward, hurry up and stab, what are you hesitating for," and grabbed my arm and shoved me toward the prisoner.

39. Q. Did you object to stabbing?  
A. When we were at the garden and ordered to dispose of the prisoner I protested many times, "We are patients and cannot do such a frightful thing," and also at the scene in front of all the persons assembled there I was called a coward and asked why was I hesitating and shamed in front of them.

40. Q. Did you think it was right to stab this prisoner?  
A. I thought it was not right.

41. Q. Did you stab him?  
A. I was grabbed by the arm and shoved toward the prisoner, I did not like to do it and I had no intent at all to kill him. As I could not help it I stepped into the camp. My foot sank into the camp about eight inches. I said to the prisoner, "Forgive me, I have to do what I have to do on orders. I will not kill you." Keeping my eyes closed I put out the bayonet toward the thigh of the prisoner.

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42. Q. What was Nagashima's rate at this time?

A. Nagashima was the senior chief petty officer at the guard unit.

43. Q. What was his duty?

A. He was the senior petty officer of the guard.

44. Q. You said your foot sank into the swamp. Did you actually stab at the prisoner?

A. When I was shoved toward the prisoner by Nagashima my thin and weak body felt weak. I did not have the intent to kill the prisoner and I think it just went through the cloth and touched the prisoner. I did this to go through the motions of stabbing the prisoner.

45. Q. In what vicinity of the body of the prisoner do you think your bayonet was thrust?

A. When I closed my eyes I aimed for about the hip but I do not know where it pierced. When I opened my eyes there was no blood coming from the prisoner and there was none on my bayonet.

46. Q. Now, you actually stabbed and you should know. Did your bayonet actually pierce the prisoner?

A. No.

47. Q. Did the prisoner cry out when you stabbed?

A. Just before I was to stab there were loud voices in back of me saying, "Hurry up and stab, hurry up and stab." I think the prisoner cried out because he was frightened by these voices.

48. Q. Did you cry out when you stabbed the prisoner?

A. I did not shout when I stabbed.

49. Q. Did you notice what happened to the prisoner after you stabbed at him?

A. I came back and handed the bayonet to the senior petty officer. The senior petty officer handed it to another person and the other person started toward the prisoner.

50. Q. Did the prisoner remain standing after you had stabbed at him?

A. Yes.

51. Q. How many times did you stab at him?

A. Just once.

52. Q. You say you handed the rifle and bayonet to Nagashima. Are you sure of this?

A. Yes.

53. Q. Do you remember if there was only one rifle and bayonet or was it more than one rifle and bayonet?

A. According to my recollection it was just one.

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54. Q. Wasn't it unusual that Nagashima who was only a petty officer, though he was the senior petty officer, should be ordering you and other persons to execute prisoners?

A. We had always been obeying the orders of the senior petty officer blindly. We did not think it was unusual. Especially when he had said before this that he had received orders to dispose of the prisoner from the superiors.

55. Q. Was Nagashima's attitude and conduct that day normal?

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

The accused made no reply.

The commission announced that the objection was sustained.

56. Q. Did anyone else stab the prisoner after you stabbed him?

A. After I came back and handed the bayonet to Nagashima, Nagashima handed the bayonet to the next person and as the next person got ready to stab I said to Nagashima, "I feel very sick" and got his permission and went back to my quarters.

57. Q. How sick were you?

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

The accused made no reply.

The commission announced that the objection was not sustained.

A. I had been stricken with amebic dysentery and before I had fully recovered I had been discharged and told to rest for a week. After about four or five days at the time this occurred, up to that morning I had been lying down and that was my condition and I could barely walk into the camp with the rifle.

58. Q. Do you remember who stabbed the prisoner after you did?

A. I do not know who stabbed but when everyone came back to the quarters I heard that the prisoner had been killed.

59. Q. Did you hear that other persons had stabbed him?

A. Yes.

60. Q. Then when you stabbed you did not kill the prisoner. Is that right?

This question was objected to by the judge advocate on the ground that it was irrelevant and immaterial, leading and called for the opinion of the witness.

The accused replied.

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The commission announced that the objection was sustained.

61. Q. Do you know where the rifle and bayonet that you used that day is?  
A. I do not know.

62. Q. What was Nagashima's general reputation at the Forty-first Naval Guards at this time?

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

The accused replied.

The commission announced that the objection was not sustained.

A. As he was a higher rank than I was, I did not get very close to him but as I recall he was always muttering to himself and it was said that what he said could not be relied upon. He was always the sort of a person who spread rumors and made things up and stated as if they were the truth.

63. Q. How much schooling have you had?

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

The accused replied.

The commission announced that the objection was sustained.

The commission then, at 3:29 p.m., took a recess until 3:45 p.m., at which time it reconvened.

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

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

No witnesses not otherwise connected with the trial were present.

An accused, Tanaka, Sato, the witness under examination when the recess was taken, resumed his seat as a witness in his own behalf. He was warned that the oath previously taken was still binding, and continued his testimony.

Cross-examined by the judge advocate:

64. Q. Directing your attention to the first conversation you had with Nagashima, what did he specifically say to you?  
A. Do you mean the first words that Nagashima said when he came to the guard unit?

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65. Q. I want you to tell us all that you can remember that he said when Nagashima first came to you at the guard unit.

A. He came suddenly to where we were working and said, "Everyone stop work and line up." Next he said, "The superior orders or the orders of the commanding officer and the executive officer." I think the commanding officer may have been the commanding officer of the guards.

Commander Martin E. Carlson, a counsel for the accused, moved to strike out this answer on the ground that it was hearsay evidence, and that one accused was testifying against two of his codefendants.

The judge advocate replied,

The commission announced that the motion to strike was denied.

66. Q. When you say "commanding officer of the guards" who do you mean?

A. I think the commanding officer of the guards is the executive officer.

67. Q. Now think well on this point. What did he say to you about who had given him these orders to dispose of this prisoner?

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

The judge advocate replied,

The commission announced that the objection was not sustained.

A. Nagashima said he had been ordered by the commanding officer and the executive officer to dispose of the prisoner.

Commander Martin E. Carlson, a counsel for the accused, moved to strike out this answer on behalf of the accused Asano and the accused Nakase on the ground that one accused was testifying against two of his codefendants.

The commission announced that the motion to strike was denied.

68. Q. After you got to the scene where the stabbing was to take place, how many people were present there?

A. There were about twenty to thirty persons.

69. Q. Were there any officers present?

A. When I was returning I remember there being four or five officers toward the rear of the group.

70. Q. Do you know who these officers were?

A. I do not remember exactly what officers were present.

71. Q. Didn't you actually stab that prisoner with a bayonet?

A. I had no intentions at all to stab the prisoner. I just went through the motions to stab the prisoner.

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72. Q. You weren't asked what your intentions were. You were asked if you didn't actually stab the prisoner with a bayonet?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. As I stabbed toward the prisoner's hips with my eyes closed I do not know where I stabbed but I think I stabbed around that area.

73. Q. When you stabbed the prisoner didn't he cry out?

A. As it was in the same incident that the loud voices shouted from the rear "hurry up and stab - hurry up and stab" I think he was afraid by those voices and cried out.

74. Q. I show you "Exhibit 5" and ask you if this exhibit isn't in your own handwriting?

This question was objected to by the accused on the ground that the witness in answering the question would be testifying against himself on a document which has already been admitted into evidence, and that it was repetitious.

The judge advocate replied.

The commission announced that the objection was not sustained.

A. Yes.

75. Q. I direct your attention to a specific section of this document and ask you if you wrote the following statement: "I thrust the bayonet forward. The prisoner let out a loud yell and when I opened my eyes to look I had stabbed him in the large hip bone." Did you write that statement?

A. I did.

76. Q. And as a matter of fact it was the result of your stab that caused the prisoner to cry out. Wasn't it?

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

The judge advocate replied.

The commission announced that the objection was not sustained.

A. It looked about the same incident. Even now I think about it I do not know.

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**Examined by the accused:**

77. Q. Although Nagashima may have said to you that the executive officer had ordered him to dispose of the prisoner, you, yourself, did not hear the executive officer order Nagashima to dispose of the prisoner. Did you?  
A. No, I did not hear.

78. Q. Were you held in solitary confinement with the United States Army, in Sugamo Prison, in Tokyo, Japan, when you wrote this document referred to by the judge advocate in cross-examination?

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

The accused replied.

The commission announced that the objection was sustained.

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

The commission did not desire to examine this witness.

The witness made the following statement:

I would like to state concerning the attitude of Nagashima at this time and what I thought at this time.

In 1928 when I was released from active duty from the navy until the time I was recalled into the service I spent fifteen years as a farmer. During this time there were many instances that men were recalled into the service. I was very happy that I was not recalled into the service as I did not like the service as I was not a volunteer. Around the twentieth of April 1943 when I was called into the service I lost all hope. At this time I had four children. The oldest child was ten years old. My family was an unfortunate family. My grandfather died by lightning when he was only thirty-two years old. My wife's father died when he was thirty-six years old of a heart disease leaving one daughter when I married and she became my wife.

When I was read the statement of Nagashima by the prosecution I was very surprised. When I noticed the attitude of Nagashima at the guard unit when I received this order of Nagashima's I think it was not the attitude of a sane person.

At this time I was forty years old. I was a conscript. I did not like war. I thought many times what I would do in case of an invasion.

The commission directed that the entire statement be stricken from the record on the ground that it was not proper at this time.

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The witness resumed his status as an accused,

The commission then, at 4:20 p.m., adjourned until tomorrow, 9 a.m.,  
Thursday, October 16, 1947.

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