natives, then on the first of April, Inoue know that both groups had come to Jaluit to spy. It is clear that Inoue forgot his testimony made on direct examination five days prior to this question. For in question 49 he was asked "Were the four other natives from Mille Island at the Second Ammunition Dump at this time?" And in his answer he stated: "The fact that four other natives had landed in some part of Jaluit was learned after two days of questioning Raliejap."

This contradiction between Incue's statement that Niebet confessed everything about Raliejap and Ralime the first of April, and his earlier statement that he did not know about the Ralime group until two days after April first, merely corroborates the inesceptible conclusion that Incue and his statements are not credible.

(3) Testimony concerning trial, and alleged examinations and consultations.

Incue's testimony concerning the investigation and investigation reports and concerning their use at these alleged examinations and consultations, has other fallacies. Inoue and Furuki tried to persuade the Commission that examinations and consultations were held every day from the third of April to the 9th of April; that Incue read written investigation reports prepared by himself and Morikawa; that on the third they read a report on Raliejap's group, on the oth a' report on Ralime's group, and on the 8th a supplementary report concerning both groups. Inoue testified in answers 290, 293, and 295 that he had read these three reports at the examination and consultation meetings on the 3rd, 6th, and 8th. But Morikawa, clearly friendly to the accused, had testified that one report was submitted on April 2nd concerning the Raliejap group, and that a second report was submitted on April 8th. He testified that this latter report concerning both groups was the only written report submitted on the Ralime group. This inconsistency lerves some doubt as to whether any written investigation reports were submitted, and it leaves much greater doubt as to whether any "examinations and consultations" were held.

Incue also tried to bolster his story about examinations and consultations, by indicating that witnesses appeared and testified and he stated in answer to the question "Were there any witnesses besides yourself who ever testified before that examination and consultation?": He stated "First Lieutenant Morikawa also spoke concerning the facts in the case, and so did Admiral Masuda." Morikawa however was asked "Did you ever take part in any trial for these artives?" Answer - "No."

Another discrepancy between the testimony of Incue and that of other witnesses indicates the fabricated acture of the testimony. Furaki, testified that the first meeting on April 3rd Lasted 3 hours, but Incue testified (Q.244) that this meeting was held in the morning

before breakfast and only lasted 20 to 30 minutos.

The whole story about these numerous examinations and consultations and that inoue or anyone clss believed they were any kind of judicial procedure, is so incredible that it belies belief. In the first place, what did they examine and consult about during all there alleged meetings. As to Raliejap's group the full report of the incident was submitted to Masuda on the 2nd, according to Morikawa, and even according to Inoue, it was read in about 20 minutes before breakfast on the 3rd of April, and was then discussed. Even CERTIFIED TO BE A TRUE COPY

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according to Inoue's testimony no other report was submitted until the 6th. So we must speculate on what was discussed on the afternoon of the 3rd, and in the alleged meetings on the 4th and 5th of April. Secondly, during this period from March 31 to April 9, Jaluit was under strafing and bombing by planes, continuously repeated every day - and it is difficult to believe that Mesude, Furuki, Shintome, rs well as Inoue - could take so much of their time from their essential military duties in order to hear Inoue make his daily reports, and then hold these examination and consultation meetings. Thirdly - it is difficult to conceive of Inoue delivering his investigation report to Masuda, Furuki and Shintome, in the capacity of investigator, and then suddenly the picture frace and Incue is now the appointed judge advocate, and Masuda, Furuki and Shintome are judges, and the examination and consultation, the trial, has begun. Fourthly it is difficult to believe that anyone could imagine that a trial could exist based upon irregular, unscheduled meetings, without accused or counsel, particularly when as testified by Inoue - many short examinations and consultations of about 10 minutes vere held. (Ins. to Q. 275.) It is obvious that if such meetings took place they were casual conversations concerning the investigation, and not any "examinations and consultations" not any "Temporary Court Mortial", and not any kind of judicial procedure.

The testimony of Shintome, that he was present at only one meeting, and that it took place on the wardroom veranda, and not in any air raid shelter, clearly gives the lie to the defense concoction of numerous examinations and consultations. Shintome had no motive to lie - in order to help the prosecution or himself. His extensive character testimony in favor of Inoue, on cross examination question 176, clearly shows how friendly he is toward the accused. But until recently he was home in Japan, and the accused could not persuade him to testify concerning any such concection of numerous examinations and consultations constituting a trial.

There was no trial. Furuki and Inoue attempted to prove that Mesuda, Furuki and Shintome were judges, and Inoue was judge advocate. But Furuki's testimony indicates he was not ordered to not as judge; for an cross examination Furuki was asked - when you were informed you wer to not as a judge Q. 241 - "did you ascertain the duties of a judge?" Answer - "No." Since Furuki is obvicusly a precise methodical officer it is clear that if he had been ordered to not as a judge he would have ascertained what his duties were. The testimony of Shintome also proves clearly that this alleged order, this alleged conversation with Masuda never took place and Shintome and Furuki wer not directed to perform the duties of a judge in any proceeding concerning these natives. (A.11.) Shintome also testified that he was never present at any time when Admiral Masuda ordered enyone to not as a judge or a judge advocate in connection with these Mille natives.(Q.28.)

Morikawa, also clearly friendly toward the accused, in his testimony proved that there were no "examinations and consultations" and there was no "trial." The testimony of Morikawa, who was the intelligence officer, clearly states: that he never took part in any trial of these actives; that he never took part in any trial of these actives; that he never saw any document stating that the natives received a trial; that during this period when he did certain of the adjutant's work, he never prepared any document which would indicate that these natives were given a trial; and that to his knowledge he never saw or heard of a trial. This is the testimony of Morikawa. This testimony, as correborated by Shintome's testimony, clearly and unequivecally proves that Incue's story about a judicial TIFIED TO BE A TRUE COPY "NN 30"

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procedure consisting of numerous examinations and consultations, is a transparent unadulterated falsehood.

Analysis of Incue's own testimony, establishes beyond any doubt, that there was no such procedure, and that Incue knew and knows that the natives were not afforded any judicial proceedings and were merely investigated and executed without any trial, without any legal procedure. Incue's own testimony reveals that this entire story of examinations and consultations is an ill conceived, and a poorly executed plan of fabrication.

On direct examination Indue in answer to questions 102 and 107 testified that on the 3rd of April, and again on the 8th of April, Masuda ordered Indue to act as judge advocate, and Furuki and Shintome to act with him, as judges. The record of the Furuki trial, and the testimony of Lieutenant Kenny, indicates that at that trial Indue was asked Q.170 "Have you always since November 1943 believed that such procedure constituted a trial? A. No. Q. 171. When did you decide that this procedure constituted a trial? L. From the time I was confined at Jaluit as a suspect. Q. 172. Was this after the war? A. Yes."

Thus Indue testified that it was not until after the war when he was confined as a war crimes suspect, that he concluded that this examination and consultation procedure was a trial. It is obvious therefore that Indue never heard Masuda order Furuki and Shintome to act as judges, and he was never ordered to act as a judge advocate for if such orders were given he would have known then and there that this was a trial. Since he did not decide it was a trial until after the war, Indue was clearly lying when he said that he had heard Furuki and Shintome ordered to act as judges. The fact that he was lying is further proved by the testimony of Shintome that he was never appointed a judge, and never heard Masuda appoint Indue or anyone else to act as judge advocate in connection with these natives.

The accused Inoue, when he testified on cross-examination on Tuesday, May 20th, made another fatal error which revealed not only that his testimony was a succession of feeble fabrication, but also that he has a poor memory. Inoue with his fabulous memory could not remember that just a short time ago, in the Furuki trial he had testified that he did not know that the examination and consultation was a trial until after the war. Because he did not remember this prior testimony, in which he said he did not know this procedure was a trial until after the war. Incue testified that from the time of the incident he believed that this procedure was in substance a trial. (I cite answers 394, 463.) In cross examination and consultation held in regard to the Mille natives a trial? L. From that time I have thought in substance that it was a trial." On redirect examination "Q. 463.

Referring to the confession "In your statement when you stated that certain criminals, after the highest examination and consultation on Jaluit, were given a sentence. Did you understand this to be a trial? A. As it was an examination and consultation called together and held by Admiral Masuda who had the authority I firmly believed that it was a trial."

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The contradiction is clear, in the instant case Incue testified that he has always thought that this alleged procedure of examination and consultation was a trial. In the Furuki case, he testified that he did not know it was a trial until after the war.

So much for the element of contradiction, the testimony of Inoue contains other indication that there was no trial or other procedure. The fact that no official or other document mentioned the word trial or procedure in connection with these natives is highly significant. Incue himself testified concerning a document circulated after the executions to inform the military and other personnel about the native incident. Incue testified that the document said that the nativos had sneaked into the Marshall Islands, that the notives committed murder and spying, and that all were executed. On cross examination in answer to question 376 - Inoue admitted that this document did not use the words trial or procedure. Note also that the Intelligence Officer Morikawa never saw or heard of a trial, and never saw any document indicating that these natives were given a trial.

Finally, lot us look at the testimony of Incue before the War Crimes Investigation. While the accused attempted to weazle out of his testimony at the Furuki trial, and tried to indicate that he always believed there was an examination and consultation procedure which was a trial - at least a special kind of a trial - the record of the Investigation clearly corroborates all the other evidence that he did not have any such belief, and that there were no examination and consultation procedures. At the Investigation Inoue was asked "17. Q. What kind of a trial did they have, or was your investigation the only thing used? L. They did not have a trial here because oven a Japanese soldier they never have a trial and they just investigate and docide what to do according to the report.".

There is no montion of any examination and consultation in this testimony given on October 9, 1945. And there is a clear statement that "they did not have a trial." In connection with this latter statement we should bear in mind the fact that Inous was specifically esked by the judge advocate, "Q. 475. In October 1945 when you were at Jaluit, did you understand the word trial included a procedure by examination and consultation? A. I understood it to be included in the word trial." It is obvious therefore by his own testimony, that when in October 1945 he said that there was no trial, he was also saying that there was no procedure of examination and consultation.

From all the contradictions in the testimony of Incue and all these friendly witnesses, it is apparent not only that Inoue know that there was no trial, but also that there were no examinations and consultations of any kind.

The conclusion is incscapable. Inouc is not a credible witness His sworn oath is valueless, his testimony is incredible. The Commission cannot accept his incredible story that he honostly believed that the execution of these natives, particularly the children, without a proper trial, was legally and morally justified.

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(b) Even if Incue believed executions were legal it was a clear mistake of law and not a mistake of fact.

If the Commission were to accept the specious story of Inoue, that when he executed the eight natives he did believe that the artives had received a proper trial and their execution was legally justified, then the Commission must determine whether Inoue's mistaken belief was due to a mistake of law or a mistake of fact. If it were due to a mistake of fact then it could be argued by defense that this negated criminal intent, assuming that the mistake of fact were not caused by failure of the accused to use due diligence and care to ascertain the facts. But if the mistake was a mistake of law, then under the almost universal detrine that ignorance of the law is no excuse and under the interpretation of paragraph 3 of Article 38, as evidenced by my citations of text and case authorities, the mistake of ignorance of law would not negate criminal intent and the accused should be found guilty and appropriately punished.

Defense counsel contend that Incue believed "as a fact" that the netivos had received a fair and proper trial under the circumstances and that he believed they had been legally executed. There are two things basically trong with this argument. The first is that merely celling Incue's alleged state of mind a "fact", and thus a mistake of fret since he was wrong in his alleged belief of legality, is a specious illogical attempt to distort and confuse the question ot issue. This alloged fact of what his state of mind is as to legality, etc., is not what the law is concorned with when it provides that mistake of fact may under cortain circumstances negate criminal intent. If he did not have this mistaken state of mind as to the legality of his acts, then we are faced with a case of clear commit crime, and the law would not have to be concerned with the question of ignorance of fret, because the accused would have admitted that he actually intended to knowingly commit a crime. It is clear therefore that when the law talks about a mistake of fact, it is not concorned with a man's state of mind as to whether his acts are legal or not, for it begins with the assumption that he had a mistaken belief as to the legality of his acts, and the law then considers what are the alleged frats on which the accused made up his decision that his acts were legally justified. If the accused was mistaken as to the facts on which he mrde his erroneous decision as to the legality of his acts, then we are faced with the question of mistake of fact. If the accused know the facts, but made a mistake as to the logality of his acts, then we are faced with the situation of ignorance or mistake of law the preponderant view is that ignorance of the law will not excuse a criminal act. Ignorance of the facts however, under certain circumstances will negate criminal intent. If without intending to kill any person, one pulled the trigger of a gun under the belief that the gun was not loaded, then the law considers this lack of knowledge as to whether the gun was loaded as a mistake of fast. under all the circumstances, which includes what the accused was doing with the gun, where he was, what he must be presumed to know in view of tis age, experience, training, responsibilities, etc., then if under all these circumstances the mistake of fact res reasonable, and the recoused used due care and diligence, the law will declare that he lacked the criminal intent and is not guilty of a criminal homicide.

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The second thing which is fundamentally wrong with the argument of the accused is that it completely overlocks the fret that Inoue perticipated in these proceedings in many capacities other than that of a more executionor. Inoue according to his statements investigated the natives; he made reports ecneerning them to Admiral Mrsuda, Shintome and Furuki, and participated as alloged judge advocate at all these alleged examinations and consultations. Incue was not morely an executioner acting under orders. He had full and complete participation in all the facts. He investigated, reported, acted as alleged judge advocate, and sat in on the very clleged deliberatirns and consultations of the alloged judges when they stated their opinions. Inoue know the fects, he even claims a fantastic recollection of minute details more than two years after the executions. No the evidence is clear. Inoue know the facts; and if any mistake or ignorance existed it was a mistake of law as to whether under all the known feets a legally permissible trial was held and a proper order of execution issued. This is one of the elecrest possible illustrations of alleged ignorance or mistake of law, for the accused know and clearly perticipated in all the "fects."

(c) The evidence establishes conclusively that Inoue knew and should have known that the executions were illegal.

(1) Inoue's knowledge of the law, is evidenced by his cwn testimony. He testified as to his familiarity with the law. He testified as to numerous specific provisions of the Griminal Code of Japan under which the accused natives according to his testimony, yere found guilty of criminal acts. (Q. 107,431) He has argued this familiarity with the law in order to prove the alloged guilt of the accused natives; and this familiarity with the law establishes his own guilt. This familiarity with the law was a product not only of his 7 years spent during the war as an efficer, but was also a product of his specific duty as police officer. Inoue was asked with regard to his police activities, "Q. 384. Were you required to know the eriminal code as it was applied to the natives? A. It was necessary." In addition to his actual knowledge of the law, as evidenced by his testimony, we must consider his duties in relation to the native case.

(2) In his alloged coprcity as judge advocate and in his coprcity as executioner Incue had specific obligation and duty to know the portinent law.

As alleged judge advocate it was Incue's duty to know about trial procedure, to know what his functions in such procedure were, and to know what the laws in regard to arise and runishment were. It should be noted not only that Incue testified that he gave his opinion as judge advocate before Masuda and the others expressed their opinions but that the navel court martial law specifically requires the judge advocate to express his opinion. If he had the duty to express his opinion as to the arise and recommended punishment for the matives then clearly he had an absolute obligation and absolute duty, not only to the Japanese military forces, but also to these artives, to know the law which should be applied to them. If he wilfully neglested that obligation and if this failure contributed to the death of these actives, then on this ground he would clearly be subject to arisinal punishment and the Commission could find in that negligence the of one's duties when the known or enticipated regult can be the death

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of another human being, is criminal under the laws of any country and even where the law sticks to the archaic language of criminal intent the law conclusively presumes that one intended the natural and probable results of one's acts.

Inoue as judge advocate had the obligation to know the laws relating to crime, and the laws relating to the alleged trial procedure in which he was ordered to participate. At the herdquarters of the Naval Guard Unit, there was a copy of the court martial law. Did Incue consult it? Or did he genble the lives of these natives on his knowledge of the law? He did not say. But if he had consulted it then it is clear that he would have testified that he had tried to determine the correct nature of his duties and of trial. And it is also clear that he would have known that the alloged proceedings were illegal and execution based on such proceedings was criminal. Every one has testified that he was a very careful officer - and we must assume either a) that he did consult the court mortial law, and therefore know the proceedings were illegal, or b) that despite the fact that he was such a careful officer, he did not believe that the lives of these natives were sufficiently important to require him to see what the law provided, or c) that in fact there never were any such examination and consultation proceedings and he was never appointed or ordered to not as judge advocate in any such proceedings. It is inmaterial which of these possible alternativos we accept, for under each and every one of them the accused Incue is proved to have the required criminal intent. To repeat - Incue either a) did consult the court mertial law, and therefore knew the proceedings were illegal, or b) despite the fact that he was such a careful officer he did not believe that the lives of the actives were sufficiently important to require him to see what the law provided, or c) in fact there nover were any such examination and consultation proceedings, and he was never appointed or ordered to act as judge advocate in any such proceedings.

So much for his capacity as judge advocate. In addition to the duties of that alleged capacity of Inoue - there was the clear obligations and duties he did possess as the executioner of the artives. In this capacity it is clear that Inoue had the absolute legal obligation of knowing whether an alleged punishment was legal. Specifically with regard to the children it was his obligation and duty to know whether children could be punished with the death sentence. Inoue knew the ages of the children - in his confession, and in his testimony before this Commission he placed the age of Niebet and Siro as between 10 and 13. Clearly therefore he knew the age of these children was below 14 years.

Particularly in view of the fact that he was the officer in charge of the execution as well as the actual amountioner - and as well as alleged judge advocate - it was his absolute duty to determine whether the doath sentence could lawfully be executed on these children. If he did not know whether it was legal or not, his wilful neglect of his duty to ascertain the legality of punishment of children by death sentence, is just as criminal, and is clearly adequate evidence of ariminal intent. This is true on three distinct legal grounds first, ignerance of the law is no excuse; secondly - where there is a legal duty, a special affirmative duty to know the law, wilful breach of this duty is a distinct and separate source of oriminal intent; thirdly - where a legal duty is known to involve the lives and safety of others, the law places a special duty of care in the exercise of such functions, in order to protect these lives, and failure to conform to that criminal standard of care in such cases constitutes criminal

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intent. Railroad engineers, doctors, police officers, etc., within the sphere of their particular duties are held to such special standards of care, and wantom or gross failure to exercise such care is presumed in law to constitute criminal intent. With regard to executioners the standard of care is particularly high, for the law requires the strictest care in the taking of human life. Later in my argument I will briefly discuss the extent of this requirement, suffice it to say here, that Incue in his capacity as executioner should have known the law which prohibits the punishment of children under 14 years of age. If he should have known it, and in fact did not know it, his ignorance of the law is no excuse. Griminal intent is presumed from what one know or should have known.

One feeble attempt by defense counsel to mislead the Commission into believing that Incue did not know there was no trial for the notives is so transporent that it hardly justifies comment. The defense counsel contended that as executioner Incue had no responsibility to know anything in connection with the trial. Similarly, as judge advocate Incue did not even have the right to sit in on deliberations of the judges and therefore had no way of knowing what the opinions or deliberations of the judges were or whether the trial was legal or not. The specious nature of the argument is obvious. First we cannot departmentalize the human mind. What Inoue knew as an investigator, or as an allegod judge advocate, or an executioner are all part of what Inoue know - and if Inoue in any capacity learned any information which did or should have made him realize that there was no trial then Inoue know this information and it is totally immeterial in what capacity he learned it. And the fact that Inoue by his admissions participated in activities and knew information which he would not have known if he was a judge advocate and these meetings were judicial proseedings, merely proves that in fact Inoue himself knew that these alloged meetings were not trials.

(3) Inous knew and should have known that there was no trial.

Incue's statements as to whether he knew there was a trial are clearly contradictory.

In discussing the fact that the agsused Incue is not a credible witness the judge advocate has pointed out how in his testimony before this commission the accused Incue was placed in a nost unterable position. He had to convince the Commission that at the time he performed the executions, he believed that the natives had been given a proper legal trial, and therefore he had no criminal intent when he executed them but merely believed he was performing his proper legal duty. In order to do this he testified as to appointment of alleged judges and a judge advocate, as to alleged examinations and consultations and that from the time of these examinations and consultations he believed that they constituted a proper special trial procedure - so

that when he carried out the execution of the natives he was convinced that it was a legal and rightful cot.

The judge advocate pointed out that the testimony of Shintone, rad Incue's own testimeny at the Furuki trial, established that no judges were appointed and that Incue was not ordered to act as a judge advocate with regard to these natives. Similarly it was pointed out that Incue's testimony that comminations and consultations were held, and that he always believed that this constituted a trial was contradicted not only by Incue's testimony at the Furuki trial that he did not

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consider this procedure a trial until after the war, but also by Shintome's and Morikawa's testimony that no trial was held, and by Inoue's statement to the War Crimes Investigator that "They did not have a trial here because even a Japanese soldier they never have a trial, and they just investigate and decide what to do from the report."

This latter statement by Inoue, corroborated by every bit of credible evidence in the record, gives the truth of what happened to the Mille natives on Jaluit.

Some kind of investigation was held, a very poor one, for they never even bothered to contact Mills to find out if Tanaka was dead. They merely assumed that he was dead - and decided that all the natives, including the two women and the two children should be executed. The fact is that Tanaka was not dead, as the commission and accused discovered during the course of this trial.

The fact that the natives were condemned to death for a murder that was never committed, the fact that the Japanese militarists were willing to punish these natives with death without even checking with Mille to determine whether Tanaka had been killed or not, is clear proof of the complete disregard which they had for the lives of these netives, and thus is additional proof that these alleged examinations and consultations which Inoue claims were held, are sheer fiction of his desperate effort to save himself from just punishment. It is clear that there was no trial or lawful procedure, and the accused know that there was no trial or legal procedure because he knew there were no judicial examinations and consultations. But even if we believed there were such examinations and consultations, regardless of any technical knowledge which Incue had or should have had in his special capacity as alleged judge advocate, and in his capacity as head of police, there is one positive and irrefutable ground upon which it is clear that Inous knew and should have known that the accused natives did not have any kind of a trial, and that even this alleged procedure would have constituted absolutely no semblance of a trial. I am referring to the fact that the accused natives were never present at any of the alleged meetings. It is a clear matter of common sense and common knowledge that a trial involving a death penalty cannot be held without having the accused persons present to defend themselves and hear the evidence presented regainst then. This is not a technical legal question. It is a matter within the common knowledge of every mature individual. It is a matter which the law must conclusively presume that Incue knew, even disregarding the special capacity and duty of Inche as head of police and as a captain in the Imperial Japanese Liny for over 7 years. The fact that Inoue know that the accused netives were never present at any of these alleged meetings is thus offer proof that Inoue knew and should have known that these notives mover received a trial or proper legal procedure before their "sentenge" of execution.

nous knew and should have known that the execution of these natives, after only an investigation, or even after examinations and consultations at which these accused natives were not present, was bot' legally and morally wrong. Indue possessed clear criminal intent under any theory of low and the fact that he may or may not have been acting under superior orders does not legally excuse or justify his act. This question of superior orders will be discussed in a later portion of this argument, but suffice it to say that even under the the theory expressed by defense counsel, even under the cited language

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of Makino, superior orders cannot be used as an excuse when the person knew or should have known the illegal nature of the orders. A superior officer cannot utilize an inferior to commit a crime: and as stated by Niikuma Motoji, Book II, para. 5 pp. 343-345 even under the theory that an inferior cannot examine the substance of the orders of the superior, "If an inferior officer knows of criminal intent and the use of himself by the commanding officer for the purpose of committing a crime, he must refuse to follow the orders."

Additional proof that Inoue knew the executions of the antives was illegal is apparent when we consider the execution of the children.

(4) Incue knew and should have known that the execution of these children was illegal.

Defense counsel have attempted to confuse the Commission with regard to the evidence presented concorning the age of the children. In fact Mr. Akimoto tried to persuade the Commission that they were 15 years of age and thus adults. Throughout this trial there has been a definite obvious attempt on the part of defense and certain witnesses to exaggorate the age of these children, and we must therefore look to the evidence. They attempted to place the age of the children between 10 and 13 years of age. Obvicusly this is a gross exaggeration. Even the accused who attempted to exaggerate the age of the children in both his testimony and in his confession, stated in his confession that the girl Niebet was about 10 years of age, and that the boy Siro was about 10 years of age. In direct examination he testified as to Niebet that he did not remember how old she said she wes, but that her mind was developed but her size was very small, and "from what I remember her age may have been from about ten to 12 or 13 years old." Similarly as to the boy Inoue testified he was "from rbout ten to 13 years of age". Note that even though Inoue obviously tried to exeggerate the age of the children, he never claimed that the children were 14 or over; and that the provision of the Japanese Criminal Code, Article 41 provides clearly that "Acts of persons under 14 years of age are not punishrble." So that even under the most favorable interpretation, even under the most extreme exaggerations m de by the accused, the children were still below the statutory age, and Inoue knew that they were below the age of 14.

The judge advocate has pointed out that Indue in his official capacity as police officer used the Japanese Criminal Code. The testimony of Indue is replete with his references to his use of the Japanese Criminal Code in regard to what specific articles and provisions the natives are alleged to have violated and for which they were alleged to have been sentenced to death. If as he claims he was familiar with the Japanese Criminal Code, then he definitely knew that any punishment of children under the age of 14 was illegal. In addition it was his duty as police officer, and it was his duty as executionar,

to know the pertinent provisions regarding punishment - and it was also his duty as alleged judge advocate to know the provisions regarding crime and punishment in order to express his opinion as to what punishment should be given. So that if he did not know the provisions regarding punishment, it was something he definitely should have known, and the law must presume that he did know that punishment of a child under 14 was illegal.

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But regardless of any actual or implied knowlodge of any portinent provisions of the code - the accused Inous admitted that he had never heard of the execution in Japan of any child under the age of fourteen for criminal acts.

Any human being with any sense of moral decency with any sense of right or wrong know and should have known that it was morally as well as legally wrong to kill these children. They were clearly under 10 years of age. I think that Tanaka who lived with them, and was in charge of their working party, and who being in Japan has not had any opportunity to be infected with the attempted exaggeration of the age of the children, gave the accurate age of Siro. Note that defense counsel tried to use Tanaka's deposition concorning the age of one Goro - as indication that this was Siro and that he was about 15 years of age. It is apparent that Goro was not Siro. Goro would appear to be either Anchio or Lacojirik. But it is not Siro. For with regard to the boy child, Tanaka specifically states "The child was a boy..... The child was about 6 years old, very small and quite thin." This is Siro, the boy child. This is the child that Incue killed in the jungles of Jaluit, on April 8, 1945.

Tanaka does not say how old the girl child was, for he states he does not know anything about her family. The other testimony clearly establishes however that Niebet was also a small child. Even Inoue testified that Niebet's size was "vory small"; note also that Inouc's testimony with regard to how she was persuaded to confess if true, is further clear indication of how young Niebet really was. According to his testimony she was obviously so young that because of some candy, given to her by the accused on the first day she was imprisoned, she confessed that her parents had killed Tanaka. If this is true, then she was clearly an extremely young child, certainly no more developed than the 6 years old Siro. Whose sense of moral righteousness is so warped that he can believe that Inoue did not and should not have known that it was morally and legally cruel, heinous, and ariminal to kill these children. Under these conditions, and in view of the execution of these children, can this commission have any doubt as to whether the accused Incue had the requisite criminal intent?

The only question which remains to be considered from the standpoint of both the American statutory and common law theory, and from the standpoint of the Japanese Criminal Code, is the question of whether the killing of these notives was without legal excuse or legal justification. If in fact the law parmitted or excused the execution of these notives, then regardless of the fact that all the basic requisites of criminal intent are present, the Commission would be compelled to declare the accused not guilty of Charge I, for his acts would not constitute a crime.

3. Absence of legal justification or excuse.

The defense counsel have made extensive, commingled, and confused arguments as attempted logal justification or excuse for the homicides performed by Incus. In considering these arguments in alleged legal justification or excuse, we must beer in mind the fact that the human life is Gods precious gift, and that under all civilized concepts of law the protection and preservation of human life is society's most second obligation. For this reason the law rigidly limits, and restricts these activities which endanger human life, and even more rigidly limits the nature, conditions, and exercise of the legal

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excuse or justification for taking human life. As expressed in 40. Corpus Juris Secundum, Sec. 98, pg. 958,959. "It is important that the taking of human life be not excused or justified except in strict accordance with the established law..... A homicide is neither justified nor excused by a mistake of law as to the slayer's right to take life." Citing People v. Cook, 39 Mich. 236, 33 Am.Rep. 380.

We have already disposed of the defense argument that the accused had no criminal intent. We have also disposed of any argument that a good notive can constitute a legal **haw**, , for it is clear that whether under Japanese, American, or international excuse, the argument of motive is only relevant after the finding of guilty, in regard to the question of nitigation of punishment. As Wharton pointed out "There is no bad act which the perpetrator does not summon up good motives to excuse.... The law is: No matter what may be the motives leading to a perticular act, if the act is illegal, it is indictable, notwithstanding some one or more of the motives inducing the act may be meritorious." (Wharton's Criminal Evidence, 11th ed. p. 283, and see numerous cases cited in footnotes.)

Four major arguments of defense counsel remain: a) self-defense, necessity, or self preservation; b) coercion or compulsion; c) superior orders; d) lawful execution. None of the defense arguments are sustained by either the law or the facts under the circumstances of the instant case.

a. Self-defense, necessity, or self preservation.

Defense counsel implied that the conditions on Jaluit were such that the killing of the natives was required by a condition of selfdefense or necessity, and that those conditions justified the homicides.

Self defense is a legal justification for intentional homicide. In its broader aspects it includes the defense of others as well as the defense of oneself.

Let us first lock to the provisions of the Japanese Criminal Code and see whether under these provisions the killing of the natives by the accused was legally excused or justified. The Japanese law counterpart of legal justification of self-defense, etc., is set forth in the Japanese Criminal Code in Articles 36 and 37 of Chapter VII, which relate to "unavoidable acts." The accused, in an intricate argument has attempted to show that in view of war conditions on Jaluit, there was a military necessity of self-defense which required and justified the execution of the natives. Articles 36 and 37 of the Japanese Criminal Code do not support this argument of defense or necessity. These provisions require, first that the act be unavoidable, and secondly, as in all self-defense provisions, the danger against which one is seeking to protect oneself must be imminent and caused by the person one injures in such defense.

Article 36 rords: "Unevoidable acts done in order to protect the right of oneself or enother person against imminent and unjust violation are not punishable. According to circumstances, punishments may be mitigated or remitted for acts exceeding the limits of defense." Article 37 reads: "Unavoidable acts done in order to evert present danger to life, person, liberty or property of oneself or another person are not punishable, provided the injury escensioned by such acts does not exceed in degree the injury endesvored to be averted. According to circumstances however, punishment may be mitigated or remitted for acts exceeding such limit....."

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It is clear that both these provisions of Japanese law require first that the acts be uncvoidable, and secondly that they be in defense against imminent and unjustifiable danger. We have proved, and the defense have by their silence admitted, that the natives were unarmed. Any imminent danger to the Japanese was not caused by these natives. They were unarmed, bound prisoners of the Japanese. The American Armed forces, and not these poor frightened natives and children, were responsible for the danger to the Japanese; and even the activity of the American forces was not an unjust violation of the rights of the Japanese; it was just retribution.

In addition, it should be noted that the Japanese requirement of unavoidability is similar to our theory that even in self-defense one must not go beyond the absolute necessities of that self-defense as required by the immediate conditions at the time of the act of selfdefense.

William Sobeld of Kobe, Japan, in his book, "The Criminal Code of Japan," illustrates this concept of unavoidability and shows that even if danger is imminent from an unjust aggression, the extent of force used must be clearly unavoidable. He cites in regard to Article 36 the following decision of the Supreme Court of Japan:

"When a porson is attempting to restrain enother who, under the influence of liquor, was violently behaving himself was grappled by the latter and in consequence thereof, struck him on the head with a porcelain boul in order to rush him aside, the act was done in order to protect himself against an imminent unjust aggression, but it cannot be said to have been unavoidable. Furthermore, if he struck the drunckard on the head with a candlestick to stop him, because in consequence of the blow the latter was more intoxicated then before and should "come cut, old fellow!" and pulled him by the sleeve, his act was done to protect himself against an imminent unjust aggression, but cannot be said to have been done unavoidably." (11 S.C.N.S. 1804, Daishinin Hanreishu.)

Striking the drunkerd who was grappling with him, first with a porcelain bowl, and then later with a candlestick, was canceded by the court to have been done "to protect himself against an imminent unjust aggression", but nevertheless the court held that the acts "cannot be said to have been done unavoidably." The Japanese Supreme Court has thus deleared act only that the danger must come from the person who is injured, not only that the danger must be imminent, not only that the danger must be caused by an unjust aggression, but also that the means and extent of repelling such danger must be "unavoidable."

The notives could have been confined, they could have been released, or they could have been put to work as Shintome suggested. Perhaps Mesuda ordered them executed in order to terrify and intimidate his own notives into not trying to escape from Jaluit. It may have been expedient, but it was not necessary or "unrveidable"; and the execution of the children was clearly callous, deliberate, intrames cruelty.

The execution of these actives was not legally justifiable or excusable under Articles 36 or 37 of the Jepenese Criminal Code.

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Under our law - indicated in Wharton's Criminal Evidence, Vol. 1, 7. 328, there are four essential conditions to make out a case of self-defense: "First the party assaulted or seriously threatened must be free from fault in bringing about the difficulty; second, he must believe at the time and under the circumstances that the danger of death or of serious bodily herm at the hands of his assailant is such as to render it necessary to take his assailant's life to save his own life or to provent serious bodily herm; third, the circumstances must be such as to warrant such belief in the mind of an ordinarily prudent person; fourth, there must exist a necessity to take life, of which necessity the jury are the judges."

Since the notives were unormed, bound prisoners of the accused at the time of the homicide, it is clear that they were not assoliants of the accused, that the accused was not in imminent danger of bedily herm from them, and that there was no necessity to take the life of these natives. Finally, it must be noted that the Japanese were not free from fault in bringing about the difficulty. Obviously therefore, this argument of self-defense, or necessity, like the argument of "unavoidable acts" under the Japanese code is not sustained by the facts in the instant case.

Similarly under international law, the alleged justification is not sustained. It is true that the principle of military necessity is recognized in international law as justifying certain acts which would otherwise be illegal - such as the killing of enemy soldiors during the heat of bettle. But the nature and extent of these excused or justified acts, is definitely limited in international as it is in domestic law. Glueck, Wer Criminels, Their Prosecution and Punishment, pg. 42. All is not fair in war. Lawrence, Principles in International Law, which I quoted earlier clearly points out the fact that international law because of the exigencies of the moment. Also note that under international law the concept of military necessity is limited by the doctrine of humanity which prohibits employment of such kind or degree of violence as is not strictly necessary for the purpose of war. Glueck, op.cit. pg. 42.

It is apparent from what has been said before, the killing of these unarmod natives was not strictly necessary for the purpose of war. There was no imminent danger which necessitated their being killed without a trial, and even if there had been such danger, the alleged necessity of taking their lives would not have constituted a legal justification or excuse. Cardozo (What Medicine Can Do For Law, 1928, in Law and Literature 1930, p. 113) speaking of the decision in United States v. Holmes, 1 Wall p. 142, said "There is no rule of human jettison."

b. Coercion or Compulsion.

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The orgument of coercion or compulsion is implicit in the defense

argument of superior orders. The inference is that Incue as a Japanese officer had to obey his superior; if he did not do so he would himself have been punished by Masuda. Note that such alleged coercian was not an imminent or expressed compulsion, but even if such compulsion had actually currently existed, the law does clearly reject this argument. To permit this excuse would open up a bread avenue for the defeat of justice, and would permit organized criminals and criminal societies, national and international, to evade punishment by claiming that they would have been killed by their bess or fellow members if they refused to obey the order to kill.

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The rule is expressed succintly in 26 American Jurisprudence 206 as follows:

"While generally one may excuse the commission of various crimes by showing that he was acting under coercion or compulsion, one cannot excuse the taking of a human life, under the plan of compulsion."

Port of the reason for this rule of law is ably expressed in 2 Stephen History of the Criminal Law (1883) pp. 107-108, as follows: "Criminal Law is itself a system of compulsion on the widest scale. It is a collection of threats of injury to life, liberty and property if people do commit crimes. Are such threats to be withdrawn as soon as they are encountered by opposing threats? The law says to a man intending to commit murder, if you do it I will hang you. Is the law to withdraw its threat if someone else says, "If you do not do it I will shoot you?"

"Surely it is at the moment when temptation to commit crime is strongest that the law should speak most clearly and emphatically to the contrary. It is of course a misfortune for a man that he should be placed between two fires, but it would be a much greater misfortune for society at large if criminals could confer impunity upon their agents by threatening them with death of violence if they refused to execute their commends. If impunity could be so secured a wide door would be open to collusion, and encouragement would be given to associations of malefactors, secret or otherwise. No doubt the moral guilt of a person who commits a crime under compulsion is less than that of a person who commits it freely, but any effect which is thought proper may be given to this circumstance by a proportional mitigation of the offender's punishment.

"These reasons lord me to think that compulsion by threats cught in no case whetever to be admitted as an excuse for arime, though it may and cught to operate in mitigation of punishment in most though not in all cases. If a man chooses to expose, and still more if he chooses to submit himself to illegal compulsion, it may not operate oven in mitigation of punishment. It would surely be monstrue to mitigate the punishment of a murderer on the ground that he was a member of a secret society by which he would have been assassingted if he had not committed murder."

c. Superior Orders.

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For the same social reasons the argument of superior orders must be rejected. There was a time when the text writers and others, including the authors of the 1914-Rules of Land Warfare, argued that superior orders could be a defense for cortain criminal actions. It never was a defense in an otherwise illegal or unjustified homicide.

Commander Carlson has cited on the subject, some language from Winthrop, op, cit. and dista from certain decisions which speak in terms of superior orders as a defense. Careful analysis will show I believe that not the alleged superior orders, but other well recognized legal grounds formed the essential basis for the decisions of the court. Among the common so-called cases of defense of superior orders, are those cases which involve asts by military guards who fired upon persons who entered restricted military zones, or who failed to halt when properly chellenged at such somes, or who resisted arrest during rebellion or mertial law, ste. There is nothing in any of these cases

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which requires the invocation of any rule of superior orders to constitute justification for the acts of the military guards or military police. The same acts performed by any policeman while acting in his official duty as a guard, or in a riot squad, or in the apprehension of criminals as part of his normal dutics, would be similarly justified. The same standards are used, namely whether under the circumstances the acts were reasonable and the force used not excessive. It is not the fact that they are military personnel under superior orders - but the fact of their functions as guards or police etc., which justify their actions. Commandor Carlson cites from C.M.O. 4-1935, the "rule" of United States v. Clark 31 Fed. 710 "this rule being that a homicide would be excusable if committed by a military guard, without malice, and in the performance of his supposed duty as a soldier, unless it was manifestly beyond the scope of his authority, or was such that a man of ordinary sense and understanding would know that it was illegal."

Similarly, note the following language from that pertion of Winthrop, Military Low and Precedents, p. 296, cited by defense counsel Commander Corlson. "The act, however must have been duly done, must not have been either wanton, or in excess of the authority or discretion conferred by the order. Thus an officer or soldier ordered to suppress a mutiny or disorder or to make an arrest, a guard ordered to keep in custody a prisoner, or a sentinel ordered to prevent porsons from passing his post, will not be justified in taking life or in resorting to extreme violence, where the object of the order con be effectually accomplished by more moderate and customary morns: otherwise where the forcible resistance of the party, his persistence in disregarding warnings, his sudden flight, etc. render it impracticabl to seize or stop him without extreme violence or the use of a dordly weapon. Further the order to constitute a defense must be a legal one. It must emanate from a proper officer - a superior authorized to give it - and it must command a thing not in itself undowful or prohibited by low."

I am in complete agreement with this much of the language as cited from Winthrop, but other cited portions speak in generalities which are broad, but relatively meaningless until we examine their application to specific cases, and specific types of crimes. In application to criminal acts, and more particularly serious crimes such as homicide, it is clear that legal justification or excuse is not found in the obedience to superior orders, but on the basis of otherwise socially and legally excusable or justifiable grounds.

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Even the political socially vicious decision of the Amakasu case did act argue that Superior Orders was a defense. They ergued, as indicated by defense counsel's and Makino's interpretation, that ignorance of the "fact" that it was a crime negatived criminal intent, and that the law required a subjective criminal intent. Makino in his Study of Criminal Lew - Vol. 3, pp. 114-125, specifically actes, in the portion cited by defense counsel Mr. Suzuki, that the fact that Article 35 was not applied to the acquittel means "This presumes that the order of the superior is not absolute even among military personnel. That means, if the accused had a proper knowledge of the law, it would have been their duty to disobey the order." Similarly further on in the same quotation he states "In these two considerations this judgment presumes that the order of the superior is not absolute even among military personnel." Note Makino is the very authority cited by defense for their subjective theory of criminel intent.

Defense counsel have contended that in the Furuki case, the judge advocate's argument did not contain reference to superior orders as interpreted under Japanese law. It was unnecessary, because the Japanese law is not different from our law, and because under any valid interpretation of the Japanese law of superior orders, the accused cannot espape his criminal responsibility.

Even under the theory of law that the inferior does not have the authority to examine into the substance of the order, as evidenced by the Treatise of Milkuma Motoji, Book II, Para. 5, pp. 343-345, Horitzu Gaku Jiten - still "if an inferior offficer knows of criminel intent and the use of Minself by the commanding officer for the purpose of commission of a crime, he must refuse to follow the orders." It is obvicus that if he should have known of the illegality of the order the law either presumes as a matter of proof that he did know of its illegality, or holds him to the social norm - and he is equally required by the law to refuse to follow the order.

The compulsion of an actual threat of death cannot justify a homicide; and therefore, even the fact that the commanding officer might have the power to kill his inferior, does not in the eyes of the law, excuse a homipide performed in obedience to his order or even his expressed threat.

In almost every war crime's case, the accused has contended that his illegal acts were the result of the orders of a superior officer. The argument has been universally rejected. Superior orders can be argued in mitigation, but they cannot be accepted as a substantive defense in determining whether the accused is guilty of the crime charged. The accused had had due warning that superior orders would not be considered a defense. The Joint Declaration on Punishment of

Wer Crimes, of the Inter-Allied Conference in January 1942, announced to the world that they placed "among their principal war aims the punishment through the channel of organized justice, of those guilty of or responsible for those crimes, whether they have ordered them, perpowerted them, or perticipated in them."

The SGAP Regulations (Basic ltr. SCAP 000.5, 5 Dec 45) which this Commission is authorized to use, provide "The official position of the accused shall not absolve him from responsibility.....Further, action pursuant to order of the recused's superior, or of his government, shall not constitute a defense, but may be considered in mitigation of publishment if the commission determines that justice so requires." IFIED TO BE A TRUE COPY

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The logical basis for this rule is apperent. As Glueck points out, Wer Criminela, Their Prosecution and Punishment, page 140, "A little reflection will show that this provision (superior orders and governmental immunity) if followed liberally would give almost the entire band of Axis war oriminals a valid defense." The position of the courts on this subject is ably and briefly expressed in the decision of the famous International Tribunal at Nuremberg, in the summary of the judgment released at Nuremberg, September 30, 1946, the Tribunal states: "The defense of "Superior Orders" has never been recognized as a defense to a crime, but is considered in mitigation as the charter here provides." In view of this case, and the numerous other cases on the same subject, the matter is clearly so well settled that it is unnecessary to burden the commission with further argument on this point. One point should be briefly noted in passing. Defense counsel have referred to Masuda who was Incue's superior officer, and have erroneously inferred that Inous is being compelled to take Masuda's place and Masuda's responsibility because Masuda is dead. Defense counsel know that this is specious. Inoue is being tried for his own responsibility and his own participation in these crimes. Inoue's guilt is clear regardless of whether or act in fact Mrsuda ordered Inoue to execute these actives. If Masuda were alive we would still try Inoue on the identical charges and specifications, and the identical crimes he has clearly committed. The judge advocate has not attempted to contest the story by the accused of the alleged existence of superior orders from Masuda; and proof of these orders would not vindicate and would not exculpate Incue. For if in fact Masuda ordered Incue to execute these natives, then this fact merely nakes Mrsuda a participant, but it does not excuse Inoue for his perticipation in the crime of murder. Masuda and Inoue would both be tried. The alleged superior orders of Masuda may be considered in mitigation, but Incue must be found guilty as charged.

d. Legal Execution.

Having already disposed of the question of criminal intent or motive, we are not concorned now with what Inous thought in regard to a trial. The only question remaining to be considered by the Commission is, was this in fact a legal execution.

In this connection the defense have cited Article 35 of the Japanese Criminal Code which provides "fets done in accordance with leve and ordinances or in pursuance of a legitimate business or occupation are not punishable." This provision is a common one applied in all systems of criminal law - but it does not mean that the mere frot that an act is done in the course of legitimate business or occupation or within the apparent framework of the law, will make the act legal. The alleged criminal act must be judged on its own morits, and not in terms merely of whether it purports to be in the course of a legitimete order, busines, or occupation. Incue's acts are purported to have been done in the course of lawful occupation as a judge advocate, in pursuance of the regular duty to semervise the execution of the sentence. Inoue's acts must be judged on their own morits, and not in terms of his alleged levil occupation. If the act is illegel, the fact that he is an official is not an excuse under any legal theory. Officials who perform illegal acts - who exceed or abuse their authority or power, are held criminally responsible in every civilized country of the world and under every system of griminal justice. In the parcotics case which I cited carlier in my argument, the Supreme Cours of Javan held that even though the net of importing the narcotics

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was carried on in the course of the accused's legitimate customary business as a drug merchant, he was still guilty of the crime, despite the fact that he did not know his acts were illegal, and did not intend to violate the law or do anything morally wrong.

The defense of the accused must rest on the argument that the homicides were legally excused because they were legal executions.

If proved, this excuse would constitute a complete defense, and it would be your duty to find the accused not guilty of murder. But a legal execution must be based upon a legal sentence properly determined and pronounced at a legal trial. The requirements are strictly applied, because the law does not readily or carelessly justify the taking of human life. How rigidly these requirements are applied is apparent in the following excerpt from 26 American Jurisprudence, 230.

"If however, judgment of death is given by a judge not authorized by lowful commission, and execution is done accordingly, the judge is guilty of murder.

"Such judgment where level, must be executed by the proper officer or his duly appointed deputy, and if enother person does it of his own head, it is murder, even though it is the judge himself.

"So too, the execution must pursue the sentence of the court, the substitution by the officer charged with the duty of execution of one method of killing for another being murder." See 2, IRA (NS) 76 and 67 LRA 293.

(1) Whether natives committed crimes is immaterial if no trial given.

Defense, throughout their presentation of their case, and in their arguments, have sought to persuade the commission that the execution was learl, for in fact the natives had committed serious crimes. We have had presented before this Commission only the testimony of the Japanese military personnel, the testimony and recorded testimony of the accused and his friends. These witnesses testify that the natives committed murder, desertion, and spying. The natives are dead. They cannot appear and testify for themselves; and it is my firm belief that we will never know what actually happened to these natives either at Mille, on the boat, or at Jeluit. Was Tanaka actually with the natives in their boat? Tas he hit in the head and thrown overboard in a struggle? Or was he drunk and did he fall overboard? If he was actacked in the boat what was he doing? Was the attack on him justified? If Tanaka fell or jumped overboard during the struggle how did the natives had? These are only a few of the unanswared questions

raised by the testimony of the accused and his friends.

The necused claims that the natives confessed. If they did confess who confessed, what they confessed to, and what means were used to extract confessions from them, will never be known. The story that the child Niebet, confined in prison with her parents, would welcome an enemy stranger into her confidence in the course of his two visits in the same day, and on the second visit would confess because of same eandy that her parents had murdered Tanaka, is on incredible fantastic story. Only rivalled by the equally incredible story that the coults faced with the confession of this small child, then opened up and proceeded to verify the entire story. No, the story of how these alloged confessions were obtained does not ring true; and the

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question arises were these alloged confession obtained voluntarily for confessions obtained under duress are no evidence of ruilt, even under the laws of Japan.

It is unnecessary to consider whether the American armed forces could have induced these natives to take their children with them and go on a dangerous spying mission. It is equally unnecessary to consider whether the American armed forces would have induced them to go on a spying mission with such young children.

We do not know what nots each of the natives committed. All we know is that they were executed; that some of them are alleged to have confessed to murder, desertion, and spying but actually no murder was committed and no evert cets of spying occurred because the actives were picked up and confined immediately; that clearly there is serious doubt as to the criminal guilt of some of the actives; particularly two young children whom the Jepenese criminal law specifically provides ernnot be punished. No, we do not know whether the notives were guilty or innocent of crime, and their guilt or innocence is totally immaterial to the issue now before this commission.

The accused Incus is on trial here because no trial was given these notives and they had no fair judicial opportunity to prove their inneconce. Surely the defense will not argue that we must again convict those actives in obsentio and without a trial. Learned defense counsel regues the executed notives were guilty of serious crimes. The low does not permit the recused to argue that if he had in fact tried the artives he would have been able to prove that all 8 of them wore guilty. Two yerrs after the event we cannot, nor is it our province to try these dond nativos. They cannot testify, and they connot defend themselves. And even if we did new find that they were then guilty, the accused must still be convicted of murder if in fact rt the time that he committed the execution it was not leal because no trial was held. The law requires that to constitute a legal execution the trial must be held prior to the execution. It is obvious why society ennot permit men to be executed first and tried later.

Lorrned defense counsel Mr. Akimoto has previously said that in Japan, Gormany, England, and the United States the doctrine of legal executions is the same. Defense counsel has cited Section 640 of Wharton's Criminal Low. This section clearly establishes that there must be a prior triel or the execution is illegal.

Section 640 reads: "Section 640 - killing under mandate of law is justificble. The execution of malefreters, by the person whose office obligos him, in the performance of public justice, to put these to derth who have forfeited their lives by the laws and verdict of their country, is on act of necessity, where the low requires it. But the act must be under the immediate present of the law. or else it is not justifiable: and, therefore, wantonly to kill the greatest of melefectors without special verrant would be murder. And a subhis superior in cases where the orders were lawful. As we have seen. a correct that is without cuthority is no defense: though it is other-

vise when the defects are morely formal." (Italics supplied.) .

It is apparent from the Section of Wherton cited by defense counsel, that it is totally immaterial to the question of Incue's guilt of murder, whether or not in feet the executed notives had committed and have a standard and stand and the standard and the start of the st

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criminal acts. For as Warton states Wantonly to kill the greatest of malefactors without special warrant would be murder."

(2) No trial, ergo no legal execution.

It is elementary that to have a legal execution there must have been a legal sentence properly derived at a legal trial held in accordance with a legal procedure.

The Japanese Constitution, provides in Chapter II, Article 23, "No Japanese subject shall be arrested, detained, tried, or punished except according to law." Article 24, "No Japanese subject shall be deprived of his right of being tried by the judges determined by law."

The judge advocate will briefly point out the evidence establishes beyond any reasonable doubt that these eight natives did not receive any type of legal trial, and therefore the eight homicides were not legal exocutions.

It is unnecessary to consider certain clear proof which establishes that the formal requirements of a proper trial, judgment paper, sentence, and order of execution were not conformed to. I refer to such obvious technical defects as - the lack of any uritten order appointing judges or convening the court, the lack of any organized method of recording the proceedings, the fact that the alloged judge advocate was present during all the "deliberations" of the alloged judges, the fact that according to Incue all three judges were witnesses at the alloged trial. These are only a few of the very obvious defects in the alloged proceedings. But we need not concern curselves with these perhaps formal defects, because the evidence of fundamental substantive defects is so clear that it incentrovertibly establishes that in fact there was no trial.

Defense counsel should be reminded that the judge advocate has not claimed that these alleged examinations and consultations were not r trial because of minor variances between the procedure applied and the trial procedure provisi as of the court martial law or the law of criminal procedure. It is not because of any minor technical varinticns or relaxation in the rules of procedure or evidence, such as the SCAP rules that the judge advocate "insists" that the examination and consultation of the Mille natives is not a trial. It is because of the fact that even if we assume that there were these examination and consultation meetings, each and every fundamental right and elementary requirement of a trial under any civilized concept of law was denied these actives. Even if we believe that there were judges and they were instructed to act importially, and even if we forget that their opinions were not followed, we cannot forget that no witnesses were called for the defense, that no defense counsel were permitted, no right of defense was given the nativos, no sworn testimony was required, and finally oven the accused natives were not present during this clicgod trial. In short overy right of trial was denied these notivos - everything was denied them - except the death sentence. This in brief is what we will prove - these defects are not minor changes or variations - they vitinte the antire concept of triel.

Defense counsel have argued that the executions were legel because the natives were convicted and sentenced at a legal trial, a special judicial proceeding of examinations and consultations held in Rear Admirel Masuda's air raid shelter.

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The judge advocate in discussing the question of criminal intent established that Inoue knew and should have known that the executions were illegal. In proving this obvicus fact, the judge advocate in considerable dotail established that this whole story of an alleged judicial proceeding consisting of numerous examinations and consultations was so full of holes, obvicus fallocies, and clear contradictions, that it was revealed as a clearly imperfect fabrication. The judge advocate established that there were no judicial examinations and consultations; and that at best there was a very imperfect investigation and a hasty, unfair and illegal execution.

In dealing with the question of criminal intent so much detailed evidence was considered that the judge advocate will only briefly discuss the fact that Indue's testimony shows, that there was no trial, that he was not a judge advocate and Shintone was not a judge. Similarly Morikawa's testimony shows that there was no trial and that he was never a witness at any examination and consultation. Similarly Shintome's testimony shows that there was no trial, he was not a judge, and that there ware no judicial examinations and consultations, but only one meeting at which he attended and with Mesuda, Furuki and Incue discussed the question of whether the natives should be executed.

The defense attempted to persuade the commission that they can explain the contradictions in Indue's recent testimony and his previous statements at the Furuki trial and the Far Crimes Investigation. They have feebly and only half-heartedly attempted to persuade the commission that Shintome and Morikawa were lying when they indicated that there were no trials; and that Shintome was actually a judge at the proceedings and Morikawa was a witness at the trial by examinations and consultations.

The evidence is so clear that there is no need to further discuss this dessicated defense. But it should be noted that even if Shintome and Morikawa had never appeared; oven from the testimony of the accused himsolf, it is clearly and unequivocally established that there was no trial and no semblance of any judicial procedure. On cross-examination, Incue admitted that the accused natives were never present at the alleged trials, no sworn testimony was presented against them, no counsel was present to represent or defend them. Under what system of law, under what conceivable legal procedure could such meetings constitute trials?

(a) No trial under Japanese civil laws of Criminal Procedure.

The defense has contended that due to war conditions the notives lost their right to trial by the Local Court of Penape. The judge advocate has previously argued that the authority given Masude by the alleged dispetches did not give him any power of any governmental reney outside of Jaluit, and therefore, did not deprive the Penepe court of its jurisdiction over all serious criminal cases on Jaluit Atoll. But even if Masuda by means of war conditions derived judicial criminal jurisdiction over these natives, it does not follow that he had the power to subject them to court martial law, rather than the Japanese Code of Griminal Procedure which is the normally applied code of criminal procedure for Japanese civilians.

If the actives were entitled to the properties sot forth in they Japanese Code of Griminal Procedure, it is apparent that the proceedings at these alleged meetings was in complete violation of all their rights, and were not trials in accordance with that code.

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Defense counsel Mr. Suzuki in his argument has noted that the articles from the Japanese Code of Criminal Procodure which were cited by the judge advocate in his argument in the Furuki case, were the articles from the farmer code, which has since been modified. Unfortunctoly the staff of interpretors has not been adequate to translate the new code. Fut the important thing to be noted is not what Mr. Suzuki said in this regard, but what he did not say. Mr. Suzuki did not say that any specific provision of that code of criminal procedure as cited by the judge advocate had been changed in substance by the new code. If there had been any substantial change in these provisions. if my such change aided the accused or in any way showed that the procedure held on Jaluit was logal, Mr. Suzuki would clearly have pointed out that change. The fact that he did not do so is clear indicatation that the right of trial and the safeguards of trial set down in the carlier Japanese code of criminal procedure were braid and minimum standards which have not been decreased. Under the provisions of the newer code of Criminal Procedure, as well as within the provisions of the former code, the accused actives were not given a tricl.

The judge advocate has examined many provisions of the new code and finds them identical with the former code provisions. He has consulted with authorities who assure him that the new code provides the same protections and has not decreased the minimum standards and safeguards of a criminal trial. These minimum standards as set forth in the pertinent provisions of the former Japanese Code of Criminal Procedure are briefly as follows: Book IV Public Trial, Chapter 1, General Provisions, Section 176, Public trial shall be held in court where shall be present the judges, the public procurator, and the clork of the court. Sec. 177 - the necused shall appear in the court free of personal restraint, but may be placed under guard. Sec. 179 the accused may employ counsel to pland for him. Sec. 181, the legal representative of the accused may participate in the proceedings as his assistant. Section 183. If the accused cannot appear at the hoaring by reason of mental dorangement or sickness, the proceedings shall be suspended until his recovery. Section 189, Witnesses who have been exemined, or experts who have given their opinions at the preliminary examination, may be surmaned anew. Section 193, Witness shall not communicate with each other nor shall they be present at the proceedings until they give their testimony. Section 194. The presiding judge shall intorrogate the witnesses and accused. The parties interested in the case may require the presiding judge to put to the witness questions for the elucidation of such matters as they may doom essential to the plerdings."

This is but a brief thumbneil sketch of some of the pertinent provisions. It is readily noted that while some of the procedure is slightly different from our procedure, essential rights are carefully safeguarded. The alleged meetings in Masuda's office were certainly not trials in accordance with these provisions.

(b) No trial under Japanese naval court martial lew or any civilized concept of trial.

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In his direct testimony the accused Incue attempted to establish that the natives were in the status of Gunzekus. This was done because under the Japanese naval court martial law, the gunzekus are made subject to naval court martial law, and the accused wanted to try

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to persuade the commission that the alleged examinations and consultations were a special "temporary Court Martial". In cross-examination the judge advocate established by question 179, that the natives were not attached to the army or navy, and by question 180, established that therefore the natives definitely were not gunzekus. As a result of this demaging cross-examination the defense had to try to find some other way of attempting to apply nevel court martial law, because it was obvicus that even the alleged proceedings concerning the natives could not be considered to even resemble a trial under any system of civil judicial procedure.

Defense counsel therefore argued that because of dire battle conditions and because this area was isolated Admiral Masuda could in accordance with mortial law try these natives by "Temporary Court Martial, a kind of specially established court martial." Since defense witnesses have admitted that martial law was never established in Jaluit, the judge advocate will not concede that Naval Court Martial Law could legally be applied to these natives.

But even if it could be so applied, and even if the natives were legally deprived of their right to be tried in accordance with the Jepanese Code of Criminal Procedure, they shill retained their right to a trial, the right to trial under the Jepanese nevel court martial law; and even defense counsel admits this fact, and tries to establish that in substance, the natives were accorded this right. Let us examine the defense argument in the light of the facts and see whether the Japanese Nevel Court Martial Law authorizes as a trial, the procedures alleged to have been held in Masuda's office.

(1) Right to defense counsel.

Section 369, cited by defense counsel, merely merns that even if the accused does not want defense counsel, he must be required to have one, unless sentence is pronounced in open court. Under Article 372, it would expect that in a special court martial, the accused may valve his right to counsel and be sentenced in comera.

Defense counsel Mr. Akimoto, orgued that Section 93, which provides that the "preceding six articles" shall not be applied to a special court martial, explains why the accused had no logal representative or advisor at the trial. But he fails to mention that article 94, which does not precede article 93, provides: "Legal representative....of the accused can at any time after the indictment has been lodged, become a legal advisor to the accused....." It would appear, therefore, that Section 93, was designed not to destroy, even in special courts martial, the right to counsel or legal representative... but was morely designed to permit under special war conditions a relaxation of certain related technicalities with regard to the

selection of the number and the duties of defense counsel,

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It may be that under dire bettle conditions a system of justice would relex compliance with certain rights of the accused, and even might permit an accused to be tried for minor crimes and imprisoned without benefit of counsel. But the entire argument of Mr. Akimeto and his colleagues overlocks one fundamental and all important fact, the fact that these accused natives were allegedly being tried for the erimes of murder and spying which carry the death penalty. No civilized system of law or justice would telerate an alleged trial with death penalty where the accused was denied the right to defense counsel.

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The lack of defense counsel is one of the fatal defects which establishes from Incue's own testimony that these natives were not given a trial.

(2) No sworn testimony.

The uncontradicted evidence establishes that neither Incue, nor any of the judges were sworn. Incue testified that he, Masuda, Furuki, Shintome, and Morikawa testified at these alleged examinations and consultations.

The testimony of Incue establishes that no sworn testimony was submitted or considered during the course of the alleged examinations and consultating. There were no sworn documents, and as Inoue testified in answer to question 420, "The witnesses were not sworn."

Defense counsel Mr. Suzuki has attempted to persuade the Commission that under Japanese law the protection of sworn testimony is not considered important, He cited Article 201 of the Japanese lew of criminal procedure which provides that no orth is required of an accused under 16 years of age, those who cannot understand the meaning of an oath - such provisions are also common in American procedural law. Article 201 clso provides that accomplices, relatives, employees, and lodgers of the accused may also take the stand without an oath. Th feet that this group of individuals need not take an oath does not mean that an accused may be convicted by unsworn testimony. These provisions, these exceptions to the rule requiring orths, are designed, not to permit convictions; they are designed to permit defense by unsworn testimony. The group of persons who need not be sworn include the accused, relatives of the accused, accomplices, employees, and lodgers. These are exceptions to the general rule requiring sworn testimony - and do not mean that under the Japanese law of criminal procedure sworn testimony is unnecessary or unimportant as a basis of conviction.

Similarly defense counsel argued that under Japanese law an oath is unnecessary in questioning of a witness by the judge advocate, and he cited Article 267 of the Navel court martial low. This section clearly relates to a proliminary investigation and not a trial - and it indicates morely that a judicial police officer need not or is not authorized to, administer an orth. This article reads: "In case prosecuting officer is about to make an inquiry of a witness, he may let the witness take an oath. A neval judicial police officer or judicial police officer might not ask witness to make an oath." It is obvicus from its context that this provision does not relate to a vitness at a trial. The Japanese movel court martial law in sections 247 et seq. dorls with the question of trial and specifically provides in part as follows: "Art. 247. Witness should make an oath unless there is any stipulation controry to it. Art. 248. An oath should be mede by witness before questioning begins Art. 249. In orth should be made on "the book of oath." In this book of oath a statement II horeby sworr that I shall tell the truth. I shall neither hidd anything ner add anything Art. 250. A fact that there is a punishment for person who makes false testimony should be told befor

hand to a witness who is to make an oath."

From these citations from the Japanese Naval Court Mortial Lawy it is obvicus that sworn tostimany is considered a fundamental aspect of a proper tricl procedure in accordance with Japanese neval ocurt mertial law, Lock of such evidence, and failure to provide oven this

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elementary safeguard is another fatal defect which establishes from Incue's own testimony that these natives were not given a trial.

(3) Absence of the accused.

Indue admits that the accused natives were not present during the alleged trial, these examinations and consultations. Defense counsel Mr. Akimoto admits that failure to have the accused present was in violation of proper trial procedure, but he argues that this mere formality was locking. Mr. Akimoto is a moster at floccineucinihilipilification. He takes the most fundamental right of criminal procedure, the right of the accused to be present in order to defend himself, and he says that this fundamental right is a more formality, a procedural cloud which can drift away without jeoperdizing any valuable aspect of a legal trial.

The right of the accused to be present at his trial, and to be confronted with the evidence against him is a fundamental right of overy system of jurisprudence in every civilized country of the world. This right to a defense at trial is fundamental in military as well as civil courts. See Winthrop, Military Law and Precedents, pp. 836-842, 1920 Reprint; Oppenheim International Law, Lauterpacht's 6th Ed. p.458; Glueck Var Criminals.

Learned counsel Mr. Suzuki in attempting to explain the failure to have the accused present at the alleged meetings, sought to justify it by reference to a simplified procedure in minor cases in Japan wherein a fine can be levied in absentie. Similarly in our law we have such a simplified procedure and many police courts accept traffic fines in the absence of the accused. This does not mean that such procedure is a trial, it merely means that as admitted by Mr. Suzuki, in cortain minor cases, the accused need act be present, but can accept a penalty by default. It means merely that in trivial cases the accused may waive his right to trial, and accept a fine. But defense counsel have cited no case precedent, no provision of lew which permits trial of an accused on a death penalty charge, when the accused is not afforded the right to be present throughout the proceedings in order to defend himself against the charges. They have cited no case, and no precedent because there is no such precedent in low. The Japanese law like our own requires that this fundamental right be accorded in trial of an accused criminal.

Mr. Akimoto attempts to misleed us by saying that the judges went to see the accused. The alleged judges did not go to see the accused. Even Incue himself does not claim that either Furuki or Shintome, two of the alloged judges, went to see the accused. And Masuda's alleged visits to the accused natives were not part of any judicial exemination and consultation procedure. None of these visits to the natives were even alleged by Incue to be part of the procedure of examination and consultation. On some visits no interpreter was even taken, and the accused has never even claimed that any formal testimony was taken 13 during these alloged visits by Masuda to the nativos. As no testimony was recorded, as two of the alleged judges were not present, as the accused notives never had an opportunity to see or hear the alleged evidence presented against them, it is obvious that such visits as Masuda may have made to the nativos did not remedy the fundamental fatal defect, of having alleged trials by examination and consultation, at which the accused were not permitted to be present to hear the ovidence rgainst them and defend themselves.

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The attempted explanation of why the natives were not present is almost as naive as their contention that this was a "mere formality." Defense counsel Suzuki states, "they did not question the accused natives at the office of Masuda but questioned them at their place of confinement which was comparatively safe against air raid." This is advanced as a sericus explanation of why the accused natives were denied the most fundemental right of criminal jurisprudence. Does the accused want us to believe that numerous examinations and consultations were held? Does he then want us to believe that there were continuous and terrible bombings and strafings but that the four leading officers at Joluit, namely Admiral Masuda, Major Furuki, Shintome and Inoue hold these numerous meetings in an unsafe place - does he then want us to bolieve that the natives were not present because the Japanese officers feered for the lives of the notives and did not wish to take them from their safe air raid shelter and expose them to the dangers of bombing in Admiral Masuda's air raid shelter? What a pity that these solicitous officers did not exercise this same solicitude for the nativos when on April 9th the accused took them into a jungle, and in front of an open pit shot the men, then the two women, and then the two young children.

Mr. Akimoto implied that a more formality was lacking - due to the absence of the accused and he asked "practically speaking can a very caroless procedure be deemed a complete trial if only it is complete in form." The answer to that question is no, absolutely not. Even if a trial is perfect in form, if it lacks the fundamental substative requirement of a fair impartial judicial proceeding it is not a trial. In the case of the Mille natives every fundamental requirement of substance and form which is embodied in a proper criminal procedure and in every basic concept of trial was denied.

Even if we accept verbatim the obvicusly fabricated story of the accused that there were examinations and consultations held, it is clear that the natives were denied every substantive right of trial, this alleged procedure has no conceivable semblance to any kind of a trial - and certainly does not conform to any concept of fair trial.

(4) Allegod judges and allegod meetings.

The accused told an elaborate story about how Masuda called Furuki, Shintome, and Incue in and informed them that they were judges and judge advocate respectively and should perform their duties accordingly. We have pointed out from Furuki's own testimony that he never attempted to ascertain what the duties of a judge were. Indue's testimony that he was ordered to be a judge advocate was similarly discredited when it was shown that he testified during the Furuki case that he did not know this procedure was a trial until after the war. Obviously therefore he did not know he was a judge. Direct and clear contradiction of the entire story came from Shintome who testified that he was never ordered to act as a judge, and was never present when anyone was ordered to act as judge or a judge edvocate.

Obvicusly Shintome's statement was true. Even Morikawa the intelligence officer had nover heard of any trials, and while performing adjutant duties had never propered any document indicating that the natives had been given a trial.

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Obvicus correboration of this fact is implicit even in the testimony of Incue which showed that the participants at these meetings did act function as judges. The most obvicus proof of this fact was brought out in cross-examination when the judge advocate got Incue to testify as to who the witnesses against the accused natives were at this alleged examination and consultation. In his answers to questions 421 and 422, Incue stated that besides himself, the other witnesses were Morikawa, Masuda, Shintome, and Furuki. Incidentally, Morikawa denied that he was ever a witness before any examination and consultation. But the important thing is that according to Incue the alleged 5 witnesses against the accused included the alleged judges of the court. What a travesty on justice this is. Clearly, even if meetings were held, Masuda, Furuki and Shintome Fure not judges.

This is also obvious from Inoue's testimony that Furuki and Shintome gave their opinion that the children should not be executed. Clearly if they were judges it was required that decision be made by the majority. This is specifically provided in Article 98 of the Naval Court Martial Lew. Mr. Akimoto has referred to a provision which states that the announcement of decision shall be made by the President of the Court. This provision does not mean that he can defy the decision of the majority, it morely means that as a metter of procedure it is the President who makes the announcement. This practice is common, and is applied in this very Military Commission. But the decisions, even though they are announced by the President of the court, must be made by the majority. Article 98 of the Japanese Neval Court Martial Lew provides: "A decision of the court is determined by the majority. When opinions of judges differ in three parts and none of them reach to a majority, then opinions unfavorable to the accused shall be added up to the favorable one gradually, until it reaches a majority number." Clearly therefore, in Japanese Naval Court Martial Law, a decision of the court is determined by the majority. And the fact that the decision of Masuda was made controry to the expressed opinions of Furuki and Shintome is further indication that they were not judges and this was not a judicial procedure.

(5) Summery.

The evidence that there was no trial is so clear that it seems hardly necessary to summarize it. The testimony of the accused was shown not to be credible, not only because of the fact that the accused is not a credible witness, but also because his testimony is so full of obvious falsehoods and contradictions. The accused testified that on every day from the 3rd to the 9th these judicial proceedings of examination and consultation were held, and they included some

proceedings which lasted only ten minutes. He testified that Masuda, Furuki, and Shintome were judges. Masuda is dead, and cannot testify. Furuki who testified for the defense, admitted on cross-examination that be did not ascortain the duties of a judge. Shintome directly donied that he was ever appointed a judge or that he ever heard Masuda appoint Furuki as a judge or Incue as a judge advocate. Incue himself, during the Furuki trial admitted that he did not know that such alleged proceedings were a trial until after the war, thus clearly donying the testimony that he had heard Masuda appoint Furuki and Shintome to not as judges. The testimony of Incue at the War Crimes Investigation in October 1945 was put in evidence in contradiction of his current testimony and clearly points out that at the Investigation he stated that no trial was held for these natives. The fact that no trial was held, and that everyone knew that no trial was held is clear

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from the testimony of Shintome, and of Morikawa who both clearly were in the position to know whother or not any trial had been held. Finally, even if we accept the clearly false story of the accused concerning the alleged meetings, it is obvious that they did not constitute a judicial proceeding, a court martial, or any semblance of a trial. At these alleged examinations and consultations, there were no defense counsel, there was no sworn testimony, the alleged judges did not perform the functions of judges, and the accused were not even present. There can be no doubt as to the truth. There was no trial, and therefore there was no legal exquse.

(c) No trial - no logal excuse.

The defense enticipated the fact that we would establish that there was no trial, and therefore as an elternative they tried to meet this contingency with whatever specious argument they could muster. They tried to manufacture a logal excuse in the dire battle conditions at Jaluit. They tried to indicate that a condition similar to martial law existed. It should be noted that martial law may suspend certain civil rights; and it may, as was done during our Civil War, permit trial by military rather than civil courts. But it does not under any system of law, give the legal right to punish by death without a trial.

If the accused had alleged that Masuda, as logal head of Jaluit, had himself attempted to make new laws empowering him to sentence to death without a trial it would only be necessary to point cut that the Japanese constitution guarantees its subjects the right of trial, and that in the field of international crimes, similar attempts by the Nazis to escape responsibility for their lawless acts by resorting to subterfuge of passing alleged new laws has been unequivocally rejected. It is a fundamental principle of international law that acts must be local, not only under demestic, but also under international law, and where they conflict, international law must prevail.

The defense have sought to argue that even if it was not a trial, it was the best possible procedure they could apply under the conditions at Jaluit. Even if Masuda or the others believed it to be the best possible procedure, this could not make the executions legal. The human life which the Japanese militarists so wantonly destroyed, is very procious in the eyes of the law. The law does not compromise and it requires that to be legally excusable, there must in fact be not only a fair logal trial, and a lawful sontence, but even requires the strictest compliance with the statutes authorizing the executions. Thus, the courts have shown that even where sentence of dorth was legal, it is murder to substitute a different method of execution, 26 Inerican Jurisprudence 230. I cite this to show how zonlously the law guards human life and how strictly it requires fullest compliance with the requirements of a legal execution before it is considered an excuse for homicide. The law elearly rejects this contention of the cocused that even the "best possible procedure under the circumstances" could constitute a legal excuse for the homicide.

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When we examine the defense contention a little closer, repordient of the law, the alleged facts do not support them. What was done may have been the most effective procedure from the standpoint of the Japanese, but it clearly was not the best possible procedure from the standpoint of the accused or of justice. At the alleged tricls in Masuda's office it is clear that at least the accused could have been present, and the witnesses who were already in custody could have been

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called, and the accused could have been given an opportunity to deny the charges and try to prove his innocence. All these rights, at least the right to be present, could certainly have been afforded the recused. Clearly, the alleged proceedings could not under any guise be believed to have been the "best possible procedure" for the natives under the circumstances.

Finally, it must be realized that it was not necessary for any judicial reasons to kill the natives without a trial merely because it was inconvenient or even immossible at the time to hold a regular trial. It was possible to imprison them, even if they were guilty, until some future time when trial was possible. Failure to give them a trial or any semblance of a trial prior to execution, could not be justified under any legal or moral standards.

Justice requires not merely a semblance of a trial, it requires a real trial, a fair trial. But the facts are clear that in the instant case not even a semblance of a trial was held. The military elique under Masuda, Furuki, and Incue exercised absolute, dictatorial, and despotic power, without regard to law, without regard to justice, and clearly in the execution of these natives and these children, without regard to humanity. I do not know what mative Incue or Masuda had in killing these natives. Whather the motive was revenge, whether it was a personal or military desire for prestige, whether it was sadism, whether it was a warning to the other natives and their families not to desart, is totally immaterial. The fact remnins that whatever the mative, whatever the reason, there was not a trial, no legal execution and no legal excuse.

Incuc killed the 8 notives; he intended to kill them; and he killed them without legal justification or legal excuse. Incue, as charged in Charge I, Specifications 1 and 2 is guilty of MURDER.

4. Argument in Mitigation should be made after findings.

The accused Inoue has introduced evidence as to his good character, and his compassion for the children. This is not the time for such an argument which is clearly an argument in mitigation, along with the argument of superior orders. But when the commission considers this argument it must also consider the age of the children, and whether Inoue could honestly and reasonably believe these children and these natives were given a legal execution after a fair judicial trial.

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Charge II, charges violation of the laws and customs of wor, and specifications 1 and 2 allege that wilfully, unlawfully, and without previous trial, In us punished these natives as spice. It has been proved that the accused Incue punished these natives - he killed these natives. Similarly, his wilfullness, unlawfullness, and the absence of a previous trial, have been briefly discussed in connection with the charge of MURDER. To establish Incue's guilt under Charge II, it is merely necessary to establish that these natives were punished as spice.

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The defense have not sought to deny that the natives were punished as spice. On the contrary, in an effort to justify the brutal murder of these natives, and varticularly the two children, the accused has definitely in his own testimony and that of Furuki, established the fact that the natives were killed as spices.

Inoue's reasoning is apparent. He thought that if he could establish the fact that they were spies and that they were executed as spies, it would justify his acts of murder. Inoue was mistaken, for even a sny is entitled to trial before punishment, and international law specifically guarantees a right of trial, even to the sny who is cought in the very act of spying.

To escape this clear international rule of law, the defense have argued that there is a distinction between foreign and demostic spice; and that International law, as reflected in the Hague Convention, can only be applied in the case of foreign spice.

This argument is clearly follacious. In the first place, the Hegue Convention makes no such distinction. The offense of spying has always been considered an international one, and the protection which the Hague Convention sought to give to one accused of spying was not limited to "foreign spice." If such a distinction had been made by the Hague Convention, the commission would be compelled to decide whether or not these actives of the mandated islands were "foreign" or "domestic" to Japan. It is unnecessary to make this distinction for Article 30 of the Annex to the Fourth Hague Convention of 18 October 1907, merely provides: "A spy taken in the act shall not be punished without previous trial," and in Article 29, "A person can only be considered a spy when, acting claudestinely or on false pretensos, he obtains or andervors to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party." Thore is no portion of this provision which distinguishes between a "foreign" and a "domestic" spy, and the entire argument of such distinction in application of International Law is one which has no foundation.

Similarly, their argument that because the actives were not caught in the actual act they could be punished without a trial, is patently fallacious. The Hague Convention does not purport to restrict or limit the application of basic accepted international law with regard to the rights of persons accused as spice. It morely reflects part of that basic low and states that even when caught in the very act of spying, one cannot be punished as a spy without a trial. A fortion, if the natives were not caught in the very act, they were guaranteed by inter-

netional law the right to a trial before being punished as spice.

1. Right of trial under international law.

It should first be noted that Jaranese law could not legalize the killing of these netives or their punishment without a trial. For the act of Incue to be legally excusable, it not only had to be lewful under domestic law, but also under international law. It is a fundamentel principle that no country can evade the basic principles of international law and society by the passage of domestic legislation which purports to legalize violation of international law.

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Glueck, on cit., pp. 44-45, reviews some of the stampts by Nazis to create a fiction of legality to their uncivilized and brutal atrocities. He concludes that murders are murders, despite the instructions of the government. "No unilateral "legalization" of such acts is possible; because no member of the Family of Nations can be pormitted to make its own rules of worfare justifying mess-murder when committed upon its own governmental order only and as an exclusive instrument of its national policy.....It is not the peranoid decrees of a lewless state that determine the criminal or non-criminal quality of the acts in question, but rather the general principles of law or civilized nations....."

Therefore regardless of any attempt by Masuda to set in force his cwn laws in contradiction to the laws and customs of war, he was powerless to dostroy those fundamental rights guaranteed under international law and carefully protected against such unilateral dictatorship. The defense has conceded this to be the law for they have not even argued that Masuda could punish these natives without a trial.

Since in fact, there was no trial, as we have painstakingly established, it is unnecessary to separately consider whether a fair trial was hold as required by basic international low and every principle of civilized humanity. This requirement of a fair trial, is not only a moral, but a logal requirement. It is clearly set forth in numerous decisions in international law, in the expressed opinion of able international jurists and scholars, and in the previsions of various international agreements.

Hockworth, Digest of International Low, Vol 5, p. 589, quotes United States v. Mexice, Villiem T. Fay, Opinions of the Commissioners, (1929) 94, 106, as follows: "However, there are certain other broad principles with respect to personal rights which appear applicable to the instant case. These principles are recognized by the laws of Mexice, the laws of the United States and under the laws of civilized countries generally, and also under international law..... Gross mistreatment in connection with arrest and imprisonment is not tolerated, and it has been condemned by international tribunals."

Heckworth on cit., on page 590 reference to Mergaret Roper (United States v. Mexico) Opinions of the Commissioners (1927) 205, 210, cites the following language of the Interneticaal Commission: "The conclusions of the Judge at Tampico with respect to the investigetion conducted by him were treated in oral and in written arguments edvanced in behalf of the Mexican Government as the judgment of a judicial tribunal. And the well known declarations of international tribunals and of authorities on international law with regard to the respect that is due a nation's judiciary were invoked to support the ergument that the Commission could not, in the light of the record in the case, question the provricty of the Jurge's finding. In considering that contention we believe that we should look to matters of substance rather than form. Te do not consider the functions exercised by a judge in making on investigation whether there should be a prosecution as judicial functions in the sense in which the term judicial is generally used in opinions of tribunels or in writings dealing with denial of justice growing out of judicial proceedings."

The right to trial is stated in the "Draft Convention on Jurisdiction with Respect to Grime," Article 12: (The Research in Internetional Lew, Hervard Lew School) 29 A.J.I.L. Supp. (1935) 596-597, in IFIED TO BEA TRUE COFY "NN 60"

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part as follows: "..... No State shall subject an alien hold for prosocution or punishment to other than just and humane treatment, prosecute an elien otherwise then by fair trial before on importial tribunol "

Commissioner Niclson, in his opinion in the Levin Coso, (United States v. Turkey), Niclsen's Opinions and Report (1937) 653, 704-705, cited in Hackworth on cit. Vol. 5, p. 598, states:

"Complaints have often been made with respect to improper arrests and mistreatment pending trials. International law requires that, in connection with the execution of criminal lows, an alien must be accorded rights such as are granted under the laws of civilized countries generally both to aliens and notionals. Most important among those are the requirements that there must be some grounds for arrest and trial or, as is said in domestic law, probable cause. A person is entitled to be informed of the charge against him. He must be given a reasonably prompt opportunity to defend himself. He must not be mistrerted during his period of imprisonment."

The Geneva Convention of 1929 in dealing with prisoners of war, at considerable longth, describes the fundamental requirements of a fair trial. In the case of Rex v. Bosig (Ontorio Court of Appeals) 2 D.L.R. 232 (1945) the court summarized these provisions (of parts two and three) as follows: "This provides rules and requirements relating to judicial hearings of charges equinst prisoners of war, for notice being given of the name and rank of the prisener; the place of detention, and statement of the charges to the protecting power; the no prisoner should be compelled to admit his guilt, and he has a right to a qualified edvocate of his own choice, and if necessary, to a competent interpreter, and various other provisions aimed at safeguarding the rights of a prisoner of war in judicial proceedings."

The right to counsel, the right to make special pleas, the right to a fair trial, etc. are also noted in Winthrop, Military Low and Precedents, pp. 836-842, 1920 Reprint; Oppenheim's International Law, Lauterpachts 6th Ed. p. 458; also see Yamashita v. Styer 327 U.S. 1, 66 Sup.Ct.Rep. 340-352, to the effect that "independent of the Geneva Convention, it is a violation of the law of war, on which there could be a conviction if supported by the evidence, to inflict carital punishment on prisoners of wer without affording them the opportunity to make a defense." (352)

Moore, Digest of International Law, Vol. 2, p. 233, in discussing the famous Cutting's Case, refers to the dispatch from the Consul of the United States dated 17 July 1886, in which he demanded the release of Cutting, first on the ground that there was no jurisdiction in the Moxican court, and secondly on the ground "that by the law of nations, no runishment can be inflicted by a sovereign on citizens of other countries !unless in conformity with those senctions of justice which all civilized nations hold in common.' 'Among these sanctions.' it was stated. 'are the right of having the facts on which the charge of guilt was made exemined by an importial court: the explanation to the TRUE accused of these facts, the opportunity granted to him of counsel; such delay as is necessary to prenare his case, permission in all cases not camital, to go at large on bail till trials th under orth. of all evidence prejudicing the accused; giving him th to cross-exemination: the right to produce his on culpation (Italies supplied.)

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These brief citations of international law clearly illustrate cortain of the fundamental requirements of a fair trial.

None of these requirements were met in the handling of the accused natives. In the instant case, not only did the Japanese militarists fail to give the accused a fair trial; but as has been clearly proven in discussing the murder charge, there was absolutely no semblance of a criminal trial for the defense has itself established that even the accused was not present.

Since Incue wilfully, unlawfully, and without previous trial punished these natives as spice, the accused Incue is guilty of violation of the laws and customs of war, and is guilty of the specifications and Charge II.

D. CONCLUSION.

The accused Inoue is guilty of Charge I, specifications 1 and 2, Murder. The accused, Inoue, is guilty of Charge II, specifications 1 and 2, Violation of the Laws and Customs of war.

The war is over. The natives are dead. Is it necessary to punish this defendant? The question has been asked many times. There has been only one answer; and there can be only one answer. It is the answer that the law gives to all crime and to all criminals. Society is based upon a system of law - in which the weak as well as the strong - must be protected if life and order is to continue. The individuals who violate the laws of society - whether it is local, state, or international law - must be punished in accordance with the law. Human nature is such that if we did not punish the individual who commits the crime, that individual and other individuals believing that crimes are not punished would codes to respect the law and would violate it without fear of punishment. The results would be violance, disorder and a threat to the very existence of society itself.

We have just finished a war in which at the cost of millions of lives we have reaffirmed our belief in a society of law and order in which the rights of individuals and nations is protected against the depredations of the strong or the ambiticus. An ordered civilized society requires that we protect individuals, as well as nations against illegal attack. The accused, Incue, violated the local as well as the international laws of society. He is guilty; must be found guilty; and must be appropriately punished. Society requires it, justice demends it. Not only Incue, but this court, and international law end order itself is on trial in this room.

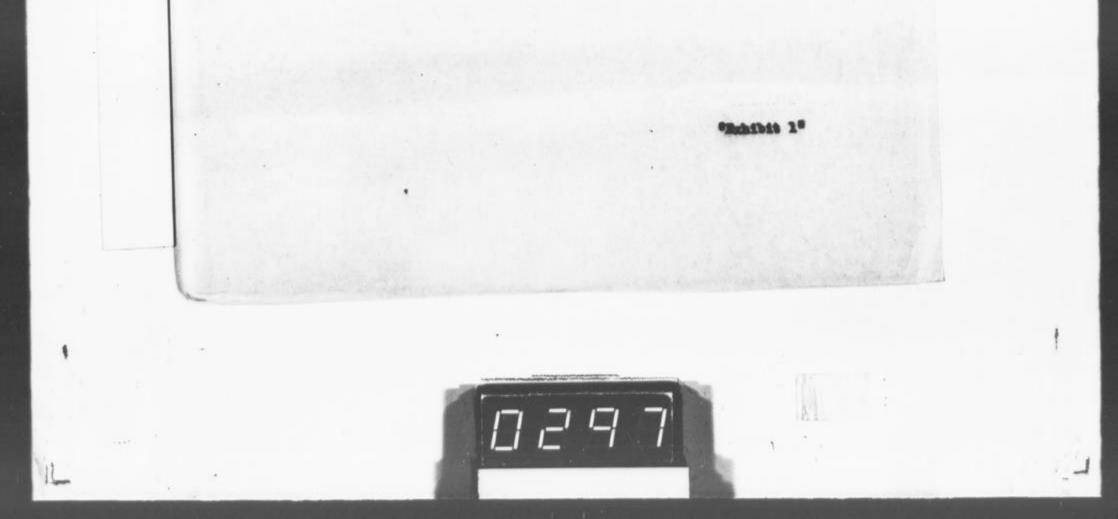
solt and DAVID BOLTON Lieutenant, USN, Judgo Advocate. IFIED TO BE A TRUE COPY LIEUT ·181 62" 0296

APPEDAVIT CONCEPTING THE DESCRIPTION OF MATIVE CRIMINALS.

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Original document inFupaness appended to the original record. Certified translation oppended herewith marked "Exhibit 2." -



Afflicati Concerning the Reportion of Mative Griminals.

10

I performed the executions by shooting the below need native evintuals from Millo Abell, Marshall Islands, in assertions with the orders of Rear Admirel House MASTRA, Connecting Officer of the Jaluit Defense Carrison, to perform it. These executions were two in maker, one in the early part of April 1945 and the other about the middle of the same north.

Botails of the Resoution.

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2. Orders to perform the expection.

The orders from Rear Admiral Histone HASUDA, Commanding Officer of the Jalmit Bofumes Corrison were given to Captain Funio INCON, Commander of Military Police, Jalmit Befumes Carrison, on or about April 6, 1945.

2. Bate of the excention.

The first execution was performed on or about April 8, 1945 and the second on or about April 13, 1945.

3. Hence of the mutives who were emocuted.

A. Persons the were ensouted on or about April 8, 1945.

BASSING P		male sex	•	about 40 years old.
NUMB OF BALLERAP		funale out	•	about 30 years old.
THE CONTRACT		funale sem		about 10 years old.
AND		male sur	•	about 27 yours old.
CONTRA	٠	funale sex	•	about 25 years old.
8380		nele est	•	about 10 years old.
LAGOJERIE		BUT OFF	•	about 23 years old.

B. Person emocuted on or about April 13, 1945.

- male sen - about 35 years old. RALINE

4. Place of emertion.

Area south of the Alasson Transmitting Station, Build Island, Jakuit Abdil, Harshall Islands,

5. Nothed of essentien.

They were shot with a plotel.

6. Officer who performed the encountion.

Captain Funto 20000, 28h, Communior of Military Police, Jaluat and detail while prisoners were being a A. April 8, 1945: L TEL CERTIFIED TO BE A TRUE COPY Fxhib t 2(1) -1-0298 12

Potty Officer MAXAMATSU, 138. Potty Officer MISHIDA, 138. Potty Officer MULIUNA, 138. Louding Second 21, 138.

B. April 13, 1945:

Sergeant Hajer FURARSU, ISA.

The above seven nex only carvied out their daties as guards during the esserting of the princeses and did not take part in the essection, Reverse, they were not present at the seems of the essection nor do they have the fasts encounting the performance of the essection.

8. Bispecal of the bodies after the executions.

In both instances the bodies were buried with due courtesy, flowers were given and propers for the sepace of the scule of these natives were offered.

9. The eight matives who were executed were Japanese subjects and had consitted orines, as a result of the highest deliberation had received contence to be executed from Rear Admirul MASUDA and had become priormers empiring egeoubles.

20. At that time, as Generador of the Hilitery Police of the Saluit Defense Garrison I was unler orders to perform the duties of investigating orizon and effecting their punishent.

I performed the exception in accordance with the orders of Rear Admiral HASURA to perform it without any doubt in my mind, believing it was the correct thing to do and properly expected of my office.

11. Announcement of the Resoution.

Annequestant of the execution of these actives we made in a report by Rear Adairel Haffills, Generaling Officer of the Defunce Gerrison, to all units under his command on the day fullowing the completion of the executions.

The above is my affidavit.

Becenber 28, 1946.

Captain Funio 1800E, ISA.

Former Commander of Hilitary Police, Jaluit Defense Carrison. -

I could'r the share to be a tone and complete translation to the best of

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THE ROGATORIES

IN THE CASE OF INCUE, Fundo, CAPTAIN, IMPERIAL JAPANESE ARME,

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PART SA

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The fullowing intervegatories are to be propounded to defense witness Temaka, Hassheru (or Hasafi) and will be offered in ovidence in the case of INDUE, Funic, Captain, Importal Japanese Army, now pending before the Military Caudamies on convened by anthority of Commander Harianas by present dated 21 February 1967, as undified, in accordance with the anthority of Paragraph 5 of and present, and the anthority contained therein to use rules of ovidence presulgated by the Supress Commander for the Allied Powers, SCAP Mr. A.G. 000.5 (5 December 45) LS, Subject "Regulations Coverning the Trials of Accused Har Griminals", especially Section 46.(1) (e) thereof which authorises the use in ovidence of affidavite, depositions or other signed statements.

First interrogatory:	State your name and present address.
Second interrogetorys	Have you ever had duty with the Japanese Havy?
Third interrogatory:	If you had, what was your rank?
Fourth Interrogetally	Bid you over have duty with the Japanese Newy at MELLe Atell?
Fifth interrogenery:	If so, on what islands and during what period of time did you serve on Mille Atell?
Sixth interregatory:	Bo you know Lieutenant Fueta, Kiyoshi?
Seventh interregatory:	What was your military relationship to him?
Eighth interrogatory:	Bo you know Chief Petty Officer Hanako, Tateuichi?
Ninth interrogatory:	What was your military relationship to him?
Tenth interregetorys	On what island of Mills Atoll, if any, were you stationed during the period from Haron to May 19457
Eleventh interrogatory	What were your duties at this time?
Paul Phi Antorrostory	Bo you recall any incident between notives and

	IFI		in Hills Legnon?
	IED JO	Thirteenth interrogetery	If so, what was the approximate date?
A BE A TR	Fourteenth interrogetory	If so what were all the dotails of what happened to you, stating what you notunily easy and what you astually heard?	
	TEL COP	Fifteenth Interrogeterys	If you know, will you state who could the best and its contents, and what happened to the best and its contents?
15		Sizteenth interregatorys	If you know their names, will you state the names of the matives involved? (1) "maddet 3(1)"

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Seventeenth interrogatory: Will you describe these natives, giving their sem, age, occupation, physical appearance, etc? Highteenth interregatory: If you know, will you give the names, age, and job at this time of the members of their immediate fam-1397 Do gos know what happened to the antives after this insident? if You do - will you state what you know? Hinstoonth inter ogstory: Did anything happen to the natives and their fumilies after this incident? If so - tall us what you know? Twentioth interregatory: Twenty-first interroga-Do you know if these natives consitted any orises 100375 against the Japanese, or the Japanese arned forces, at this time? If so - what addness did these notives counts? Will you give the details? Twenty-second interroga-If any arines were consitted, do you know what 100371 attempts if any ware made to capture these natives? Twenty-third interroge If no attempts were made do you know why they were not made? If so, will you state what you know? LOSTY'S Twenty-fourth interroge-If the witness answered any prior question with information which he has not objuined from his own 100371 personal knowledge, will the witness state the source on which he bases his answer to said question and on which he believes the answer to be true? Toost -fifth interroga-Do you know the accused, INCUE, Funic, Captain, Imperial Japanese Agmy? If so, how long did you know him? What is your relationship with him? torys

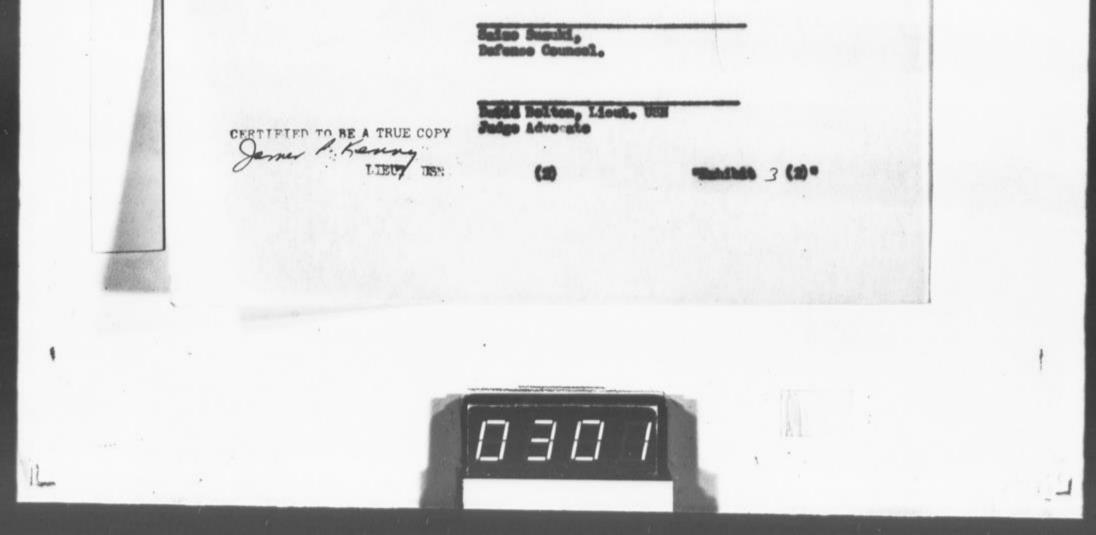
Dated in Guan, Marianes Telands, 10 May 1947.

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Suichiro Akinote Defense Councel



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IN THE CASE OF LNOUE, Fundo, : CAPTAIN, IMPERIAL JAPANESE ARMY. :

TANAKA, Massharu, the witness above named, having been duly sworm by me, Captain James A. Moriarty, U. S. Marine Corps, doth depose and say for full answers to the foregoing interrogatories, as follows:

- To the first interrogatory: Tanaka, Masaharus Kagoshimakan, Kimotsuki-gun, Kushira-cho, Okazaki, 4161 banchi.
- To the second interrogatory: Yes, I have had duty with the Japanese Navy.
- To the third interrogatory: I was a Chief Petty Officer in the Japanese Havy.
- To the fourth interrogatory: Yes, I had duty with the Japanese Havy at Mille Atoll.
- To the fifth interrogatory: I served on Hills Island, Naru Island, Gari Island and Takniwa Island. I served on Mills Atoll from June 1943 until October 1945.

To the sixth interrogatory: Yes, I do.

To the seventh interrogatory: I served temporarily under Lioutenant Fueta, Kiyoshi at Takaiwa Ialand. I want there in the middle of June 1945 to recuperate from a wound which I had received and became group leader of a group of two cances in the early part of July 1945. These two cances were attached to the Takaiwa Unit which was under the commend of Lioutenant Fueta, Kiyoshi. We were engaged in fishing and carrying food from Takaiwa Island to the headquarters. Although I was still stached to headquarters I remained on temporary duty with the Takaiwa Unit until I was demobilized.

To the eighth interrogatory:

Exhibit 3(3)

To the minth interrogatory: Chief Petty Officer Manako, Tatsuichi was the senior petty officer of the Takaiwa Unit and as same I came under his command.

To the tenth interrogatory: I believe I was attached to the headquarters on Mille Island itself during this period.

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Jerner A. Kenny

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To the elsventh interrogatory: I was in charge of the officers' quarters of the Shiga Unit of which the commanding officer was Captain Shiga, Masanari, LJN. In this capacity I was in charge of the officers' meas and supervised the seamon who were on duty at the officers' quarters.

To the twelfth interrogatory:

Yes, I do.

- To the thirteenth interrogatory: I do not remember the approximate date but it was sometime in March or April.
- To the fourteenth interrogatory: This happened during the time when I was doing liaison duty between Takaiwa Island and headquarters on Mille Island. I went back and forth in a canoe. The incident occurred when we were unable to steer the cance and used some natives to help us get the cance from Takaiwa to headquarters on Mille Island. We were going to Mille Island during the evening because it was dangerous to travel in the day time as air-planes were constantly flying over head. The natives said that we could not make it because the sea wes too rough. Inspite of this we departed for Mille Island, Between Mille Island and Takaiwa were Bardu and Gari Island. Just a little way off Gari Island one of the natives who was paddling us along hit me on the head from behind. I turned around to see what was happening and the same native hit me on the head again. I started to stand up on the edge of the cance and slipped into the water. The native continued to beat me when I tried to get back into the cance so I summ along behind the cence, swimping under the water and coming up for air when necessary. In this fashion I summ to Baru Island. When I got to Baru Island some of the enlisted soldiers picked ne up and I was given treatment by some soldiers for my head wounds. I then returned to headquarters. After I fell into the water the natives escaped in another cance, I heard later that they had gone back to Takaiwa Island.
- To the fifteenth interrogatory: The cance was owned by the natives of Takaiwa Island and was being used by the Takaiwa Unit stationed there. After I was beaten and fell into the water the natives took the cance along with them and escaped back to the island.
- To the sixteenth interrogatory: I do not remember the names of the natives exactly but I think one of them was called either Kerumen or Arusan. The other one was a young boy and I do not remember his native name, however, the Japanese called him by

the Japanese name "Goro",

To the seventeenth interrogatory: Both the natives were of the male sex. Kerumen (or Arumen) was about 35 or 36 years old and Gero was about 15 years old. They were both engaged in operating conces. Kerumen (or Arumen) was a tall lean man with a long face. He was also a little bit leme in one log. Gero was about medium height, shubby, and had a round face. Gero had long hair, He also had a resh on his chest and around his threat.

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Exhibit 3(4)

James P. Trang

To the eighteenth interrogatory: The native called Kerumen (Or Arumen) had a wife and one child but I do not remember their names. The child was a boy. His wife was a tall slender girl whose face resembled a Japanese girls face. She had a very good figure. She was about 22 or 23 years old. The child was about 6 years old, very small and quite thin. His wife baked bread and prepared coccurts for the seeman. I do not know anything about the family of Goro.

To the nineteenth interrogatory: know what happened after that. They got amy and I do not

To the twentieth interrogatory: Their families escaped with the two natives and I know nothing of what happened to them after that.

To the twenty-first interrogatory: I did not hear of the natives committing any crimes but after these two families left we had no more bread or cocomuts and food became very scarce so the rest of the natives were told that they would not be allowed to gether any cocomuts or bake any bread without reporting it and the naval personnel were made to conform to the same regulations. Thereafter, the natives gathered food and gave it to the naval personnel who distributed it among the natives.

To the twenty-second interrogatory: I do not know if any orimes were committed.

- To the twenty-third interrogatory: (See the twenty-second interrogatory.)
- To the twenty-fourth interrogatory: In reference to the fourteenth interrogatory I heard from some one who came to headquarters from Takaiwa Island while I was still in the sick bay that the natives escaped back to the Island of Takaiwa and ran away. I do not remember who it was.

To the twenty-fifth interrogatory: I do not know the accused, Captain INOUE, Funic, Imperial Japanese Army.

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Subscribed and suorn to before ne this 21st day of May 1947, at

Tokyo, Japan,

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inaharu TAHAKA

Captain, U.S. Harins Corps.

Exhibit 3(3)

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CERTIFIED TO BE A TRUE COPY



ALLIED OCCUPATION FORCES) TOKYO, JAPAN.

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I, Masaharu TANAKA, being duly sworn on oath, state that I had read to me and understood the translation of the foregoing transcription of my deposition consisting of three (3) pages, and that it is true to the best of my knowledge and belief.

正治 E FP

Masahoru TANAKA

Subscribed and sworn to before me this 21st day of May 1947.

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JANES A. MORIARTY, Captain, U.S. Marine Corps.



ALLIED COCUPATION FORCES) TORYO, JAPAN

I, Lisutemant, junior grade, Frederick F. TREMAINE, USNR, being duly sworn on oath state that I truly translated the questions and answers given from English to Japanese and from Japanese to English respectively, and that after being transcribed, I truly translated the foregoing deposition containing three (3) pages, to the witness, and that the witness thereupon in my presence affixed his signature thereto.

Frederich J. Tremayne Frederick F. TREMADIE

Lioutenant, junior grade, USNR.

Subscribed and sworn to before me this 21st day of May 1947.

ames A. Marcan James A. MCRIARTI,

Captain, U.S. Marine Corps.

GERTIFICATE

We, James A. MORIARTY, Captain, U. S. Marine Corps; Robert OLDHAM, Neoman Third Class, U. S. Navy, certify that on the 21st day of May 1947, personally appeared before us, Masaharu TANAKA, and according to Lieutenant, junior grade, Frederick F. THEMAINE, USHR, gave the foregoing answers to the several questions set forth therein; that after his deposition had been transcribed, the said Masaheru TANAKA had read to him the same by Lieutenant, junior grade, Frederick F. THEMAINE, USHR, and the said Masaharu TANAKA affixed his signature thereto in our presence.

BOB A. MORIARTY,

Captain, U. S. Marine Corps.

TC OLDHAN, Yeoman Third Class, U. S. Navy. TOKEO, JAPAN. 21 May 1947. CERTIFIED TO BE A TRUE COPY 8. Ken LIEUT US" Exhibit 3(7) 0306

ENCHAPT FROM TESTIMONY OF MARCH 28, 1947, OF INDUE, FUNID, FORMER CAPTAIN, IMPERIAL JAPANESE ARMY, IN THE CASE OF FURUKI, HIMESAKU, MAJOR, IMPERIAL JAPANESE ARMY, BEFORE A MILITARY COMMISSION CONVENED BY COMMANDER MARIANAS, AT GUAM, MARIANAS ISLANDS.

167. Q. During the two years that you were on Jaluit, were there any trials held of Japanese personnel for violating Japanese Army law or Japanese Haval law?

This question was objected to by the accused on the ground that it was irrelevant, immuterial, and beyond the scope of the direct examination.

The juige advecate replied.

The commission announced that the objection was not sustained.

The question was repeated.

A. I do.

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166. Q. More there any trials held? A. Disciplinary orimes were punished by the same recodure as the natives were.

169. Q. You were asked whether or not any trials were held. Did you believe that this disciplinary procedure constituted a trial? A. You.

170. Q. Have you always, since Newasher, 1943, balioved that such procedure constituted a trial? A. No.

271. Q. When did you decide that this precedure constituted a trial? A. From the time I was confined at Jaluit as a suspect.

172. Q. Was this after the war? A. Zes.

Certified to be a true copys

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PETITIONS IN MITIGATION FOR THE ACCUSED, INCUE, FUNIO, CAPTAIN, IJA.

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Original potitions in Japanese appended to the original record. Certified translations appended herewith marked "Exhibit 5a" through "Exhibit 237a."

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"EXHIBIT 5" through "EXHIBIT 237" -



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The members of the Military Cosmission,

Isn't it the former military persons who will reconstruct devastated Japan into a fine mation? There are many had persons but it is the duty of the young men to reform these had ones.

INCUE, Funio, is a war ariminal who has been left behind to be confined, but we have always deeply respected him. He was the model of the young men. He was a pattern which we should always take after. Hearing that he is now being held I could not suppress my feelings.

He is an honest and gentle man. His conduct is always sincere and selemn. His acts are always fair, his discipline is good. His thoughts are sound. On graduating from school he was eighth among the sixty-three graduating students. During his four years of school he was only absent from school three days. He was indeed the model student and a person of immanity.

During his confinement he has read many poons, and I cannot believe that he is a person to counit a orize.

INCUE and his friends said that they firmly believe that his acts in no way violated any orize. He had only faithfully obedied the orders of their superior. I am not only of this believe but all the people who know him believe this.

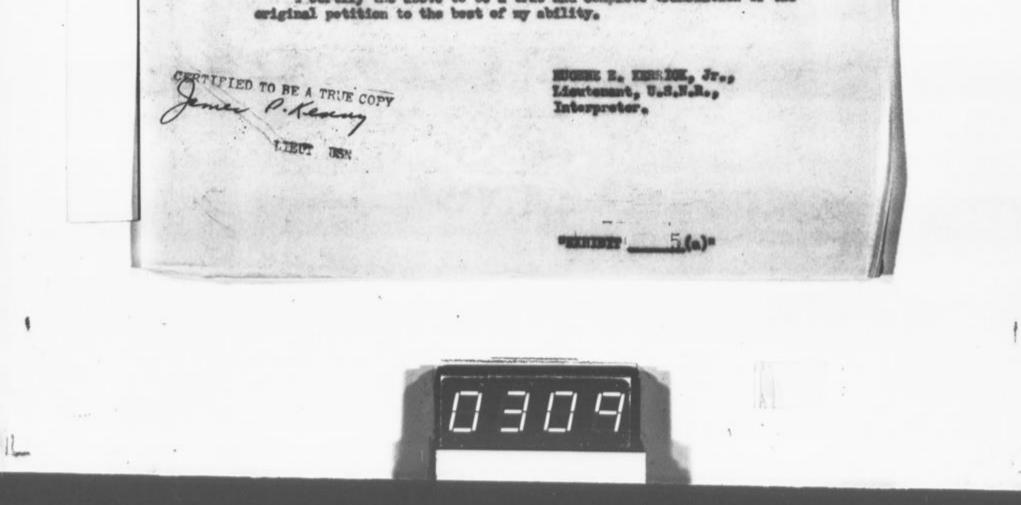
He has at home a mother, wife, a daughter who was born after he left, and sister. A family without a man to help out as can ye imagined has many difficulties. They are last without him. Flease look into his diary and personal belongings and see this. I believe in him.

Japan shall be able to revuild herself into a fine nation with the help of such persons as INCUE.

I beg your lenient judgment and please send him buck soon,

KAMEYAHA, Hiyeke, Ehine-ken, Tauntahama City, Hishi-Cui-sho.

I certify the above to be a true and complete translation of the



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President of the Countssion; Marianas Area,

INCUE, Pamio, Former Captain, IJA.

I was surprised to hear that the above-mentioned person is now being confined in the Guan Stockade as a war crime suspect. I hope he will be cleared from all guilt.

His character is gentle and sincere. He is kind toward all people who come in contact with him and guides others with love. He is a man of noble character and gifted ability. When I look back at the twenty old years of our friendship, I cannot help but admire his deep teaching.

Judging from these characteristics I cannot dream of thinking that he is now being confined as a war erime suspect. We, the people of the community, have great regard for his character and believe that he is not a man to do inhuman acts.

At home his aged nother is taking over the family. His dear sister is helping her and since he was called out to war, she has been working to support the family. His wife also, datiful to nother and loving, to sister, is busily taking care of the shild. The people of the willage have great apupathy for them. This I believe is the true love of a nother for the shild and wife for her husband. This sincerity I believe anhances the belief of nother, the love of his wife and the respect of his sister.

Taking the above externating eirousstances into consideration we place this petition before your Honor and beg your moraiful judgment and ask for his release.

> INCOME, Hasaru, Head of Pakigawa Community Head of let Division of Pakigawa HERBUDAN (Fireman's organization, Pataiwa-muro, Hishi-uwa-gua, Shime-Kan,

I certify the above to be a true and complete translation of the original polition to the best of my ability.

HE R. KERRICK, Jr., atomant, U.S.N.R., about the second and a second CERTIFIED TO BE A TRUE COPY er 1. Kenne LIBUT USA a Vitta TREESE Ela)" 0310

To the Members of the American Military Commission, Marianas Area.

PETITION FOR INCUE, FUMIO.

One year and four months have passed since the end of the war.

When INOUE, Funio's aged mother and when his beloved wife who with her loving daughter embraced in her arms and when his gentle sister who had been working in order to support the family, heard after longing and waiting for his return that he was now being held as a war crime suspect, I can imagine their surprise.

In his school days he excelled in his studies and was respected as a gentle sincere and friendly man. What crime should such a fine man commit? A person who came back from the Marianas told me that Captain INOUE had executed in accordance with the orders of the C.O., some countrymen who had secretly communicated with the enemy. No matter how the military cheated the nation, we had been taught and believed that our enemy was America. Would anyone say that this act of secretly communicating with the hostile opponent was not espionage. It is a punishable and disgraceful act. Are there any countries where spying is allowed. Moreover the execution was done in accordance with superior orders - a superior order must be obsyed in the Japanese forces even at the cost of ones own life, and this was an act of faithful obedience, and in no way was this act of Captain INOUE of his own will. Now can be prefer to do such a cruel act. Never in any way did Captain INOUE commit this atrocity.

I read with tears his diary which was presumably his will. I can see that he had the same feeling when he cited the poem of YOSHIDA, shown "The love of my parents is far greater than my love for them, I wonder how my parents will receive this message." There were other numerous poems which he had written down showing his deep love for his mother.

There is not anyone who is not moved by the sacrificial efforts my friend, the sister of INCUE, is exerting, in the vortex of the present coopomical crisis.

The only way to save the four women and child of his family from misery and distress is to exonerate him as soon as possible. I humbly beg this merciful commission. Please mitigate his sentence. Taking into your consideration the extenuating facts - the situation of his family, that he had done it in accordance with superior order. I beg your lenient judgment. I am praying that my humble request be granted.

> TATSUNO, Terumi EHime-ken, Yawatahoma City Daikoku-cho. 4

I certify that the above is a true and complete translation of the original potition to the best of my ability.

ΕD

CERTIFIED TO BE A TRUE COPY er P. Fenny LIEUT USN:

EUGENE E. KERRICK, Jr., Lioutenant, U. S. Maval Reserve, Interpreter.

Exhibit 7a

To the United States Military Commission of the Marianas Area

PETITION

Wiyoshi, Hiroyuki

10 December 1946

133 Oasa-Mitsuya, Mibugawa-machi, Shuyo-gun, Ehime-kan.

I was formerly the subordinate of Inoue, Fumio, Captain, IJA, who is now confined in the Guam stockade as a criminal suspect in the Jaluit netives' case. One year has already elasped since I was demobilised from Jaluit Atoll, and during that time, I was worried about how he was getting along. I have just heard that he will soon be tried. As I owe much instruction and benevolence to him I cannot stand it as it is. I have thought that the only thing I could do for him is to ask your elemency, and I respectfully place this petition before you.

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Inoue Fumio had been my commanding officer since I entered the Army. He was of noble character. He strictly held himself and always taught his subordinates "faith". When he was on the front, he strictly regulated any inhuman acts of his subordinates and led his men is best he could in order to prevent them from committing evil deeds. So he was of noblest virtue among officers of our unit, and he was admired by the members of our unit. That is the reason we wondered why he had to remain as a criminal suspect when we were repatriated from Jaluit last year.

I would like to show you some instances which show that he was not a man who committed a crime.

Toward the end of 1943, the battle conditions in the Middle Pacific Area turned against us. In 1944, we had no transportation to and from Japan. Since Jaluit was nothing but a sandy sterile island, the provisions on Jaluit became suddenly short. And the 3000 military men and 2000 natives on Jaluit began to starve. It was Inoue Fumio who, in such an emergency condition, drove himself hard to rescue the situation by self support.

He always believed in "faith" even in such an emergency. He never made any distinction between military men and natives. He treated everybody impartially and received natives in the same way as the Japanese. He earnestly endeavored for the production of coconut toddy, instruction, improvement of fishing method, cultivation of vegetables, collection of edible herbs, betterment of cooking or the inspection of natives residence area even in a dark stormy night. Thus he devoted himself to the production of food for the sake of the natives, and at the same time he counted every single eccents tree of about 100-odd thousand and calculated the amount of food obtainable from these trees. He then divided them into the member of all men on Jaluit, military men and natives, and put the eccence of consumption into effect. It would be pretty painful for the natives who had strong appetites. But this regulation could be carried out because he had a true love of humanity. What would have happen unless we had not had incus who had such a great love and devotion? Could the twenty odd humfred natives live for such a long time who acted only by instinct, had no intelligence and could not plan? How could they live for several months when the bread fruit was not ripe? Although we had some coldiers die from malautrition, there was no such wen among the natives. That does this mean? These

Jene A. Kenny



Exhib = 8(1) a

PETITION - INOUE, fumio

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numerous facts are the very proof that Inoue Funio is not guilty.

When we think in this way, it is evident that Inoue Funio is the man who should be respected as the benefactor of the natives of Jaluit and that there is no reason why he should be accused for crime.

In the native village of Inoue, his mother and wife are praying to the Gods that he will be back soon even if their lives are made shorter on account of it. We feel very sorry when we see their misery. The members of his family are all female except him. How can they cut their way through the high waves of inflation.

Gentlemen of the Commission, I beg your sympathy for these circumstances and that you will have kind consideration so that he will behack soon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, U. S. Naval Reserve, Interpreter.

CERTIFIED TO BE A TRUE COPY LIEUT Fitibit 8(2)a EIED

Your Henor, the President and the Members of the Commission,

I would like to take this opportunity to express my deepest thanks for your toil.

From the time Captain Inoue was attached to the Jaluit Defense Garrison as a semier officer of the Second Battalion, he was such trusted by Rear-Aduiral Hasuda and Hajor Furnici, and worked as carnestly as he could as if he had been their right hands, and assisted Masula, the commanding officer of the Garrison, and Furnki, the commanding officer of the Battalian. He was a man of mild and obedient character. When he dealt with official matters, he was strict and firm, careful and deliberate in everything, and worked cornestly without minding his pains. Besides he was full of a sense of responsibility and was a man of integrity. When he received others, he was polite whether they were his superiors or his subordinates. As I was serving at the headquarters, I not him everyday when I offered documents to him. Hverytime I not him, I was struck with admiration at his words and behavior. When I was conscious that such a man was one of the senior numbers of the Jaluit Defens Gerrison, I could not help placing much confidence upon the virtue of Captain Inous. It is shout one and a half years since we were confined by the US Forces. But his God-gifted character has never changed since his confinement Both when he was on Jaluit and when he was in the stockade, he was relied and Loved by his subordinates as if he had been their father, and he was also benevelent to his subordinates. Although the members of the Jaluit Defense Garrison were at that time on the verge of starvation, we had no conflict among us and we were able to maintain our unity until the last. Of course, this was because Rear-Admiral Mesude and Rejor Furnki did their best to evercome the difficulties. But at the same time, I believe, we owe much to the earnest emertions of Captain Inous the positively againted then and did as best he could. "Sincercity moves men." These are the words of an old sage. I think these words indicates a san like Incus.

In the living hell of Jaluit, that we were able to escape from starvation and be here today, I think we own to the efforts of the semior members, not to speak of Captain Inous. I as thankful even now that he was the benefactor of our lives. I feel very serry to hear that Captain Inous, our benefactor, is to be tried and punished. Inous's here is near my village. Hew engerly his old mother, wife and shild are waiting for his return!

Your Henor, the President, I beg you that you will take the virtues of Geptain Inous into your consideration, that you will have sympathy for his aged nother, wife and child, and that you will give him chance to most them again.

I beg your fair and leniout judgement as the most civilized state of the world. 3 April 1947 /e/ Tenelos, Hiteure plote trenslation I certify the above to be a true and com inal potition to the best of my shility. CERTIFIED TO BE A TRUE COPY 1. Thenne LIEUT 9(1)

Your Honor, the President,

We would like to express our deepest gratitude in that you are continuing fair trials for long days according to the moral standards of civilised state. I am one who worked under the command of Captain Incus on Jakuit Atell. The accused, Captain Incus, ISA, had an carnest spirit of inquiry and a strong sense of responsibility toward his duties, and he was admired not only by his superiors but also his subordinates.

From 1944 on, Jaluit Atoll was out off as far as transportation to the rear bases, and we came to the end of our provisions. Our physical strength was poor, and it was hard for us even to walk. Hows we heard everyday only told us of our continuous defeat, and the air raids were intense.

On account of such conditions, our military discipline decayed, and we suffered from starvation and were in a desperate condition. We owe that we could maintain of our unity until the end of the war to the personality of Rear-admiral Masuda who encouraged us. But I think, we owe it at the same time to Captain Insue who was trusted by Masuda and who sincerely and cornecttime to Captain Insue who was trusted by Masuda and the sincerely and cornectity asristed Masuda as if he had been the hands and legs of Masuda. Captain Insue was a benevelant sam. He level military personnel, guments and matives without distinction as if they had been his younger brothers or shildren.

When he made an inspection of the outlying islands he saw a leprons patient whe was received on a small island was suffering from the shortage of food. He adviced Hear-admiral Masuda to nove him to the island where food was abundant, and where the patient could recuperate without warrying about food.

We cultivated a farm on a sendy island of the Atell, and we could harvast our erops and eat them at our meals. Then he said to me, "Natives comparated with us in the cultivation of our farm and gave us fortiliner. Give some of our erops to them as well as beeping part for us." And he gave directions to the chief of the farm as the offlour in charge of it.

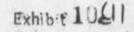
What I have mentioned above was an only part of the benevalence of Gaptain Inous toward the mativage

Hen an Julnit began self-support earlier than other bases. But an assound of verious disturbances, it did not progress as we had planned. In the course of time, thafts of food became frequent as the sam were unable to bear the shortage of foods. The Special Felice Section was organized to control these thafts and Captain Incus was oppointed chief of the Section. As he had a strong sense of responsibility, he took the duty oven forgetful of his cloop and other conferts, so we had as confliction between superiers and subscrimeter which were said to be frequent on other islands, and we had no such disorder as the quarrel of courses in order to obtain food. We ware able to have one unity under the command of Hasade till the end of the war. I think we eve mak to his afforts.

Thousends of mon on Jakuit owe that they are today and the fast they did not starve, to the proper disposition of Rear-admiral Masula and Captain Insue.

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If it had not been for them, thousands of us would have been dead.

Ceptain Insue is the benefactor of our lives.

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Can this man of character when thousands of som on Jalmit unanimously said to be a good man commit a crime? If so, it must be a mistake, Your Hence, the President, I beg you that you will try him enrefully with your fair insight.

At his native village, his old mother, wife and shild have been looking forward to his return for several years. Your Hemor the President, I beg you that you will penetrate into the true character of the accused and that you will deal lemiently with him.

3 April 1947

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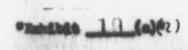
/s/ Jinno, Shigera.

I certify that the above is a true and complete translation of the original potition to the best of my ability.

EUGENE S. ERRECK, JR. Ldoutenant, U.S.MR. Interpreter.

CERTIFIED TO BE A TRUE COPY

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To the US Military Commission of the Marianas Area.

PETITION

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I arrived at Jaluit on 9 January 1944, was attached to the Jaluit Detachment of the 101th Construction Corps as a civil engineer called to service on the same date, and was repatriated in November last year, after the termination of the war.

I not Captain Inoue Funie very often when I was stationed on Jaluit, and was very friendly with him. I have just heard that he is now confined in the Guam stockade in your jurisdiction as a criminal suspect in the Jaluit natives' case. Since I know his nature and character very wall, I was entirely astonished to hear this unexpected news.

Hr. Inoue was very mild in nature and had a noble character. He had a good reputation among his courades, and anyone who once came in contact with his humane attitude will feel intimacy with him.

Anyone who knows Inoue can not believe that he committed a crime. He loved husenity; his belief was in liberty and equality. So I believe that he can not commit a crime.

It is very pitiable to think how his family, his wife and child, are feeling who are absolutely believing in him and are looking forward to the day when they shall be able to meet him again. I am moved to tears when I see the gentle attitude of his wife who is entirely believing her husband and the figure of his daughter who is yearning after her benevelent father. In the present condition of Japan, it is hard for them to live unless he comes back. I engerly hope that he will be back soon when I think of how his family is getting along. I am very werried when I think of his mild nature, his humane character, a man who loves liberty and equality, and his family who are looking forward to his return.

I beg from all my heart that you will sympathize these circumstances and that you will have special consideration so that he will be back soon.

26 December 1946

Hakamara, Tsuyoshi Hakamikunioka-machi, Sakai-shi, Osaka-fu.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EUGENE E. KERRICE, Jr., LAoutenant, U.S. Naval Reserve,

Interpreter. IFTED TO BE A TRUE COPY A. Kenn Exhibit 11a

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Incus, Funie went with us to the front in the Fhillipine Islands as a commanding officer of the communication unit. He then went to the Marshalls Area, served there for 4 years and was most admired by us, his subordinates. I recall he was confined just before our repatriation in Ostober last year. And we were very sorry that we could not go home with our affectionate commending officer (at that time humas an officer standed to headquarters.)

I believe that the reason why he was confined at a criminal suspect in the natives' case was that he had a duty in connection with it.

In the spiritual lecture of my commanding officer (TH-Incus) he told us especially about faith. Whenever we heard it, we, his subordinates, felt as if our mind and body had been cleaneed.

Once he took charge of guard of northern Luson Island in the Philippines as a company compander. Many natives came around him as they were attached to him. I can recall now clearly the scene of the time.

By commanding officer commanded his subordinates with faith and received people with faith.

By commanding officer had such a pure mind that I can not think that he violated humanity.

I beg your kind consideration concerning what I have mentioned above and that you will mitigate his sentence.

Besides, such a man as he who does anything faithfully and who is a man of desisive and empeutive character is very necessary for the reconstruction democratic Japan. So I again begyou that you will migigate his sentence.

December 1946

Wakamiya Moriyoshi Upnarimura, Higashiuwa-gun, Shime-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. MERRIOK, jros Lioutenant, USHR, Interprotores

CERTIFIED TO BE A TRUE COPY P. fenn L'USUT USN "mailes 12 (a)" 0318

To: Gentlemen of the US Military Commission of the Marianas Area.

PETITION.

I am the sister-in-law of Inoue Fumio, Captain, IJA. I have heard lately from Inoue Kimike that Inoue Fumio is confined as a criminal suspect in the Jaluit matives' case, and I was very much astonished. Did he do anything wrong? So far as I know, he was always an affectionate husband, was a filial son to his old mother, and was a reliable brother to his sister. I recall it was in the Summer of 1941 when I went to his house with my eldest and second son and stayed there for some days. It seemed to me that my eldest son, although he was a mere child, divined the character of Inoue Fumio. He was so intimate with him that he said to me, "I wish I could be his son." Still now, my eldest son believes that his Uncle Fumio is a kind, fine man, and is wondering why he is not yet demobilized.

Our family lamented much that he could not get aboard the repatriation ship which left Jaluit in the Autumn of 1945.

I feel as if my heart were torn when I think of his old mother, his wife, his loving daughter and his sister who are looking forward to his return. Inoue Fumio is the main support of his family, they can not live both economically and spiritually if he does not be back.

Inoue Fumio is not a man who can do inhumane things. His creed was liberty, equality and charity; then what mistake can be make? We never doubt his pure integrity.

I beg you respectfully that you will have consideration for these circumstances and that you will make an effort so that he will be back soon.

I hereby place this petition from all my heart praying that God will have mercy on him.

7 January 1947

Totsu, Satoko Wada, Minamiikedamura, Senboku-gun, Osaka-fu,

I certify the above to be a true and couplete translation of the

original potition to the best of my ability. EUGENE E. KERRICK, Jr., Lioutemant, USHR, Interpreter. TIFIED TO BE A TRUE COPY mer P. Kenny LIEUT, UST. "Exhibits 13 (a)"

To the United States Hilitary Commission of the Marianas Area.

FETITION

would like to submit this petition respectfully in behalf of Inoue Funio, ex-captain, IJA.

I hear that he is to be investigated as a war criminal suspect. I beg with all my heart that you will consider the following circumstances after your deliberate consultation and that you will mitigate his punishment or pardon him.

- 1) His character is noble and upright.
- 2) He is a moral, honest man. When he was in our village, he had a good reputation, so he is a man of character who can not commit a crime.
- 3) His family is composed of his wife, his daughter, his old mother and his sister. Although they live together in good harmony, their economical condition is very poor. They are an unhappy family without a man to work for them.

10 December 1946

Inoue, Yoshitada Yawatahamashi, Ehime-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.

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The American Military Coundscion, Marianas Area,

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INCUE, Pamio, former Army Captain.

I was much surprised to hear that the above person shall be tried as a war oriminal. I cannot believe, judging from his character and conduct, that he should counit such a grave orime. Considering his character and his family situation I respectfully beg your lemient judgment.

A militery person must implicitly obey his superior's order. If his acts were unpermissable from the view of humanity, it was not his will to do it but he was constrained by the principle of implicit obedience.

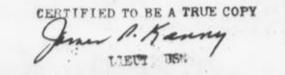
His family is composed only of woman, his mother, gister, wife and daughter. They are not a well-to-do family. If he should be convicted and given a long sentence how would his family survive?

Taking into account his noble character and the condition of his home, I beg your next lengint judgment.

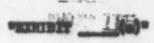
FURUDA, Yasue,

I certify the above to be a true and complete translation of the original petition to the best of my ability.

BUGENE E. MERRICK, Jrop Listement, U.S.H.R.p Interpreter.



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The American Military Countssion, Marianas,

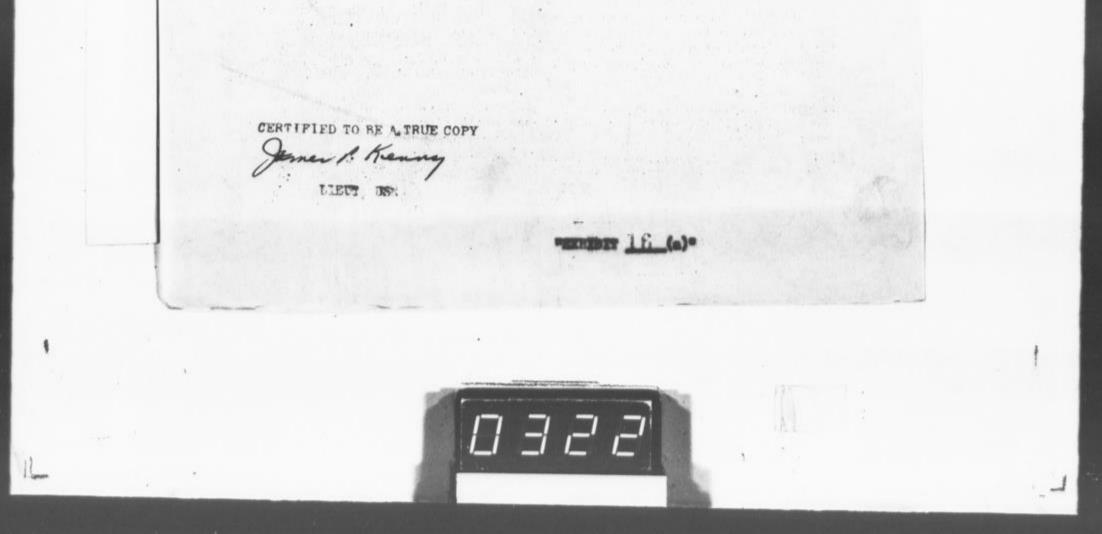
I wi h to state a few points about INCUE, Funio, who is now being held and tried as a oriminal in the Merianas. He is a man of sincerity, gentlemens and righteouners. His conduct has always been colorn, sincere and importial. He is a man of discipline and connot perform any excertion without having justifiable cause for it. As to his acts which he had countited, I an firmly of the belief that he did not do it of his own accord but did it only in accordance with superior order. He did not perform it. He did not counit any arise. I beg your wise understanding.

At home there is his mother, wife, sister and daughter all working hard and praying and working for his return. If he should not be able to return what would become of them----only distress. I have no words to concole them. Fleese make it possible that he may be able to return home soon.

> TATSUNI, Aiko, Bhimo-Ken, Tawatahama City, Kawani-ushi.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EUGENE E. KENRICK, Jr., Licutement, U.S.N.R., Interpreter.



To the Members of the American Military Coumission, Marianas Area.

PETITION FOR INOUE, Famio, former Captain, IJA.

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The above person who is now being held as a war criminal, is a man of gentleness, fairness, soundness of thought and clearness of speach; a model to all. The act which he had done was merely in faithful pursuit of his superior order and has nothing to do with his own will. Moreover, without him, his family is in a complete lost. I wonder how his aged mother, weak wife, his little daughter and sister will strive through the hardship which defeat has brought about.

I beg your consideration of the above facts and request your leniency for him. I beg your elemency in giving him another chance to be as a member of a peaceful country in its reconstruction.

> TAKAHASHI, Mariko Ehimo-ken, Yawatahama City, Saiban-dori.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE L. KERRICK, Jr., Lieutenant, U. S. Naval Reserve, Interpreter.

CERDITIED TO BE A TRUE COPY P.Ken LEUT JSN: Exhib 17a EBED

To the US Military Counission of the Marianes Area,

PETITION.

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I heard that INCOM, Funie is now confined in the Guam stockede. He was always as mild as a woman in nature, and had no violent fighting spirit. But he was good at sports such as baseball or rowing and as a captain of our team, he enjoyed a good reputation in the matches of our club. He had a very good character.

At his home, he has his ald mother, sister, wife and child and he is the supporter of his family. If he will not come heak, his family will be ruined both economically and mentally.

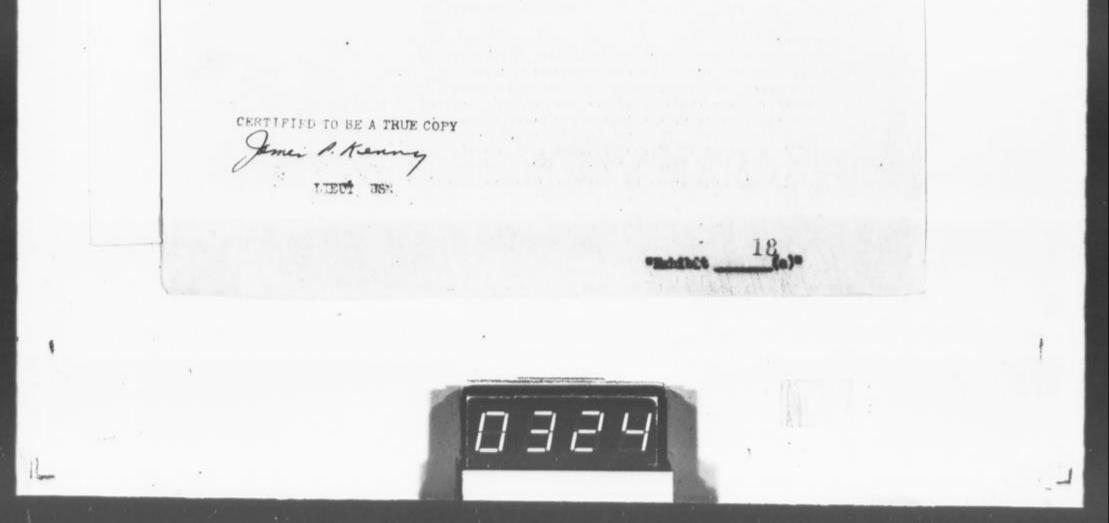
He was brought up in a hillside village to be plain and chivelrous. He is a ran of noble character and scretimes takes the responsibility of other people.

As one of his conrades at school, I can not beer seeing his miseries without doing something shout it. I sincerely hope that he will be happy and hereby place this petition respectfully.

> KIMURA, Saichiro, District Official, at the Nishiuwa District Office.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., Lioutemant, USBR, Interpreter.



To the Committee of U. S. Military Affairs, Maliano.

Dec. 3rd, 1946.

A Letter of Petition.

Formerly Rank: Formerly the Captain of the Japanese Army.

Name: Fumio Inoue

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Permanent domicile: Futaiwa-mura, Nishiuwa-gun, Ehime-ken, Japan.

The above mentioned Mr. Fumio Inoue is reported to have been put into prison at "Guam Island" as a war criminal, and we, as his friends, know him well from his childhood, and so allow us to send in a petition for his life.

1. He was born in a farm house, lost his father in his childhood and has grown up under the care of his mother.

He believes in Christainity, and loves heartily peace at all times, and has made up himself as a man of kind heart.

1. He entered the commercial school in his native town. At school he was so gentle that he has never quarreled with his friends. He was interested in sports, especially good at baseball or at boating and so he was such a good sportsman that was spoken highly of his schoolmates. After completing his whole school course, he entered into business as a clerk in the biggest silk mill (manufacturing silk goods for export) and worked so hard, so diligently, that he was respected in his city by every one.

1. In his family, now there are left mother, sister, wife, and a little child. Without him, they cannot maintain his family at all and, in consequence, they are sure to be ruined in economical and spiritual aspects.

We, as his friends, cannot assume an attitude of onlockers, and hereby cannot but make up a letter of petition for his life and hope with heart and soul that he will be safe and sound through the kindness of Your Honour.

We, the classmates of the Yawatahama Commercial school, Ehime-ken, Japan.

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Demme a such a d dama

Representative,

KEIZABUNO EHIU

Exhibit 19a.

CERTIFIED TO BE A TRUE COPY

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The American Military Convission Marianas Area.

I beg to place this potition in behalf of the unfortunate INCUE, Funio who is now being held merely because he unquestioningly obliged the orders of his superior.

INCHE, Funio is our model character. He graduated from the Connervial School as eighth among the class of 63 pupils. His conduct is gentle and honest, his manners sincere and solarm, his sots inpertial, his discipline, regular; thoughts, sound; speech, clear; attitude, passive; and he was always diligent. How can a man who possesses such a mobile character as INCHE, Funio plan to count's such a crual set, I cannot possibly think of such a thing.

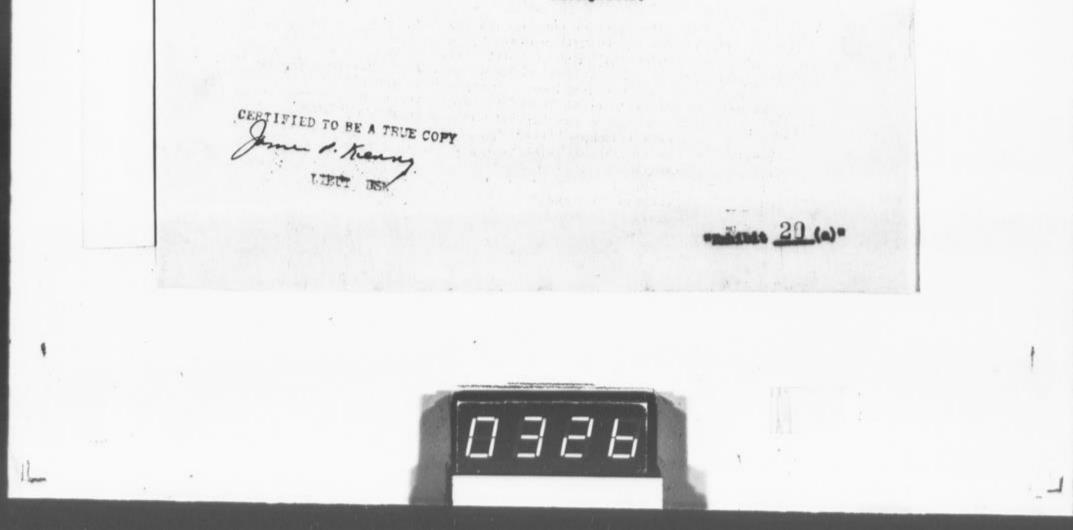
At home, there is no man to help so the women are doing that over they can. How can they load a setisfectory life. They are farmers the with the first light of down go out into the fields to work and come home then the stars are bright in the sky. When I think of their situation I commot help but feel doop sympathy. If only they had a man to help, out how chooseful it would be. It would be like spring with the birds singing and the flowers blooming.

When I think that all the soldiers have now been repatriated and all the one's who had died in action have returned to repose at there mative place and still INCE cannot return because he is being held far away on an Island. I cannot help but make this petition to you. I beg that he will be able to return.

> IWANOTO, Chitose Bhime-ken, Yarosta-hama Cits Furu-machi.

I cortify the above to be a true and complete translation of the original potition to the best of up ability.

RUGHE E. KHRRICH, JR., Lioutenant, U.S.H.R., Interprotor.



Your Honor, the President.

I would like to express my thanks for your everyday toil. I am surprised to hear that Captain Incue is to be tried. Why is Captain Incue, a mild and honest man to be tried? Captain Inoue was loyal to his father land, and would have gone through shell and fire if it had been the order of his superior to do so. He is a man who thoroughly carries out what he thinks right. He was affectionate to his subordinates; when he heard that his subordinates had entered the dispensary or got injured, he never failed to call on them and encourage them whether they were in the Army or Navy. Although ammunition and provisions were short on Jaiuit, that we could live till now without any distinction among military men, gunzoku and natives, I think we owe to the efforts of Captain Inoue. Captain Inoue used to say that natives were the treasure of Jaluit. I wonder why the benefactor of our lives has to be tried? What Captain Incue did on Jaluit was not wrong at all. If he is punished, I shall become doubtful about what is the right of law. Captain Inoue has a perent, wife and child. How eagerly they are looking forward to his return! Also his comrades who were already repatriated from Jaluit must be waiting for the return of their benefactor.

I beg that you will trust the personality of Captain Incus and that you will have kind consideration for what I have just said. I beg you that you will give him a fiir judgment as representatives of a civilized state of the world.

MIYAZAKI, Yutaka, Petty Officer 2/c, IJN, Ex-Jaluit Defense Garrison.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, U.SN.R., Interpreter.

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December, 1946.

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The President of the American Military Counission, Marianas Area.

There is a duplicate reason for my submitting this humble petition to you whom I have not met before. I have learned that INCUE, Fumic is new being held because he is accused of killing spice.

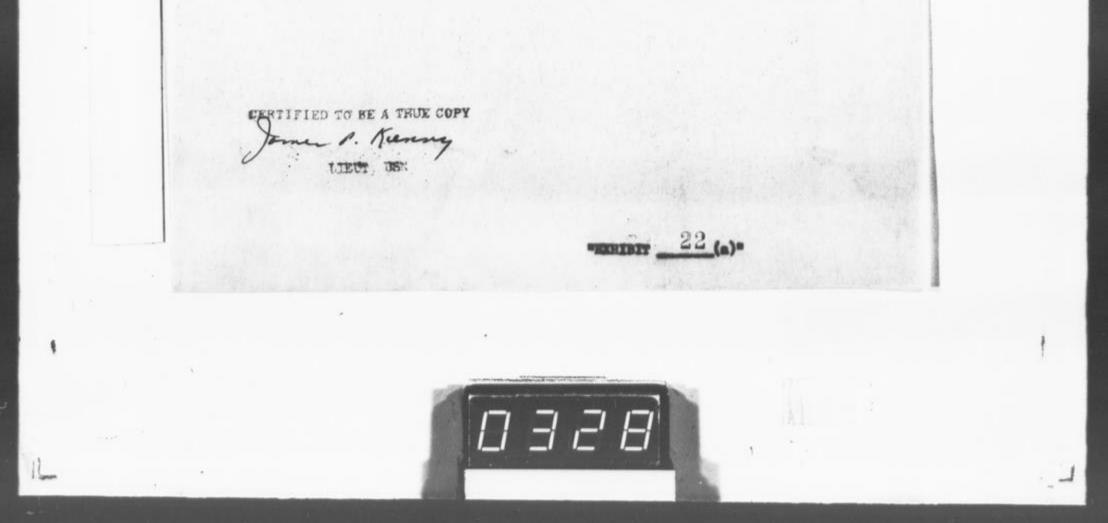
He was bern here, and has always been our model. He is a gentle, mild and excellent man. He is not a man to counit any cruel acts. When he killed the persons who had spied, he was only obeying a superior order in accordance with his milistristic teaching. It was not his intention at all. How hard it was for him to do it. In order to perform his superior order he had to subdue his own feelings. Who is really responsible for this except that military elique which hes trained us.

I cannot express symplif well, but I ber you will send him home soon. I am sure he will be a great help in the rehabilitation of a new and peaceful Japan.

> YOSHIKAWA, Toshiko, Ehime-ken, Yawatahama City, Honcho, 2 chome.

I certify the above to be a true and complete translation of the original petion to the best of my ability.

HUGENE E. KERRICK, Jr., Ligutement, U.S.N.R., Interpreter.



To the Members of the Military Commission, Marianas Area.

PETITION FOR INCUE, FUMIO

INOUS, Funio, former Captain IJA, is a man of good conduct and he received excellent grades in studies at school. There is not the slightest spot in his mature to commit any atrocious acts. His acts are merely due to his moderate mature under which he could only but solemnly obey the orders of his superior.

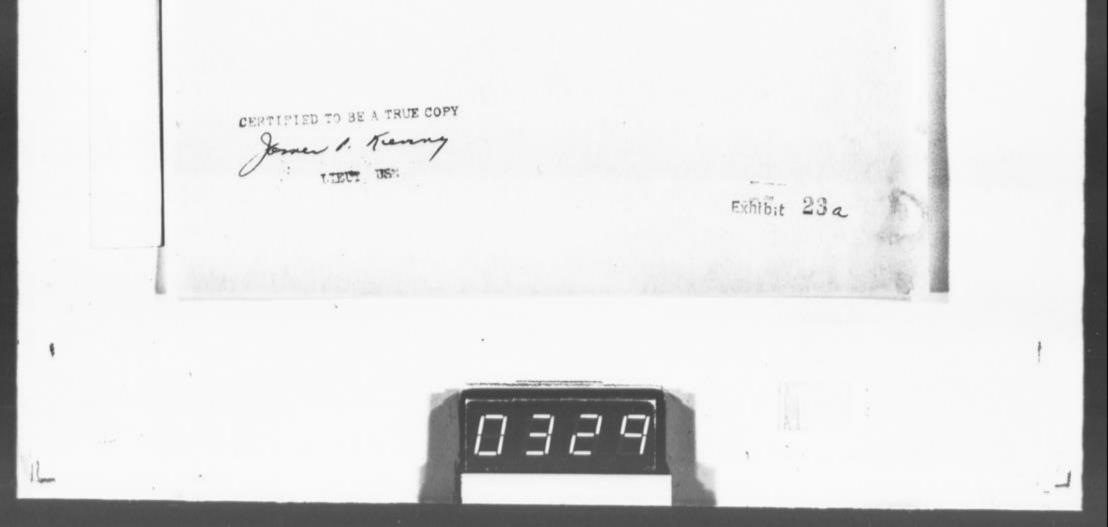
I have great sympathy for his 60 year old mother who has learned he is held as a war oriminal. His wife, taking care of the 5 years old daughter is working in the farm. His sister WRAKO, is working as hard as possible and trying to help while her brother is away. I often think what would become of his family if he were not to come back. Without any man to help them out their situation is most pressing.

I beg and hope that he will be able to see his mother's face, thankful and contented on his return home.

> TAKAMI, Emiko Ehime-ken, Nishi-uwa-gun, Machimi-mura, Kashu.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICE, Jr., Licutemant, U. S. Naval Reserve, Interpreter.



To the US Militery Consission of the Marianas Area.

PETITION FOR INCUE, FUELO, EX-GAPTAIN, IJA.

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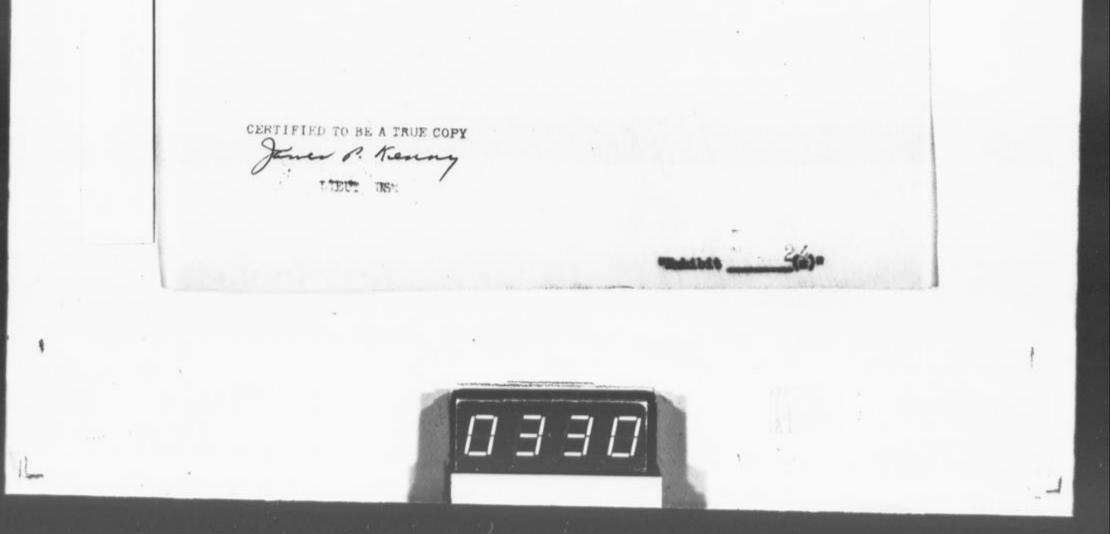
He was mild in nature, of noble character and loved by us. We are looking forward to the day when he will return.

Without him it is hard for his ald mother to live; really, he is indispensable to her. I am praying for his return.

EAJITANI, Mitsue.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., LAcutement, USER, Interpreter.



PEN ITION

For: INCUE, Funic, To : The Mambers of the American Military Commission, Merianes Area.

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It was a great surprise for us who know him to learn that he has been unfortunately confined as a war arise suspect. Since childhood he has been kind and obedienst, for which the people of the village admire him very much. I connot think such a man would do any set against humanity.

At home his aged mother is waiting impatiently for his return. When I thought of the feelings of this mother I sould not stend still. So, I beg from the bottom of my heart for his acquittal. Fleese deal leniently with his and send him home soom.

WAKA, Kimiko Tesch of Futaiwa Primary School, Hishi-uwa-gun, Mhimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., Lioutemant, USNR, Interpreter.



To the US Hiltory Counterion of the Marianes Area,

PETITION FOR CLEMENCY IN BEHALF OF INOUE, FUNIO.

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INCUE was mild, of noble character and loved by people, so I beg you that you will release him and send him back as soon as possible.

> NAKAI, Masao Wakayama, Futaiwamura, Mishiuwa-gum, Mhimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., Ideutenant, USNR, Interpreter.

CERTIFIED TO BE A TRUE COPY mer P. Kenny TTEUT US: 26 DBBE

PETTTICH FOR INCUE, FUNIO, HE-CAPTAIN, IJA.

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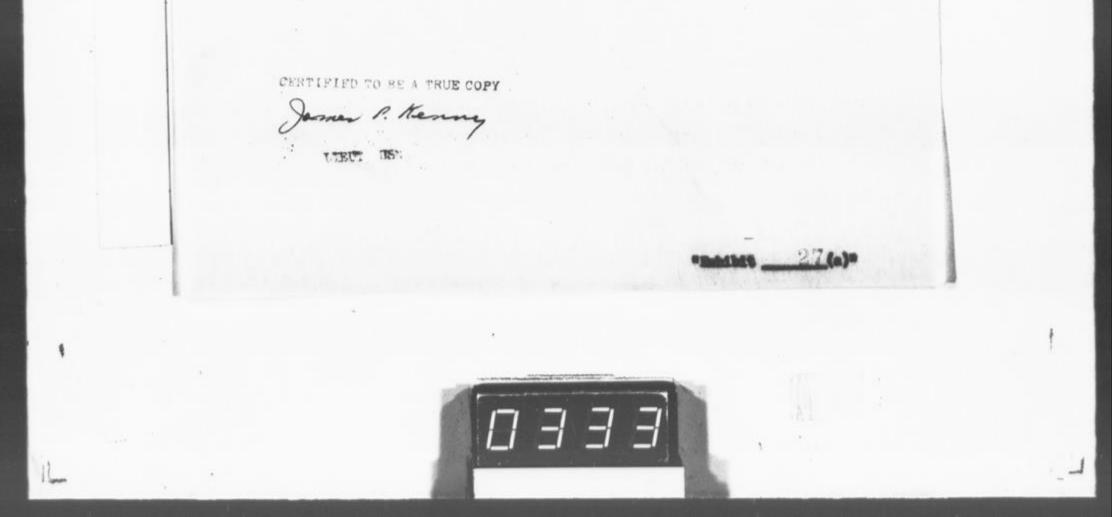
He is mild in nature and of noble character, and is loved by us. We are looking forward to the day when he will be back.

5 December 1946

KAJITANI, Sadamu, Kukikawa, Futaiwamura, Mishiuga-gun. -

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., LAcutement, USNR, Interpreter.



To the US Hilitary Countraion of the Marianas Area.

PETITION FOR INCUE, FUNIO, HE-CAPTAIN, IJA.

Hy uncle has a fine heart. I have many uncles and sunts, but he is the best person among them. During the war, he was serving in the south. Hy uncle is not a man who commits a crime, because he is such a good man. At his home, my sumt and Yoko are looking forward to his return.

By sunt goes on foot to the bank everyday which is about 6 kms. sway from her house. She says to me that she is working for my uncle. The only thing for which his family is praying is that my uncle will return soon. I beg you will deal lemiently with him and you will repatriate him as soon as you can.

> UKITA, Hiroshi Pukikawa, Futaiwamura, Nishiuwa-gum, Ehimo-ken, Japan.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., Lioutement, USNR, Interpreter.

CERTIFIED TO BE A TRUE COPY nes P. Kenny TEUT US" 286 PEED

To: The Members of the U. S. Military Counission, Merianas Aree.

Petition for the Acquittal of Inoue, Funio's case.

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The above person graduated with the 26th graduating class from the Himekan Yauntahama Commercial School in 1929. While a student he had a very high scholastic standing, good character, was gentle, and industrious, and he was always liked and made friends with younger students. He is not a person who can counit a grime.

Furthermore his aged nother (age 59) wife, and a child are all waiting for his return to Japan.

I hereby have stated his character and the true condition of his family and for this I beg from the bottom of my heart for his seguittal.

> IKEDA, Kcishi, Ehime-kan, Yawatahana-shi Shohaku-sho

I certify the above to be a true and complete translation of the original petition to the best of my shility.

EUGENE R. KERRICK, jr., Lioutemant, UENR, Interpreter.

CERTIFIED TO BE A TRUE COPY Jones " Kenny UTEUT IS' 20 () DBBS

To: The Members of the U. S. Hiltory Consistion, Marianas Area.

Petition for the Acquittal of Funde Incus's Case,

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I am a student who lives in the same village as Inoue, Funic. Unfortunately Funic is held as a war arises suspect in the incident in which the natives were killed, but during his school days he had a very good scholastic and conduct record, and he was the person when we respected the most. I firmly believe that a person with such high character could not cound a crime.

At home his family is loading a very hard life and are waiting for his return as the foundation of their lives.

Please take there points into consideration and I beg and beg of you from the bottom of my heard to do all you can for his sequittal.

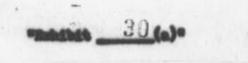
YANADA, Koichi, Ehimo-ken, Hishiuwa-gun, Futaiwa-Mura, Ana-Makatsugawa.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. FEBRIGK, jr., Idoutement, UBHR, Interprotor.

CERTIFIED TO BE A TRUE COPY

ner P. Kenny TTRUT US'





To the US Military Consistion of the Merianes Area.

PETITION FOR INCOR, FUNCO, EX-GAPTAIN, IJA.

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I am very much astoniabed to hear that he is now confined in the Guam stockade as a war criminal suspect. I believe that he is mild in nature and that he never does inhumane acts.

Especially at his home he has only an old mother, shild and women. For a faxwing family who need men to work, it is very inmonvenient. I really do not know what to say to console his mother who is waiting for her son's return and to other members of his family.

I beg you will have kind consideration for what I have mentioned above, that you will hold a benevalent trial and that you will release him as soon as possible.

> INCUE, Misse Nebeta, Fulikawa, Futaiwemura, Mishiuwe-gun, Mhime-kam.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., Lioutenant, USHR, Interpreter,

CERTIFIED TO BE A TRUE COPY G. Ks 115 TET 31 (0) athia. TEED

To the US Military Consistion of the Marianas Area.

PETITION FOR INCUE, FUNIO, EZ-CAPTAIN, IJA.

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He is mild in nature and of a gentle character, and is loved by us. We hope that he will be repatriated soon.

> INCUE, Tadashi, Representative of the employee of the Typ United Bank, Futaiws Branch Office.

> > ł

I certify the above to be a true and complete translation of the original polition to the best of my ability.

EUGENE E. KERRICK, jr., Lioutenant, USAR, Interpreter.



To the US Hilitary Consistion of the Marianas Area.

PETITION FOR INCUE, FUNIO, EE-CAPTAIN, IJA.

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t

I hear that he is confined in the Guam stockade as a criminal suspect in the Jaluit natives' case. He was mild in nature, and I think that he is not a man who can count a crime. Only women and a child remain at his heme in a miserable condition. I begyou will forgive him.

> ELEUCHI, Chisuko Futaiwamura, Nishiuwa-gun, Ehimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE B. KERRICK, jr., LAoutement, USHR, Interprotor.



To the US Military Commission of the Marianas Area.

PETITION

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INCUE, Funio who is now being tried by you was a mild man when he was at home. I can not think that he should consit atrocities. I beg you will deal lemiently with hime

CROEU, Teischu Kenekara, Futaiwamura, Nishiuwa-gun, Hhimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGNE E. KERRICK, jr., Idoutement, USBR, Interpreter.

IED TO BE A TRUE COPY tost Ton Exhibit 342 $\Box \exists \neg \Box$

To the US Hiltory Consistion of the Marianas Area,

PETITION

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INCUE, Funic is mild in nature and noble in character. He is a man of great ability and also a man of great emertion. When he was at home he was very filial to his aged mother and was benevalent. I can not help being astodshed to hear that he has to attend to court as a war eriminal.

He is not a man who commits atrocities, so I beg you will deal lemiently with hime

ORORU, Saieko

Kamakura, Putaiwamura, Mishiuwa-gun, Mimodkan.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., LAcutement, USNR, Interpreter.



To the US Military Commission of the Merismas Area,

PETITION FOR INCUE, FUETO, EE-CAPTAIN, ISA,

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INCUE, Funio was of mild character and we all respected him. I beg your kind consideration for this and hope you will deal lemiently with him. Not to speak of his family but also we too are all waiting for his return.

> TOMETA, Seitaro. Wakayama, Futaiwamura, Mishiuwa-gun, Bhino-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jre, Licutement, USHR, Interpreter.

CERTIFIED TO BE A TRUE COPY P. Ken TEU: 36. (0)0 ٤ 0342

To the US Hiltory Consistion of the Marianas Area.

PERTITION FOR INCUE, FURIO, HE-CAPTAIN, ISA.

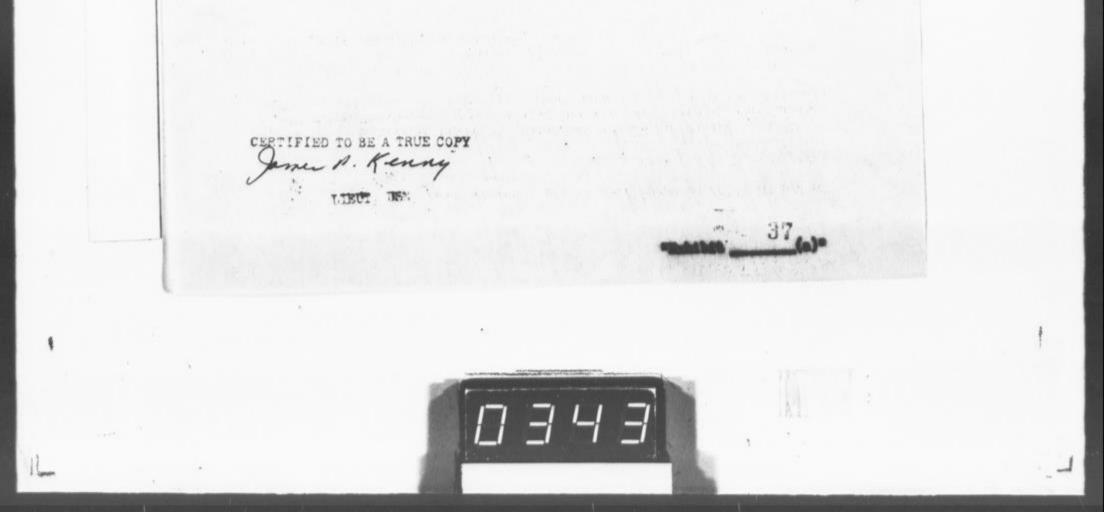
I hear that he is confined in the Guan stockade as a oriminal suspect in the Jaluit natives's case. But he was of noble character and mile in nature, so I can not think that he should commit a murder. Only women ad a shild are remaining in his family and they are in a miserable condition. I petition you that you will forgive him.

10 December 1946

INCUE, Takeshiro Inumi, Futeiwamura, Mishiuwa-gun, Mhimo-kan. -

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, 35., LAcutement, USHR, Interpreter.



To the US Militery Commission of the Marianas Area,

PETITION FOR INCUE, FUETO, ER-CAPTAIN, IJA.

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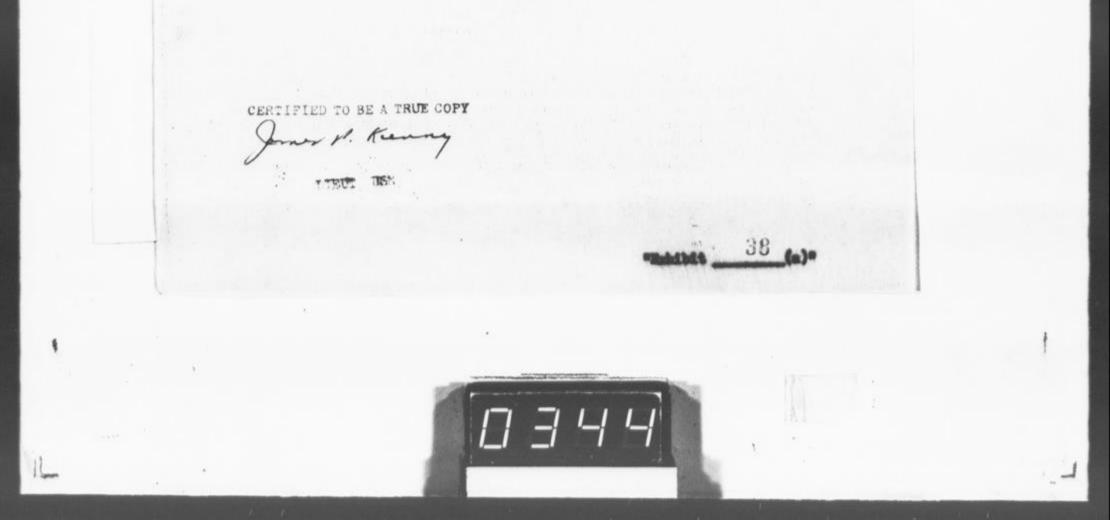
He is of mild and honest character and is trusted by high village men. We engerly hope that he will be back soon and hereby place this petition before you.

12 December 1946

INCUE, Rojiro, Wakayama, Futaiwamura, Mishiuwa-gun, Mhimo-kan.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. HERRICE, jr., Lieutenant, USNR, Interpreter.



To the US Military Consistion of the Marianas Area,

PETITICH FOR INCUR, FURIO, ME-CAPTAIN, IJA.

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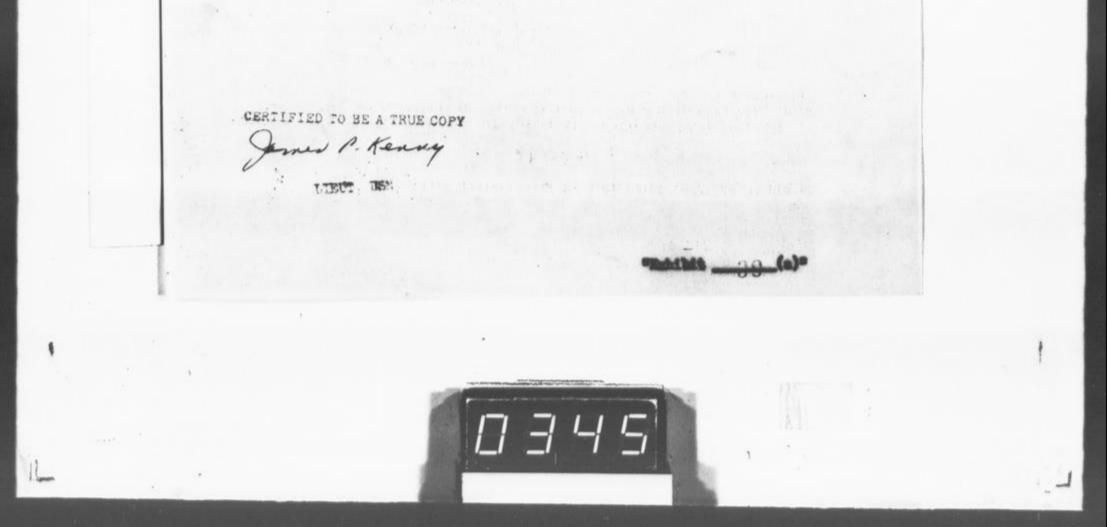
I am surprised that he is unexpectedly confined as a war criminal suspect. He was a model good man in nature. I think he is not a man who would count a crime against humanity of his own accord. Besides, it is hard for his family to maintain their living without him. I am very corry for them. I beg your hind consideration for these circumstances and petition you that you will deal lemiently with him.

13 December 1946

1000E, Juichi Pukikawa, Putaiwamura, Mishiwwa-gum, Bhino-kan,

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EDARNE E. KERRICK, jr., LAoutement, USHR, Interpreter.



To the US Military Commission.

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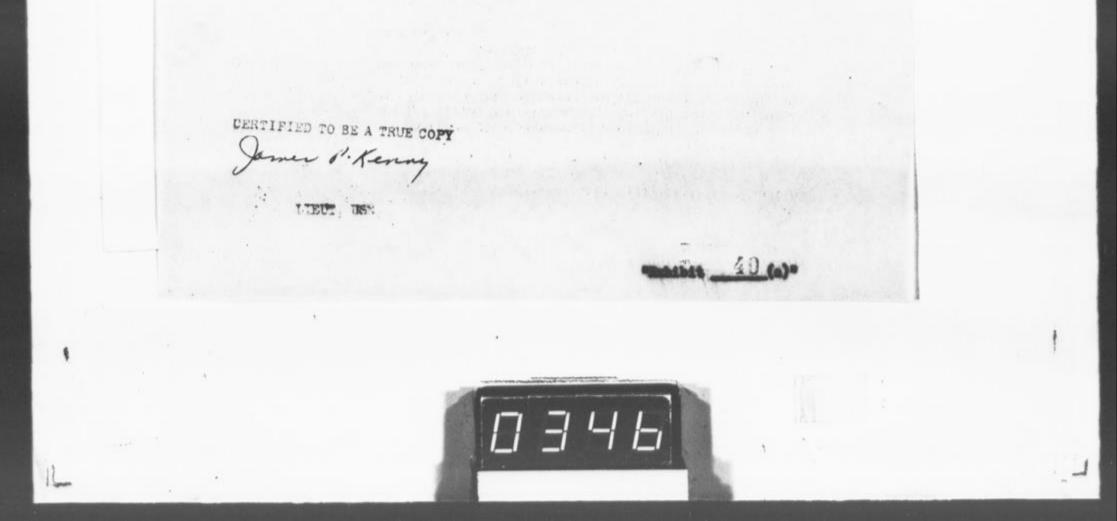
PETITION FOR INCUE, FUNIO, EE-CAPTAIN, IJA.

Gaptain INCUE was sincere and mild, and when he was in our village he was the model of the people. I beg you will consider our anxiety about this war erimes trial, and that you will deal lemiently with him.

THOUE, Gorohashi

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGHNE B. KHRRICK, jr., Lioutenant, USNR, Interpreter. -



To the US Military Commission of the Marianas Area.

PETITION FOR INDUE, FUNIO, EZ-CAPTAIN, IJA.

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He was mild and benevolent and we all respected him. I beg your kind consideration and that you will deal lemiently with him. I hereby respectfully place this petition before you.

> TANAKA, Ryuishi, Wekayama, Futaiwamura, Hishiuwa-gun, Hhime-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE B. KERRIGK, jr., Moutement, USHR, Interprotor.



To the US Military Commission of the Marianas Area,

PETITION FOR INCUE, FUNITO, EX-CAPTAIN, IJA.

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INCLE, Funic is a mild man. I heard that he was benevelent to his subordinates when he was in the Army. Wer are proving that he will be back soon. I hereby respectfully place this petition before you.

> Moule Yoneissi, Wekeyeme, Futeimure, Hishium, gun, Hime-kon.

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I certify the above to be a true and complete translation of the original petition to the best of my ability.

ENGENE E. KERRICH, jr., Montonant, USNR, Interpretor,

TERTIFIED TO BE A TRUE COPY mer P. Kenny LIEUT . USA 0348

To the US Hiltory Commission of the Marianas Area,

PETITION FOR INDUE, FUMIO, EX-CAPTAIN, IJA.

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We all admire the mild and benevelent character of INOUE. I beg your kind consideration for this and that you will deal lemiently with him. I hereby place this petition before you.

TOMITA, Toi, Weksyama, Futeiwamura, Nishiuwa-gun, Mhimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., LAcutement, USNR, Interpreter.



To the US Military Cosmission of the Marianas Area.

PETITICN

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Le INCUE, Funio is mild and sincere and is not a man who coumits a crime.

2. Without him, it is hard for his family to maintain their living and it is also hard for us to keep our village administration.

I beg you will give him a fair mitigation of his sentence.

INCUE, Kaichi.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. XERRICK, jr., Lieutenant, UENR, Interpreter.

CERTIFIED TO BE A TRUE COPY e P. Kenny LIEUI US' 44 (0)* abdb. DBSD

To the W Hiltory Conclusion of the Marianas Area,

PETITION FOR INCUR, FUNICE ER-CAPTAIN, 134.

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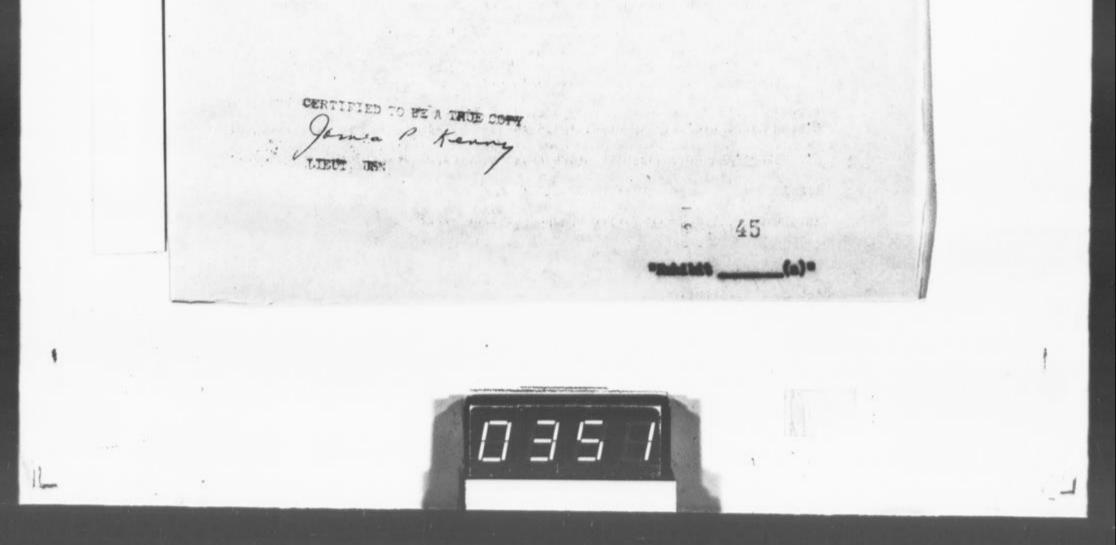
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INCUE was always of mild character and was respected by people. I beg you will release him and send him back as soon as possible.

> MITSUSE, Io, Makayama, Futaiwamura, Mishiuwa-gun, Ehimo-kan.

I certify the abofe to be a true and complete translation of the original petition to the best of my ability!

EUGENE E. REARICE, jr., Lioutenant, USHR, Interpreter,



To the US Military Consistion of the Marianas Area.

FETITION FOR INCIE, FUNIC, EX-CAPTAIN, IJA, PERMANENT DOMICILE: GAEA-FURIRARA, FUTAINAMURA, MISHIUWA-GUN, EMINE-KEN, JAPAN.

We have heard that he is to be tried as a war oriminal suspect. Not only his family but also our village men are all annious about the result of the trial.

It is a very sorrouful thing that, during the war, many promising people, who could not resist the current of the time, did wrong thing contrary to their character in unavaidable situations caused by a mistaken petriotic spirit or by obeying the orders in the military service.

Although I do not know what he did, I asked his neighbor about his character. Then I found that he was wild in nature and that he had an honort character when he was in our village. He was kind to women and children, respected the old people and served society well. He had been a police man till he was called, and he did his best in maintaining public peace and protecting people. When I think about the above, I can not imagine that he should commit a crime. I believe that his asts during the war were not done of his oun will. His family is not rich. Only women and a child remain and they do not know what to do. I am really sorry for them.

I beg you will consider the circumstances and will judge him as lemiently as possible. I can not bear to see the humane freindship of his village nem and the missary of his family, and hereby place this petition before you.

> MAKANIGHI, Kanelchi. Pelice man attached to the Futaiwamura Felice Box.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRIGK, jr., Lioutenent, USHR, Interpreter,

CERTIFIED TO BE A THUE COPY v P. Ken TELT USA "Batabas 46 (a)" 0352

To the US Military Commission of the Marianas Area.

PETITION FOR INCUE FUMIO EX-CAPTAIN IJA.

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I hear that he is now in the Guam stockade as a war criminal suspect, and am praying that he will be found innocent.

When I think of him, he was mild and honest, excellent at his study, and was a model for the young people of his village.

Especially he was very moral. I can recall even now that he was admonishing his juniors and an filled with deep emotion.

Judging from his character, I swear that he is not a man who dares to commit inhumane acts.

At his home, he has his old mother and his dearest sister who has been working for their household economy since he went to the front. Our village men are moved to tears when we think of him.

I beg your kind consideration for these circumstances and ask that you find him not guilty and acquit him.

10 December 1946

Kono, Chidori Fukikawa, Futaiwamura, Nishiuwa-gun, Shime-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICE, Jr.,

Lieutenant, Using, Interpreter. CERTIFIED TO BE A TRUE COPY James A. Kenny LIEUT INST 47 (a)= "Exhibit DBSB

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To: The Members of the Military Commission, Marianas District. From: OGASAWARA, Eyeichi.

I am a classmate of INCUE, Funic. During the several years of study together I have been influenced by him most deeply so judging from his character it is most surprising and unexpected tothink such a thing could happen to him.

He has always been quiet and gentle. Wherever he may be we find that warm and friendly atmosphere as of spring, enclosing him and influencing the people around him. So you may well judge his noble character.

He is severe with himself and telerant with others. His features as leader supplemented by his humans character have become ever hermonicus. It is not surprising that he should have won the respect and love of so many people.

At home, his aged nother and beloved wife are leading a lonely life and fervently praying for his safe return. I cannot help but feel deep sympathy towards them.

When we received the sad news of his confinement as a suspect in the Jaluit mative case we, who know him wall, doubted our cars and eyes. But we are convinced that judging from his noble character he will be given a most impartial trial before God as having abided in righteousness and loved truth and culture.

Succrime to God of the truthfulness of our testimony we beg your kind consideration of our love and confidence toward him and ask that you deal impartially and lemiently with him.

OGASAWARA, Kyoichi.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

HUGHE R. REARIGE, jr., Identement, USHR, Interpreter.

CLARIFUED TO BE A TRUE COPY.

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PETITION FOR INCUE, FUNDO.

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INCUE, Funic is to be tried as a war criminal. We were once his subordinates and live in his village. In order to return his kindness toward us, we hereby sign this petition together and beg your elementy.

We believe that the reason why he was named a war oriminal is that he had been a commander of the special police section. But he was so benevolent to his men that not only we but also all military wen and civilians loved and admired him. Considering this point, we think that he was good in carrying out his duty, and of course we can not think that he countited any erime.

We think it is unevoidable that he is to be tried as a war criminal because of his official position, but it is unnecessary to say that he was gentle and sincere in character.

At home, he has an old mother, wife and child, so he is indispensable to his family. The hard living conditions of his family will be relieved by his return. His family is waiting for his return. Their misery is so pitiful that all neighbors hope he will be repatriated soon. We hope you will have hind consideration for his family. We hereby have written about his character and his family and hope you will release him as soon as possible.

& December 1946

TAIRA, Tadashi. IZUNI, Elichi.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jro, Ideutenant, USHR, Interpreter.

CERTIFIED TO BE A TRUE COPY , A Kenny LIEUT. US: "manfiet 49 (a)" 0355

To the US Military Commission of the Marianas Area.

PETITION FOR INCUE FUNIO ME-CAPTAIN LJA

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I hear that he is confined in the Guan stockade as a criminal suspect in the Jaluit native's case. But he was of moble character and mild in nature. He was a man of character and was admired by people. So I think he is not a man the commits a crime. Only women and a shild are remaining at his home and they are in a miserable condition. I beg you that you will forgive him.

14 December 1946

Asei, Akihiro Futaiwagura, Nishiuwa-gun, Nhino-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

MUGINE E. KERRICK, Jr., Lioutement, U.S. Neval Recerve, Interpreter.

CERTIFIED TO BE A TRUE COPY er R Kenny TIEUT IS" Exhibit 509 ٤ 0356

PETITION FOR INOUR, FUMIC, EE-CAPTAIN, IJA.

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To the US Military Consistion of the Marianas Area.

1. He is mild in nature and of upright character.

2. He is not a man who can coumit a crime of his own accord.

3. We are looking forward to the day when he will be back.

5 December 1946.

KAJITANI, Shigeru Guteiwamura, Hishiuwa-gun.

I cortify the formgoing to be a true and complete translation of the original petition, to the best of my ability.

Eugene E. Kerrick, junior, I. Lioutemant, U. S. Naval Reserve, Interpreter.



PETITION FOR INCUE, FURIO, RE-CAPTAIN, IJA.

To the US Military Conmission of the Marianas Area.

Income, Funde, Har-Captain, ZJA, is mild and sincere in nature and of pure and upright character. He has a newer done inhumane acts but model ones for other people. He has a humane character, and I believe that he always looked after the metives well. His remaining family at home is only women and child, his aged mother and the other members. So, without him, it is difficult for them to manage their farming which will cause great hardships in their lives. I feel keenly that it is very necessary that he go back. Therefore, I hereby place this petition before you and ask your kind someideration as to his return.

1 December 1946.

INCUE, Ryo Gama-Gotanda, Yawatahama-shi, Ehimo-kama.

I cortify the foregoing to be a true and correct translation of the original petition, to the best of my ability.

Bugono E. Kerrick, junior, Lioutenaut, U. S. Neval Reserve, Interpreters

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PERSON

To the U. S. Military Considering.

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I have beard that Inous is in a missrable condition, so I would like to state the following and beg a lemiont trial.

Incus was been in a country side. He lost his parent when he was very young and was plainly brought up by his mother who has a beautiful nature. He is mild in character.

If he constituted any orize, it is because he had a mobile character and took the responsibility of his non as a superior. I believe that he did it for an unavoidable reason.

> HURATA, Elebienon Hanager in chief, Social Welfare Association, Hishiwa-gun.

I certify the falegoing to be a true and correct translation of the original publices, to the best of sy shilitys

Engene E. Herrick, Lieutenant, V. S. Havel Recerve, Interpretery

Salar S. CERTIFIED TO BE A TRUE COPY 1. Kenny 14 LIEUT, USH Anter County a sin a second and a second a second 1. Sala and a march of the $\Box \exists \exists \exists \neg \neg$

PETITION

To the WE Military Counicaion of the Marianas Area.

We are surprised to hear of the miserable fortune of Inous, Funio. We commot believe it because Inous was a very dild person. We beg you to deal lemiently with him.

Le He is a gentle person and we cannot think that he is brutal.

2. He is not a man who forgets humanity.

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3. He was a benevelent person and we loved him.

FUJITA, Shisu. HAMINURA, Katsuni. HAKAGANA, Hisson. SHINIZU, Yoshiko. KUSE, Yoshiko. IZUMI, Yoshiko. TAMAOKA, Tokiko. ÷

ţ

I cortify the foregoing to be a true and correct translation of the original potition to the bost of my ability.

Bageno E. Herrick, junior, Lioutounnt, V. S. Haval Reserve, Interpreter.



PERITION FOR INCORE, FUMID, ME-CAPTAIN, IJA.

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I heard that he is confined as a war original suspect and that he is to be tried seen. But he is mild in nature, well-behaved and a presiding young wan, so all village non are looking forward to his return. At his hence, he has his wife, child, old nother and a sister. The old nother is physically weak and his wife must look after her shild, so only his sister can work for his family's living. I as very sorry for his family. I beg you will deal lookently with him.

5 December 1946.

Months Hankishi. Homber of the village assembly.

I certify the foregoing to be a true and correct trunclation of the original potition to the best of up abilitys

Engene E. Kerrisk, junior. Lioutenaut, U. S. Havel Reserve, Interpreter.



PETITION FOR INCOR, FUNID, ME-GAPTAIN, IJA.

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To: The U. S. Military Consistion of the Marianas Area.

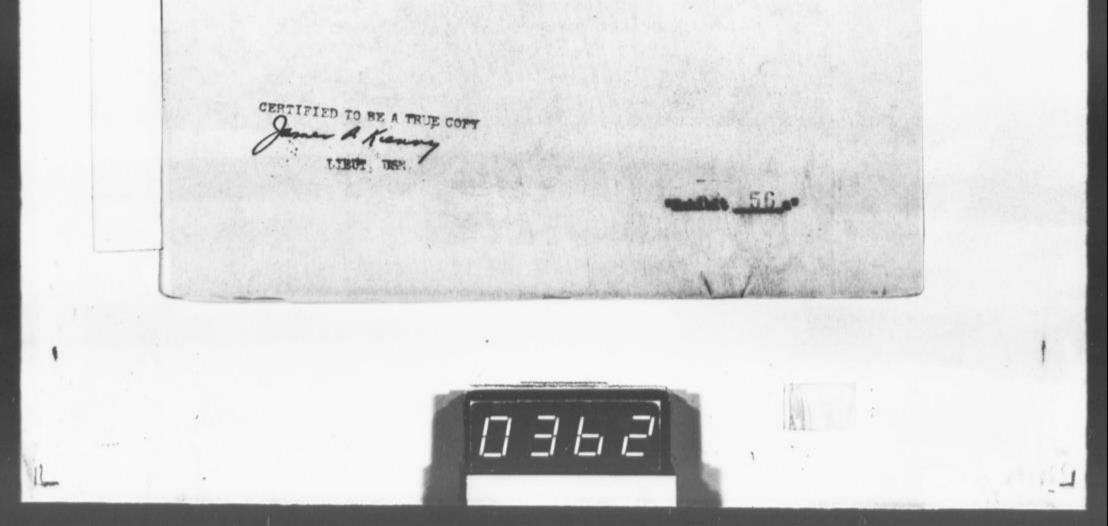
I heard that Inous is now confined in your place as a war orininal suspect. He has been well behaved since he was very young, kind to his friends and a good model for people in general. Therefore, I cannot think that he violated humanity. All the village non are surprised of it. So I potition you to deal loniently with him and to release him.

1 December 1946.

TAMAMOTO, Mae President of the Futaiwa National School, Nishiuwa-gun, Ehimekena

I contify the foregoing to be a true and complete translation of the original potition to the best of my ability.

Eugeno E. Kerrick, junior. Lioutenant, V. S. Heval Reserves Interpreter.



THE REAL PROPERTY AND

We would like to express our despect thanks for your coortiens in holding a fair trial for many war originals with the soral standards of studies sealery.

Capturin Inexes the has been accused the an important person on Juliait as a Chief of the Special Police Section and as a right hand man of the eccentricity officer, and I was working as his subardinate. To led and encouraged us bindly both in our afficial and private lives. - ----

10

He is now to be tried, and I would like to polition you as fullows in behalf of this man of character.

No was really as admirable military see through more than three years he was at Jakatt Atell. He had a rightness heart, showed the way himself, was full of a sense of responsibility, was affectioned to his scherdinates and was courteens. He was always a man of few words. He was correspond considerate and corotil in discharging his daty. He performed overything this consideration and he was a very honest consulty.

He was a new of much fine character. He total hard as the ddief of the form, and he hep's proper openany for the contemption of provisions. So there was so orize concerning field energy allitary son, generic and methyes, and we could compe from plarentian with our close co-sparation. We could this to here.

We can not beer to see that he when we loved and admired is going to be tried. Theremaks of sea on Jakett will servely weaker why such a set of descenter is to be tried. I Wallows that the Sartice of the law is not to access such a percent. I jug you that you will try his visely.

He is a new the cas and ther think or do saything other than what is right. I think he does anything after he believed it was right. I beg you will consider his two descenter. I slop my you that you will have growthy for his did arthur, will and skild the line hes hes losking forward to his return for arters, yours.

Heaters of the Completion, I'me that you will penetrate into his true descenter, that you will understand, that I have fust mentioned and that you will fairly benevalently and heatently try him as representatives of a shulling state.

Wakanaton Minoru

I certify that above to be a tone and complete translation of the rights polition to the best of sy shility.

CENTIFIED TO BE A TEUE COPY LIEUT, USP 57 (0) ПЗЬЗ

DISTINCT

I submit this potition in behalf of mitigation of the punishment for Incus, Funio, Ex-captain, IJA,

He was a mild, honest man, and was not of oriminal character.

I was with him in the same unit for about three years, and know that he was of humane characters

I beg you that his punishment will be mitigated.

5 December 1946.

0

FUJITANI, Umaso 1036 Asa-Shohara, Shohara-machi, Hiba-gun, Hiroshima-kan.

To Your Honor, the President of the U. S. Military Counterion of the Harlanap Area.

I certify the foregoing to be a true and complete translation of the original polition, to the best of my ability.

Bugeno E. Kerrick, junior, Lioutonant, U. S. Haval Reserve, Interpreter,



PETITION

I submit this potition in behalf of mitigation of the pumishment for Incus, Funio, Ho-captain, IJA,

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I was with him in the same unit for about three years, and know that he was of humane characters

I beg you that his punishment will be mitigated.

5 December 1946.

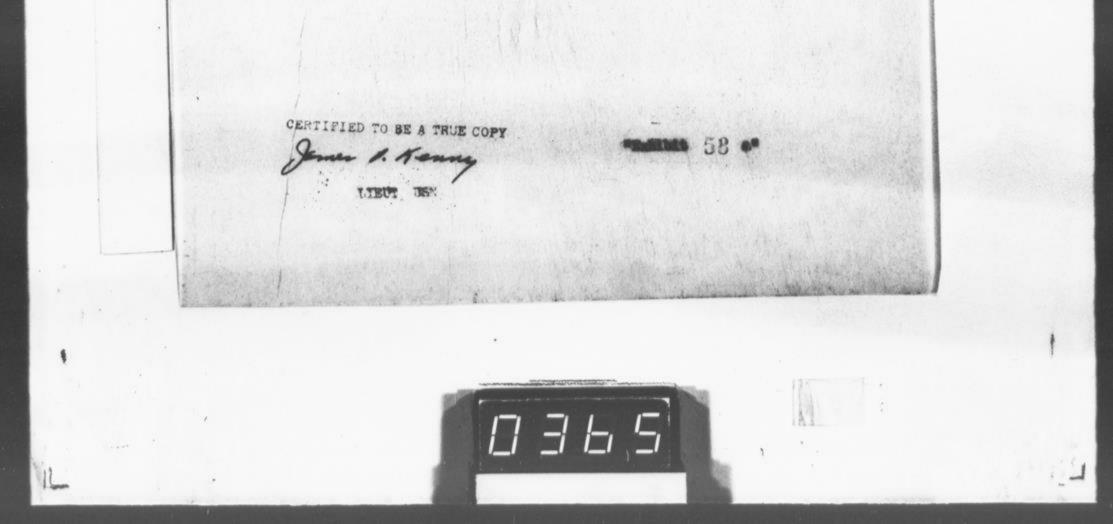
FUJITANI, Unaso 1036 Asa-Shohara, Shohara-machi, Hiba-gun, Hiroshima-kan.

To Your Honor, the President of the U. S. Hilitary Counterion of the Marianan Area.

I certify the foregoing to be a true and complete translation of the original petition, to the best of my ability.

Bugeno R. Kerrick, junior, Lioutenant, U. S. Naval Reserve, Interpreter.

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PETITION FOR INCUE, FUMID, Ex-Captain, EFA.

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To the We Se Military Counission of the Marianas Areas

He is of fine character, serious, honest and trustworthy, and when he was a young man, he was admired and thought to have a promising future by the village men. I am convinced that many people know that he is of such a humane character that he would never count a crime in violation of humanity.

He has no father, but only an old nother, his wife and child are living alone at home. He is an important support for his family, and is indispensable for these women and child. If he cannot come back, his family will lose their hope and be too discouraged to live on. I cannot help sympathysing with then when I think of it.

Funio is a moral person, so we all believe that when he comes back he will became a person of the new era in a democratized Japan. Besides, his family will surely be relieved.

I beg you will have hind consideration, you will have benevelence for Funic and his family and you will forgive his personal crime. I am so servy when I think his family at home and his character, that I humbly place this petition before you.

> UTSUNCHIYA, Massmitsu. Teacher of the Futaiwa National School, Mishiwa-gun, Hhimo-kon, Japan.

I cortify the foregoing to be a true and correct translation of the original petition, to the best of my ability.

Bagene E. Kerrick, junior, Lioutenant, U. S. Haval Reserve, Interpreter,



6 December 1946

To the Nembers of the American Military Commission, Marianas Area.

PETITION FOR INCUE FUMIO, FORMER CAPTAIN IJA

I hear that the above person is now being confined as a war crime suspect.

He is quiet and gentle and not a man to commit brutal acts by exercising force. As a semior in our school and our village we have great respect for his noble character.

At home his aged mother, sister, wife and daughter are engaged in agriculture and barely making their living. They are impetiently waiting for his return.

Begging your special consideration for a lenient treatment, I place this petition before you in evidence of his character and situation at home.

> SUGA, EIYOSHI KAMAKURA, FUTAINA-MURA, NISHI-UNA-GUN, EHIME-PREF.

WAKABAYASHI, SHOGHIN PRIEST OF SHOKO-JI TEMPLE FUTAIWA-GUN, NISRIUWAGUN ENIMI-KEN

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. MERRICE, Jr.,

Licutement, U. S. Naval Reserve, Interpreter. CERTIFIED TO BE A TRUE COPY James P. Ken Exhibit 60 a LIEUT USA TAED

To the US Hilitary Commission of the Marianas Area.

PETITION FOR INCOME FUNIO EE-CAPTAIN IJA

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t

I hear that he is confined in the Guan stockade as a criminal suspect in the Jaluit natives case. But he is of noble character and mild in nature, so I think that he can not commit a crime. He has an old mother and a young shild at home and they are very pitiable. I beg you that you will forgive him.

10 December 1946

By Kono, Jinkai: Futaiwamura, Nishiuwa-gun, Ehimo-kon. ۱

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutemant, U. S. Raval Reserve, Interpreter.

CERTIFIED TO BE A TRUE COPY ' a A. Kenny LIEUT, USA "xhibit 61a 0368

To the US Military Commission of the Marianas Area.

PETITION FOR INCUE FUMIO EX-CAPTAIN IJA

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I hear that he is confined in the Guam stockade as a criminal suspect in the Jaluit natives case. But he is of noble character and mild in nature, so I think that he can not commit a crime. He has an old mother and a young child at home and they are very pitiable. I beg you that you will forgive him.

10 December 1946

Settsu, Masaru Futaiwamura, Mishiuwa-gun, Ehimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, U. S. Naval Reserve, Interpreter.

CERTIFIED TO BE A TRUE COFT R. Ken LIEUT USA Exhibit 62a

To the US Hiltory Commission of the Marianas Area.

PETERION FOR INCUE, FUNIC, RE-GAFTAIN, ISA.

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L. Funto is very mild, sincere and kind, and assumed londership for the sake of our village. He was such a pure-minded and gentle person.

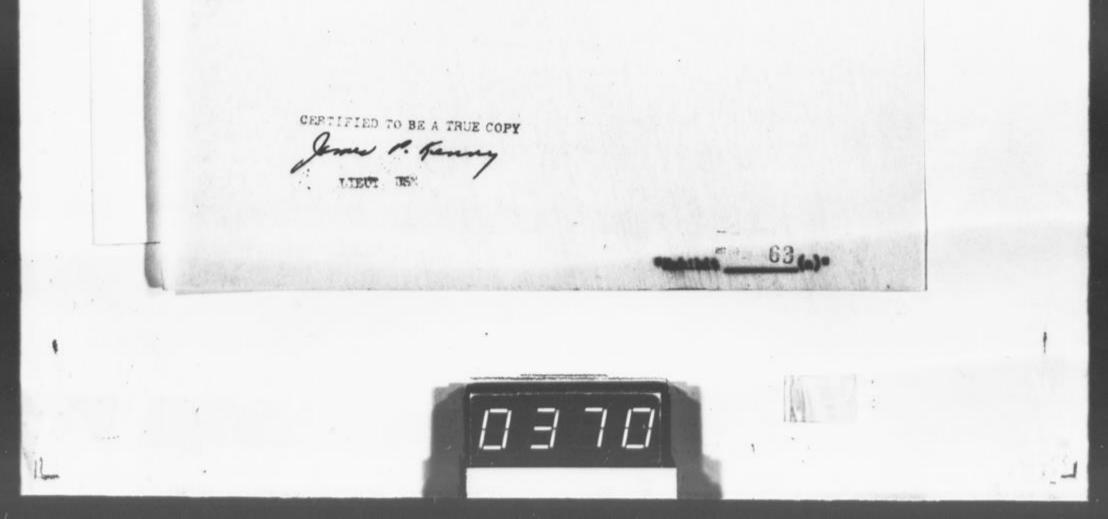
2. Funio is not a man who would commit a orime against other persons.

So At his home, his old nother and eister are living a hittler life, I beg you from the bottom of my heart that you will repatriate him as soon as possible.

INCUE, Kisshe

I certify the above to be a true and complete translation of the original petition to the best of my ability,

BUGHNE R. KERRICK, jr., Identement, UBBR, Interproter,



PETITION FOR CLEMENCY IN BEHALF OF INOUE FUNIO

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t

He was sincere, mild and gentle, and was the model of our village. He lost his father when he was young, and now he has only women and a child at his home who are in a miscrable condition. I hope you will understand his good character from his everyday attitude, and I beg you that you will deal lemiently with him.

Soga, Yoshiko

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, U. S. Naval Reserve, Interpreter.

CERTIFIED TO BE A TRUE COPY en / Finny TIEUT US! Exhibit 64a

PETITION FOR INCUE FUNIO EX-CAPTAIN IJA.

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He is of honest, mild character, and I think he is not a man who would commit a crime.

Only women and a child are remaining at his home, and they are in a miserable condition. I beg you that you will grant him mitigation.

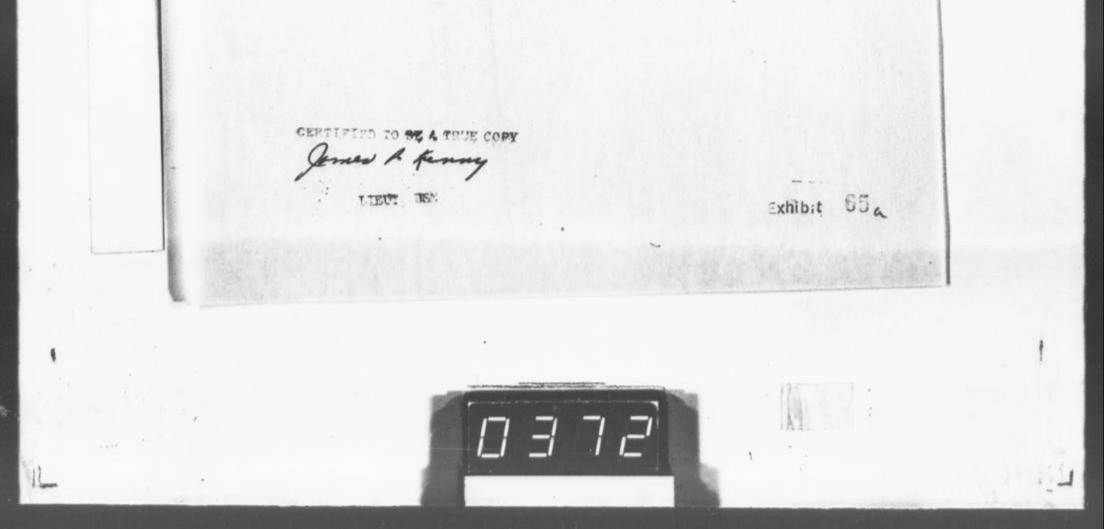
14 December 1946

(1)

Jishimura, Akio

I certify the above to be a true and complete translation of the original petition to the best of my ability.

BUGENE E. KERRICK, Jr., Licutemant, U. S. Naval Reserve, Interpreter.



PETITION FOR INCUE FUBIO CAPTAIN IJA

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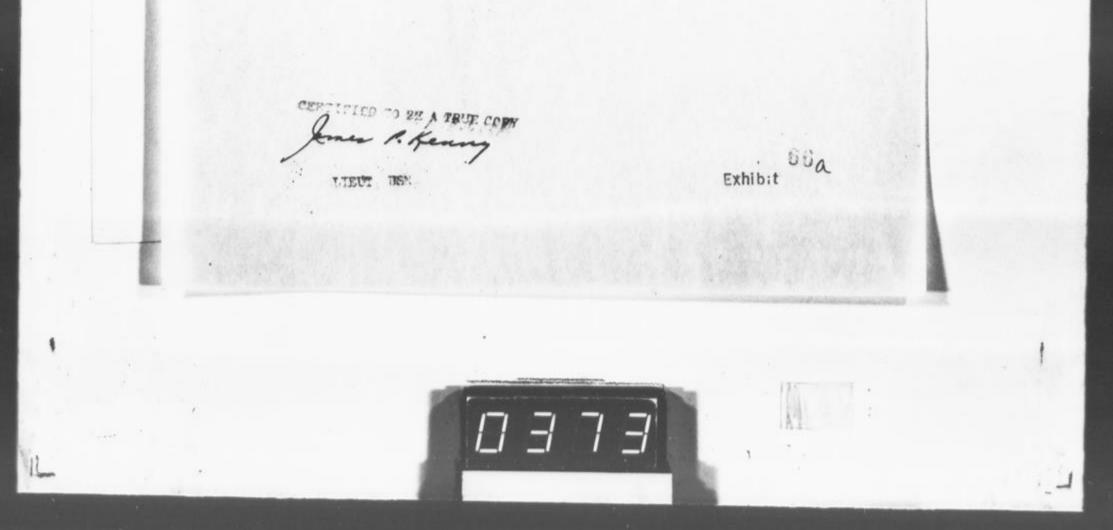
I hear that he is confined in the Guan stockade as a orininal suspect in the Jaluit native's case. But he was of noble character and mild in nature. He was a man of character and was admired by people, so I think that he is not a man who would commit a crime. Only women and a child are remaining at his home and they are in a miscrable condition. Although this is a very short petition, I hereby place it before you.

14 December 1946

Kikuchi, Uhei Futaiwanura, Nishiuwa-gun, Ehimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutenant, U. S. Naval Reserve, Interpreter.



To the Members of the American Military Commission, Marianas Area.

PETITION FOR INCUE, FUNIO, FORMER CAPTAIN IJA.

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I was surprised and worried when I learned that such a gentle person as he was now being held as a war grime suspect. I do not know what constitutes grime in military regulation, but he is by nature a very quiet and sincere young man and I cannot think he is a man to commit gruel acts by violence.

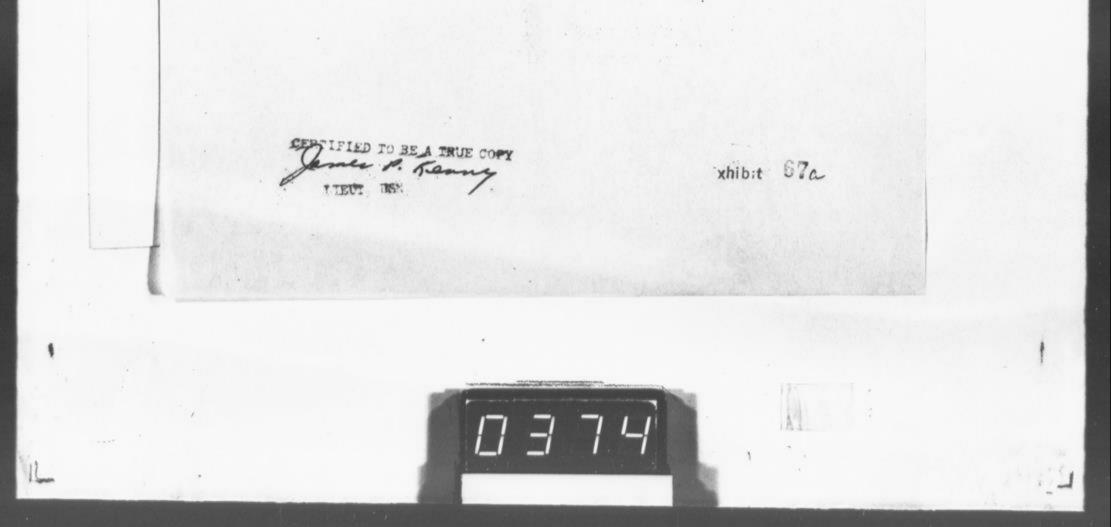
Besides his aged mother and weak sister, his wife whom he married just before he left for war, are left at home. Without manpower they are trying to overcome the financial distress of the family by agriculture and they are impatiently waiting for his return. They are in a pitiful situation.

Taking into consideration the above situation, I beg your lenient judgment.

INCOL, TETSU PUTAINA-MURA, PISHI-UNA-GUN, EHIMI-KEN.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICE, Jr., Licutemant, U. S. Naval Reserve, Interpreter.



PERSONA POR INCOME, PURSO, MR-CAPPAIN, ISA.

IMPLIAND FOR LINNIN, FUNDING RE-CAPTURE, SML. I humbly place this privitien before your exceed event. Finds we have in our vitilings, we very dild in asterno and we always a solid even to a people of the villings, then he same of any he external the large. But he we fan each to be excluded to any 2500. It then becaus a death of an edition and the be excluded to any 2500. It then because a death of an edition were external righter or eventions. The perfect desceptor and exceeds are large deathering as if he had teen their father, then be reactive the exclusion by deathering as if he had teen their father, then be reactive the exclusion by deathering as if he had teen their father, then be reactive the exclusion of any deathering as if he had teen their father, then be reactive the exclusion by deathering as if he had teen their father, then be reactive the exclusion of any deathering as if he had teen their father, then be reactive to easily easily the for when you researce the different tells and teeth is far the large diffe, differ and nother of 60 years did and worth to the freeth. He additions at the area or each their is an reactil ble figure even were to account the be for the area of far the term that it are reactile the far a men the is a new distance. It areas the term to the freeth and the term is an area distant of 60 years did and worth to the freeth. He is a new is an area distant with it is to be find a second with the far term of the far a good fortune. It is a filler distant and the far a second for the is a reaction is an area distantly. Buy the filler is light to an areas and the filler or to be the indice is a more distant with the distant is a way or very emplore that he to be requested for your could. Since the filler is figure, there have been many indicated is your could. Since the term is figure, there had the is to be indice is which is a real matrix day term is a reaction of the perform is an order of the second filler is a working is a order of a is greening

5 December 1946

IMAR, Taláchi, Ganatites of people's lives, Gang-Fakikana, Tatalmanara, Mishines-gun, Mine-kon.

To the US Military Conmission of the Mariana Area.

I cortily the above to be a true and complete translation of the original potition to the best of my ability.

> SUSSE R. MIRICE, JR. Lioutenant, V.S. H.R.,

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PETITION FOR CLEMENCY IN BEHALF OF INOUE FUMIO EX-CAPTAIN IJA.

He was sincere, mild and gentle, and was the model of our village. He lost his father when he was young, and now he has only women and a child at his home who are in a miserable condition. I hope you will understand his good character from his everyday attitude, and I beg you that you will deal leniently with him.

By Soga, Makota.

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I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, U. S. Naval Reserve, Interpreter.

CERTIFIED TO BE A TRUE COPY P. Ken TTEUT US! Exhibit 69a DJTE

PETITION FOR CLEMENCY IN BEHALF OF INOUE FUNIO

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He was sincere, mild and gentle, and was the model of our village. He lost his father when he was young, and now he has only women and a child at his home who are in a miserable condition. I hope you will understand his good character from his everyday attitude, and I beg you that you will deal leniently with him.

> By Takakura, Fusako: Members of the Shigiyama Nomen's Association, Futaiwamura.

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I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Licutement, U. S. Naval Reserve, Interpreter.

Exhibit 70a FIED TO BE A TRUE COPY · Se LIEUT INSK TTED

PEFERION FOR INCOME FUMID, RE-CAPTAIN, IJA.

He is mild and especially benevelent, and overyone in ourvillage admires him. Anyone who once has been acquainted with him is sure to admire and love him.

I hear that he is confined on Guan as a criminal suspect and that he is to be tried seen. All of our village men are werrying about it.

I would like to beg the loniont consideration of the U. S. officers and respectfully place this petition before you.

His wife and shild are now living at his notive village with his old nother, and his sister is maintaining their living and assisting her mother. He was brought up only by his nother who relies upon his very much as if he had been her came. She is so wervied about the trouble of her only son, and is in poor health. Their household economy is very missrable. I be you from the bottom of my heart that you will allow his to go home.

6 December 1946.

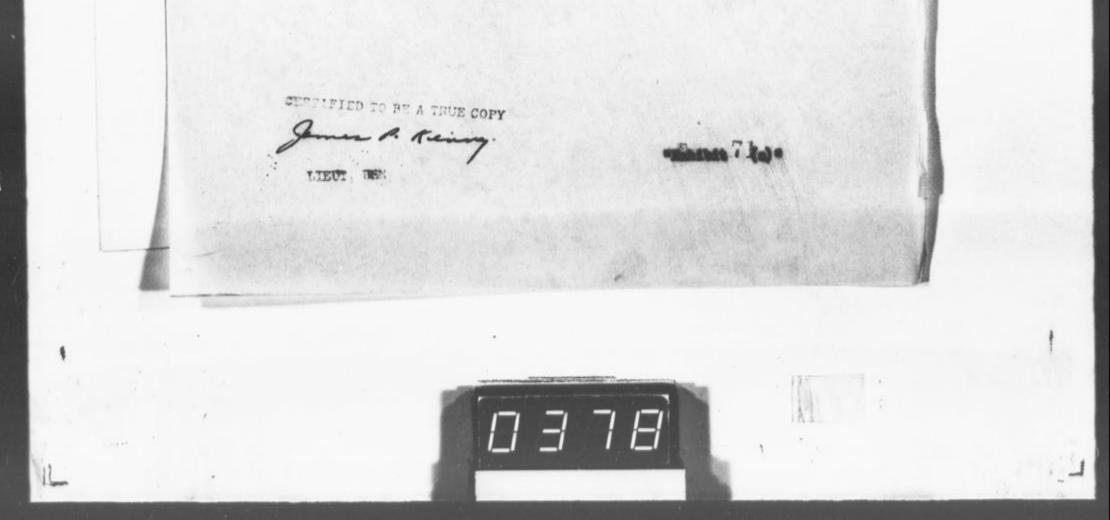
Pajineto, Masako Pakikum, Putala-mura, Mishiuwa-gun, Ehimo-hum.

To the US Military Conmission of the Marianas Areas

I costify the foregoing to be a true and correct translation of the original petition, to the best of my ability.

Sugano E. Kerrick, juniors Lioutonant, U. S. Neval Recorve, Interprotor.

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For IHOUR, Punko, Former Capt, ISA.

Funio is gentle, pure and hencet. He is sincere and compassionate with others, With a spirit of charity, he has worked for the community. It is only solden that we find such a good and highly respected person.

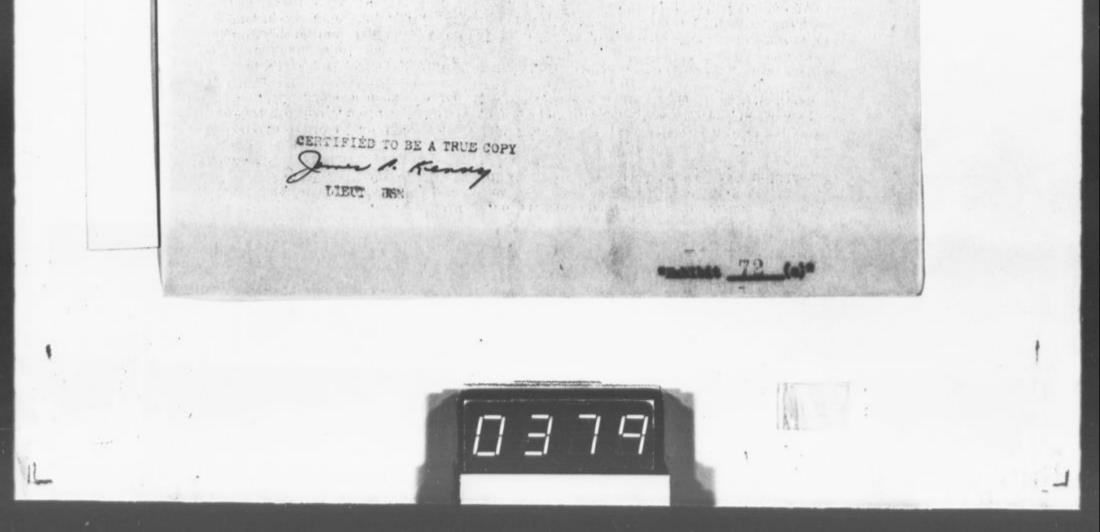
Funio Lost has father in his childhood. From the time he was a buy, he helped the commutiy and worked hard to help his family. But now, his absence from the family has left his aged mother, young wife, child and eleter in a depressing situation, both materially and spiritually.

How, he is before you waiting your wise judgement and I wish to place this polition before you. I beg you will take into consideration the situation I have stated and show elements to him.

> INCOME, Buike Clark in Futaima village office, Representative of Fukigama Weam's Association, Bhime-bon, Hishi-Uun-gun, Futaiwa-gun.

I certify the shave to be a true and complete translation of the original polition to the best of my ability.

MAINE S. EMRICH, JR., Identement, V.S.H.R., Interpreter,



To the Nembers of the American Commission, Marianas Area.

Petition for the Acquittal of INCUS, Funio.

Then the above person was at school, he was excellent in studies, good in combust, gentle and good to his parents, very industrious, and he gradunted with 5 years of clean record, so he is not a person who can kill,

Please I beg you to sequit him.

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At home his uged nother, wife and shild do not have anyone to rely on and they won't be able to make a living without him. Therefore, I beg you again to acquit him.

> Zamasaki, Mitoushigo, Mimo-kon, Zamatahama-shi, Chiro-Inegawa-mashi, 305.

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I certify the above to be a true and complete translation of the original petition to the best of my ability.

MOINE E. KERAIOE, JR., Lioutenant, U.S.M.R., Interpreter.

. 15 CERTIFIED TO BE A TRUE COFY - P. Fren LIEUT, USN DBED

December 1, 1946

1. 24946

To: The Members of the Military Commission, Marianas Area. For: INOUR, Fumio former captain, Imperial Japanese Army.

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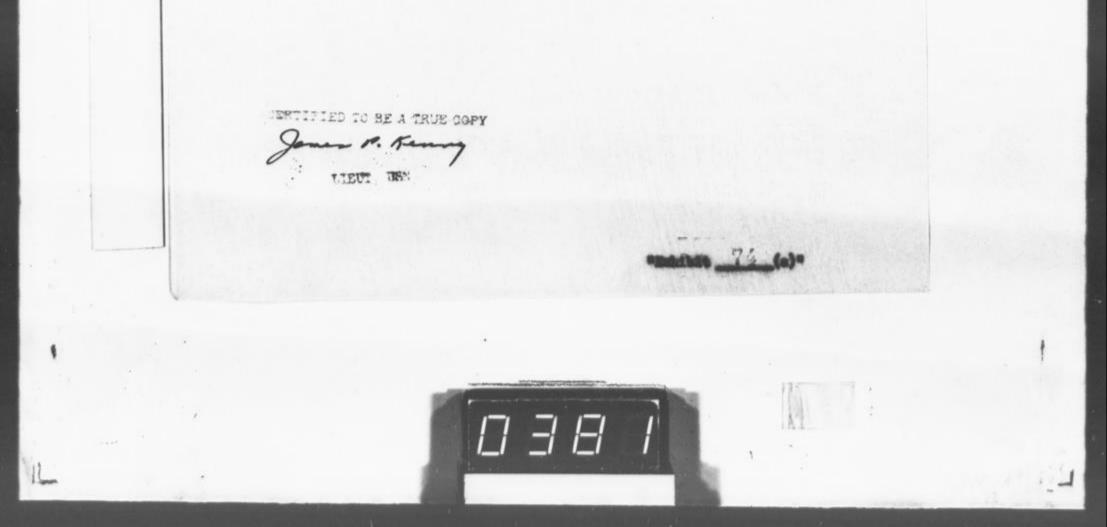
The above person is now being held as a war erise suspect, but he is a man of noble and humans character and I sammet conceive that he would commit such a crime, Moreover, he has an aged mother and sister at home and his family are none too prosperous. The figure of them praying for his safe return has been shown great sympathy by all.

Taking into consideration the above situation, I beg your lemient judgment and I hope send him back as early as possible.

> INCUE, Michitaro Tengher of Futaiwa Frimery S. Mino-kon, Michi-Uwa-gun. Futaiwa-mura

I cartify the above tobe a time and complete translation of the original petition to the best of my ability.

EDGRHE 2. KERRICK, jr., LAoutemant, USHR, Interprotor.



To the Members of the U.S. Consistion, Marianas Area.

Petition for the Acquittal of INCUS, Fundo.

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Incus, Funis graduated from the Shime-kan Insutahana Commercial School and is our semior. Because of this World War, he had to leave his family and go into the Army. While he was at the school, he had a great character, was fair, gentle, straight-forward, industrious, and has a clean record for 5 years. He is indeed a very good person. He has left his aged mother, age 59, wife and child to go into service, and now with the defeat in the war he is suspected as a griminal. I do not know here to express her his aged mother and others are feeling. Under present condition I do not think his family is gotting along very well. He has a good character and would not do such a thing. I beg you for his acquittal.

> Takeda, Hirona Yawatahama-shi, Shahaku.

I certify the above to be a true and complete translation of the original polition to the best of my ability.

MANNE L. KIRRIOK, JR., Lioutenant, U.S.H.R., Interpreter.

CERTIFIED TO BE A TRUE COPY ULEUT. DBBZ

10th Nov. 1946

To the Numbers of the U.S. Considerion, Marianas Aven.

PARTICIPA

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Br Amy Captain Incus, Pasie.

The above pergen is a man from our village. From his bigheed be

At home my nother, older sloter and a nepher are living very lot

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I bag of you for his forgiveness.

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a server the the Inous, Risks Ihim-hon, His Patalang-mana, Pak

Star Aller in

I certify the shore to be a tone and complete translation of the original publics to the best of my shilling.

I R. EMBLICK, SR., Identitionald, V.d.,R.R.,R.,

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To the Honbory of the U. S. Consistion, Marlanes Area.

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Potition for the acquittal of Insung Funio

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Person Amy Captain Incom Funio who is nor hold in the etcodeds on a Ner Orizon Suspect graduated from the Education Taxatikans Consecuted. School in the year 1929 with high extellastic standing, good conduct and 5 years of class reaced and he was very heast, I thinkly ballere that a net 5 could not have Milled with the character in has. I have that he will be acquitted as even as precible, At here is has an aged methow, with and daild and they can not go on Miving without Mn. Recence is in in is a very good presen, I be year to acquit him as seen as precible.

> 18088, Talaaki. Bilao-bon, Kito-gun, Sidautoki-Bara, Camp-Raya.

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I certify the above to be a true and complete translation of the original polition to the best of my ability.

Eugene, E. REALON, JR., Léoutement, U.S.N.R., Interproter.



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To the numbers of the Considention, Harianes Area.

Polition for the Acquiting of Janua, Pusio

I bug you to acquit Former Amy Captain Incom, Funio who is southing the designer in the stochade as an upr arise suspect on fram.

While he was a student of the Britshen Landshen Generous is there is the stand in the stand of the formation and by standing very hard he deladed very high established is standing. As to bis descention is is grather that a person life of the formation in the grather that a person life of the bis could be easily then with prices of life and any withy and a delife are hereing a difficult then with prices to life and are warrying with a difference be prices. I thereafter by prices are hereing a difficult the state with prices to life and are warrying with a difference of the state with a state of the state of the state of the state warry with a state of the state warry with a state of the state warry the state of the state of

Ethechil, Ocean Ibino-bon, Tamilabana-obil, Anaki-mathi. -

I certify the shows to be a true and complete translation of the original polition to the best of my shilling.

Linternett, U.S.H.R. Interproter.



Personal

Hoy 10th 1946

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To The Henters of the U. S. Considerion, Marianas Area Potition.

In Any Captain Inone, Pasie.

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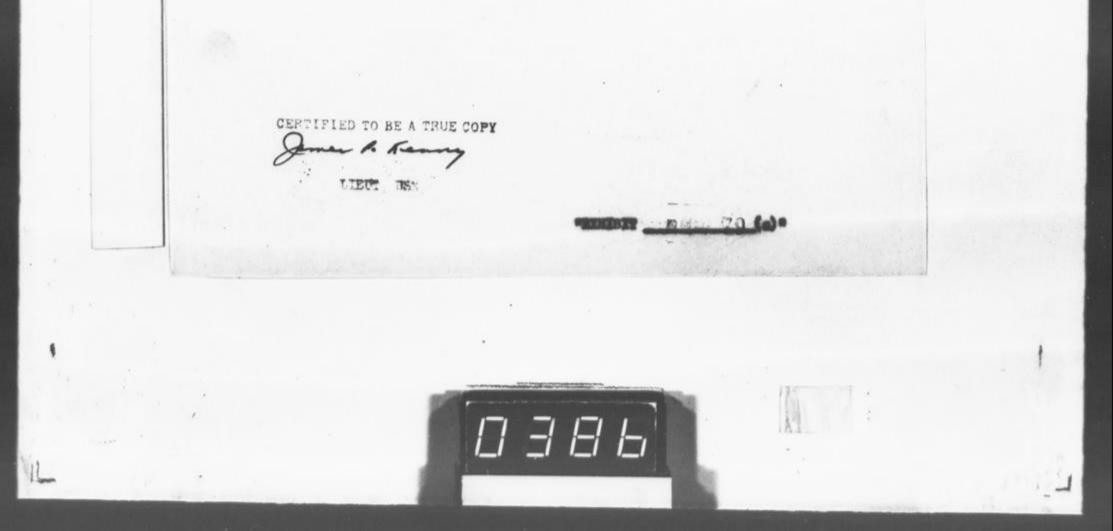
The shows person is being held as a the Orizon suspect, but as he way post descent, a solid sol intelligent from his boyteel and is of a very post descents, I finally believe that he can not count a orizon. When he delive case his god wother and to define the bill way believe that he can held count to the solid a deliver the held of a set of a set of the bill and the bill a decent and are living very modertly welfing for his solary.

I proy that our hope and request are taken into conside ations.

Inous Tadashi Ihino-kon, Hishium-Gun, Putalup-mara, Publigama,

I coptify the above to be a true and complete translation of the original potition to the best of my ability,

MARKE R. MARAGE, JR., Liothenant, U.S.H.R., Interprotor.



PERSON

10th Hov, 1946

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To the Musbers of the U. S. Condecton, Merianas Area.

He Amy Capbala Incos, Pusie.

The shore parents is a very good percent. Bronyone house Funits. Its has greatly controllated to our village. Hails to use small be use alloys house't and has more been desided by asymme after he gave up.

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After hearing the notice his family has been living very lessensely, fermination in thinking about his every day and we can not also cain, We all sould his to same have as goes as peoplitic,

Please consider our request.

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Intro-ine, High Bro-gun, Relation-lines, Fuldamen

I certify the above to be a true and complete translation of the original putition to the best of up ability.

> Edentement, V.S.R.R., Edentement, V.S.R.R., Enterproter.

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Members of American Military Couniscion, Marianas Areas

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INCOME, Punio, former Captain, IJA.

Hearing that the above person has been hold as a war orime suspect at Guam, I hope that he will be eleared of all guilt.

Gentle, sincere in nature and excelling in studies, he was a model of the young som of the village. He had strong moral ideas and he not only put them into practice but would teach them to his juniers. We have been greatly impressed by him. Judging from his character we are convinced that he is not a sam to count such an unhuman act.

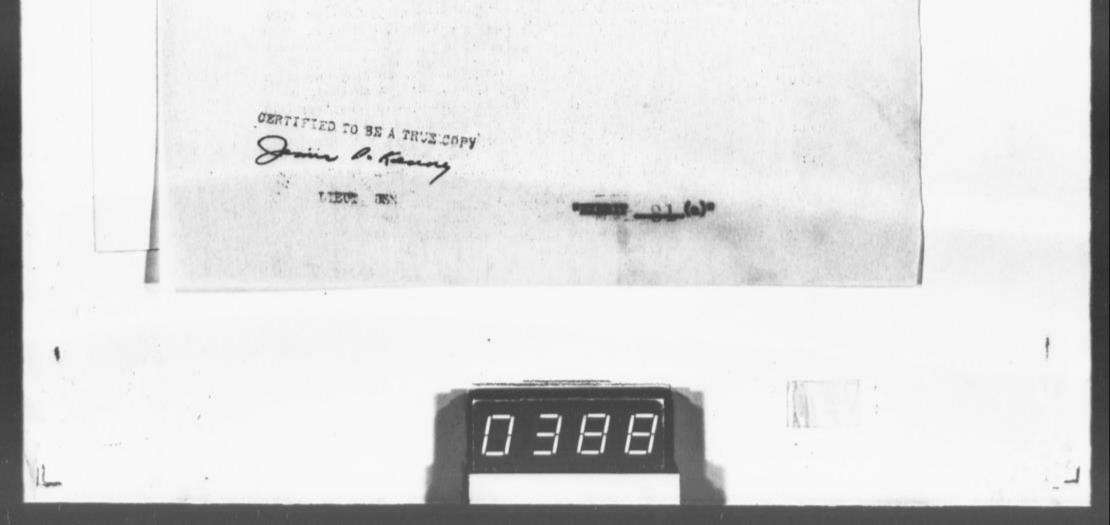
At home his aged nother and loving wife are praying for his acquittal and looking after his shild, His sister, since his departure for war, has been working hard to support the family. The village people feel great sympathy for then,

Considering the extensating circumstances I place this petition and beg your loniont judgment.

EAMANO, Geenn Pukigawa, Priaiwa-sure, Hishi-uwa-gun, Bhino-kun,

I certify the above to be a true and complete translation of the original potition to the best of my ability.

HUGHNE R. MERRICE, Jr., Licentement, V.S.H.R., Interpreter.



To the Members of the U.S. Countestes, Marianas Ares.

Potition for the Acquittal of IRCOS, Fundo.

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When he was in school, he had an excellent record in studies and was very industrious and he graduated with 5 years of clean record, therefore, I think he is not a person the can kill,

I beg you for his seguittal.

At home his family is in a condition in which they cannot make a living without him. Therefore, I beg you for his acquittal.

Funai, Jungo,

Ramanoishi-cho, Honomachi.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

BUGENE E. KERICK, JR., Ldoutement, U.S.N.R., Interpreter.

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PETITION for Mitigation.

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To : The Heabers of the Countscion.

For s INCOR, Panlo.

The above person is sincore, gentle and kind. He has been respected as a model person in our village.

Re lost his father when he was still a child, and at home he has now an aged mother, wife and child. It is a pitiful family.

I beg you will be able to judge his character by his daily conduct and place this polition in mitigation for his sentence.

Dec. 14

UESUNCHIYA, Mantaro.

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I certify the above to be a true and complete translation of the original petition to the best of my ability.

EGENE E. KERRIGE, JR., Lioutenant, U.S.N.R., Enterprotor.



and a dealer

The Hombers of the American Military Consistion, Marianes Area,

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INCOL, Fundo, Ferner Captain, ISA.

The above person is now being held as a var orine suspect, at your place, but he is a man of noble and moral character. Hvery one who knows his cannot believe that he would count such an unseral act against humanity.

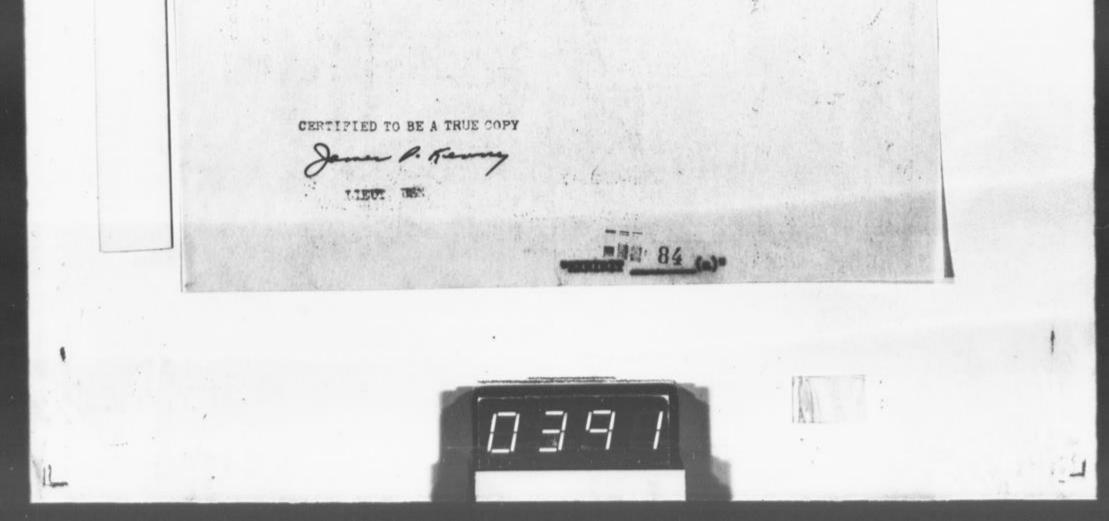
His home is none too prosperous. The carnest attitude of his aged nother, and sister longing for his return, has caused all to sympatize with them,

Taking into consideration the above situation, and by your loniont jadgeent I beg his sequittal os that he may return home seen.

RAHANO, Kasutoshi.

I certify the above to be a true and complete translation of the original potition to the best of my ability.

BOGRNE E. HERRICK, Licutement, V.S.N.R., Interpreter,



PER LTLUE

INCOME, Fumio, Former Army Captain.

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The American Military Coumission, Marianas Area.

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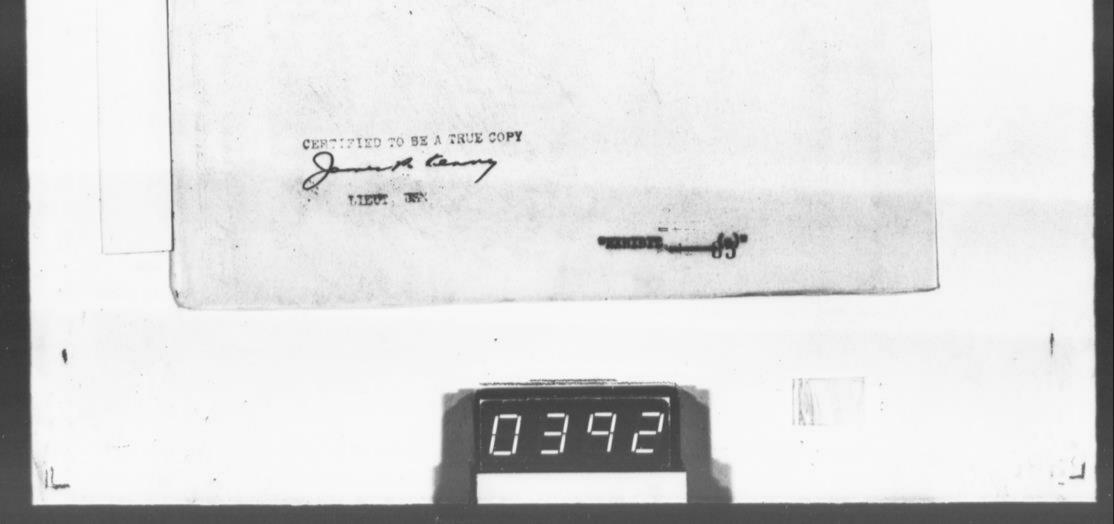
I have heard that the above person was from his childheed very sympathetic, human and a noble character.

I was surprised to hear that he is being confined as a war erine suspect. Ris wother, wife, sister and child are living lenely lives and are waiting his return. I beg your lenient judgment so that he can return home soon.

> WAKA, Atenko, Ehime-ken, Hishi-uwa, gun, Fata-uwa-gun, Kamikura.

. I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGRNE E. KERRICK, Jre, Lisutement, U.S.N.R., Interpreter.



The American Hilitary Genmission.

INCUE, Punio.

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Permanent Devieile-Ehime-ken, Hishi-uwa-gun, Futa-uwa-mura, Makataugas

The above person was a person of the following character when he was a student in the Middle School of his town.

> Commer Hanner Act Dissipline Speech Diligency Studies

Gentle Sincere Impartial Good Clear Industrious Excellent

Present family situations Farming, no father. Present members of the family are his mother, wife, daughter and sister.

Without his return, the support of the family is very difficult.

Taking into your wise ernsideration the above fasts I beg your lemient judgment.

EAKIMIZU, Temako, Ehime-ken, Tawatahama-Gity.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. HERRECK, Jr., Licutement, U.S.N.R., Interpreter.



The American Military Cosmission, Merianas Area.

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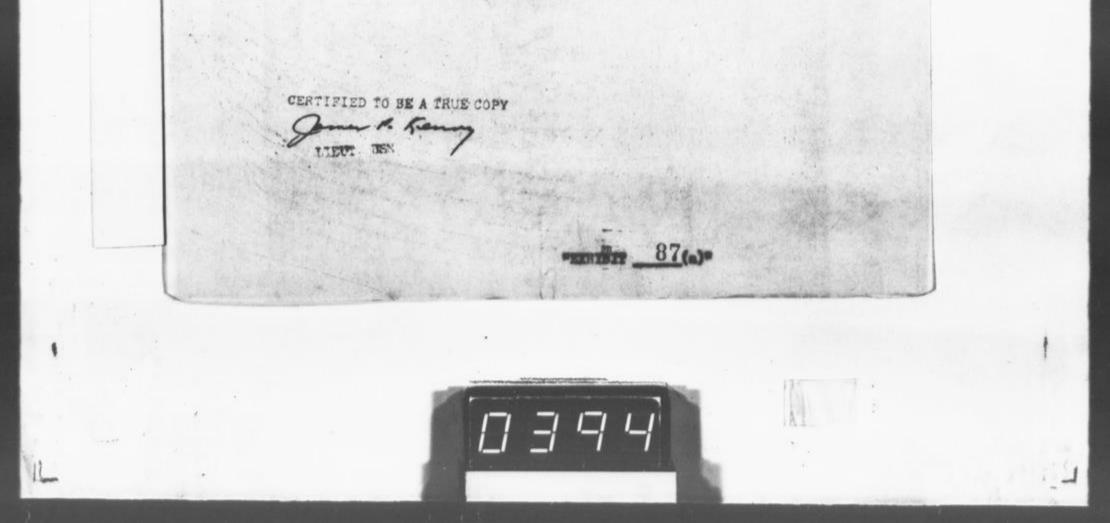
INCUE, Fundo, Former Captain, 13A.

The above person is a man of good conduct. He has not been repatriated because he is a war erime suspect. He is a very kind person of rest moble character. He is not a man to commit any atrecities. If he is not repatriated, his family will be in a hopeless situation. When I think of his character and his roble character I must beg you to repatriate him soon.

> SAKAHOTO, Masako, Ehime-ken, Yawatahama City, Hiroka.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lisutemant, U.S.N.R., Interpreter.



PETITION FOR INCUR FUNIO RE-CAPTAIN IJA

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To the U.S. Hilitary Commission of the Marianas Area.

I how that he is confined in the Gums stockeds as a criminal suspect in the Jakuit natives' case. But he is of mobile character and mild in nature, so I cannot think that he can consit a crime. He has only an old mother and a shild at home, and they are very pitiable. I potition you that you will forgive him.

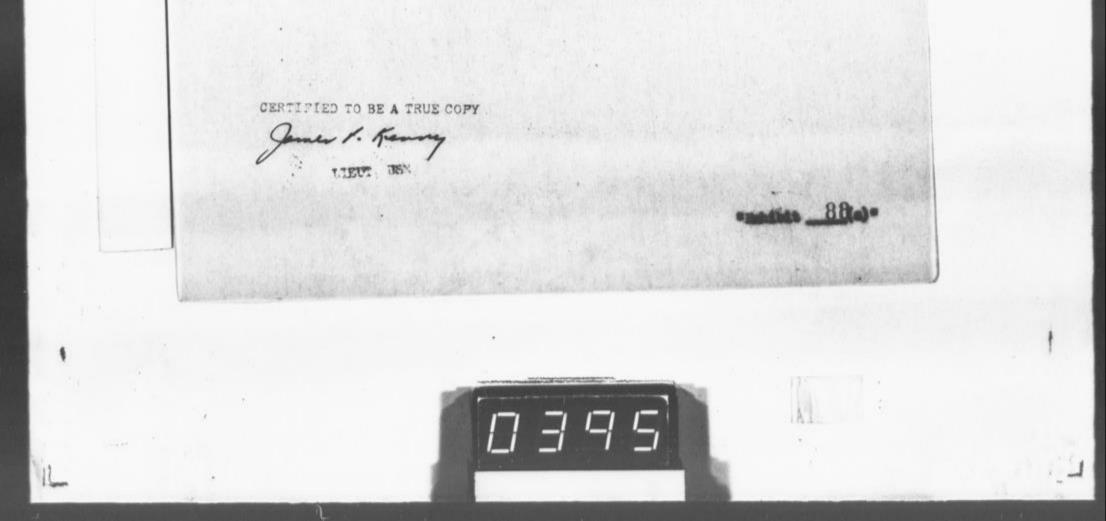
10 December 1946

Einshi, Bin Futaiwamura, Nishiuwa-gun, Mimo-hon. . . .

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I certify the above to be a true and complete translation of the original petition to the best of my ability.

MOME S. REBRICK, JR., Licutement, U.S.H.R., Interpreter.



The American Hilitary Commission.

Tes

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PETITION

I beg to place this petition in behalf of TNOUE, Fumio, Former Army Captain.

He is a man of gentle and good character. He has not the slightest intention of committing an atrocity . He only performed it in accordance with a superior order.

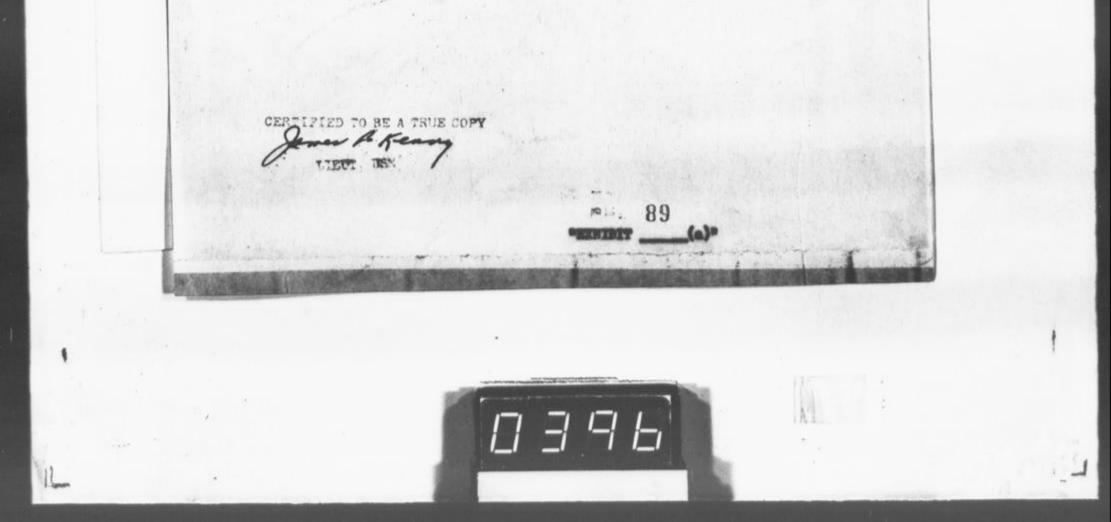
At home there is his mother, little child, wife and sister. There is no man to hip them so without him they will have a very hard time hereafter,

Nost of the soldiers who were sent out were repatriated or their sculs have returned to their native place to rest in peace, but INCUE is now in confinement writing peems about his mother. When I think of him, I cannot held back my feelings any more. So I am placing this petition before you and bag his carly return.

> YOSHIMI, Toshike, Yasutahama City, Hirose.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EBOENE E. KERRICK, Jrep Lisutemant, U.S.N.Rep Interpreter.



The American Military Coumission, Marianas Area.

INCUE, Funde is a man of moble and gentle character. During his school days he exceeded in his studies. He never mingled with bad company and attended school very diligently. He is not a man to conmit any orime. It may be due to the fuedalistic tradition that he was constrained to become a criminal.

His nother is eld and there is a small daughter in his family to be looked after, so without him his family will be completely lest. His daughter YOKO has not met her father yet.

Plense deal leniently with him.

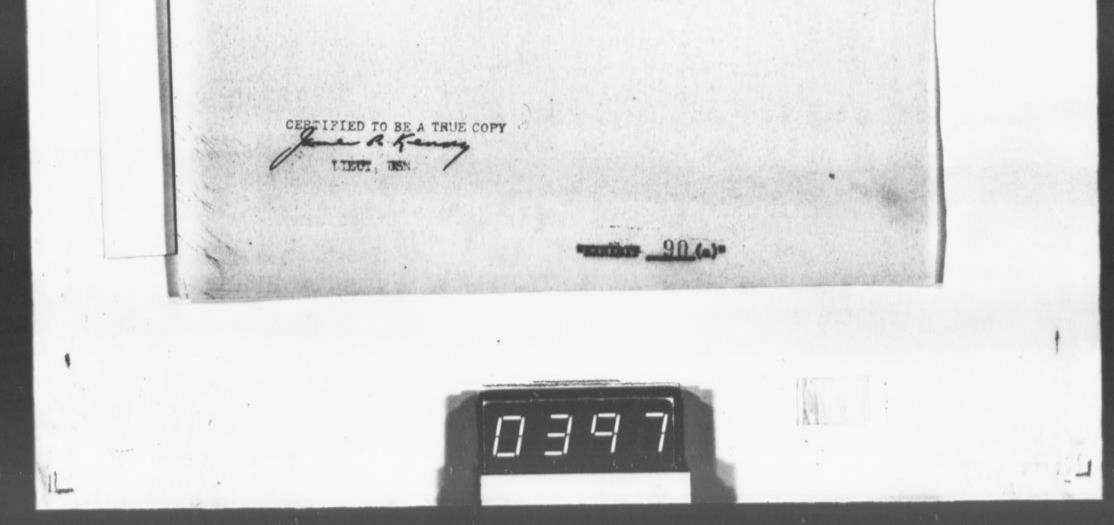
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YAMASHITA, Chisoku, Zawatahans-City, Mukai-nada, Kanjo.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Ideutenant, U.S.N.R., Interpreter,



The American Military Counission, Merianas Areas

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INCUE, Funio, Former Army Captain.

The above person is now being held in the Marianas because during the Pacific war he had obayed the orders of his superior.

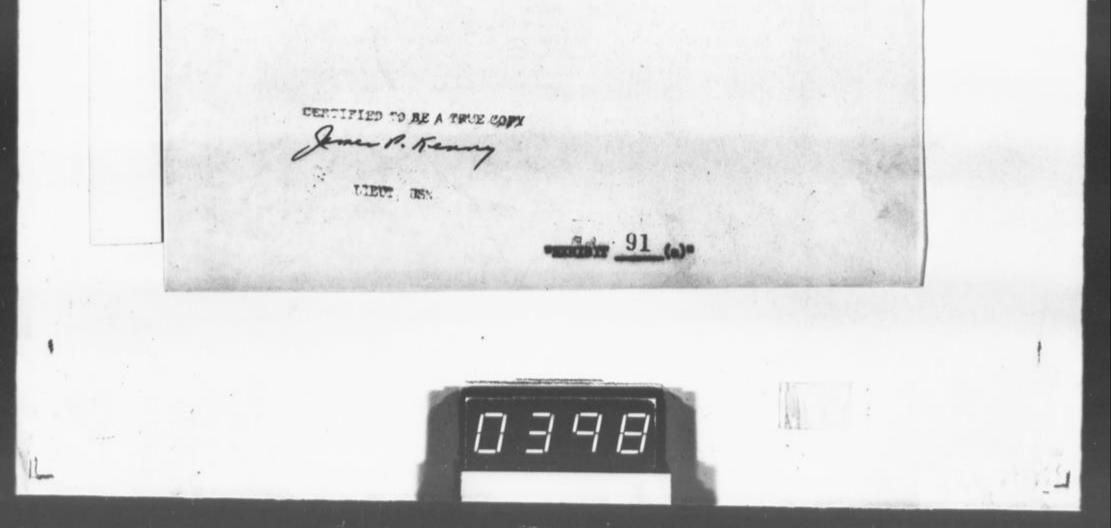
He is a man of gentle character, a diligent worker, excellent in studies and sound of thoughts. He is not a man who would dare do any eruel acts.

At home, his mother, wife, gister and child are writing his returns I believe there is no difference in the love of relations no matter where or when it is shown. INCONE would be a capable man in the reconstruction of a new and penseful Japan. I place this potition so that he may be able to return seen.

> KAHARAWA, Mashiko, Khimo-kan, Mishi-uwa-gun, Misaki-mura, Misaki,

I certify the above to be a true and complete translation of the original potition to the best of my ability.

RUCHHE E. KERRICK, Lieutenent, U.S.N.R., Interpreter.



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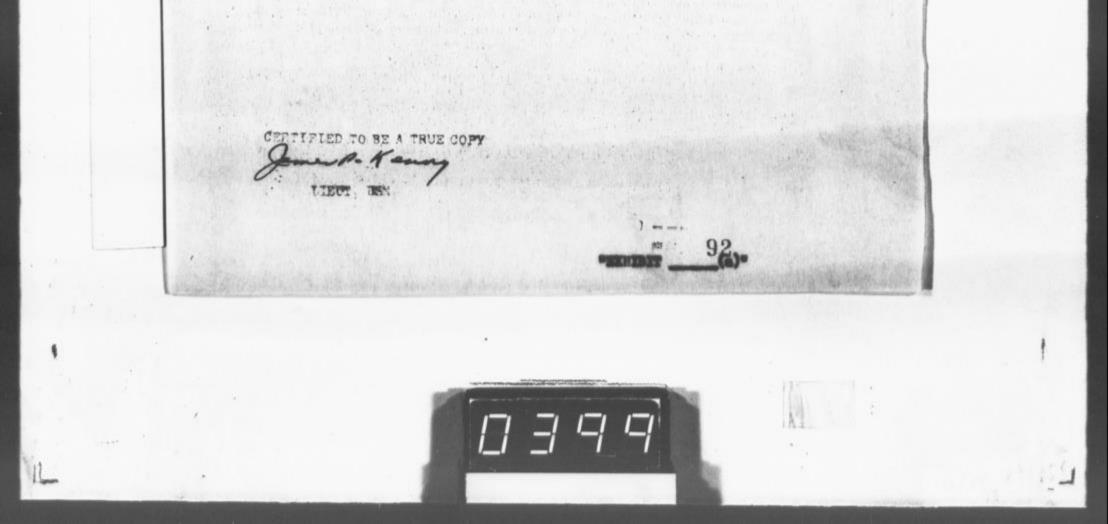
The American Wilitary Commission, Marianas Area,

The conduct of INCOM, Funic, has always been gentle, good and fair. He is not a man to commit such an atropicus act. He did it in accordance with a superior order. At home there is his mother, wife, sister and daughter. If they should lose him, it would be very difficult for them to make a living. Such is the situation of his family so please be lemient with him.

> ELENOCHI, Rmiko, Rhimo-kon, Nishi-uwa-gun, Kawakani-mura, Kawa-matsu,

I certify the above to be a true and complete translation of the eriginal potition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, U.S.N.R., Interpreter.



The American Military Commission, Merianas Area.

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INCUE, Pomio, Former Army Captain.

I would like to take this opportunity to write a few lines in behalf of INOUE, Fundo. I am sure the members of the commission are fally aware of the customs and practices of our country at that time.

Paithfully he performed orders of the superior and he is not a person to kill anyone.

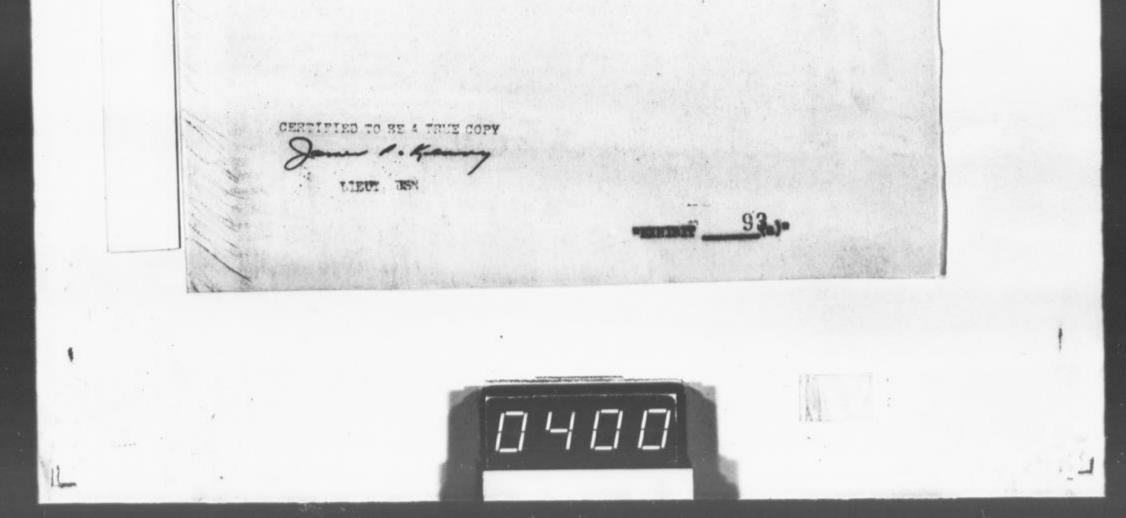
His family is depending on him and waiting for his return.

I beg your meraiful judgment so that he may be able to return home and relieve his mother's anxiety.

HISHIJIMA, Teteuko, Ehime-kon, Yawatahama City.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EUGENE E. KERRICK, Lioutenant, U.S.N.R., Interpreter.



PISTITION

16th, May, 1947, FURUKI, Hidesaku, Jaluit Defense Garrison.

Your Honor, the President and the members of the Commission:

As his former Superior Officer and as his intimate friend, I would like to have the opportunity of stating the matchless, noble character of the accused, Captain Inoue as follows:

1. His Charity.

Gaptain Inoue has a charitable heart as he always toils much more for people and society than for himself. About October of 1944, the feed on Jaluit became extremely scare, and death from starvation increased, but at this time there were about twenty (20) Leprous patients on Jaluit, and by the help of Captain Inoue they were all saved from starvation. Captain Inoue had just come back from the inspection tour of the islands and at the conference table of the Senior Officer of Jaluit, he gave the following point of view to Rear Admiral Maguda, Commanding Officer of the Guard Unit,

"The natives of the Leprons Island are in most of food. They have eaten most of the Copra. If they are left in this condition, the only thing that can happen to them will be death by starvation; therefore, I would like for them to be moved to another where they can obtain food". Up until this time many persons had been to the outlying islands on inspection tours in regard to food and defense, but Captain Inoue and he alone was the only one who had inspected and werried about the food situation of the Leprons patients. Rear Admiral Masuda readily approved Captain Inoue's opinion, and the Leprons patients were moved to an island with food and were given help in their livelihood. And for this reason the Leprons patients through the commanding efficer of that island expressed their thanks to Rear Admiral Masuda.

Captain Inque's method of carrying out his duties as Ghief of Hilitary Falice was first not to have any orimes cannitted and if a person should commit a orime, he would induce him to think about what wrong he had done and that he will mover again coundt a orime, by talking to him from his own heart, Because of this everyone from Admiral Mesuda down knew and realized Captain Incue's super-human work. Even these who were arrested by Captain Encue felt Captain Incue's deep love which came from his heart and actually shound their source and felt that they would never again do wrong.

Around April, 1944, Captain Inone submitted the following opinion to not "The Harshall Inlands are all surrounded by large enemy forces. In the bettle of the Pacific Islands it is nearly impossible for the Japanese fares to counterstack and some to the Harshalls. Further supposing it pessible, we would not know how many years hence it will be: Therefore, we will have to judge that there will be no hope for supplies. If we do not have any positive food plane, I think a time is more to come when our new will all die of starvation. We will have to make plans for our food by our own hands right away, so will you please give this spinion to Commanding Officer Harada," Because I full the came way, incus and I want to Rear Admiral

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Exhibit 94a(1)

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Masuda, and we both explained our opinion. Rear Admiral Masuda was very much moved by this opinion, and from that time on, everything you can think of was tried, and just after the fall of Smipan we were able to make counterplans to most the food situation,

I believe that one of the main reasons there were only a fow persons who died of starwation on Jaluit as compared to the other islands of the Harshalls was that we had wisely coped with the food situation on Jaluit, and this original idea came from the opinion of Gaptain Incus. Under the severe bambing by the Americans from day to day and night to night, at the time when the man and officers had nothing in their minds but to escape death from the bambing of each air raid and to find something to est; for Gaptain Incus to think and bring up this opinion shows, of course, his fursightness, but I believe that it was his original nature, his deep love to humanity, in other words he thought that he had to corve to better the condition for the mass of people and for the public. This is the light which and him do this.

2. Faithful to his Daties, Henest, and Fair.

In carrying out his daties he did not turn back no matter how difficult or painful. In order that he might fulfill to the best of his knowledge the daties as the Ghief of Military Police and as the head of the Farm he would stay up until four or six s'clock to think about the best way.

The Defense Force of Jaluit was made up of Military personnel, Gunzelms, and Matives.

Among the military personnel there were Army and Nevy, and among the Gunselms there were former government officials of the South Seas Government and civilians which made internal affairs very complicated.

Because their points of vice all differed, all kinds of problems in regard to interests same up, and we were in a position where we could not avoid motional clashes. Furthermore with the progress of the war gotting closer to the final defeat and with all the things on Jakuit at a standstill, the dissipline of the non, officers and Ganzokus was gradually becauing corrupted. On the and of the year 1944, Gaptain Inous and to no as follows

"Hilitary dissipline is the vain of the Army. The fundamental probain as to whether the Jakuit force will survive or not depends entirely upon whether or not we can maintain this dissipline under this present condition on Jakuit. I do not think I who have no gift of talent nor ability would be of any help in maintaining the dissipline of Jakuit, for as Ohief of Hilitary Police his duties are to control the dissipline of the Army. "There are new

fit persons with shility, so will you planse ask Rear Admiral Hasuda to to no off this dety." However, as I believed that there was no person than Gaptain Iness to hold this impertant daty, I did not agree to this, but as he begged no again and again, I fically brought his opinion before Rear Ad RTIFIED TO BE A TRUE COPY a. Ken TIEUT USN Exhit 1 Stal 0402

At the same time, Captain Inoue had asked Lioutenant Comm HITCHE, who was actually the adjutant to the Commanding Officer of the Jaluit Defense Force, to put forth before Rear Admiral Masuda his opinion withdrawing from the duty of Chief of Hilltory Police. Idoutement Command SITCHE also tried very hard to change Captain Inous's opinion. Rear Admiral Masuda called Captain Inous with Idoutement Commander HITCHE and me present and stated, as follows: "There is no person on Jaluit other than Ge ain. Inous who can hold the duties of Chief of Hilitary Police. I, syself, and all the personnel on Jalmit know that among all the personnel of the Army and Havy of Jalmit you are very strict and fair in regard to dissipline and that you have a strong sense of abadiance. Furthermore, your fair and human obseastor and asts with noright or wrong side to them are absolutely necessary to settle discontent and differences of feeling between Military, both personnel and Cansokus, Army and Havy, and officers and men. There is no other person who can take the duties of the Chief of Hilitary Police and maintain military dissipline and unity on Jaluit as you can. I can understand your strong sense of responsibility and your modest attitude, but I absolutely can not permit you to withdraw."

Hencely as Beer Admirel Masuda stated, all the officers and men on Jaluit know and balowed that Captain Incus's' fair and honest character and acts in carrying out his duties had greatly contributed to maintaing the discipline and unity of the Defense Force on Jaluit.

3. Obedience,

Captain Incus was always saying as followss "The first duty of the Military Palice is to control military dissipline, but to me this is a very hard problem. I know my own gift and ability. In maintaining the military dissipline of the Defence Force on Jaluit, I think the best thing for me to do is to give an example of obedience myself. I know my gift and ability, but I would endeavour to make myself an example of obedience by putting forth body and soul for that emass." Gaptain Incus astually did that he said no matter her difficult the condition or her busy he was, if any orders were given, he put forth his best effort to do it. And he worked hard every dah and night to become as it is stated in the Japanese Army Operational Hand Beek, the Japanese Nevy's Neval Battle Hand Beek, and other Hilitary Regulations, "Obedience will become your second neture."

Rear Admiral Maguda was always stating that Captain Insue is the No. 1 man among the Army and Newy personnel on Juluit in regard to obedience and in carrying out orders, and I too have stressed this point and have tried to tell my other subordinate officers to be like him.

The expection of the mative spice who came from Hilli Island was carried out by orders of Admiral Hasada, Rear Admiral Hasada had a therough belief on discipline, in other words, he was very strict in regard to obedience of orders, and this he taught to his subordinates and desanded action. One main reason Jaluit had no departion of Hilitary personnel or Genesius and only

crahalls was that a for doaths by starvation as corported to other bases of Jaluit had a very strict dissipline compared to others. But the reaso Similar, a ... CERTIFIED TO BE A TRUE COPY 1. 94(3) Exhibit TIEUT JEN $\Box \dashv \Box \exists$

Jaluit had this strict dissipline was I think because Hear Admiral Hesuda was the Coumanding Officer of Jaluit, Under these conditions Captain Inoue was ordered by Rear Admiral Hasuda to carry out the exception and at this time Rear Admiral Hasuda stated as follows to Captain Inoue.

"I will not permit you to give any further opinion on this matter." I was present when all this happened and I can still see very clearly what took place at that time. If any other Japanese military personnel who makes absolute obsizence to orders of his superior his life and daty as stated in the Emperior's script were in Captain Insus's position or if any military personnel of any country were in Captain Insus's position I almosrely believe that they too would have no other way out than to obey the order.

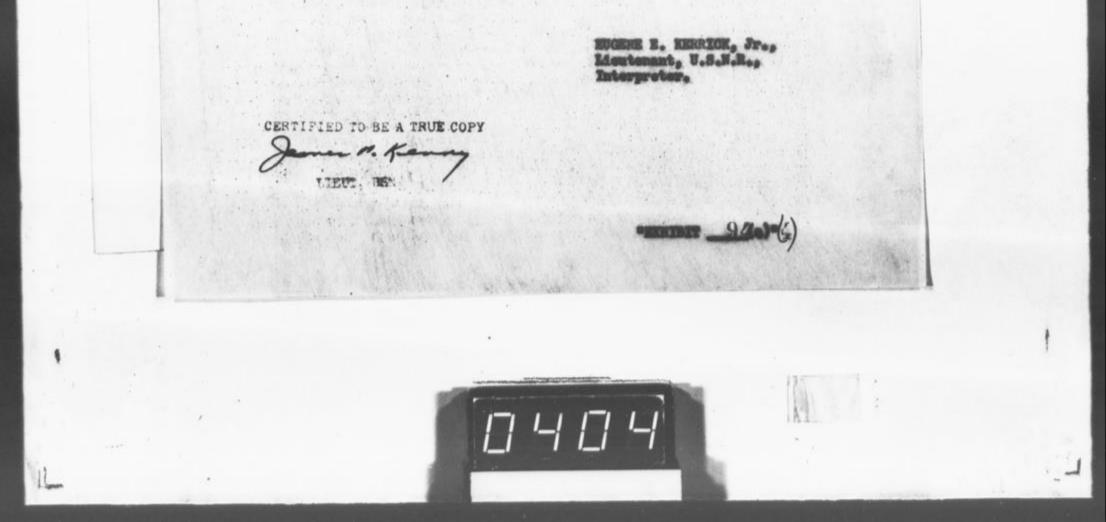
All through the fifteen years of my military life I do not know of any other army or Havy personnel who are superior to Gaptain Insue in regard to deep affection, (love), a strong sense of obedience, true to their daties, and honesty in what they say and do. Of all the persons I mow, I respect Gaptain Insue the most, not only as a military person but also as a man. It was the greatest joy of my thirty-five years of life obtaining Gaptain Insue as my suberdinate and also as my true friend. If the two thousand Japanese who returned to Japan free Jaluit heard that Gaptain Insue was being tried as a marder suspect I think there will be no one who would balieve it.

Your Henor, the President and the numbers of the Counissions

Baytain incus is not only necessary in the care of the lives of his aged nother, wife and children, but I also firmly believe his acts were justifiable and that among all the Japanese he is the person who can contribute greatly toward the peace of the world and for the reconstruction of a peaceful Japan. Therefore, as a person who knows him best in this world and in representing the two thousand Japanese we returned from Jaluit without knowing that he is being tried, I hereby beg you upon my knows to take the above statement into consideration in judging the case of Captain incus.

FURDEL, Hidesalm.

I certify the above to be a true and complete translation of the eriginal polition to the best of my shility.



PERITION

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3 April 1947

Momentys, Hirosuko Sergeant, 13A, Br-Jaluit Defense Garrison,

Your Honor, the Presidents I would like to express my deepest gratitude for your every day afforts in this hot weather.

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Gaptain Inous who is now being tried and I were born in the same village and served together in the Jaluit Defense Carrison. So, I believe that I an one who knows about the character of Captain Inous most.

He was brought up in the plain, grassy countryside by his mother only. From this environment, he was inherited such virtues as mildness, rightcourness, and the sense of responsibility and they became his character.

As a civilian in his village, he was filial and had a good reputation among his neighbore.

The duty of Captain Insuscen Jaluit was that of chief of the Special Police Section and the administrator of the farm program of the Self-support Gendities. In former, he took charge of proventing and supervising the violation of food centrol in order to protect the lives of 2,000 military men and 2,000 matives on Jaluit who were on the verge of starvetion, and in the course of the latter, he took charge of raising erops on the Atell, so the course of the latter, he took charge of raising erops on the Atell, so they were very difficult tasks. Both jobs were very tellasme work and no one they were very difficult tasks. Both jobs were very tellasme work and no one they were very difficult tasks. Both jobs were very tellasme work and no one they were very difficult tasks. Both jobs were very tellasme work and no one they were very difficult tasks. Both jobs were very tellasme work and no one they were very difficult tasks, both jobs were very tellasme work and no one they were very difficult tasks and the task both of them and cornectly corried then outh. If it had not been for his streamous efforts as the shief of the Special Folice Section and as administrator of the furn program, most of our 2,000 mm would have starved like these on the other bases of the Harshalls did.

Owing to his afforts, we could be recound from starvation. Captain Incus is the benefactor of our lives. Not only I, but also anyone the lived on ecconute on Jaluit thinks ste

May must Captain Income, such a fine man, be tried at court? I as so analous that I feel as if I could not they shand or sit.

Your Honor, the Presidents Captain Incus has done what is faithful, what is righteous and what is milds

When he was in his village, he was a fine citizen; and when he was called

has been doing what in true and what a man should do. If he will be di from military service, he will save his family, help his meighbors and the people. I have never doubted it, because he did save 2,000 men on from starvetices CERTIFIED TO BE A TRUE COPY P. Ke TISN. TEUT 0405

At his home, his old nother, sister, wife, and a demphter who was been after he had gone to the front and who does not know his face, are looking forward to his roturn.

Hour Honor, the President and Hambers of the Consistions I beg your kind consideration for what I have just mentioned.

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I certify the foregoing to be a true and correct translation of the original potition, to the best of my ability.

Bugene E. Kerrick, junior, Lioutenant, U. S. Haval Reserve, Interpretare

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Jour Honor, the Propident and the Hashery of the Consistion.

I would like to express up despect respect for your courties that you are devoting yoursalf to judicial affairs every by in spite of this bet

How, I as going to state what I know shout the personality of home, Pasie, Saytain, 134, an-Jukatt Balance Corrigen who is to be tried on this island as a var arisinal, and lidle to be your bearvalant, lastent judgenest.

Captain lists was a man of descenter, He was the most semiar efficar in the army well under the essented of Hajer Fundel, and was the man them to adadred and tracted mort, Had confidence was plasted in him by Rear Adadred Hannis, the Generaling Officer of the Jakuit Bedrame Corrience, not to speak of Hajer Furthi, the forthalise commander, I ease heard Hannis explander Inder Turthi, the forthalise commander, I ease heard Hannis explanture of Hajer Furthi, the forthalise commander, I ease heard Hannis easting, "Hen I easy set up dety as the commander, I ease heard Hannis explands formines, my most reliable antistents, up right-hand man, were Hajer Furthi and Captain laws, Hen the war is over and I can go had to Japan, I deall sever fail to go to the Army Department and tall the Army Haderlar the motion of these two percess."

To asherdinates usedimently fult that Oppinin Inous was mild except when he was on official dely. He realered others with a smills, used pullto language and mover was erregant. He had such an attitude over toward us. No can imaging her he was courteens toward his separison.

In sever dered his continuent or certical to sever acted bitsdly passionshely; he sever was careless; he was call, colf-pressented, patient and considerate. In his characteristics he was the case as lajor Furnhi, and he up also pure similar and hencet.

From these electronic titles, he may look rother encourtables, be expectally feel on by his stild and places attitude. But is reality, his biscurater is out to the expective. Fromyour the net lines and incor this fact the corpetant, Realized to may, he had a firm will, presider balled, a strong comes of responsibility and proor of eccention. His descenter scene secondart reflective, but altimate he may lask stild and not like a stilltury way, he has in the bottom of his heart a firm utilitary epirit with strong fully.

As I have stated shows, Captain have to a sam of character and a sam of Saith, So he is consciontions in his every word and dead, and server goes out of the consent read. Is can not do captiting without the spirit of justice, immulty and love, In thereadily performed his part as a military man, and was fullded to his military daty.

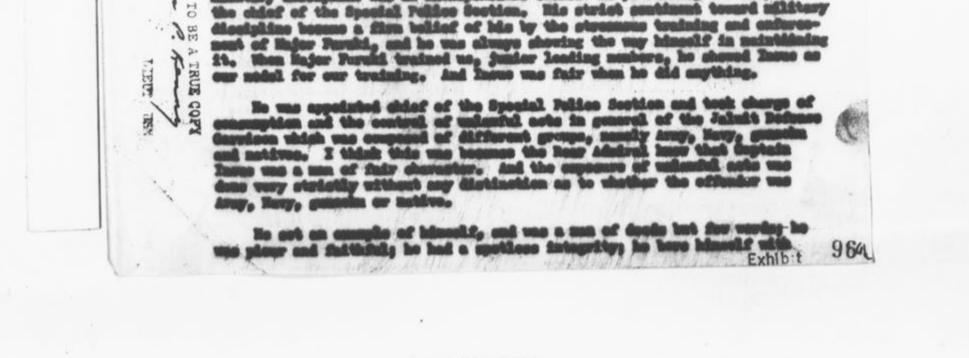
Any man of the Jakuit Defence Gerrison hnows, that he emerted himself to the wimset in againting Rear Admiral Hagade without any salitan motive.

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ELED

In bold a stolet attitude toward utilitary dissipline. Repectally, utilitary dissipline was an indispensable element in performing the deby of the oldef of the Special Publice Section. His strict continent toward utilitary





columns and stiristnesses he honored the rights of others and never improperly restricted then or make then small.

He was very desritable. He attitude toward his scherdinates was very mild exampt an efficial dety. He server compelled them by his anthority as a superior, nor did he restrain them with the tows of military order. He reported them an an equal forting with him, and respected their scalal reportion. (No did so not only to afficers but also to Hote and privates), His words were full of deep affection like that of alder brother toward his remay brother. He had such a fair additude not only to word the military personnel, but also toward the generature and multives too.

This attitude of his was especially marked toward natives.

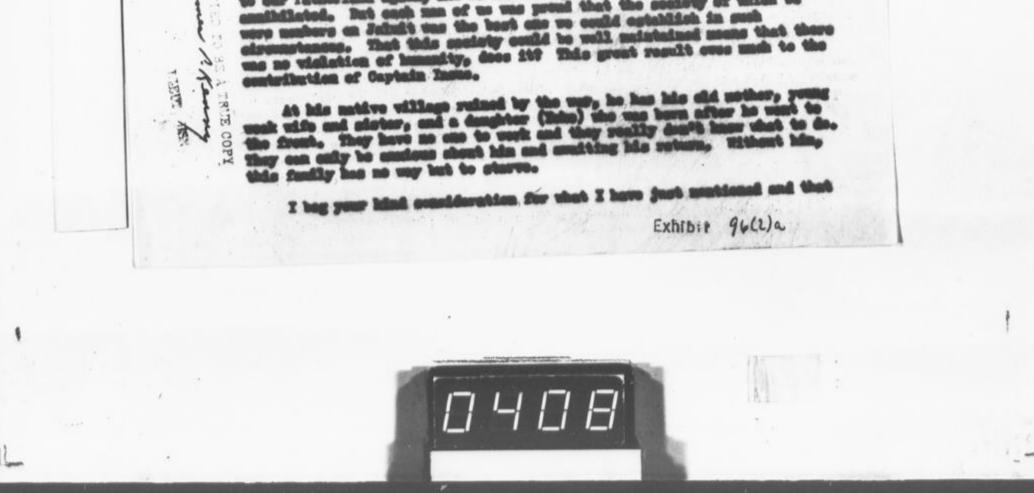
Captain Incas ands an inspection round of the outlying islands at a time when the provisions of Jahuit full short and oven a tree or plant was said to be a precises food. After he completed his inspection, he said to Rear Admirel Hassen, "There is an provision on Report Island (the island of Rear Admirel Hassen, "There is an provision on Report Island (the island of Rear Admirel Hassen, "There is an provision on Report Island (the island of Rear Admirel Hassen, "There is an provision on Report Island (the island of Rear Admirel Hassen, "There is an provision on Report Island (the island of Rear otherway attion of if we leave it as it is the Lopervan patients will rear starve to death. It is necessary to move than to the island where the feed is abundant," After giving this advise to Hassen, he gave them Indet Island where food was most abundant, and helped them to move to the island with a best at the risk of infection.

He used to admendah his enherdinates, the meshers of the Special Police Section, as follows: "If us expans the unionthil acts of the antives, as will as these of sillings and generics, we have to pusish them. But the matives are really the meshers of the Jainit Batence Corrison, and are the indespenseshie component of the Corrison as the supporters of our lives. We can live because us have them, so the matives are the headfactors of the Corrison. So it is unbearchis for no to pusish the methodes and there, find out the origes of methods, yet much consider it corrections, then yet failes with your educatition, admendah then and there. It could be beached a cost, entrust their despectives to the district commander and dan't treaths headquarty or shout their despective to the district commander and dan't treaths headquarty attract their despectives of the district commander and dan't treaths headquarty or shout their despectives of the Special Fulles Section.

This is the outline of the character of Captain Insue,

He offered all his energy, fulls and passion to hear Andrei. Hands, and, as his right hand man, convisi bingelf in uninthining the base of Julmit, We may call his one of the Sectors of Julmit, As will as Jate Damy Admirel Hands and Hajer Furthis, or far more than them, he was relied New Admirel Hands and Hajer Furthis, or far more than them, he was relied New Admirel Hands and Hajer Furthis, or far more than them, he was relied

Constain Jacon, a new of such a mobile character, the Serier of our lives, is to be tried. I cannot help desiring there rightereasures is. I believe the principle of basedity or merulity engit to be based upon the opirit of live, and it is to maintain reaso and happiness for the methers of the sectory witherst visitating the basis standards of the sectory. The Jaket Defense Carriers was estimatly instanted, and we last hope to go basis is our fatheriand again, and we had no way but to destary exceed with we



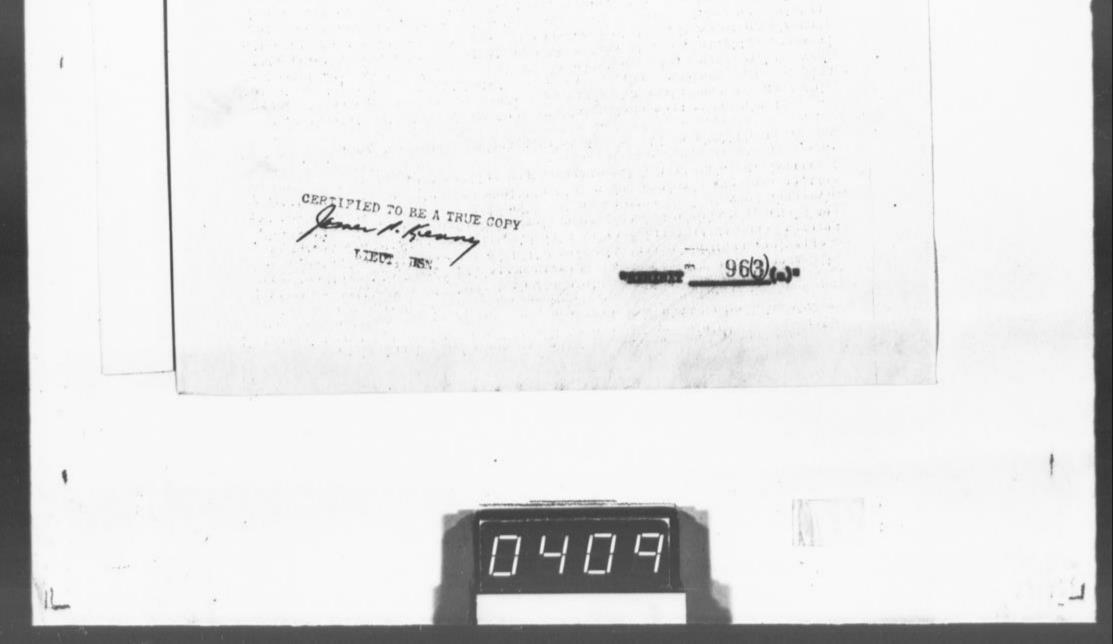
you will deal benevelently and londently with him, and the second strategies and the second

- 42 OOK

3 April 1997 Salata, Noire

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Mour Honor, the President and Members of the Countesions

PERTTON

1.8 5 mm

I am filled with deep emotion to hear of your day and night exertions in seeking legal justice for the sternal peace and happiness of manhiad.

I am che, who during the war on Jaluit, as his subordinate and as his course, shared my fate with Inoue, Funic, captain, IJA, who is now being tried as an accused in your honorable court.

I heard that he has become the accused in your honorable court. I would like to place this petition before you, stating my feeling from the bottom of my heart in behalf of him as his subordinate and as his conrade and beg your wise judgment.

Heabers of the Consistion: So far as I know, Captain Indue was a man who remarkably obsyced orders as a military man. As I am, he is a reserve officer consistioned after the cadet training. But his obsilence to orders was far better than that of professional soldiers. He is really pure-minded. He purely and honestly carried out orders, because the Japanese military spirit absolutely required his so to do. Of course, he never failed to state his opinion about the orders which he could not understand until he fully understood them. He had a proper reason. But after his superior solemaly gave his desisive orders, he never argued about whether they were just or not, and cornestly faifilled his duty according to the military spirit. He was really a wonderful men to me.

Hember: of the Commission; Captain Incue was a man who willingly faced difficulties. I think, in any kind of society, there are few man who can willingly undertake difficult work. But, in the desparate struggle of Jakuit on the verge of starvation, he valuateered to make such tough jobs as the chief of the special police section and administrator of the farm program. As administrator of the farm program he cultivated a farm on the starile sandy land, and as the chief of the special police sortion, he regulated the violations of the food rationing, and he saved the lives of 4000 military man, diviliant, and natives an Jakuit from starvation. I think we can understand that he was a man to be admired and proised from only the fast that he valuateered to take the jobs which no one wanted to take and that he was russessful in corrying out his jobs and saved the people of Jakuit.

Henders of the Genericsion; Geptein Inoue had a deep effection toward natives, At the time when the provisions were very short, he always insisted as administrator of the farm program that the distribution of the hervest had to be impartial toward natives and he carried out his words. He maintained the protection of mative lopers, stated that they should be given Thiet Island were food was abundant, and carried it out. I think we can fully understand how affectionate he was compared with others who were then occupied only for their own living.

Hambers of the Genedasion; his respectable character and his faithfulness

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toward his duty recound miserable Jaluit especially the pitiable matives, from danger which might have consurred if it had not been for him. Any man will admit that, if he had not been the chief of the police activity section, Jaluit would have become completely disordered, powerless natives would have suffered wrong, and Jaluit would have destroyed by internal troubles.

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B . S. .

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Hembers of the Commission; I beg you from the bottom of my heart that you will have kind consideration for the accused Inous with the utmost benevelence and that you will judge him with fairness and justice.

IEXI, Temenori

I certify the above, consisting of two (2) typewritten pages, to be a true and complete translation of the original petition to the best of my ability.

> EUGENE E. KERRIGK, jr., Licutement, USNR, Interpreter.



PRIITION

Numbers of the Considerion.

I would like to express my gratitude for your every day exertion in this fair trial.

Since the lot South Sons Detashment errived at Jaluit in November 1943, I was in close contace with Captain Incus as an officer attached to the garriets and also as his subordinate.

I have heard that the trial of Captain Inoue will be held, and I would like to polition you in behalf of this fine person.

Captain Incus was very hencet and a mild character. He spake to overybody with intimary, and we falt as if he had been a father. So, weyall the members of the genvison, relied and respected him. He was humane, courteens and of fine character. He is not a man the violates the law, Although Jaluit suffered under terrible and intense air-raids and from the shortage of meterials, we several thousands could well maintain order and escape from starvation. We owe this to Genmanding Officer Hasuin and also Captain Insue who worked as his right-hand man.

When I heard the missrable conditions of the other bases of the Harshalls after the end of the war, I fult as if my hair had stood on end, and became thankful again for the fine offerts of Captain Insus.

He may be called the benefactor of the lives of thousands of members of our garrison or dur Saviere

Captain Inous who sincerely saved our lives is now being tried. I feel as if up life becaus shortened when I think of it.

Heabers of the Consistion, I beg your consideration for the trath about Coptain Inous, the bundfaster of us, and I also beg you to give him a fair trial based upon rightenessing

I again beg you that you will listen to sy polition from the bottom of ar hearth.

20 April 1947

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To the US Hilitary Commission of the Harianas Area.

PETITION FOR INQUE FUNIO RE-CAPTAIN IJA.

in a Prat

As he was bern in our meighborhood, we know well about his nature from the time he was a boy. He was mild in mature. When he graduated from the Insutahama Commerical Middle School, most of his friends left their native village with hopes of success and advancement. But he gave up his hope of future success thinking of his mother and sister who lost their father and was employed at the Sotten Silb-reeling Company. Thus he devoted himself to discharge his filial duty to his mother and to the education of his sister, and he found his pleasure in doing so. He became a good instructor of the young men of the village. He emlighted then by advising them to prestice reading. Owing to his mild character, the characters of many young men were elevated, and they became foud of reading. So the culture of our village was improved, and the virtues of men developed. Everyone in our village admits this, and thinks that this is due to his fine character.

Then a war was waged by the Japanese militarists and saibatsu, and he came to enter the Army. We, all the men of our village, who know his charester well, thought that he was not the type of the Japanese militarist, but the pure-minded man was at last mobilised as a military man. People in his neighborhood who know his mild character imagined that he would command bravely during the battle but that he would judge well what he had to do and what he had not to do as a humane person. We also imagined from his character that when he was on duty in the rear he would kindly load not only his suberdimates but also the inhabitants of the occupied territory and would never do unlawful things.

After he want to the front, we often received his letters, in which we could guess that he was as goutle as when he was in our village and that he never countited crimes. He was always thinking of his native village, and was sympathizing for the miscrable realities of the natives. We have heard that he took care of them kindly. We thought he would be as gentle as ever wherever he want and our imagination was not mistaken.

His courades and subordinates came back. They told us that he was well and that he was not ashamed of himself before Ged and man, concerning what he had done. They said to his family that he had never committed a crime and that he would be back after a fair trial. We could not take these words for mothing but a consolution. And we believed that his gentle character since he had beenyoung was well empressed in these words.

At present, he has an old mother, a wife, a daughter (5 years old) and a sister at home, and they are living a sad life. Whenever we see then we feel very serry for them. We think that this is the sedest thing in the world. These four persons who are looking forward to the return of their sen, husband, father and brother are almost areay, and are proying to Ged to save him.

Hambers of the Commission of the United States, we humbly beg your kind consideration for these circumstances and that you will deal lemiently with him so that he will seen be immeent and be able to go home.

Server P. Keny



6 December 1946

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Inoue, Mitee (elect) Inoue, To (public official) Inoue, Hanetechi (public official) Inoue, Hasumitau (public official) Hahai, Yashiyo (public official) Hahai, Yashiyo (public official) Habai, Satouki (public official) Kikushi, Satouki (public official) Kikushi, Miteuru (public official) Kikushi, Miteuru (public official) Kikushi, Tsuyake (public official) Kikushi, Tsuyake (public official) Inoue, Matome (public official) Inoue, Matome (public official) Inoue, Matome (public official) Inoue, Masaru (Chief of the Education Section of the Futaiwa Young Men's Association) Osse-Fukikawa, Futaiwamura, Mishiuwa-gun, Ehime-ken, Japan,

E cortify the shore to be a true and complete translatic a of the original putition to the boot of my shility /s/ Regene R. Revelate, jre Regene R. Revelate, jre Regene R. Revelate, junice, Magere R. Revelate, junice,

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To: The Members of the American Military Commission, Marianas Area.

PETTION

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Former captain, Imperial Sepanese Army, INCOR, Funio excelled in school, and is a man of good conduct, and gamile manner. I cannot understand why he should be a war criminal.

We feel scrry that INCUE, Funio should be punished because he merely obeyed the order of his superior officer.

At home there is no man to help out. His aged mother, waiting for his return home as her only home, is working hard.

When we think of the feeling of his mother, we cannot help but make this potition in behalf of the mitigation of ZNOUE, Funic, I sincerely begyou with all my heart you will sympathine with the age old mother. His family is as follows:

Hother		INOUR,	Hises
W120			Kimiko
Daughter	•	INOUR,	Yoko
Sister		THOUR,	Urako

YAMAGOGHI, Wakako Hhimo-kong Yawatahama- Gity Eitasho

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. REBRICK, jr., Moutement, USHR, Interpreter.

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and setting

To: The Members of the American Military Counission, Marianas Area. For: 2000E, Fundo, former ceptain, Imperial Japanese Army.

The above person is now confined as a war erine suspect, but he has always been a man of high and morel character. We cannot ballove that he would over do an inversa set against humanity. Flease be lemient with him and return him mafely.

> MAGAI, Akira Teacher of Futaiwa Frimery School, Hishiwa-gun, Mhime-kan.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGHNE E. KERRICK, jr., Idoutement, USAR, Interpretor.



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To the US Military Considerion of the Marianas Area.

PETITION FOR INCUS, FURIO, ME-GAPTAIN, 234.

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1. Fundo is an important person in our village and is kind to everybody.

2. Funio would never commit such a wrong doed as a crime. I think he did not commit the crime in this case of his can accourd, so please deal lemiently with him, he is not a man who does wrong acts.

3. Funio is the head of his family, and his aged nother and sister are waiting for his return. As they are women they can not do anything to maintain their living. They are looking forward to his return.

INCUE, Hisso.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EDGENE E. KERRICK, jr., Idoutonant, USER, Interpretor. 100

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Your Henor, the Freeldent and Numbers of the Geunication.

PETITION

I would like to express my deepest thanks for your overyday's emertion. I was serving on Jaluit as a subordinate of Gaptain Insus. How I hear that he is to be tried soon. I would like to submit this polition in behalf of him whom I most trust and edmire, and beg your lemient judgment. He was greatly relied and edmired not only by no but also by thousands of military men, gunseku and metiwes of Jaluit. He was admired like Hajor Furuki.

Captain Incue was very righteous and benevelent. Our duty was to prevent unlawful acts while enrrying food at night by a small beat from the cutlying islands, and Captain Incue was our chief. I sometimes new him going out on duty in rainy weather wearing his rainsect on his head, saying, "I think you are busy on your duty. I'll go by beat tonight." Even now, I can recall his figure.

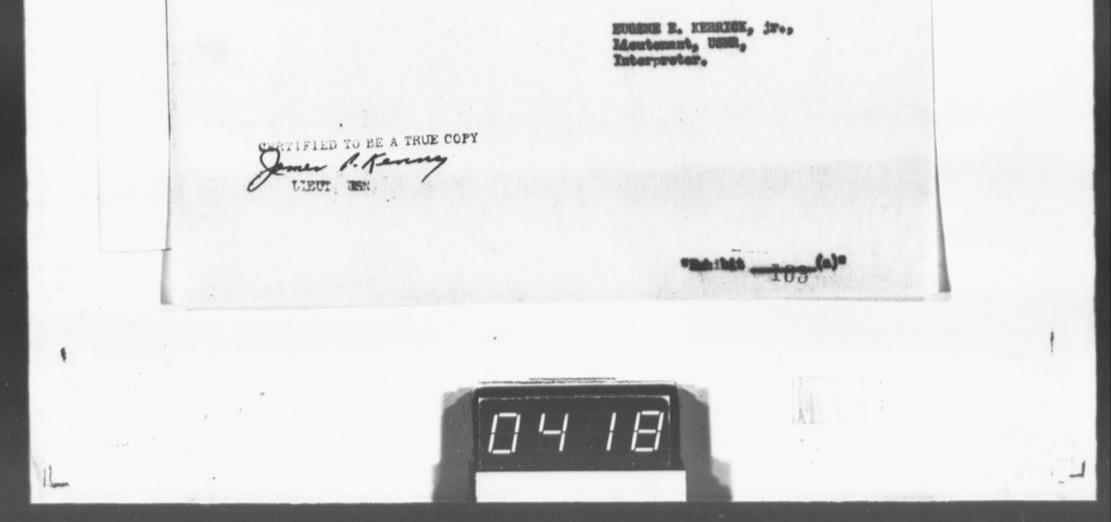
Once I fell ill when I was on duty on an outlying island. It was a story night. But he called on me and consoled me saying, "How do you feel now. Shall I appeint someone else in your place?" I answered that he need not werey about no and that I am protty well. He caid, "Ben't overwork yourself, and take care of yourself." I saw him off going out, and dried my tears secretly. It is because he was such a devoted, faithful and benevelant superior that we can be here today.

Captain Incue was saying thanks to the matives. Whenever he want out to the outlying islands, he called me to his room and used to say to me, "Tay to overlook trifling violations of consumption regulations by the matives. Strictly regulate military wan not to do evil toward the natives."

As I stated above, he was the benefactor of our lives. Why he must be trid, I can not halp thinking that it is a mistake. When he did anything at all, he was very exceful and considerate. So I an convinced that he would never ecanit a crime. I beg you will admit the noble character of Captain Incus, and you will have sympathy for his nother, wife, and daughter who are struggling on the verge of starvetion in the countryside of Japan and are eventing his route. I petition you that you will try him fairly and benevelently.

FURATSU, Tadashi,

I certify the above to be a true and complete translation of the original petition to the bert of my ability.



To: The Hembers of the American Military Commission, Marianas Area.

PETITION

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I respectfully place this petition before you. In behalf of HOUE, Funic, former ceptain, Imperial Japanese Army, who is now being held at Guen Stockade as a suspect in the Jaluit native incident, I as one of his friends make this petition and beg mitigation of his sentence. INOUE, Funic is very intelligent and gentle. His thought is sound and has a deep sense of responsibility. He graduated from the Prefectural Conserval School located here in Tawatahase Gity with excellent grades.

He is a very sincere man by nature. It goes without saying that he is faithful to his work. I believe it was the result of his obeying orders and fulfilling his responsibilities that he executed the natives who had secret context with the American forces.

I shall speak about his family. His father has died and how his aged nother, wife, sister and daughter are at home. Without any man to help then they are having great trouble in adjusting themselves to the violent changes of the post-war situation. They are carnestly swaiting his return. I feel deep sympathy for his family now in the vortex of adversity.

I solicit your consideration as to the above extenuating condition and beg your acquittal or mitigation of sentence.

YOSHIDA, Hiroshi Hhimo-ken, Yawatahana-shi Saibansho-dogi.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. EERRIGE, jr., Lioutement, USER, Interproter.

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To the US Military Commission of the Marianas Area,

PETITION FOR INCOME, FUNIO, EX-CAPIAIN, IJA,

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I am very much surprised to hear that he is unexpectedly confined in the stochade as a war orinized suspect. He was a model man and I believe that he would never violate humanity of his own accord. Besides it is a very pitiable thing that his family is hard put to paintein its livelihood without him.

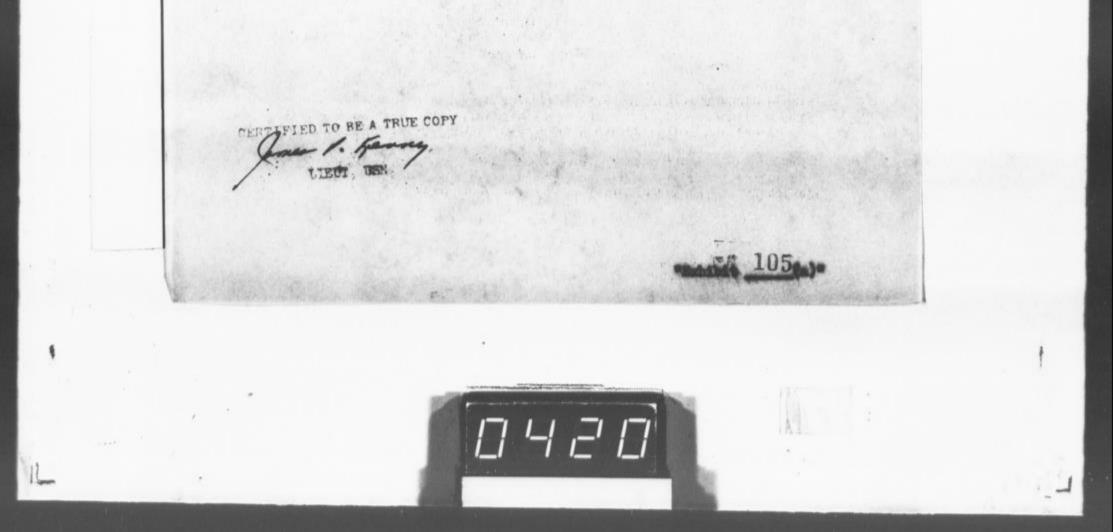
I beg your kind consideration for these discussioness and that you will release him as soon as possible,

13 December 1946

THOUR, Toshiko Fukikawa, Futaiwamura, Rishiuwa-gun, Khimo-kan,

I certify the above to be a true and complete translation of the original petition to the best of my ability.

MANTE 2, EMAIOR, jr., Montemant, USBE, Interpreter,



To the US Military Countssion of the Marispiss Area,

PETITION FOR INCUE, FUEIO, EX-CAPTAIN, IJA,

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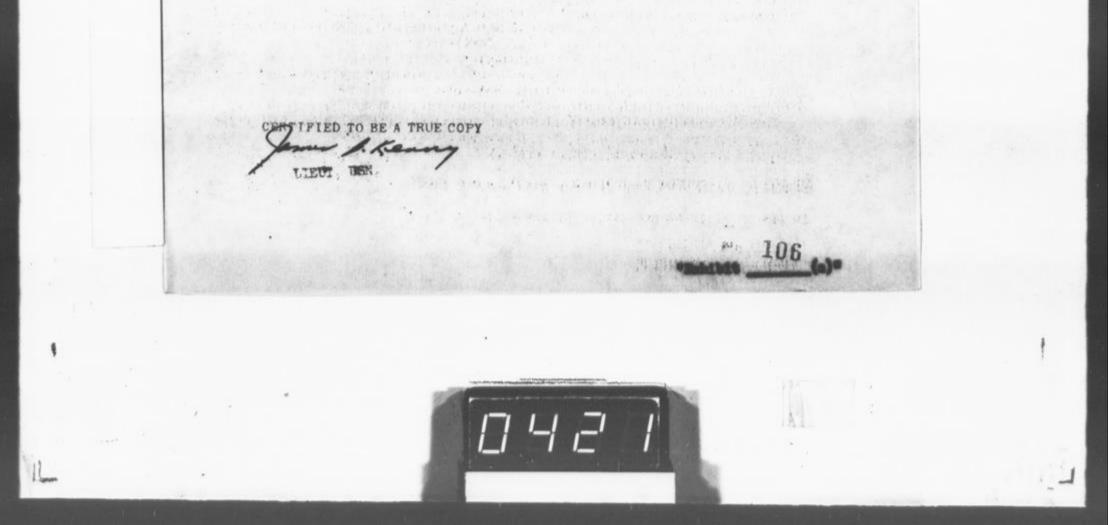
I hear that he is confined in the Guam stockade as a criminal suspect in the Jaluit natives' case. But INCUE was a men of character and was thought to have a great future by his village men. So I think that he is not a man who commits a crime. Besides, his family is in a miserable condition. I beg that you will forgive him.

15 December 1946

EINUMI, Tabaishi, Immi, Putaiwamra, Mishiwa-gun, Bhino-bon,

I certify the above to be a true and complete translation of the original petition to the best of my ability,

EUGENE E. XERRICK, jr., Lisutement, USHE, Interpreter.



DITION

Your Honor, the Prosident:

I would like to express my gratitude for your overyday efforts. I am a leading seeman in the Havy who served on Jaluit. As Captain Insue, who belonged to the Army unit, came under the command of the seemanding efficer, Hasula, of the Havy unit, I know about the character of Captain Insue well. Really, Captain Insue was a men of fime, admirable character in the Army and Havy units. I hear that Captain Insue, a man of fime character, is to be tried as an accused, and I would like to putition you as follows:

Jaluit Atoll was entirely isolated, and we, neveral thousand, were on the verge of starvation. Income endeavored as best as he could for us in order to recover from such a condition. For instance, I attended almost all working parties at night; and, at that time, even in any rainy hight, Income was working hard to easy commute from the outlying islands. He was annious for the health of even a humble private, a sking him how he was gotting on. I was an orderly of Rear Admiral Hasuins. As he took meals together with Captain Income, I know well about the nature and the character of Captain Income. Whatever one might say, Captain Income was a man of responsibility. He made commplee of himself in doing anything at all, was a freetionate to his subordinates, and was a courteous man.

Ouing to the offerts of Captain Inous, this fine man in the army unit, we exist today. He is really the benefactor of our lives or the father of our lives. Gan Captain Inous, this fine person, counit a crime?

Your Honor the Presidents I beg your careful juigment after your seeking. after the truth. At his hime, his parents, brothers, wife and child have been waiting for his roturn for several years.

You Henor, the Presidents I beg you will sympathise with them. I beg you that you will fairly, benevalently, and lemiently deal with him as a representative of a sivilized state.

0422

4 April 1947

/s/ IL, Hesethikay

I certify the foregoing to be a true and correct translation of the original potition, to the best of my ability.

Sugeno H. Korrick, junior, Lioutement, U. S. Naval Reserve, Interpreter,

Bandbas 107 AP

LIEUT, DEN

FERITION

Your Henor, the President, and the Henbers of the Counissions

I would like to express my gratitude for your everyday exertion.

Saptain Inous was a commanding officer of our army whit when we arrived together at Jaluit Atell.

At that time, I was a private in the army, but I often went to the head-quarters of the (then) Inous unit for liaison. Even a private like me was struck with admiration at his mild and benevelent character.

Now I hear that Captain Insue is to be tried, and I would like to petition you as follows:

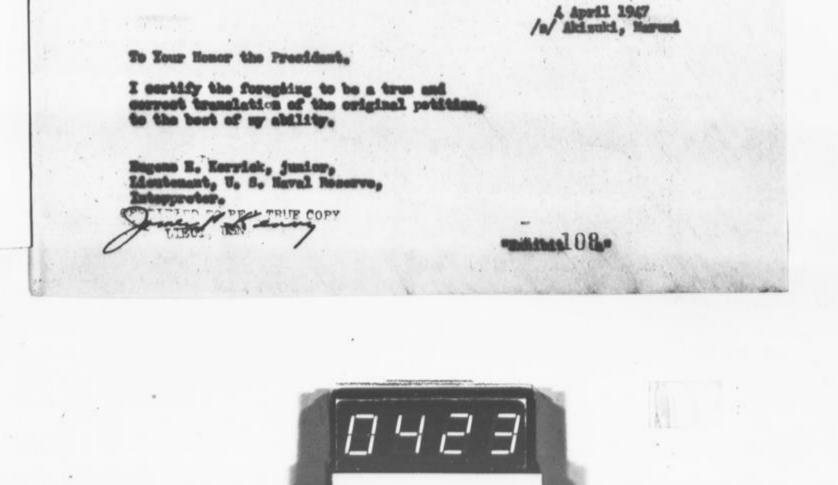
I have heard that Commanding Officer Masuda admired and trusted him at the time when he errived at Jaluit, He was such a mild man with a strong comes of responsibility and a spirit of inquiry. He was especially obsdient to the orders. He believed in God and Buddha, and was affectionate to his sub-ordinates. He was always courteous and showed an example himself when he did anything. He made a clear distinction between official and private affairs, and he was free from avaries. He was humane, and he was affectionate and thankful to the natives.

I believe that the reason may thousands of our comrades could escape from stavation was that we had a man of such fine character on Jaluit. Can such a fine man counit a orige? If this answer is affirmative, I an afraid that it is a mistake. I beg you will fairly seak into the truth and you will carefully try him. We thousands of his computes at the front cannot beer seaing Capitain Incus punished. Within the justice of the law, I beg your wise judgment.

He can think and do only what is right. I think he did it because he bolieved it was right to do soy I bag you will soo his true character with your sacred eyes as judges,

At his native village, his old parente, wife and child have been looking forward to his return for many years. I beg you will sympathize with them.

I beg that you will understand what I have mentioned, see the true character of the assumed and that you will fairly, benevalently and loniontly deal with him as representative of a sivilized and first-rate nation of the world.



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To the US Military Commission of the Marianas Area.

PETITION.

I was one who followed the army as a member of the construction corps on Jaluit and was demobilized in November last year.

When I was on Jaluit, Mr. Incue Fumio, captain IJA, I met him very often and was on friendly terms with him. I have just heard that he is now confined in the Guam stockade in your jurisdiction as a criminal suspect in the Jaluit natives' case. As I know his character well, I am very much astonished.

Incus Funio was mild in nature and was of noble character. I believed that he was a respectable man. He had a good reputation among his comrades. His affectionate attitude made those who met him feel some intimacy toward him.

Anyone who knows Inoue can neither imagine nor believe that he can commit a orime. I believe that Inoue who loved humanity and spoke of liberty and equality is absolutely incapable of committing a crime. I am keenly alive to the feelings of his wife, child and other members of family who believe in and are looking forward to his return. The gamtle attitude of his wife who believes in how completely and the lovely figure of his daughter who is yearning after her father move people to tears. At present, Japan is in a transition period. When I think of his family, wife and child, who can not live unless he, their material and spiritual support comes back, I eagerly hope that he will soon be found innocent and return. I am so anxious that I feel as if I can neither sit or stad when I think of his wild nature and humane character, a man who loves liberty and equality, and his family who are looking forward to his coming back.

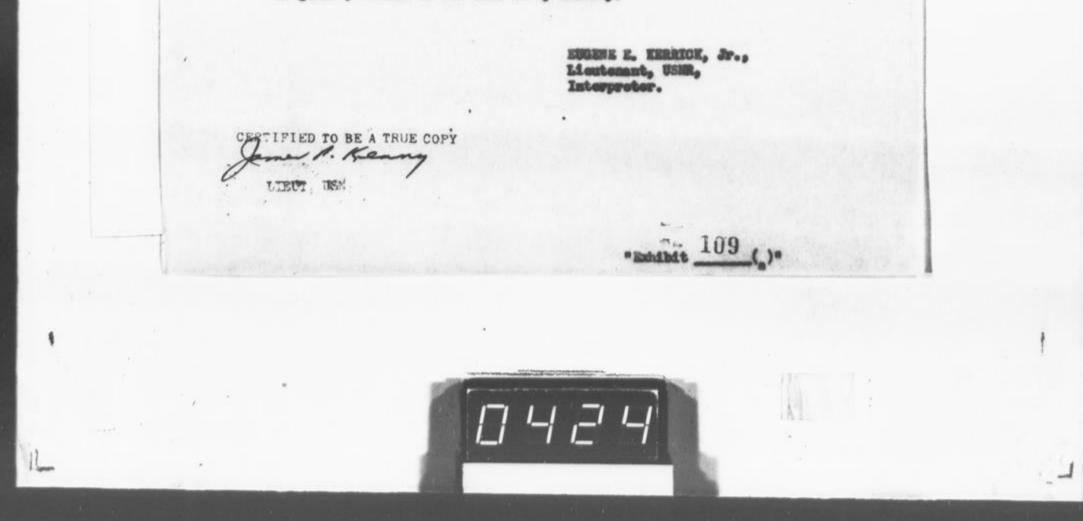
I beg that you will have kind sympathy for these circumstances, and that you will send him back as soon as possible with your special consideration.

I hereby place this humble petition before you.

21 December 1946

Tamana, Katsuaki 479 Minamiokajima-oho, Tdaho-ku, Osaka.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



December 15, 1946

To the members of the American Military Commission, Marianas Area.

PETITION FOR INCUE, FUMIO.

60. 10

I beg to make this petition.

I have heard that INCUE, Funio is now being held as a war orime suspect charged with killing a countryman who had spied.

I know him well as he and my brother are intimate friends. In contrast to my brother's peaceful environments, when I think of him being far away and not being able to see his beloved wife who is thinking of him day by day nor his daughter, nor his dear sister, VRAKO, who respects him like a father nor his aged mother, I could not but write this petition.

I beg of you, please save him, I do not care what happens to me. I shall do whatever you shall demand me to do. I can well understand that though he felt deep sorrow for his countrymen, he could not refuse his superior's order and had to execute it. I beg you, please try to understand the position in which he was put and have mercy on him.

Oh, Almighty God, by your grace please forgive the acts which he had done.

Member of the Commission, please in the name of God judge him most righteously and impartially.

I beg you to give him one more chance to see his aged mother who is living a lonely life, his beloved wife and to be able to call his daughter by her name.

As a Japanese girl I wish to make this petition in behalf of INOUE, Funio. Please, grant my humble wish.

> FUJII, Shinako Ehize-ken, Yawatahoma City, Shokaku

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. EERRICE, Jr., Lioutenant, U. S. Haval Reserve, Interpreter. CERTIFIED TO BE A TRUE COPY - 1 fen LIBUT USN Exhibit 110a 0425

Your Honor, the Freakdent and Henbers of the Consistions

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I would like to express my gratitude for your day by day emertion. When I was serving on Jaluit, I was a Havy potty officer. When the conditions of Jalu t graw worse, and the numbers of the newy unit which had but few man were emissivering hard but with great uncesiness, the army unit ense under the command of the Commanding Officer, Hasuda, of the newy unit. It was at that time when I came to know Captain Income, Since them, the more I came in close context with him the more I full his fine character.

Now I hear that Captain Inous when I most admire is to be tried as an accused, and I would like to petition you as follows in bahalf of this fine person.

It was Captain Income who did his best and respond us from danger at the risk of his life when Jaluit was entirely isolated, and we had no food nor commution and we lost our contrage even to fight, on accout of our uncesiness and despair. For Jakatt and for his fatherland, he didn't care about his oun life. He was very layel. He took the initiative in doing any difficult work if he thought it was right to do so. He was full of a sense of responsibility, and as the other hand he was very affectionate to his subordinates. He never failed to some to encourage us at our anti-aircraft HE bettery after the air raids although we belonged to the nevy. He carried injured soldiers on his back to the dispensary. When he found a man complaining about hunger, he gave his his own ration without esting it himself. He was really a fine man, and not only the man of the army unit, but also the rea of the movy unit, eduired and thanked him,

He was free from everice, He made a clear distingtion between official and private affairs. He was very benevelant, Repeatally, he loved natives and was thankful to them.

He used to tell us that the natives were the benefastors of the life of Jaluit, that the men on Jaluit could not live without the natives and that we had to be thankful to the natives, and we all thanked the natives,

As we had such a man of fine character on Jaluit, we had no conflict between superiors and suberdinates such as were said to be frequent on the other bases. Officers and calisted man shared hardships together and we were able to maintain order and unity until the ond of the ware

Can a man when all man on Jaluit and was a good man countt a orime? If he did, it was a mistake, It was his proper disposition which canbled we thousands of man on Jaluit to escape from electration. If he had not been on Jaluit we would have been dead. He is the father of our lives and the Sevier of Jaluit, It is unbescuble for us to see the basefactor of car lives punished, and at the case time I can not understand why the grant basefactor of many lives has to be punished,

I beg your wise seshing after the facto and your exceful judgment, segues the is more seguedated with his will know that he is the gas the easy do only that is right. He exted because he bulleved it was right to do so, I beg that you will understand his true descenter and the truth within him. I also beg your bind eccelderation for his percents, sister, will and shild at have the have been looking forward to his return for several years,

0426

"Baninde 111(a)(1)"

CERTIFIED TO BE A TRUE COPY

as P.Kenny LIEUT, USK

I beg that you will understand what I have just mentioned, that you will see the true character of the accured and that you will benevalently and lemiently deal with him.

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4 April 1947

SUGAWARA, Toobio

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I certify the foregoing, consisting of two typewritten pages, to be a true and complete translation of the original petition to the best of my ability.

> HUGBIE R. KERRICK, Jr., Lioutenant, UBER, Interpreter.

CERTIFIED TO BE A TRUE COPY P. Kenn UTEUT USN 0427

To the Nembers of the American Wilitary Commission, Marianas Area.

PETITION FOR INOUE FUMIO, FORMER CAPTAIN IJA FUKIGAWA, FUTAIWA-MURA, MISHI-UWA-GUN, ERIME EEN, BORN FEBRUARY 5, 1912

ł

It is reported that the above mentioned person is now being held as a war erimes suspect. From primary school days he was a very quiet boy.

When he grow up to a young man he still had that retiring nature. There was not a time that he was found to quarrel with another person.

Owing to such character, not only he but all of the people did not favor him in becoming a military man, but the situation did not permit him to choose whether he or all of us liked it or not. We firmly believe that he is not a sort of a man to commit a crime.

Moreover his family is not prosperous. At home his mother (57), sister (25), wife (29), and his daughter (5) are waiting his return.

I beg your consideration and return him to his family.

INCUE, SHIGEO Assistant Head of Futaiwa-mure.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutenant, U. S. Naval Reserve, Interpreter.

IFIED TO BE A TRUE COPY THEFT 75 Exhibit ... 112a

To the United States Military Commission of the Marianas Area.

PETITION

I am a civil engineer who is working at the Csaka Municipal Office, and am a brother-in-law of Inoue Fumio, Ex-captain, IJA. I have heard from his family that he is now confined on the Guand stockade as a criminal suspect in the Jaluit natives' case. I am very astonished and at the same time am heart-broken.

Kimiko, the wife of Inoue Fumio, was the only sister of Satoko, my wife. I have been physically weak since I was born, and I absolutely disapproved my sister-in-law, Kimiko, who was going to be married with a Japanese military man. But, unexpectedly, Inoue Fumio was of entirely different character from the military man whom I imagined. As I knew that he was a mild, benevolent and humane man of character, I blessed their marriage with all my heart.

I believe that my observation was not at all mistaken. What crime did he commit at the front? I don't think he did. He held a strong love of humanity and his belief was liberty and equality. I am afraid he might be misunderstood by natives, because he would think of the equality of natives too much and could not agree with some natives.

Inoue Fumio has an old mother, his wife, his daughter of 5 years old and a sister. Inoue Fumio is really the only support of his family. I can not see the miserable poverty of his family who are looking forward to his return. I his return will be later than today, how much they will suffer! I feel terrible when I just think of that.

I feel as if my heart were torn when I think of his mild character, his humane character him who loves liberty and equality, and his siter and daughter who are looking forward to his coming back.

I beg your kind consideration for these circumstances. I beg you that you will save me and my wife and repatriate Incue Fumio as soon as possible with your special consideration.

I hereby place this humble petition before you.

24 December 1946 Tetsu, Shinji Executive of Brige Construction, Givil Engineering Section, Reconstruction Bureau, Osaka Municipal Office, 139 Wada, Minamiikedamura, Senboku-gun,

Osaka-fu.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

042

CENTIFIED TO BE A TRUE COPY

EUGENE E. KERRIGK, Jr., Lioutemant, U. S. Naval Recorve, Interprotor.

Exhibit 113

For: INCOM, Fundo, former captain, Imperial Japanece Army.

On learing that my brother is being confined at the Guam stockade as a war erime suspect in the Jaluit native case, I, his small sister griving over the sorrouful fate and feeling great anxiety, wish to place this petition before you.

We lost our father before my brother was very hig. When he re-shed the age of discretion, he helped mother and was very dutiful to her. As a brother he was always kind and moble. He lowed pence never quarrelled with others and lowed to read. He also was fond of fishing and his small eateh would always lighten up our peor meal. I cannot pessibly imagine that such a gentle brother would do anything against the laws of humanity.

I cannot believe that my brother is now being held in the stockade alone swaiting the day of judgment. If I only had wings to fly to him!

Whenever mother looks at the clear moon and whenever she smalls the fregrant oder of a flower she grieves over her son.

When one asks my small noice about her father she answers, "in Guam" and her eyes are filled with tears.

Flease have pity on our unhappy family and be lemient with my beloved brother.

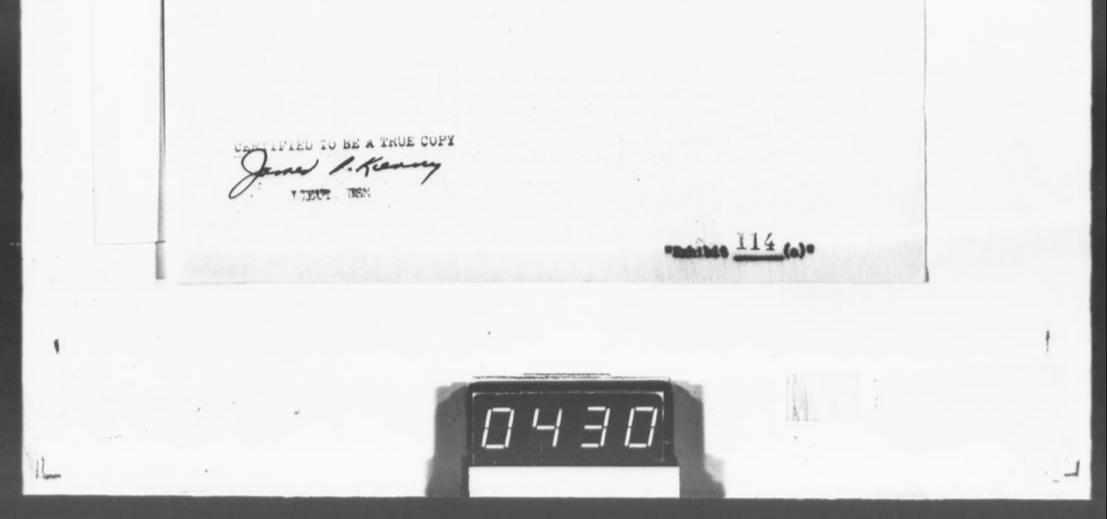
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In closing I sucar to God that my brother is a man of gentlenees and purity.

INCUE, Ureko, sister.

I certify the shove to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., Edeutement, USHR, Interpreter.



PETTICI

INCOME, Funio, Former Captain, IJA.

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IROUE, Hissi, Mother.

I beg to place this petition before your honor, the President of the Hilitary Counission, Marianas Area.

From childhood, FUMID was honest, upright and noble. He was always peaceful and quiet, so I cannot balieve he has committed a grave orime.

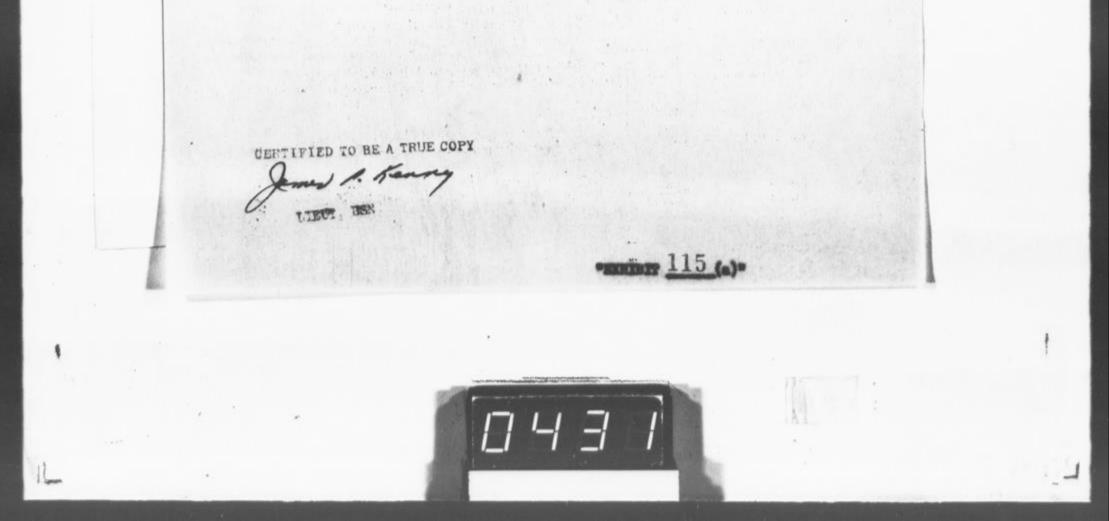
He was brought up by my alender arms in this remote village surrounded by beautiful mountains and a river. He may have a slightly fuministic charactor, but I swear to God that he is not barbarie.

Since learning FUHIO is confined in the remote island of the South Seas, I feel as if I were tern apart. In sleep I see him in my dreams and when I awake I pursue his illusion and always live in serrow.

If we cannot have FUNID back with us, my little grandshild and myself would be at a complete loss. I beg your leniont judgment and please send him back to us seen.

I cortify the above to be a true and complete translation of the original potition to the best of my ability.

E. E. MERRICE, JR., Lioutenant, V.S.H.R., Interpreter.



PETITION.

To: The American Military Commission, Marianas Area.

For: INCUE, Funio.

For your reference, I would like to make this petition with regard to the family situation and the character of INOUE, Fumio who is being confined at the Guam stockade as a suspect of the Jaluit native case and beg your elemency and mitigation of his sentence.

INOUE is one of my former pupils. I am the elder brother of INOUE, Urako. His aged mother, URAKO, his wife and his five year old daughter who was born after he had been called out for service are now at home. There is no man at his home to help out in the farm work. In the midst of the physical and spiritual difficulties incurred after the end of the war, they are working hard on their farms and praying for his acquittal and return. The situation is one that is most unfortunate. In case he does not return home, we are all wondering about how they would exist and strive through this physical and spiritual adversity.

He graduated from the Perfectural Commercial School located here, and was by nature very sincere and honest. In dealing with matters he was impartial and gentle. He was very diligent. During his years at school he was only absent three days. When he graduated he had excellent marks and was among those who were at the top of the class. Judging from his interest, deportment, and acts in school, he was never a man to commit a orime or an atrocity.

The native incident in which he was involved was never of his own will but he was compelled to act so, as he was sincere in doing whatever he was ordered. I believe he committed the act in accordance with the implicit obedience to orders and reluctantly performed his duty.

I beg you to consider his humane nature and have clemency for him.

KANEMARI, Isao, Ehime-ken, Yawatahama-shi Hirose

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

LU BE A TRUE COPY med P. Kenne

EUGENE E. KERRICE, Jr., Lioutenant, USNR, Interpreter.

"Exhibit 116(a)"



PETITION.

To : The American Military Commission, Marianas Area. For: INCUE, Fumio

I beg to place this petition before you.

INCUE, Fumio who is now being confined at the Guam stockade as a suspect in the Jaluit native incident, is an alumni of Ehime-Prefectural Geomercial School located here. He is fair, gentle, sincere. During his let, 2nd, 3rd, and 5th years at school he was absent once and his marks were excellent. When he graduated he was 5th from the top of the class. The principal and his faculty have always praised him as a model student. It can be well judged from the letters which he sent home from the front how gentle and sincere a wan he was to the family and community. His sister URAKO graduating from the Nawatahama Girls' High School and she too was a gentle righteous and modest girl. I believe her goodness and virtue corroborates his brother's character.

I am most sorry to hear that INCUE Funio was involved in the said incident and now being tried. Galmly considering this, I believe the act which INCUE did in connection with the incident was not of his own will but the order of a superior that the order of the superior must be obeyed under all circumstances is the principle of the Japanese military forces which he could not by any means refuse. I beg you will take into your wise consideration the meaning of the chain of orders in the former Japanese Army and also his noble character and recognize that the act which INCUE, Funie did, was not of his own will but that he was compelled under implicit obedience to do this. I beg your lenient treatment.

He has no father. His aged mother has been under great anxiety since he went to war. His wife and daughter which he has not had a chance to see are waiting at home. His sister is looking after her aged mother and sacrificing the best years of her life in behalf of her brother. All four are doing their best to exist amidst the threatening situation of the present society. I beg you will have deep sympathy for them who without him are lost in maintaining the minimum standard of living and by virtue of your kind investigation enable him return to those who need him greatly.

> OUCHI, Tsutomu Principal of Ehimo-Prefectural Yawatahama Girls' High School

I certify the above to be a true and complete translation of the original petition to the best of my ability. SUGENE E. KERRICE, Jr., Lieutenant, USNR, CERTIFIED TO BE A TRUE COFY Interprotor. . A. Kenny TIET US 117 (0)" "Babibit ٤ $\Box \dashv \exists \exists$ 11

To Your Honor, the President and the Hembers of the consistion of the Consander Harianes Area.

PETITION

I would like to appeal to your sympathy and submit this polition before you in behalf of Captain Incus, Fundo when I most admire and respect.

Geptain income is a new of pure integrity and is a sincere man. He served with me on that miserable ruin of Jalmit, Whenever and whatever orders he was given by his superiore, he never complained, not even a word. When the air-raids were intense, he used to sit calmly at the deak of his reen and was lost in meditation day and might. At might with only a gloomy light of a candle, he busied himself in making plans, and carnestly devoted his whole energy in his duty.

I have heard that on each Japanese base in the Pasific, thousands or ten thousands of man died from starvetion, one after another, and especially an each base of the Marshalls 50% to 70% of each unit died from starvetion.

However, on Jaluit only a few men out of 2000 starved, and we had no netives die from starvetion. It was because Captain Incus, with his stremmons, super-human efforts, took charge of regulation and supervision of the retioning of food as the shief of the special palice section and prevented Jaluit from retrogressing and becoming like a hungry ghost.

If it had not been for his sincerity, Jalmit, like other Japanese bases, would have become a liting hell in which "The stronger proy upon the weaker" and both the military men and the natives would have starved.

He was an affectionate man.

Around Probusny 2945, people on Jaluit had but little food to ont, had but little shalter in which to dwall and had but little slothing to wear, He found a solder wearing a dirty ween-out shirt, and gave him his clothing out of his form. He was of such a fine character, and was conscience itself. Why can be constit a crime! I can not think from any point of view that he is a non who can constit a crime.

At his notive village he has a family, his dearest wife, a young daughter, an ald nother, and a sister. They are looking forward to his return as the min support of their family.

Your Honor, the Fresident and Hashers of the Genelecion, I as feeling now as if I were appealing for the servy of God. I hashly begyon that you will deal lemiently with Geptein Inous when we respect and edulre.

Horikana, Shigeru, I certify the above to be a true and complete translation of the original stittion to the best of up ability. U BE A TRUE COPY RRICK, SP., p. Ken TTEUT 118 (a)" $\Box \dashv \exists \dashv$ 12

PETITION

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For: INCUE, Fumio, former Captain.

1. The above person is sincere and gentle. He is one of the most excellent persons in the village and everybody has great confidence in him.

The American Hilitary Commission, Marianas Area.

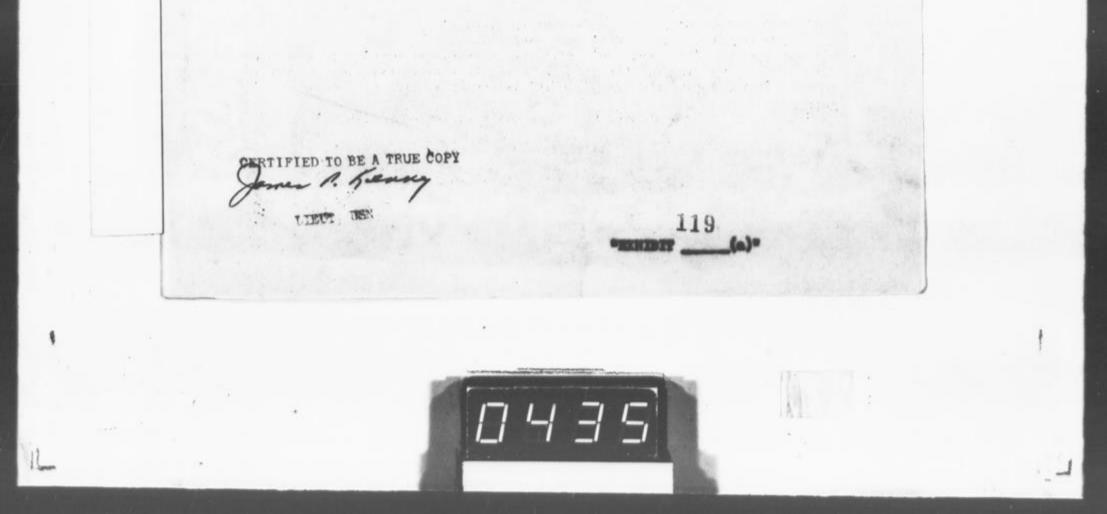
2. He is a man who cannot commit any inhuman acts in war. He only obsyed the orders of his superior.

3. At home he has a not very strong mother, a wife, a daughter and a sister. They are having great difficulty. I feel great sympathy for them because without him they are at a complete loss. I beg to make the above petition.

TSUKIMI, Setsuke.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

ENGENE E. KERRICK, Jr., Licutement, U.S.N.R., Interprotor.



PETITION

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The American Military Commission, Marianas Area.

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INCUE, Fumio, Former Captain.

1. The above person is sincere, gentle and a man of high character in the village.

2. He cannot count any inhuman acts.

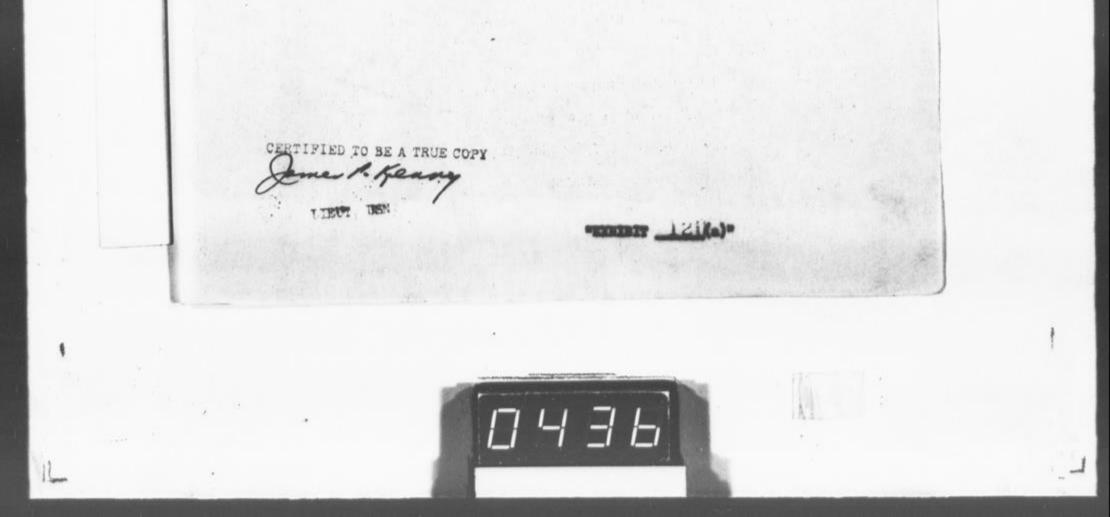
3. Without him it is difficult for his family to support themselves. We have great sympathy for his family.

I make the above petition.

THANOTO, Emike.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EDGENE R. KERRICK, Jr., Lioutement, U.S.N.R., Interpreter.



PETITION

INCUE, Pamio, Former Army Captain.

To: The members of the American Military Counission, Marianas Area.

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1. The above person is sincere and gentle and one of the neblest men in the village.

2. His is not a man to commit any inhuman crie.

3. His mother is not very strong. He has a wife, a daughter and a sister. Without him his family is at a loss. We have great sympathy for them.

I hereby place this petition.

INAMOTO, Chicke.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. RERRICK, Jr., Lieutenent, U.S.N.R., Interpreter.

. CERTIFIED TO BE A TRUE COPY nes P. Kenny -----LIEUT, USN TEHD

PETITION.

To the members of the American Military Commission, Marianas Area.

On learning that INCUE, Fumio former captain, IJA, is now being tried, I place this petition in his behalf.

He is a man of honest and gentle nature and he is not a man who would take to brutal acts like some of the war-criminals we have seen in the past.

It is inevitable that he should as a military man be faithful to his duty, obey his superior's order and perform his duties as there was a war at that time. I cannot help but believe that the execution of the spies during the war was solely in accordance with the orders of his superior efficer. Judging from his usual character I cannot think that he did it of his own will but did it under compulsion.

Unfortunately the commanding officer committed suicide immediately after the war, so it is now difficult to prove that he did it in accordance with superior order. I am afraid this is the reason that INCUE is suspected of the act.

INOUE expressed his state of mind to his friends of the village by a poem. He states his misfortune and sorrow for his parents, but even if he should lose his life he would not be ashamed of his act. It made me think that this was entirely different from those cases where the war criminals mistreated the P.O.W.'s and thought it was a natural thing to do.

We fully acknowledge the fact that we shoulder the responsibilities of our own acts. INOUZ is a man who in terms of responsibilities would not fall behind anyone.

I know he is hoping that the situation at that time would be clarified and under this light he will be given an impractical judgment. I am also of this hope.

Owing to the above reason, I beg your nest impartial judgment and place this petition in behalf of INCUE, Fumio.

MAKAMURA, Masao Ehimo-ken, Yawatahama-City Hirose.

I cerify the above to be a true and complete translation of the original petition to the best of my ability.

0438

FIED TO BE A TRUE COPY ner I. Keany LEUT ISN

EUGENE E. KERRICK, Jr., Licutement, USNR, Interpreter.

"Exhibit 122(a)"

December 15, 1946

PETITION

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To : The members of the American Military Commission, Marianas Area. For: INOUE, Fumio, former captain.

The above person is a man of gentle character and especially a man of strong moral sense. He has always been respected by all the people. I have been a very close friend of his from our school days and I am well aware of his noble character.

On hearing that he is now being held as a suspect in the Jaluit native incident, I could not help but feel sorry for him as a friend. Judging from his character I cannot believe he could commit an inhuman act. Just to imagine that he had done such an act would be a wrong and disgrace to him. I believe there is some profound reason for this.

At home his aged mother, wife, sister and daughter are confronted all alone with many difficulties and are waiting for his early return.

I ask that you will thoroughly investigate the situation and by your special consideration, we as his friends beg your lemient judgement.

> KIKUCHI, Tokuhisa Ehime-ken, Nishi-Uwa-gun, Futa-Iwa-gun, Nakatsugawa

KIRUCHI, Fumilciyo

KIKUCHI, Fumiso

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr.,

Lieutenant, Interpreter. CERTIFIED TO BE A TRUE COPY "Exhibit 123 (a)" 0439

PETITION FOR MITIGATION

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The American Military Conmission, Merianas Area.

Purs

INCUE, Funio, Former Captain.

The above person is sincere and gentle. He is the model of our village. He lost his father when he was a boy. His family is very pitiful without a man now. I beg you will look into his daily conduct and ask your lemient judgment for his mitigation,

NISHIWRA, Funiko.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. RERRICE, Jr., Lieutenant, U.S.N.R., Interpreter.

-mainter 124(a)-

CERTIFIED TO BE A TRUE COPY

tier I. Kenny

December 15, 1946.

PETITION

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The President of the American Military Consistion.

I have learned that INONE, Funie, is now being held at the stockade, but every one in the village is fully aware that he is not a man to counit any inhuman acts. Repecially, he is not to counit a crime. His character is noble and he is like a God. I cannot think that such a man can be a suspect. Moreover, he is the prop of the family.

I beg your kind consideration and hope you will mitigate his sentence.

KAMATA, Shigemitou, Ehime-ken, Nishi-uwa-gun, Futa-uwa mura.

I cartify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutemant, U.S.N.R. Interprotor.

· CERTIFIED TO BE A TRUE COPY LIEUT, USN -main 125(a)* ٩ 12

PRITITION

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The Members of the American Military Coumission, Merianas Area.

In behalf of INCOME, Funic, who is being tried now, I wish to place this potition and say that he is not a man to intend murder. Everyone is well somre that INCOME is sincere and gentle. At home, his nother is now the center of the family and is having great difficulty in trying to find a way through the chaotic society. They are depending on him to show them the way.

I hope from what little I have said about his character you will see that he did not do the act of his own will.

I sinearely beg his mitigation.

MINATA, Hatsuko, Ehimo-kun, Mishi-uwa-gun, Kaum-no-Ishi-uura.

I certify the above to be a true and complete translation of the original petition to the best of my abilitys

EDGENE E. KERRICE, Jr., Lioutemant, U.S.N.R., Interpreter,



PHTITICH FOR MITIGATION

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The Hombers of the American Military Consission, Marianas Area.

Pors

INCUE, Panio.

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The above person is sincere, honest and gentle. He is the model of our village.

His father died and at home he has left women and a small shild. He has a very pitiful family.

I hope you will judge his daily conduct and I beg your lemient treatment.

KIRUCHI, Tokai.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

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EVORNE R. KERRICK, Lioutenant, U.S.W.R., Interprotor.

CERTIFIED TO BE A TRUE COPY P. Ken LIBUT -militer 127 (a)* $\Box + + \exists$

PETITION

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The Members of the American Wilitary Commission, Marianas Areas

I was very much surprised to learn that INCUE, Funio, former Gaptain, is now being held as a war eriminal.

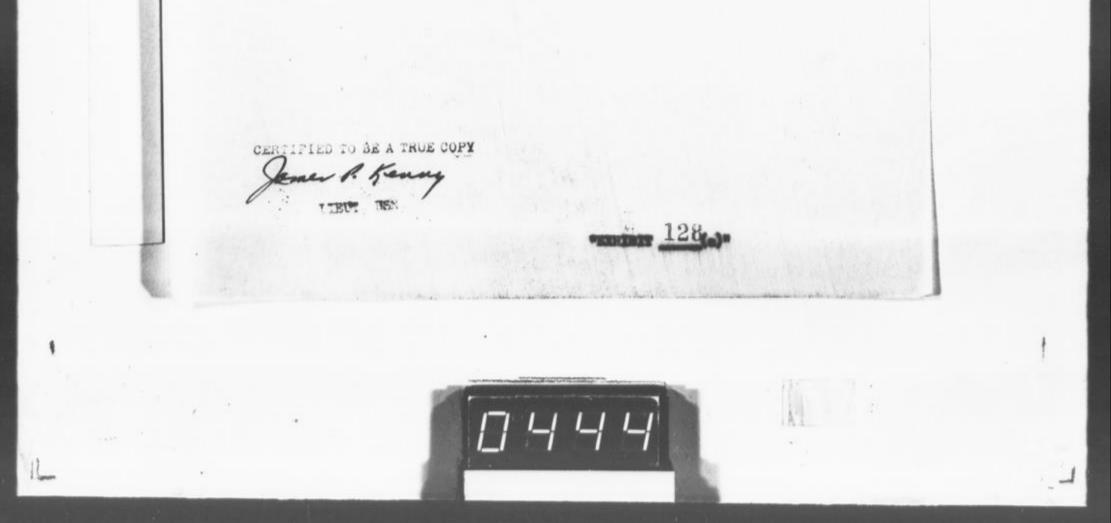
He is honest and gentle. His conduct is sincere and in no way is he a wan to commit any erael act. He only obayed superior orders.

Taking into consideration his good character, I beg your lemient judgment.

EIRUCHI, Samao, Nighi-uwa-gun, Hido-mura, Matsuoka.

I certify the above to be a true and complete translation of the ariginal petition to the best of my ability.

EDGENE E, MARRICK, Jr., Lioutenant, U.S.H.R., Interprotor.



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The American Hilitary Counission, Merianas Area.

INCOME, Fundo, Former Army Captain.

The above person is now being hald at the Guan Stockade as a var-orime

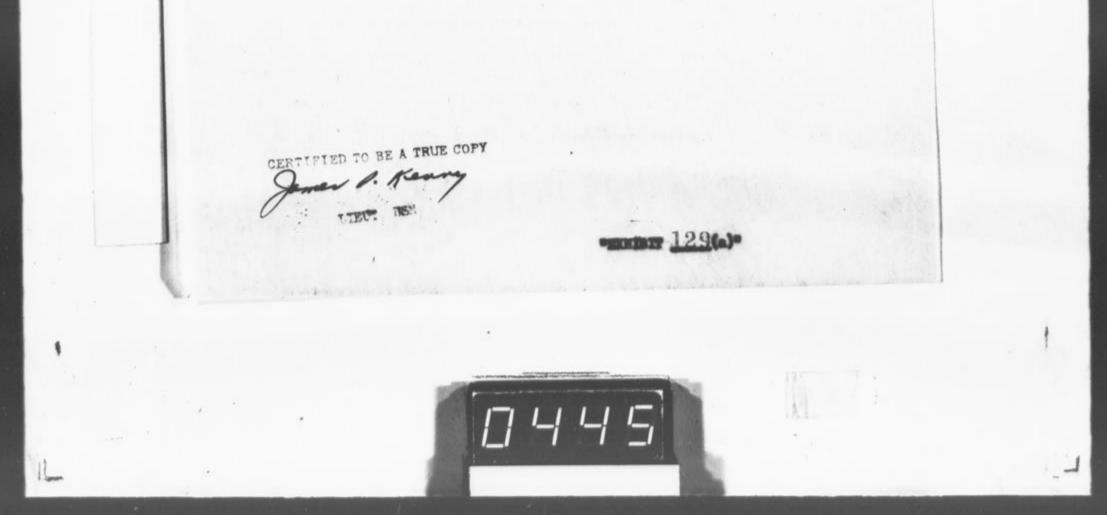
suspect. I was surprised to hear this and pray that he will be econorated.

He is of the sincere and gentle nature. His relations with others have always been friendly and sympathetic, and when I think of his attitude in relation to the village people, I feel sorry that such a man should be blassed and swear that he is not a man to commit any inhuman act. His mother and sister are writing for his return. I beg that his release will be seen.

INCON, Yoshiharu.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

> EDORNE E. KERRICK, Jr., Lioutemant, U.S.N.R., Interpreter.



7 December 1946

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To the Heabers of the U. S. Counteston, Merianes Ares.

PERTITION

Br Asny Gaptada Inone, Fusio,

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I have heard that the above person is held as a Mar Grizze Parport, but I confirm that he is a person with great gentle, character, and a person with a human character who could not have consisted a orign,

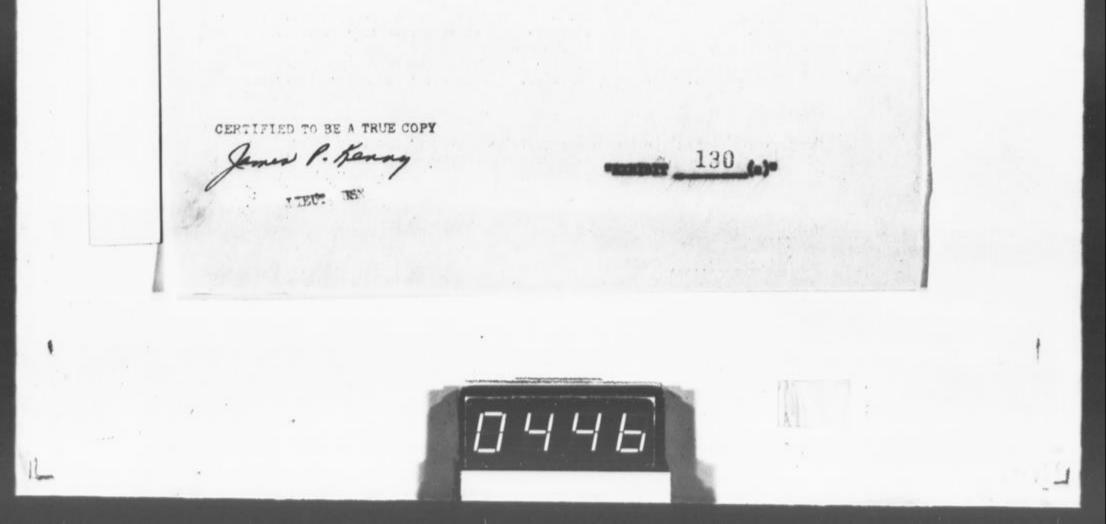
Looking back at his family at home, this wife and shild are living with his mother and his stop-sister many nelectly because of no unle hand to help them, faking these points into consideration I beg you for a judgment of not guilty and his freedom as seen as possible.

> Inter-ben, Russo Brizo-ben, Hahiumo-gun, Futafun-surn, Gan-Fukigare,

I certify the above to be a true and complete translation of the original polition to the best of my ability.

Monte R. EMRINE, Jr. Mentemant, V.S.N.R. Interpreter.

1.1.11.11



To the Manhors of the U. S. Consisting, Marianes Area.

Potition for the Acquiting of the Case of Income, Fundo,

PRETTON

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A particular sector sector sector sector

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Income Parale graduated from the Heine-hon Towetahana Connertent School on H erst, 2009 with a very good ressert in scholastic methers and in wester, Partherners when he wast out into the basisses world, he worked with all his power and with homesty and did many meritarious deals.

// training the second contract to the s

He has a very high character and is always gentleman-like.

At home his aged nother, wife, and child (age 4 years ald) are proving for his return as seen as possible.

I beg from the bottom of my heart for the acquittal of inche.

Hasuta, Fundanzi. himo-hon, Funtahano-ahi.) Shekaku.

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I certify the above to be a type and complete translation of the original polition to the best of my ability.

Liestennit, U.S.R.R.

CERTIFIED TO BE A TRUE COPY James P. Kenny LIEUT, DEN 131 (a)* $\Box + 4 7$ 12

A DEALER AND

Near Henor, the Propident and the Hashers of the Counterion,

I think you are busy everyday in this hot weather.

Captain Jarmo who is now being tried was the basefaster of the lives of two thousand additory son of the Jakatt Batanes Carrigen. I hear that car basefaster is being tried, and I as very anithms shout him. I would like to be your compideration and exapathy and place this publics before you.

The driv of Captain large in the Jakuit Befrare Carpiese we that of stind of the Apendal Police Section and the administrator of the form program. Both the deties were really hard once, but large did then cornertly. In had respect and admiration for his working figure. In was separtial, estimated is and cornert in dealing with affinize. In one complained doort that he did. Lows had the two deties methioned above. The main job in the former was to proved visitations of the concept of field program in order to prove i from resrection, in the latter to relate orego on the apply odl of the Atell, and both of then were very hard jobs to do for one take. But if he had not exceeded in corrying out his dely; I deal't have the would have beenes of us. We destid have been in an minimized bare been starved.

I have beerd about the missorable conditions of starvation on the other bases many blass. Of course, Jakuit was also as the verge of starvation but was better than the other bases to some Aggres. This part was made possible by the hard efforts and fulth of Captain lines. Resume the basefustor of the lives of two thereast soldiers is being tried. I can not help vestering if there is a get of further in this world.

I ence headed from an offloor that Beer Admirel Reputs sold to Man, "If I can go head to my Solderland, I shall go the Ver Department first, and shall have to report to the Amy pinister the merits of Rejer Revull and Captain Ress. Really, we can that we are today to Captain Ress.

I hear that his ald nother, dater, wife and shild, all of them are wants or shildren, are waiting at heme for his return.

Your Henor, the Propident, I beg your sympathy for this family. I beg your evasideration for what I have just mentioned.

3 April 1947

Inone Reissard.

To Your Henor, the President.

I certify the above to be a t abd14w CEPTIFIED TO BE A TRUE COFY R. Kenny LIEUT 132 0448

To: The members of the American Military Cosmission, Marianas Area, For: INCUE, Funio, former army captain.

PETTYICH

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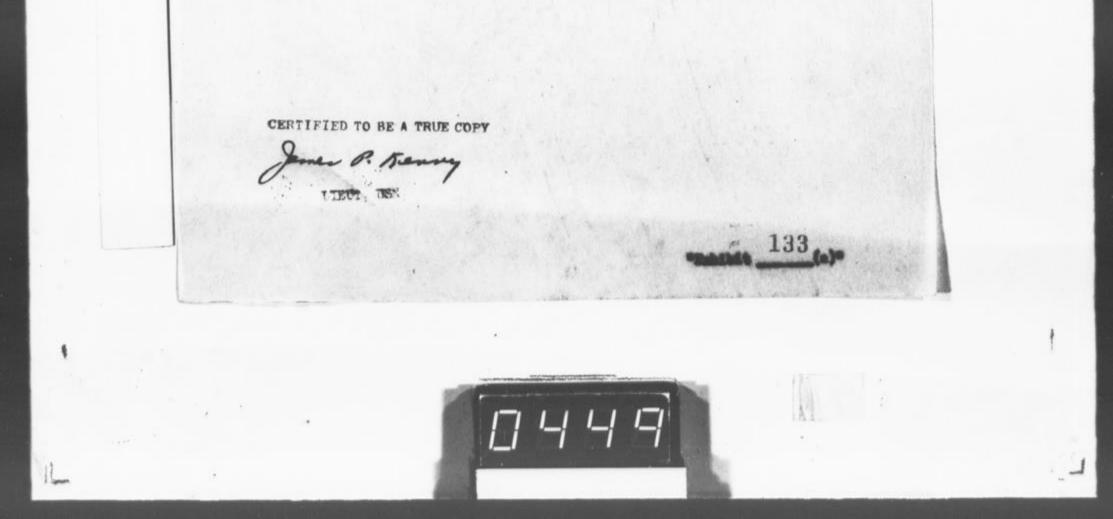
The above person is of good memore, and gentle, his acts are singere and he is diligent in his work. His thoughts are sound and speech elser. He is intelligent and the model of the people. I was surprised to hear that he is now being held in the Marianas as a war erine suspect. He was only doing his best in performing his duties as a military wan, who was led by wrong foundlistic thoughts and a sense of responsibility,

At home his family is waiting for his return. I beg your looket judgment so that he might be able to return to his family who is waiting for his return.

> HAMANE, Yukiho Mino-kon, yanatahana-aity, Méni-mén

I certify the above to be a true and complete translation of the original petition to the best of my shility.

MORNE E. REARIGE, jr., Montonent, DENR, Interprotor.



PETITION.

t

To the members of the American Military Commission, Marianas Area.

Former Army Captain INCUE, Funie is from Nishi-Iwa-gun, Futaiwamura. He has not done anything to be treated as a war criminal. He only faithfully executed the order of his superior officer.

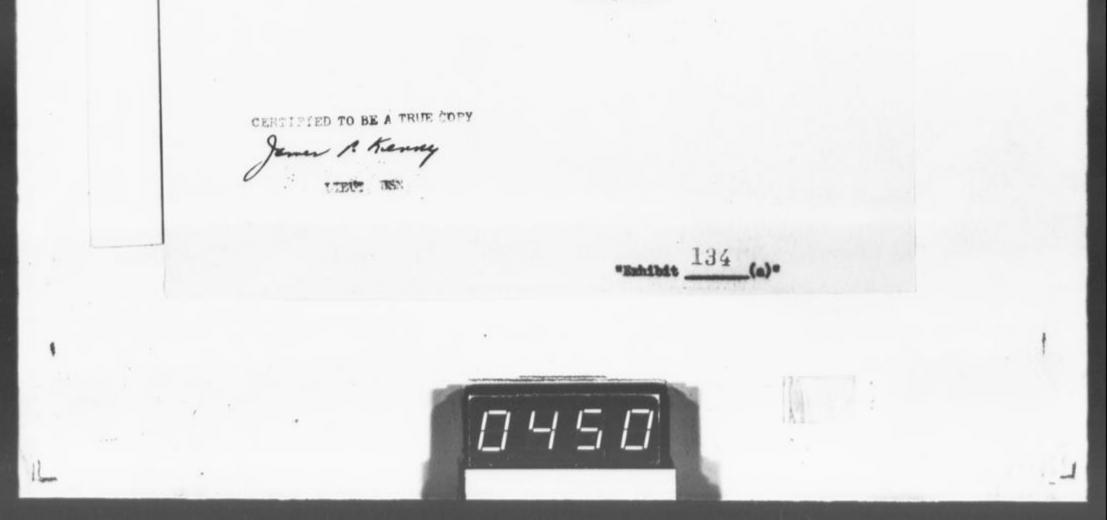
He graduated from the Yawatahama Conmercial School, Ehimekw-kenand he was an excellent student there. His character is honest and gentle. He is obsdient to his parent and he is respected as our model. I cannot believe that such a man can be a war criminal.

His family which is composed of his aged mother, wife, daughter, who is five, and sister are now leading a very lonely life. They are engaged in farming which is on a very small scale.

I am worried over the INCUE family because Funic is absent. I firmly believe that he is not a war criminal. He only executed the order of his superior officer and he is not a war criminal. I beg your lemient judgement and pray that he shall not be a war criminal.

> KAWAKAMI, TOSHIKO Ehimo-ken, Nishi-Uwa-gun Ikata-mura

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR MITIGATION

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INOUE is excellent in study and honest in conduct. If he had ventured to do an cruel act it was in obedience to a superior officer's order as a subordinate and he only implicitly obeyed it. At home his aged mother is longing for his return. I humbly place this petition and beg your mitigation.

> YAMAZARI, Toshiko Ehimo-ken, Nishi-Iwa-gun Yawatahama City Saiwai-cho l Chome

I cerity the above to be a true and complete translation of the original petition to the best of my ability.

CERTIFIED TO BE A TRUE COPY Jener P. Kenny TTER TEN "Exhibit 135 (a)" 045 T 12

To the members of the American Military Commission, Marianas Area.

PETITION.

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INOUE, Fumio has been confined at Guam stockade since the end of the war, but I firmly believe that he is not a man to be held as a war criminal. His character is honest and gentle, and he is not a man to commit any orime. He is a faithful and loyal person so he only obeyed order.

He is convinced that he has done no wrong but still with deepest regret, he has had the disgraceful name of war criminal conferred upon him.

Thinking of his mother's anxiety, FUMIO, who is dutiful to her, wrote several poems to her. There is no man left in his family so they are greatly depending on him. But since the situation has become such, we can only guess what will happen to the family. INOUE has teld his wife to live strongly.

I cannot help but shed tears when I think that INOUE had already made his determination.

I beg your lemient consideration and his return will be soon.

KANEMOTO, AKIKO Ehime-ken, Yawata-hama City Herose No. 1355

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutenant, USNR,

Interpreter. CERTIFIED TO BE A TRUE COPY P. Ker TEE IS' 0452 12

PETITION.

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To: The members of the American Wilitary Coumission, Marianas Area.

INOUE, Funic has at home an aged mother, wife, daughter and sister. When I learned that during his absence from home they have been mengerly supporting themselves by agriculture under the present difficult living conditions, I could not help but sympathise with him. I beg your kind consideration of this poor family and ask your permission to have him sent back soon.

> NAKAOKA, Yukiko, Ehimeken, Yawatahana City Hinoki-dani

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter. ٠

CERTIFIED TO BE A TRUE COPY Jame P. Kenny TEN TEN "Exhibit _________ 0453

PETITION.

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To : The members of the American Military Commission, Marianas Area. For: INCOE, Funio, former Army captain.

INOUE, Funio is honest and gentle and he only obeyed the orders of his superior. He is a man of passive character who cannot commit a crime.

All three who are at home are of the fair sex and without him the support of the family is difficult. I beg your kind consideration.

> YANO, Chisuko Ehimo-ken, Yawatahoma City

original SEttion tes the By true and complete translation of the

EUGENE E. KERRICK, Jr., Lioutenant, USNR, Interpreter.

CERTIFIED TO BE A TRUE COPY

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To: The members of the American military condiction, Marianas Area, Per: INCUE, Punic, former army captain.

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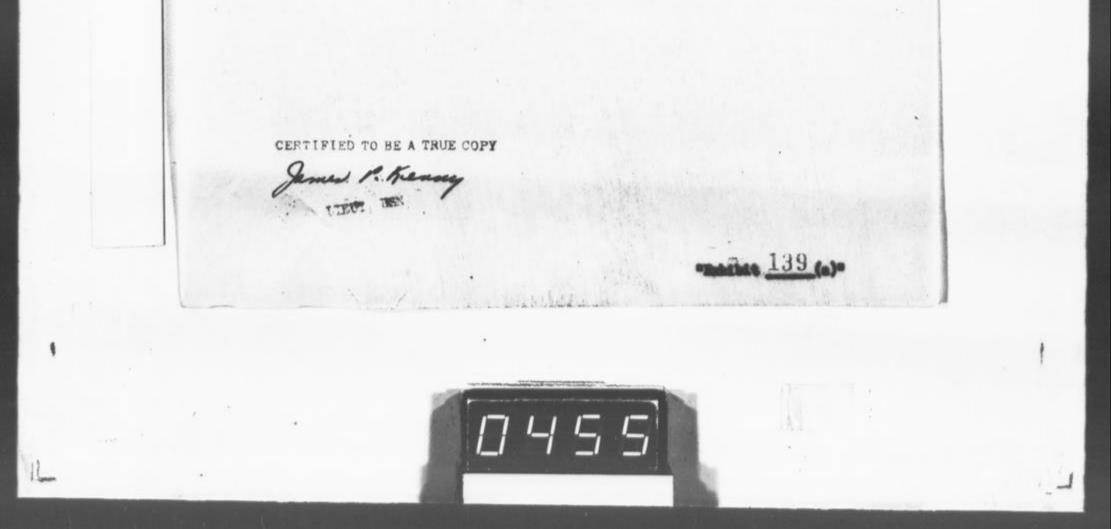
The above person is of good remners, and gentle, his acts are sincere and he is diligent in his work. His thoughts are sound and speech elear. He is intelligent and the model of the people. I was surprised to hear that he is now being held in the Marianas as a war arise suspect. He was only doing his best in performing his duties as a military wan who was led by wrong foudalistic thoughts and a sense of responsibility.

At home is family is waiting for his return. I beg your lemient judgment so that he might be able to return to his family who is waiting for his return.

> HAMEZ, Batouki Bhino-kon, Hishi-une-gun Bunanci.shi-sura

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. REPRICE, jr., Lioutement, UER, Interprotor.



December 16, 1948

To: The numbers of the American military conviscion, Marianas area.

PETITION

t

I beg to place this petition before you in behalf of INCUE, Funle, now being held at Guam as a war estminel.

INCLE, Fundo is honest and gentle. His manners are good, acts are righteous and he excels in studies. His thoughts are sound and speech clear. He is a wan of the highest character.

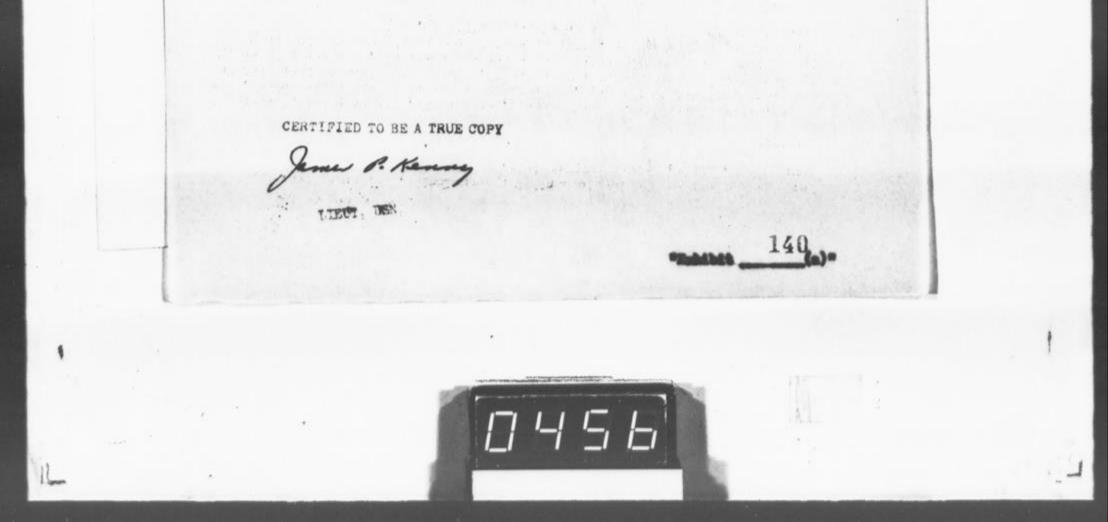
He has left at home his wother of 97, his wife, his dougter who was been after he had left for ver and his sister. He is indispensable to his home. As I have said he is a sam of mable character and overyone admoniations the fact that he is certainly not a man to coundt marder. He only faithfully executed the endors of his superior.

I beg your sequittel and hope you will send him back soon. As a friend of URAND I beg to make this petition.

HIRUCHI, Unije Bhimo-ban, Taustahana City, Shakaku

I certify the above to be a true and complete translation of the original potition to the best of my ability.

EUGENE E. KENRICK, jr., LAoutement, USHE, Interproter.



To the members of the American Military Commission, Marianas Area.

PETITION.

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I wish to make this petition in behalf of INOUE, Fumio.

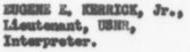
During his child and youth, he has always been honest and gentle. He was highly respected and possesses noble character. He was a disciplinarian and had a character to obey the order of the superior officer to the end.

His act during the war was done only in obeying superior orders and there is no intent of murder there. He obeyed the superior orders implicitaly.

At home there are his aged mother, wife, daughter of five, and sister. They are engaged in farming. His mother is always thinking of her son when she is awake and in her dreams. For the sake of his mother whose life is short, and for the sake of the family, I beg your acquittal. If he should be convicted, please enable him to meet his mother just once more. I believe this is the only wish of his mother and it is my hope. I an a girl working to rebuild Japan.

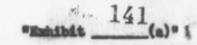
> ASAOKA, Kiyoko Ehimo-ken, Yawatahama Gity, Kawanouchi

I certify the above to be a true and complete translation of the original petition to the best of my ability.



CERTIFIED TO BE A TRUE COPY

an R.Kenny TIEUT ISN





PETITION

I was fermerly on Jaluit.

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t

I have heard that the trial of Inoue, Funio, En-captain, ISA, will be held. I heartily hope for a 'mot guilty' of Inoue, Funio, in this document, and beg your Homor, the President, will find him not guilty.

Inoue, Funio, was really an upright man. He was free from avaries, temperate, impartial andikind to other people. He was a man of such character.

Although I served for long years in the Army, I have not not another such fine a person during that time. From any point of view, he was a peaceful man, so I cannot think that he was the man who conmitted a crime. At any time, he impartially gave his subordinates and civilians his love, and he was very much loved and admired by them.

He devotedly believed in God, and he was not of oriminal character.

I strongly maintain that he could not commit a crime and that he was of humane characters. I beg that you will find him not guilty.

I beg your kind consideration and that you will give him a fair judgment.

Respectfully,

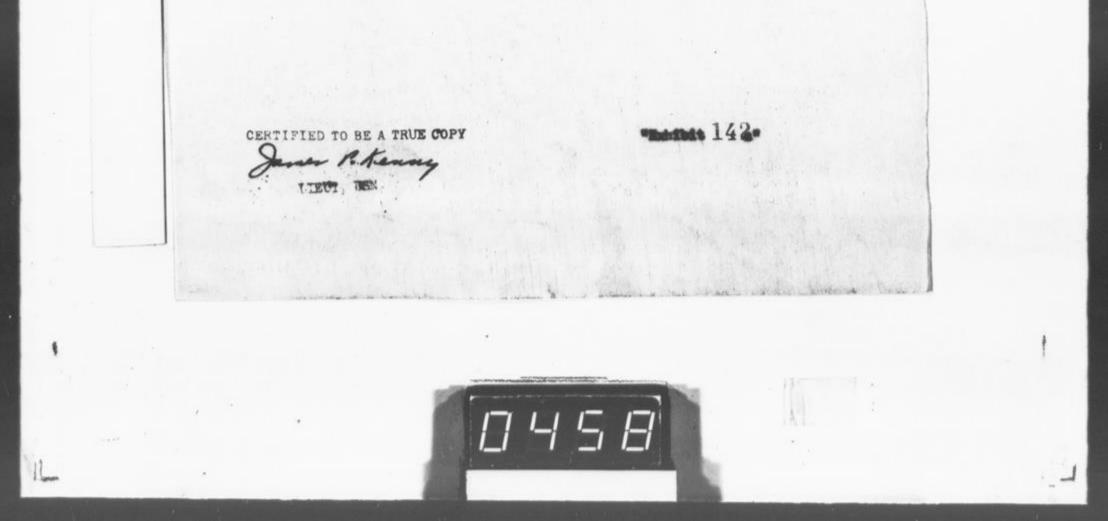
KAWAGAUCHI, Kamichi, Sekiya, Katsungsura, Kunago-gun, Zanaguchi, Kan.

To the United Shates Military Conmission of the Marianas Area.

I certify the foregoing to be a true and complete translation of the original petition to the best of my ability.

Bugene E. Kerrick, junior, Lieutenant, U. S. Havel Reserve, Interpretore

10 December 1946



PERITION

Your Honor, the President, and Members of the Consistions

I would like to express my despest grafitude for your emertion, and I would like to place this publican before you in behalf of Geptain Inous, Funds, the assumed in the matives case. In the Juluit Dufence Garrison, there was no distinction between army and many, and all of us followed the orders of the commanding officer and Hajor Furuki in our duty of celf support and guard. I was a manher of the Garrison. Whenever I was ordered to do the duty as guard of the outlying islands, I was told that the matives wave the bonefactors of 2,000 mm en Juluit and that I had to be kind to them and not to speil their feelings. Very often, shows were disputched to my island, Himsheth Island. Walfare parties, and doctors were often sent. Haprous patients were protected in the islands where foods were abundant, Air raid shalters were built on the outlying islands. These benevalout activities were planned and performed by Hajer Furuki and Captain Inous. They often made inspections for the welfare of the matives. But the secoursed, Gaphain Inous, had the duty of the chief of the Special Folice Section, whe had the duty of regulating arises. So I beg that you will understand that he is not a man the commits a crime. He cannot count a scrime whatsoever. The have of Gaptain Inous after the termination of the special Folice Section, whe had the duty of regulating arises, So I beg that you will understand that he is not a man the countits a crime. He cannot count a scrime whatsoever. The have of Gaptain Inous after the termination of the war will be Shikeku. I aw in the memopaper of Guam that they had a storm and think wave at Shikeku and many people were killed. His fauly who lost him as its head are really misorable. I have the heat a child, wife and sister, I think they are new in a very misorable condition.

Your honor, the President, I beg your sympathy and consideration for him.

5 April 1947

/s/ Wishida, Mitoshia

I cortify the foregoing to be a true and correct translation of the original petition, to the best of my ability.

Rugeno E. Kerrick, junior, Lieutenant U. S. Naval Reserve, Interpretar.

CERTIFIED TO BE A TRUE COFT 1 R. Ke Exhibit 143a LIEC 0459

1.151

To your Honor the Propident.

I would like to pay my respect to you for your emertion in this het

Rearing that Captain Insue is to be tried, we, the numbers of the former Johnit Bodeman Corrison can not help progring for him to be found not guilty, because he is a new of respectable character and was can of the benefactors of the numbers of the Jakuit Defense Carrison, Captain Insue is so wild and modest that it may thought that he is not a military man. If we deprive him of his correct authomizes for his responsibility, he will be too mild to perform military affairs which require strictmees in emeridan.

As the chief of the Special Felder Section, he regulated the unlastful note of starving people on Jalmit, and he performed his daty without finding out may corises orizes against the retioning of provisions. If we had not had such a faithful, sympathetic sam on this daty, the lives of themenes of us would have been destroyed by touble among excellers. When we saw the behavior of Captain have which seemed to us likejustice iteals, we could not count uniontil acts no motion her pained we ware.

Captain Jarme, as a right hand was of Rear Admiral Hasain endesword to the utmost in order to minimizin the lives of two therased people on Jakait. We can see closely how Bear Admiral Hasain and other people were thenkiful toward Captain Jacob in the words of Hasain at the end of the were "If I could win the use and go have, I would report the merits of Captain These to the Army Department before these of anyone clos."

Captain Insue who is now to be tried is not a man who fought hard for our lives but only a mild, innecent person called Insue, because he discharged his duty as a military man to which he had to do his best.

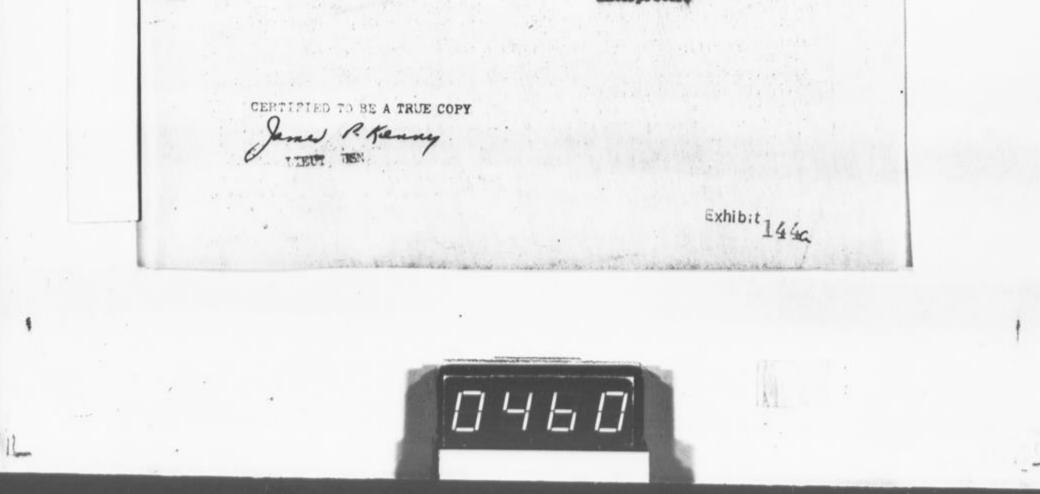
I connot help sholding teers when I imagine hew Gaptain Insue is wersted, thinking of his nother, wife, and daughter who are remaining in missrable Japan. Captain Insue is the only sees, only husband and only father for these three helplose persons. I begyou that you will have hind consideration.

5 April 1947

Sainda, Semaki Re-Jaluit Befunge Corrigen.

I certify the foregoing to be a true and complete translation of the original potition, to the best of my ability.

Eugene E. Kerrisk, junier, Edeutement, U. S. Havel Reserve, Enterproter,



· PETITION FOR INCUE, FUMIO, EX-CAPTAIN, IJA.

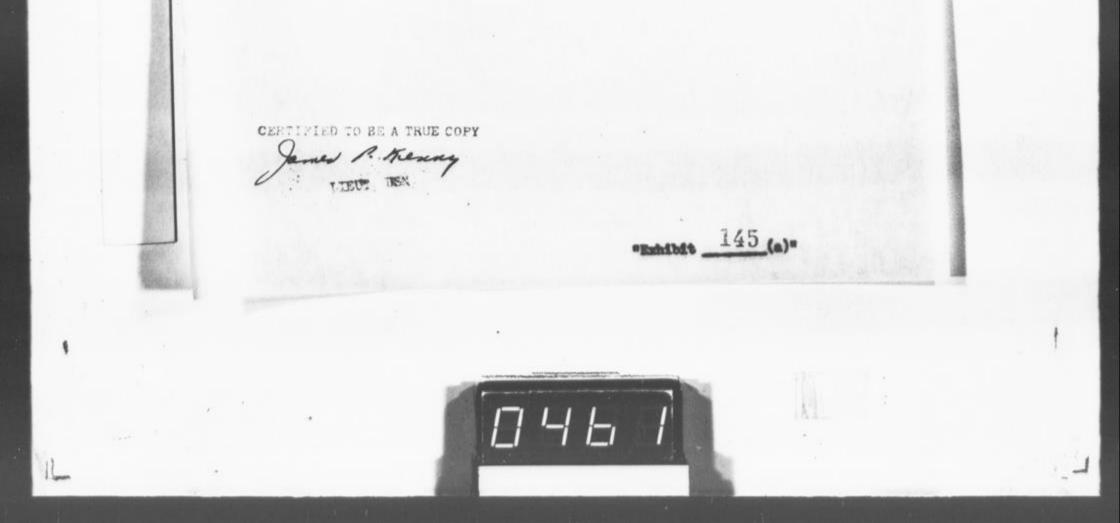
t

I am very much surprised to hear that he is unexpectedly confined in the stockade as a war oriminal suspect. He was a model, good man. I am convinced that he is not a man who commits crimes against humanity of his own accord. Besides, his family can hardly maintain their living without him. I am very sorry for them. I beg your kind consideration for these sircumstances and petition you that you will release him as soon as possible.

13 December 1946

INOUE, Masaru Fukikawa, Futaiwamura, Nishiuwa-gun, Ehimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR INOUE FUMIO EX-CAPTAIN IJA.

I hear that he is confined as a war criminal suspect and that he is to be tried soon. But he was of very mild character, and was especially benevolent. He abhored wrong things from the time he was very young, and we regard him as a fine, model young man. It makes wonder that he committed a crime during the war. His family consist of his weak eld mother, his wife with a young child, and his young sister. They are looking forward to the day when he will return. They are really pitisble. I beg that you will give him a lenient sentence.

5 December 1946

Inoue, Yukie Member of the Nomen's Association

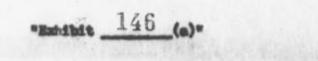
I certify the above to be a true and complete translation of the original petition to the best of my ability.

Eugene E. Kerrick, Jr., Lieutenant, USNR, Interpreter.

CERTIFIED TO BE A TRUE COPY

TS: TEL

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PETITION

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I hear that after the end of the war, Inoue Fumio was confined as a war criminal suspect. I am very sorry. Inoue was mild in nature, and, as a true man of character, was promised a future by our village men.

Such a man as he is, is really necessary for the reestablishment of democracy and peace.

The people of our village are sincerely hoping that he will come back.

I beg you special consideration and that you will repatriate his as soon as possible.

11 December 1946

Inoue, Takashige Fukikawa, Futaiwamura, Nishiuwa-gun, Ehime-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

CERTIFIED TO BE A TRUE COPY TIEUT ПЧЬЭ

PETITION FOR INCUE FUMIO EX-CAPTAIN IJA.

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I hear that he is confined as a war criminal suspect and that he is to be tried soon. He was mild in nature, especially benevolent, well-behaved, and was a model young man. We can not believe that he committed a crime during the war. His remaining family are all women. I can not but be moved to tears when I see his old, physically woak mother and child who are looking forward to the day when he will come back. I beg with all my heart that you will mitigate his punishment.

11 December 1946

Inoue, Keiko

I certify the above to be a true and complete translation of the original petition to the best of my ability.

CERTIFIED TO BE A TRUE COPY ames P. Kenny TIEUT THEN "Exhibit 148 (a)" 0464 12

PETITION FOR INOUE, FUMIO, EX-CAPTAIN, IJA.

I hear that he is now confined in the Guam stockade as a criminal suspect in the Jaluit natives' case. But he is noble in character, mild in nature, and is not a man who can commit a crime. At his home, women and a child remain and they are making a poor living. I petition you that you will forgive him.

10 December 1946

KIKUCHI, Fujikiyo Futaiwamur, Nishiuwa-gun, Ehime-ken.

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I certify the above to be a true and complete translation of the original petition to the best of my ability.

CERTIFIED TO BE A TRUE COPY w l. Kenny TIEU: US "Exhibit 149 (a)" 0465

PETITION FOR INCUE, FUMIO, EX-CAPTAIN, IJA.

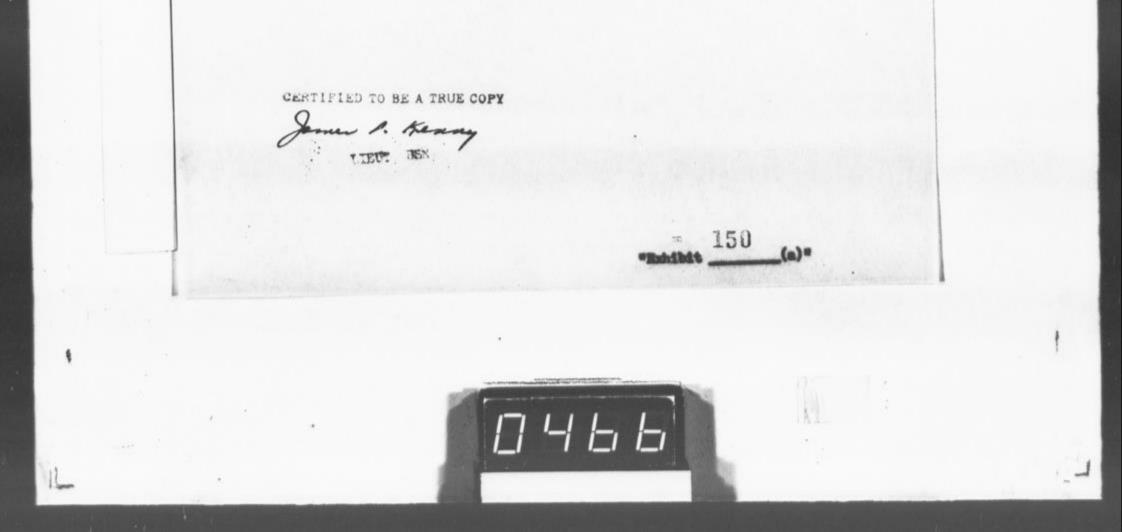
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I hear that he is now confined in the Guam stockade as a criminal suspect in the Jaluit natives' case. He is of noble character, especially mild in nature and is not a man who would commit a crime. Only his old mother and child are remaining in his family and they are very pitiable. I petition you that you will forgive him.

10 December 1946

KIKUCHI, Yasushi Futaiwamura, Nishiuwa-gun, Ehime-ken. ŧ

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR INCUE, FUNIO, EX-CAPTAIN, IJA.

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I hear that he is confined in the Guam stockade as a criminal suspect in the Jaluit natives' case. But he was a mild man. When he was in his native village he was trusted by people as a man of character. So I think that he is not a man who would commit a crime. It is very pitiable that only his aged mother and a child is remaining at his home. I beg you will forgive and release him for the make of his child.

14 December 1946

YOEOHAMA, Jinichi Putaiwamuru, Mishiuwa-gun, Ehimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

CERTIFIED TO BE A TRUE COPY nes P. Kenny "Bathibits & 151 (a)" 0467 12

PETITION FOR INCUE, FUMIO, EX-CAPTAIN, IJA.

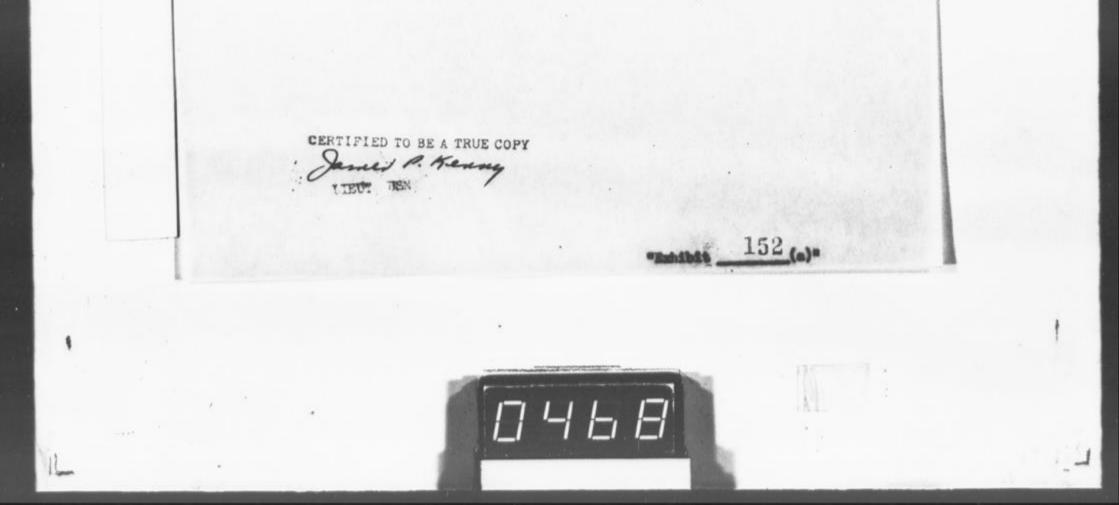
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I hear that he is confined in the Guam stockade as a criminal suspect in the Jaluit natives' case. But he is of unstained character and mild in nature, so I think that he can not commit a crime. It is pitiable that only women and child are remaining at his home. I beg you will forgive him.

> UTSUNOMIYA, Joshisada Qaza-Isumi, Futaiwamura, Nishiuwa-gum, Ehimo-kon.

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I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR INOUE, FUMIO, EX-CAPTAIN, IJA.

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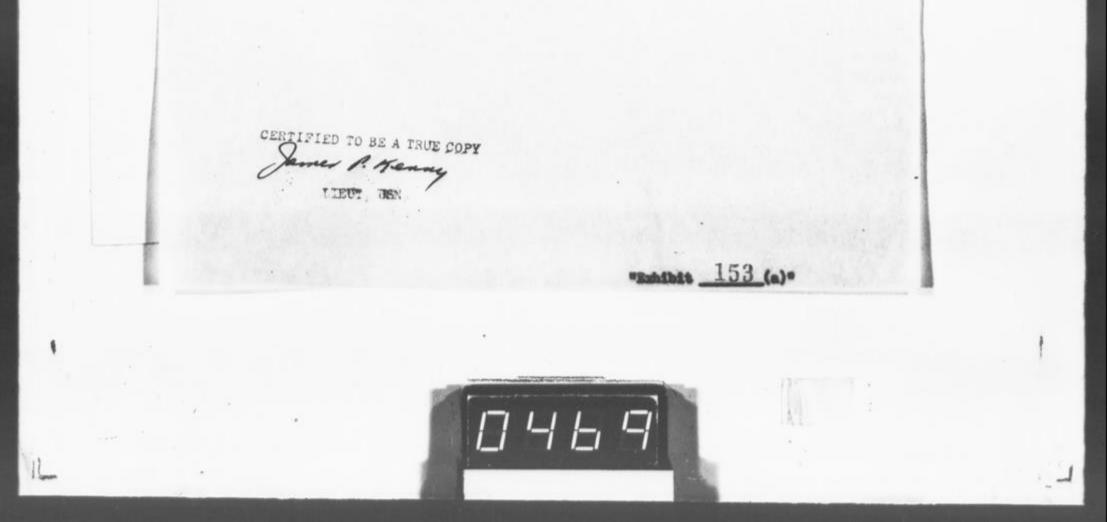
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I hear that he is confined in the Guam stockade as a criminal suspect in the Jaluit natives' case. He was mild in nature, and when he was young, he had a promising future as a model young man. I cannot think that he would commit a crime. I am very sorry for his old mother and daughter who are remaining at home. I beg that you will forgive and release him so that his lovely daughter will be able to see her father again.

10 December 1946

KIKUCHI, Chiyoko. Futaiwamura, Nishiuwa-gun, Ehimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



To Your Honor, the US Military Commission of the Marianas Area.

PETITION FOR CLEMENCY IN THE CASE OF INDUE, FUNIO.

٢

He was mild in nature, and when he was in our village he was considered the model of the people of the village. His family is now in a miserable condition and we are very sorry for them. If you will forgive him or mitigate his sentence he is sure to strive for the construction of a new Japan. I beg your consideration concerning his mitigation.

13 December 1946

SHIMIZU, Yukichi

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Licutenapt, USNR,

CERTIFIED TO BE A TRUE COPY anal 1. The LIEUT, DEN "Enhibits 154 (a)" 0470

To the United States Military Coumission, Marianas Area.

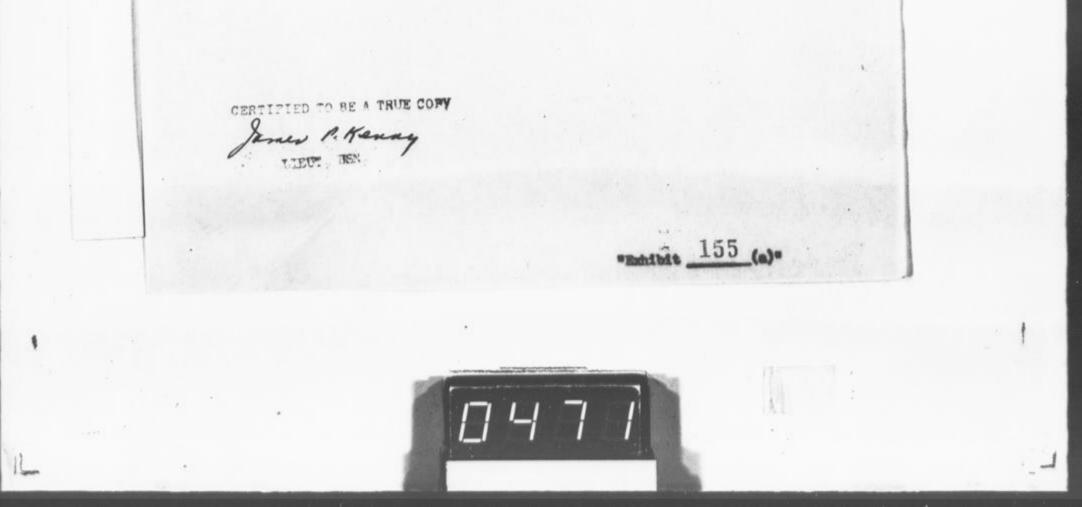
PETITION

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Inoue Fumio who took part in the Greater East Asia War is said to be confined now in the Guam stockade as a criminal suspect. I am very sorry for him. Fumio was a man of unique character in our village and was the main support of his family. I think his old mother and sister whom he left at home are worrying. I beg consideration for his character and the condition of his family and ask that you find him innocent.

> Inoue, Namiko Kamakura, Futaiwa-mura, Nishiuwa-gun, Ehime-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR CLEMENCY IN THE CASE OF INOUE FUMIO.

.

Inous Fumio was of noble character. He was always admired when he was at school and when he was a member of the society of the school. Although he was born in a poor family, he studied very hard without any teacher. Mhen he was in our village, he exerted himself for the sake of society without thinking of himself. His many beautiful acts were often praised. He was really a man whom we miss. His family condition is really a pitiable one. All his family are waiting for his return. If he does not come back, the future of his family will be very miserable. I hereby petition you that you will mitigate his punishment.

10 December 1946

Seika, Iwao Shohaku-cho, Yawatahama-shi, Ehimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

CERTIFIED TO BE A TRUE COPY "Exhibit 156 (a)" 0472

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PETITION FOR INQUE FUNIO THE GRIMINAL SUSPECT OF JALUIT NATIVES' CASE.

7 December 1946 ONO Tokamatsu Gaza-ShimoKensan, Hiyoshimura Kitauwa-gun, Ehime-ken.

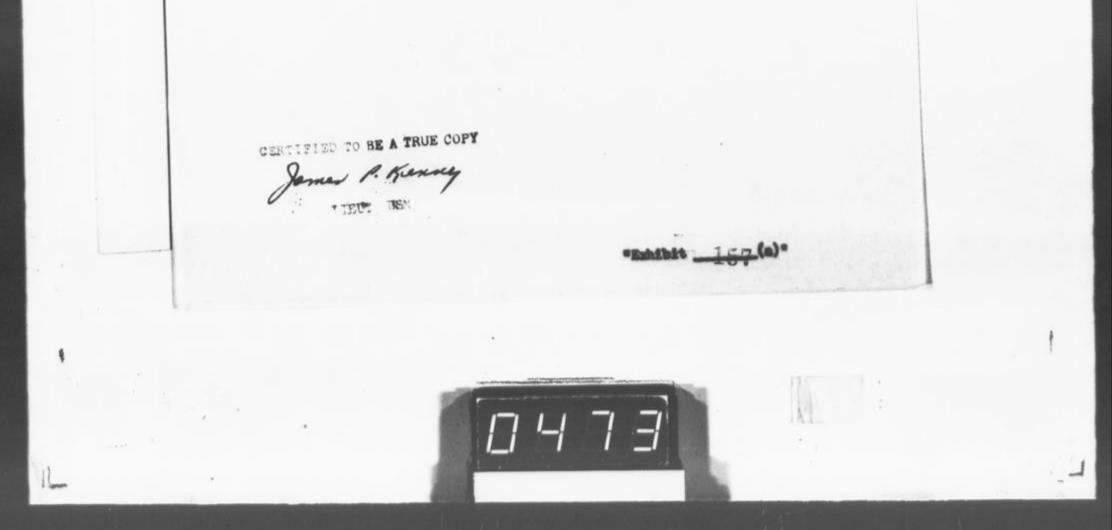
I submit the petition as follows:

Inoue Fumio was a man of pure integrity. He used to advocate careful behavior and humane ideals. He was the man whom we admire most.

When he was in our unit, he was faithful to orders and was lemient to his men as if he had been their benevolent father. When I heard that he was a criminal suspect, I was much surprised and astonished, because he was of fine character and had fine ideals.

Therefore, I have stated here about his character and that he is a man who cannot commit inhumane act so it will serve forhim when he will be tried. I hereby beg you that you will deal lemiently with him in your fair trial.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION.

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I was repatriated from Jaluit in November 1945.

I feel very sorry that INOUE Fumie is not yet demobilized.

When I was on Jaluit, I was working under INOUE, Fumic. He was really of very fine character and was not a man who should commit crime. He was faithful to his duty. When food became short, he gave us his own ration. I think I can testify that he was a man who loved humanity.

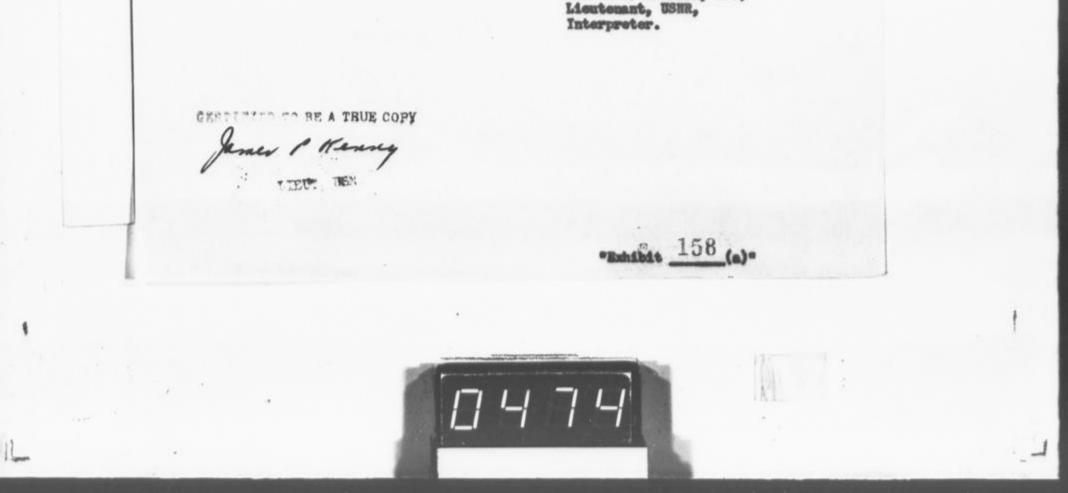
I am now praying to God that he will soon be repatriated.

I hereby submit this petition.

8 December 1946

TONS, Gilchi 13 Horibatadori, Uwajimashi, Ehimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



To the United States Military Commission, Marianas Area.

PETITION.

t

In the same unit for a long time, I lived together with Inoue Fumie, ex-captain, IJA, who is now confined in the Guan stockade as a criminal suspect in Jaluit natives' case. I was in close contact with him in his daily life, and was struck with admiration at his noble character.

He was a man of rare character among Japanese milikry officers. He was always kind and benevelent toward subordinates and natives, and was loved and yearned after by people as a kind officer - still less was he a man who coumitted orimes against humanity. I am convinced that he is a man of humane character.

At his home, he has his dearest wife, his old mother, child and many persons of his family who have been waiting for a long time for his return. I feel very sorry when I think of his family who rely upon him spiritually and economically as their main support and who are eagerly waiting for him to come back.

I beg you will pity him and his family. If the aim of law is to hate erime and not the persons who commit it, I beg you from all my heart te deal lemiently with him and send him back to his lowing family. It is not only my desire but also the wish of many people who know him, and I think that this is the proof of how noble his characteris.

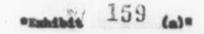
It is unbearable for us to lose such a man of character. That is why I humbly place this petition of elemency before you and beg you that you will mitigate his punishment or pardon him.

7 December 1946

MANO, Shuhe 851 Hidemura, Mishiuwagun, Ehimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

CERTIFIED TO BE A TRUE COPY a K Kenny TEU: JEN





To the Military Commission, Marianas Area.

PETITION.

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t

Incus Funio who is now before your Hilitary Commission as a war eriminal suspect in the Jaluit case is the man with whom I shared hardships for more than three years.

Insue Funio was a devoted believer, friendly to people and was a reasonable wan. I have never heard of anyons speaking ill of him. He loved not only foreigners but also all peoples. He was of noble character, had a high public spirit and was a model of the people.

As he was of such good character, his family was harmonious and cheerful. I think I can certify that he is not a man who commits a crime. So I beg that you will mitigate the punishment of Incue Funio or pardon him.

December 1947

KAMEMOTO, Shin 6 of 3 Hidorigi-aho, Sumiyeshi-ku, Osaka.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



Te: The members of the Military Commission, Merisnas Ares. For: Incus, Fumio, former emptein.

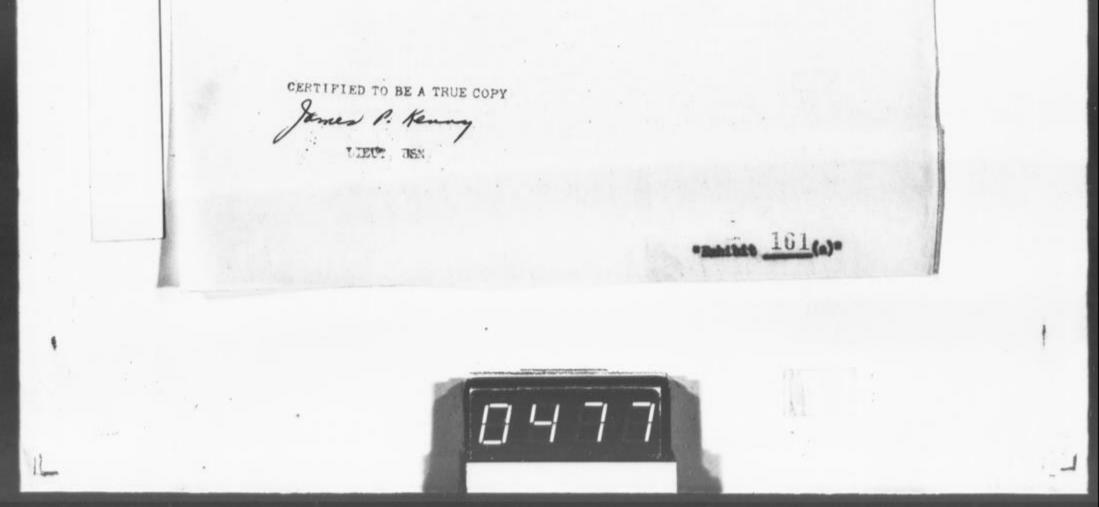
PETITION.

INCUE, Funie during his primary school days was a good, honest and encellent pupil. At home he was gentle and never did anything eruel or bed. I feel most sorry on hearing that he was confined as a war criminal after the end of the war. I firmly believe that he only obeyed the orders of his superior officer. I beg your lemiency and hope you will mitigate his sentence.

> EANIMURA, Sundko. Ehino-ken, Yauntahana Gity, Kita-dio.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KENRICK, jr., LAcutement, UBBR, Interpreter.



PETITION.

t

I would like to submit this petition respectfully in behalf of Incue Fumio, ex-captain, IJA.

I hear that he is to be investigated as a war criminal suspect. I beg with all my heart that you will consider the following circumstances after your deliberate consultation and that you will mitigate his punishment or pardom him.

- 1) His character is noble and upright.
- 2) He is a moral, honcet man. When he was in our village, he had a good reputation, so he is a man of character who can not commit a orime.
- 3) His family is composed of his wife, his daughter, his old mother and his sister. Although they live together in good harmony, their economical condition is very poor. They are an unhappy family without a man to work for them.

10 December 1946

KAMIKO, Mitsue

I certify the above to be a true and complete translation of the original petition to the best of my ability.

CERTIFIED TO BE A TRUE COPY 1. Ken TEU: AS "Entite 162 (a)" 0478

PETITION.

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t

I would like to submit this petition respectfully in behalf of Inoue Fumio, ex-captain, IJA.

I hear that he is to be investigated as a war criminal suspect. I beg with all my heart that you will consider the following circumstances after your deliberate consultation and that you will mitigate his punishment or pardon him.

- 1) His character is noble and upright.
- 2) He is a moral, honest man. When he was in our village, he had a good reputation, so he is a man of character who can not commit a crime.
- 3) His family is composed of his wife, his daughter, his old mother and his sister. Although they live together in good harmony, their economical condition is very poor. They are an unhappy family without a man to work for them.

10 December 1946

SHIMIZU, Manno

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.

CERTIFIED TO BE A.TRUE COPY and P. Kenny TEL "Eshibit ______163. D + 7 = 9

PETTTION.

t

I would like to submit this petition respectfully in behalf of Incus Fumio, ex-captain, IJA.

I hear that he is to be investigated as a war original suspect. I beg with all my heart that you will consider the following circumstances after your deliberate consultation and that you will mitigate his punishment or pardon him.

- 1) His character is noble and upright.
- 2) He is a moral, honest man. When he was in our village, he had a good reputation, so he is a man of character who can not commit a crime.
- 3) His family is composed of his wife, his daughter, his eld mother and his sister. Although they live together in good harmony, their economical condition is very poor. They are an unhappy family without aman to work for them.

10 December 1946

NAKANO, Satom

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutenant, USNR, Interpreter.



To the US Hilitary Counission of the Marianas Area.

PETITION

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I respectfully petition you.

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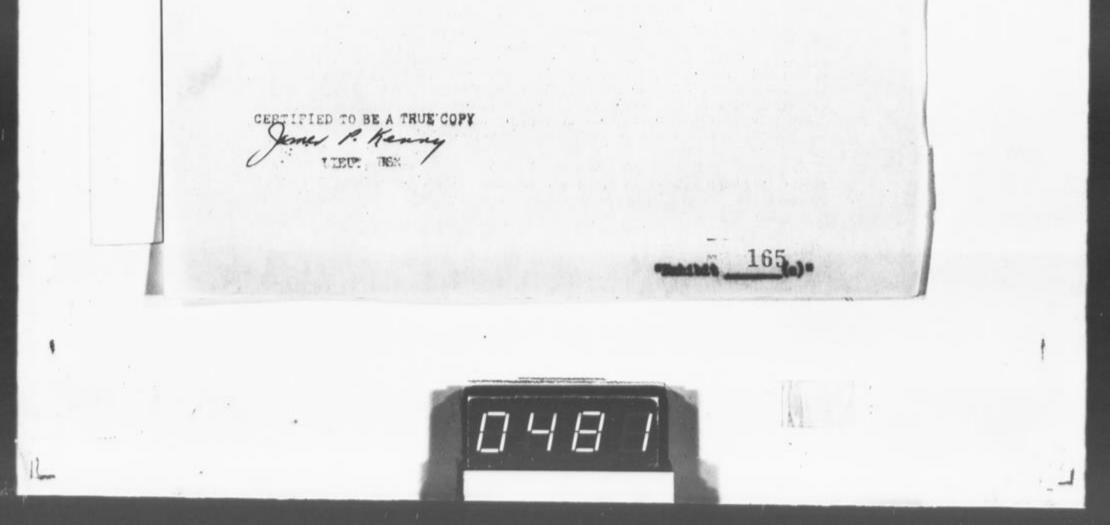
INCUE, Funic, Re-captain, 53A, was gentle in nature and was benevalent, wild wan. He is an indispensable person for his family as well as for our village.

Only his old mother, wife and child are remaining at his home. How can they maintain their livelihood wit out him? Also, we are very sorry to have lost a good leader of our village. I beg your kind consideration for what I have stated. I beg you that you will forgive INCUE, Funio as soon as possible.

> MITSUSE, Tokie Wakayema, Futaiwamura, Nishiuwa-gum, Mhimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability,

EUGENE R. KERRICK, jre, LAcutement, USHR, Interpreter.



To the US Military Commission of the Marianas Islands.

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PETITION

t

I hear that INOUE, Fumio, Ex-captain, IJA, is to be tried as a criminal suspect in the native case. So far as I know, he was a man of noble character in our village, and I can not think that he should coundt a crime against humanity. I think it was the crime of the leaders of the Japanese militarism, not the crime of INOUE, Fumio. Gentlemen of the Commission, I think you know well about what I have stated. But as a woman, I beg you to forgive INOUE, Fumio. I also beg you that you will have benevalence for his old mother, wife and child, who can not live without him.

15 December 1946

1NOTE Shisuka Gasa-Baksyana, Puteiwasura, Mishiuwa-gun, Ehimo-kan.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE R. KERRICK, jr., LAeutenant, USNR, Interpreter.

CENTIFIED TO BE A TRUE COPY P. Te JEN TEU: 166 (a)* 0482

Tos

The American Military Commission, Marianas Area.

INCOME, Fumio, has left at home his aged nother, wife, sister and daughter, and is now being held far away from home in the South Pacific. I beg to place this petition in behalf of his mitigation.

He is fair, gentle, right, sincere hand a man with sound thoughts. He graduated from the Yawatahama Commercial School. During his five years at the school he was only absent three days and almost had a perfect attendance record.

He only obeyed the orders of his superior and in no way has a speak of malice. One year and several months have elapsed since the end of the war. Hany of his friends have returned home, so please take into consideration the actual state of wind of INOUE and the situation at home and deal most leniently with him.

> NINCHIYA, Kasuko, Ehimo-ken, Yawatahama Gity, Hamano-cho.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EDORNE E. KENRICK, Jr., Licutement, U.S.N.R., Interpreter.



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The American Military Conmission, Marianas Area.

On hearing that INCUM, Funic, is now being held at the Guam Stockade as a war orime suspect, I cannot but feel serry for him as one of his friends, I learned that he had executed some Japanese who had spied, but he is not a man to count such a barbarens act. He had morely obeyed his superior's order which was not his intention. I can say this definitely. I can prove this by many facts. He excelled in school, was always gentle and was looked up to as the model character.

At home, besides his old mother there are three others, his wife, sister and daughter. They are working very hard and waiting for his return. If he should not return, what a big setback it would be to the family who is depending so much on him. When I think of this I cannot but feel serry for them. And there is his fice year old daughter who was bern after he had been called out, and how sad she would be when she later learns that her father had here executed. father had been executed,

Flease consider all these fasts and mitigate his punishment so that he may return to his home soon. I beg your elementy.

MIYOSHI, Btanko, UYSUNONIYA, Tomoko, Ehimi-kon, Yauntahama City.

I certify the above to be a true and complete translation of the original potition to the best of my ability.

> BUGENE E. KERRICK, Jr., Lieutemant, U.S.H.R., Interpreter.

CERTIFIED TO BE A TRUE COPY RK LIEU. 168 (.)

To : The Hendeste of the American Hildtery Counterion. For: ZHUE, Fusio former army Capt.

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The shows percen lost his father when he was a shild end now at his home his mother, wife, sister and shild are bearing the hardships of life, He has been of gentle character since shildhood and is not a man to commit any oriminal acts. He has been respected by his village people. I beg your kind consideration as to his judgement.

TAKAEURA, Emdehi.

I certify the above to be a true and complete translation of the original polition to the best of up ability.

MOSHE E. ERRICE, JR., Lioutement, U.S.H.R., Enterproter.

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I was a masher of the Herry will on Jakuit which became isolated in 1944. On morement of the shorthage of fixed, we wave on the varue of starvation. We really one that we are takey and the fast that we could comere from starvation to the efforts of Capitain Incon, not to speak of Rear Admirel.

How, this man of fine character is to be tried, and I would like to potition you as follows.

Captain Inous of the Army unit was of fine character and much confidence was placed in him by Rear Admiral Hasads, the commanding officer of the Navy unit. He was of as fine a character as Hasada's.

He was thoughtful, careful and very righteous.

He set the example bimealf when he did saything. He was full of a sense of responsibility. He, Havy Potty Officers were all struck with addretion to see the strict attitude of Captain Income of the Army whit in military training. On the other head he was polite, benevalent and kind to bin men. He used to pray for the life of "Jakuit", and believed in God and Dabiba.

I heard that he was thankful and affectionate to the notives and that he strove for the benefit of the matives.

It is unbearable for so that he, a new of fine, hance descenter, the beaufaster of our lives, is going to be pusided. I beg your eareful pagement with your insight. I also think, that it was because he was a new of such fine descenter that up could maintain our unity is such alcording could these without any could interess superiors and subordination.

I bag that you will approvide with his parent, sister, wife and shild in his village who have been whiting for his return for several years. I beg you that you will find his issees with your fair, besovulant judgement.

5 April 1947

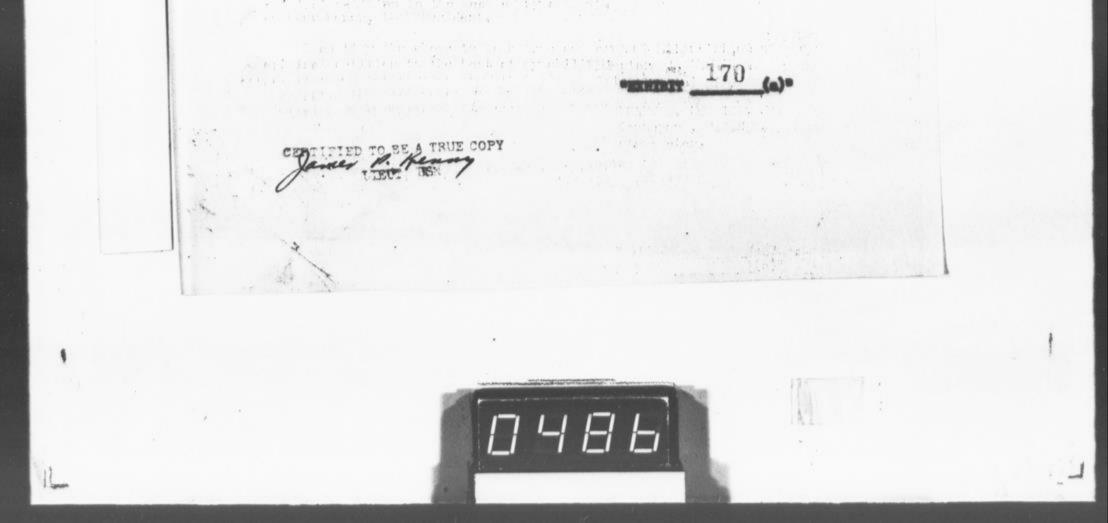
Meriura, Fukie

I certify the above to be a true and complete translation of the original petition to the best of my shility.

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Manual R. Manual Edentionant, U.S.R.R. Interpreter.

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PETITION.

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I hear that he is to be investigated as a war criminal suspect. I beg with all my heart that you will consider the following circumstances after your deliberate consultation and that you will mitigate his punishment or pardon him.

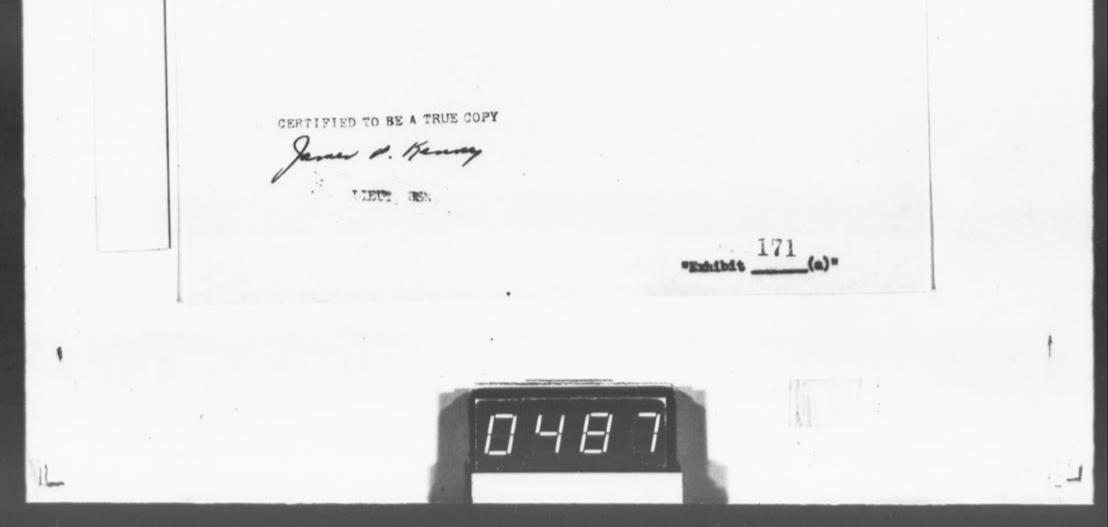
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- 3) His family is composed of his wife, his daughter, his old mother and his sister. Although they live together in good harmony, their economical condition is very poor. They are an unhappy family without a man to work for them.

10 December 1946

SHIMIZU, Ichiru

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICE, Jr., Lioutenant, USNR, Interpreter.



PETITION.

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10 December 1946

HITACHI, Ayako

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. MERICK, Jr., Lioutonant, USNR, Interpreter.

CENTIFIED TO BE A TRUE COPY 1 P. Kenny LEUT JEN *Butibit _172(a)* 0488 12

PETITION.

I would like to submit this petition respectfully in behalf of Inoue Fumio, ex-captain, IJA.

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10 December 1946

VEDA, Kasuko

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutemant, USNR, Interpretor.

CENTIFIED TO BE A TRUE COPY James M. Henry TIETT DES 17360.

PETIT ION.

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10 December 1946

OGAMI, Shigesaburo

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.

CERTIFIED TO BE A TRUE COPY as 1. Kenne hibis 174 0490

PETITION.

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I would like to submit this petition respectfully in behalf of Incue Funic, ex-captain, IJA.

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10 December 1946

WATANABE, Kanj

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. EERRICK, Jr., Lioutement, USHR, Interpreter.

GERTIFIED TO BE A TRUE COPY 1. Kenny TIEUT JSK "Enddas 175 (a)" $\Box \dashv \exists$

PETITION.

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I would like to submit this petition respectfully in behalf of Inoue Fumio, ex-captein, IJA.

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10 December 1946

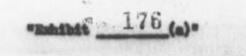
KIEUCHI, Hasayuk

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutenant, USNR, Interpreter.

CERTIFIED TO BE A TRUE COPY

US P. Ken





PETITION.

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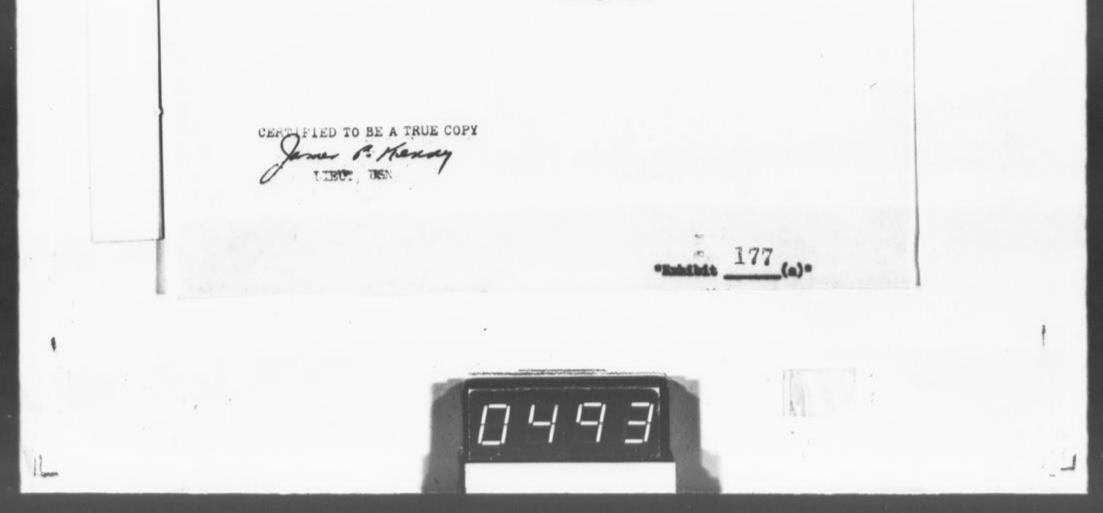
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10 December 1946

SITIBATA, Hirosh

I certify the above to be a true and couplete translation of the original potition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutonant, USNR, Interprotor.



PETITION.

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I would like to submit this petition respectfully in behalf of Inoue Fumio, ex-captain, IJA.

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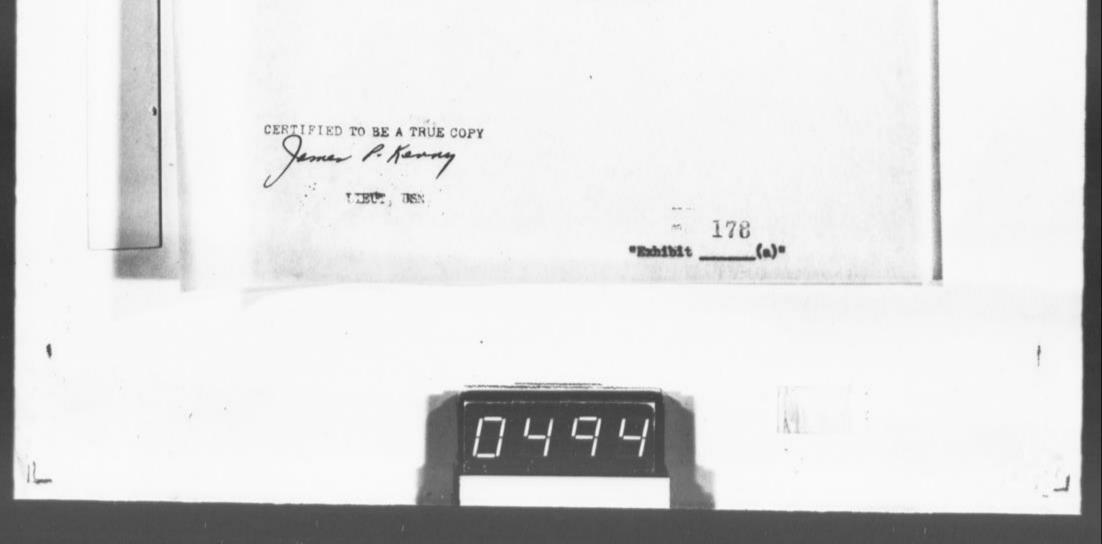
10 December 1946

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KIKUCHI, Isamu

I certify the above to be a true and complete translation of the original petition to the best of my knowledge.

EUGENE E. KERRICK, Jr., Lioutenant, USNR, Interpreter.



PETITION.

I would like to submit this petition respectfully in behalf of Inoue Fumio, ex-captein, IJA.

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10 December 1946

WATANABE, Masukich

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutemant, USNR, Interpretor.

CERTIFIED TO BE A TRUE COPY mes P. Kenny TIEU: DEN "Endite 179 (a)" 0495

To a The Heabers of the Military Conmission, Harianes Area. Fors INCOR, Fundo, former army Capt.

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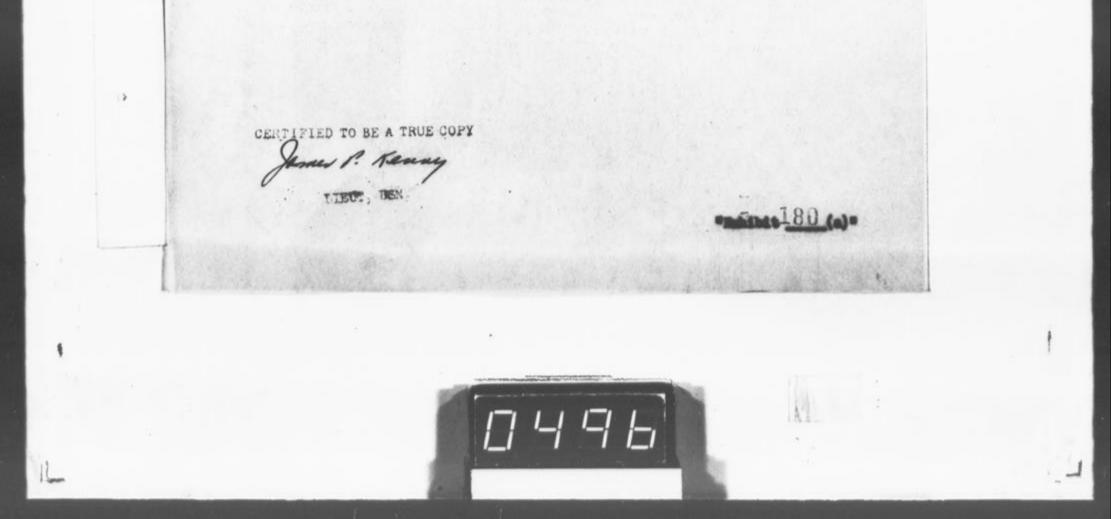
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The above person is a gentle character and I cannot think that he can count a crime. At home he has left only women and a shild and they are having a hard time in unking a living. I beg your consideration and that you mitigate his sentence.

IHOUS, Pujini.

I certify the above to be a true and complete translation of the original polition to the best of my ability.

MORNE E. KARIOL, JR., Ideutement, V.S.H.R., Interpreter.



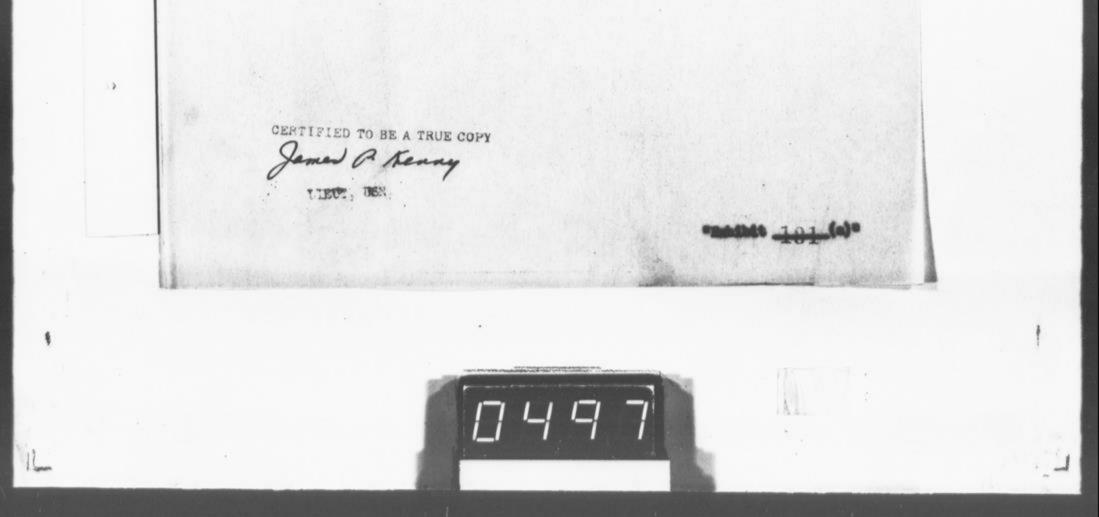
Tes The American Military Consistion, Marianas Area.

I have learned that INOUE, Funie is now being confined, but he is not such a bad sam. His sister was up confor in the Instathant Girls School and she too was a very fine person. Judging from her, I cannot think of him as a bad sam. I believe he merely obeyed his superior's order and had no intention of malice unstanceurs. INOUR, Funie is righteous and gentle. He graduated from the Commercial School with excellent grades. The present members of the family number 4. They are not very prosperous. Funio may be compared with a prop to his family. If his arise is not mitigated, they would be in the most pitiful situation. I beg you, please have morey on him. He only obeyed the orders of his superior so please deal lemiently with him.

> MATSUDA, Tuko. Ehimo-kon, Hishi-Uwa-gun, Hido-mura, Shindo.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

ENGINE E. KERRICK, JR., LAoutenant, U.S.H.R., Interproter.



PETITION.

I would like to submit this petition respectfully in behalf of Inoue Fumio, ex-captain, IJA.

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10 December 1946

UTSUNOMNA, Yoshiak

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutemant, USNR, Interpreter.

CERTIFIED TO BE A TRUE COPY ames P. Kenny TIEUT, USN "Eshibit _________ 0498

PETITION.

I would like to submit this petition respectfully in behalf of Inoue Fumio, ex-captain, IJA.

I hear that he is to be investigated as a war crisinal suspect. I beg with all my heart that you will consider the following circumstances after our deliberate consultation and that you will mitigate his punishment or pardon him.

- 1) His character is noble and upright.
- 2) He is a moral, honest man. Then he was in our village, he had a good reputation, so he is a man of character who can not commit a crime.
- 3) His family is composed of his wife, his daughter, his old mother and his sister. Although they live together in good harmony, their economical condition is very poor. They are an unhap y family without a man to work for them.

10 December 1946

KATO, Tomoyuk

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutenant, USHR, Interpreter.

CERTIFIED TO BE A TRUE COPY amed P. Ken LIEUT, USA "Eshibit 183 (a)" ٩ $\Box + \neg \neg$ 11

To the US Hilitary Commission of the Marianas Area.

PETITION FOR INCUE, FUNCO, EZ-GAPTAIN, IJA

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I heard from my teacher that INCOM, Funio was a war original, and was very much surprised.

When he was at Futaiwamura, he was said to be the model of the village, so he is not a man who is to be named a "war criminal." I beg you that you will migigate his sentence.

> INCUE, Manco, Futaiwa Mational School, Futaiwamura, Mishiuwa-gun, Mhime-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., Licutement, USNR, Interpreter,



To: The American Hilitary Commission.

ł

INCUE, Funio former Capt., who is being held now in the Merianne and lemely semiting the day he can return, is a gentle and sincere person. From his school days it has been shid that he was always solean and a model student with sound thought. He was always faithful and cornert to his duties. I connot believe such a person could count a cruel act. How could such a gentle and moble person like INCUS, Funio count such a thing. It must have been that he only performed his duties faithfully.

At home his aged mother who considers gentle IHOUE, Funio to be the prop and stay of the family, is longing and waiting for his early return; but he does not come back. His wife, sister small daughters and mother, are the ence loft at home. As there is no man to help about in the farm, though they are working hard, it is very difficult for them to make a living. Hover-the less, his mother being the center of the family they are working hard to everease the difficulty with the hope that they will have him back.

Then words came that he was being held as a suspect and would not be able to return, I can imagine how surprised and helplose the family, espec-ially the Sother, felt.

If he who is the prop of the family cannot come home, the family will suffer economically and spiritually. When I think of this, I could not halp but write this petition. I beg your kind consideration for his family and hope you will ammarate his crime,

> HINOMIYA, Kasuko Bino-ken, Hishi-uwa-gun, Hiyanohi-mara.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EDGENE S. KERHICK, JR.,

Lientenant, U.S.H.R., Interproter. CERTIFIED TO BE A TRUE COPY m. 185 050

PETITION FOR INOUE, FUNIO, EE-CAPTAIN, IJA.

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I am greatly estomished to hear that he is now confined as a criminal suspect in the natives's case. He was of gentle character and was not a man who could violate humanity. He was admired as a model of our village. Besides, his family, his old mother, and sister, are in a pour economic condition. I am very sorry for him. I beg you will deal lemiently with him and that you will mitigate his sentence or Belease him.

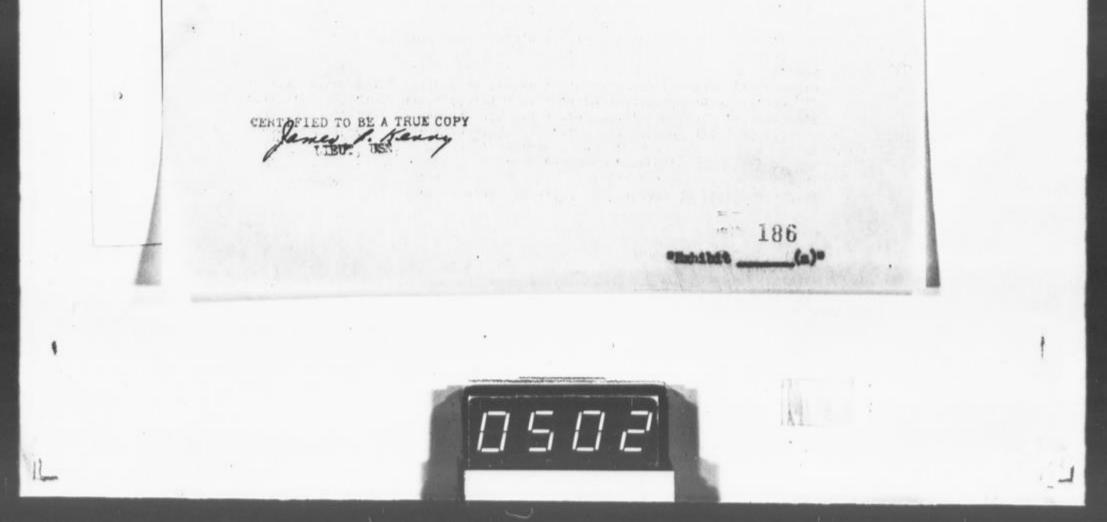
10 December 1946

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MATTO, Yoshimitau Futaiwamura, Nishiuwa-gun, Ehimo-Rome

I certify the above to be a true and complete translation of the original petition to the best of my ability.

BUGENE E. KERRICK, jrop Licertenant, USNR, Interpretor.



To the US Hilitery Coundesion of the Merianes Area.

PETITICN FOR INCUE, FUNIO, CAPTAIN, IJA.

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Not only was he kind and mile, but also he tried to develop culture and loved pasce. I wish I could have him again as the central pillar of our village. I can not think that he should commit strocities. At his home, his mother, sister and nephew are living lonely looking forward to his coming back.

I beg you that you will forgive Fumio whom I believe to be a good man.

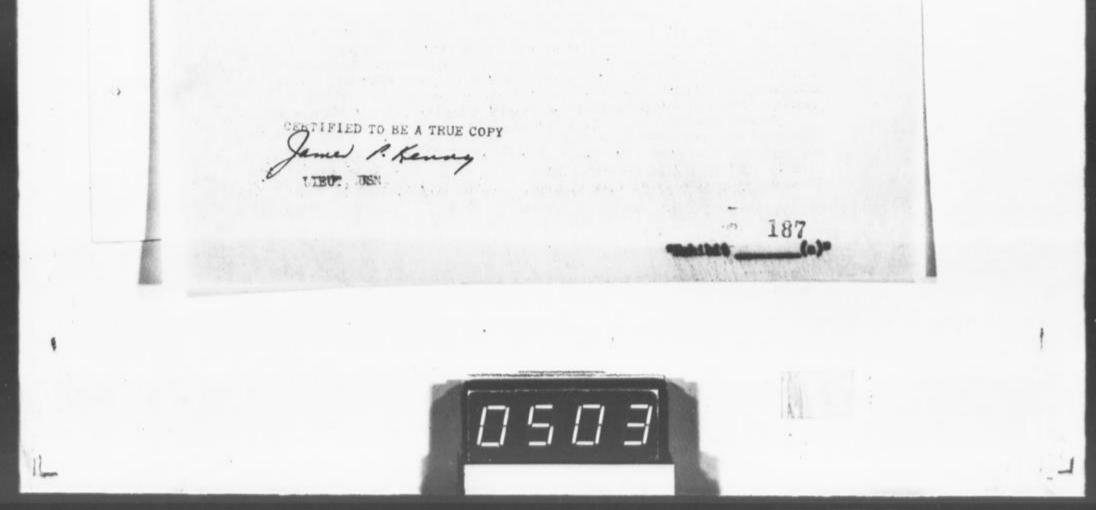
13 December 1946

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KOHNO, Gimo, Futeiwemura, Hishiuwa-gun, Mhime-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, jr., LAsutement, USBR, Interpreter.



To the US Military Commission of the Marianas Area,

PETITION FOR INCUR, FURIO, HE-GAPTAIN, IJA.

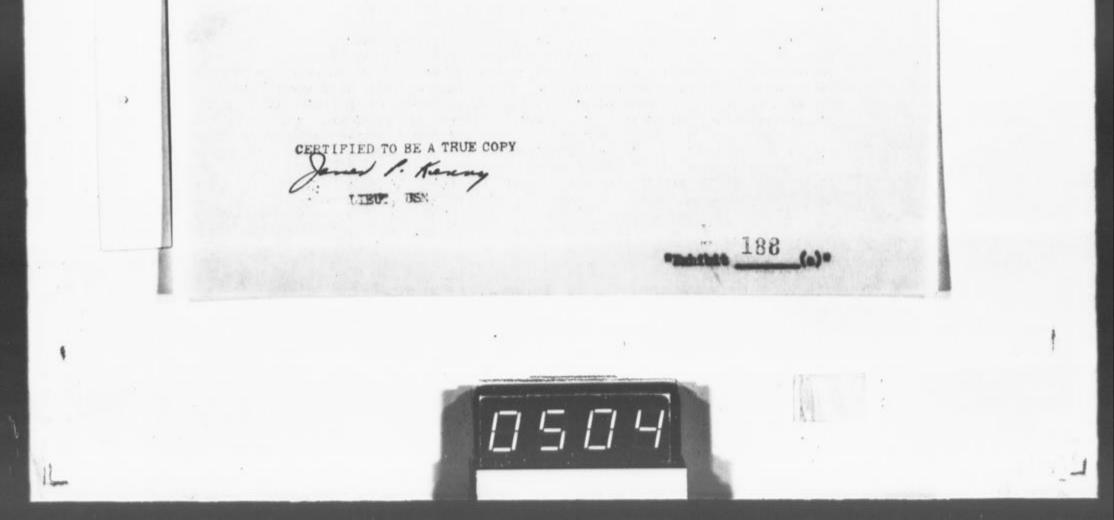
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I have beard that INCUE is to be tried in your military court. He was been in our village, and was well-behaved, mild and hencet, and was admired by the village man. I believe that his erime during this war was not committed of his own accord. At his home, his ald mother, wife and child are waiting for his return. I beg your kind consideration for the experiess with which they are looking forward to his return, and that you will deal lemiently with him.

> INCOR, Tanchara Futaiwamura, Mishiuwa-gun, Ehime-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

BUGENE E. REBRICK, jr., Lioutemant, USBR, Interpreter.



To: The members of the military countesion, Merianes area,

PETITION

INCUE, Funic former captain, is from Hims-Run, Hishi-Twa-gun, Futaiwasurm and he graduated from the commercial school with an excellent record. He want to the south as a cadet. From his school days he was gentle and honest and never preferred to do anything that was brutal. I believe that he performed his duty as a military man, and with single mind to obey order performed his duty as a subordinate.

I cannot but feel deep sympathy for him when I think that he is not being tried in court for anny in the south.

His aged nother, sister, wife and daughter who is 5 years old are evalting his return. Without man power, they are engaged in agricultume. If he should not ever return how discouraged they would be. He is the only person upon when the family can rely. I can wall imagine the shoak that the sourceful news was to his mother. I cannot help but shed tears when I think of the family. He is not a man to do brutal sets. I am praying that his crime shall be dealt with lemiently.

> SAKAMOTO, Riyoe Hishi-Dwa-gun, Ma-ana-saura.

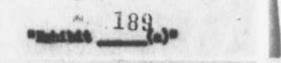
I certify the above to be a true and complete translation of the original petition to the best of my shility.

EUGENE L. KERRICK, jr., Lioutement, UENR, Interpreter.

CERTIFIED TO BE A TRUE COPY

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To the members of the American Military Commission, Marianas Area.

I have heard that INCUE, Funio, former Captain, IJA, is now being held. He is a man of fairness and gentleness. His acts are righteous, thoughts sound and speech clear.

I believe a man of such character had for his first principle obedience to his superior, and he did not do this act under his own discretion. Taking this fact into your consideration, I beg your lemiency towards him.

His wife, his daughter whom he has not yet seen, and his aged ald mother are waiting at home and they are struggling to support the family.

TSUZUEI, Chikako Ebimo-ken, Hishiuwa-gun, Hido-mura, Shinda.

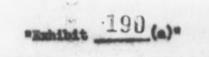
I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutenant, USNR, Interpreter.

GERTIFIED TO BE A TRUE COPY

Jemes P. Kenny

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To the US Hilitary Commission of the Marianas Area. PETITION FOR INCUE, FUMIO, EE-CAPTAIN, ISA.

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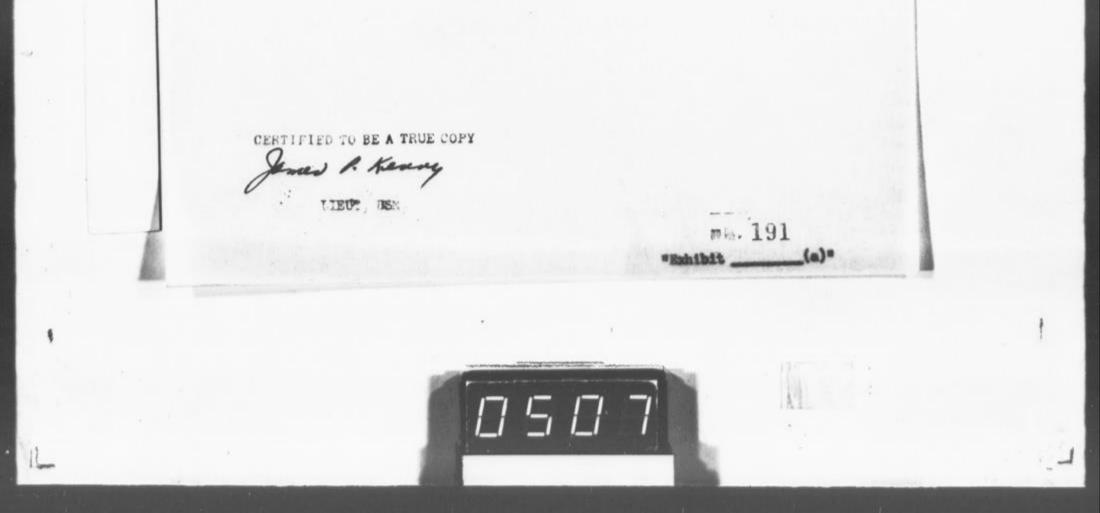
I hear that he is now confined in the Guam stockade as a criminal suspect in the native case. But I think he is of good character and he is not a man who can counit a crime. I beg you that you will send him back as soon as possible.

15 December 1946

UTSUNONIYA, Sadao Futaiwamura, Nishiuwa-gun, Ehimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

ECGENE E. KERRICK, Jr., Lioutenant, USNR, Interpreter.



PETITION.

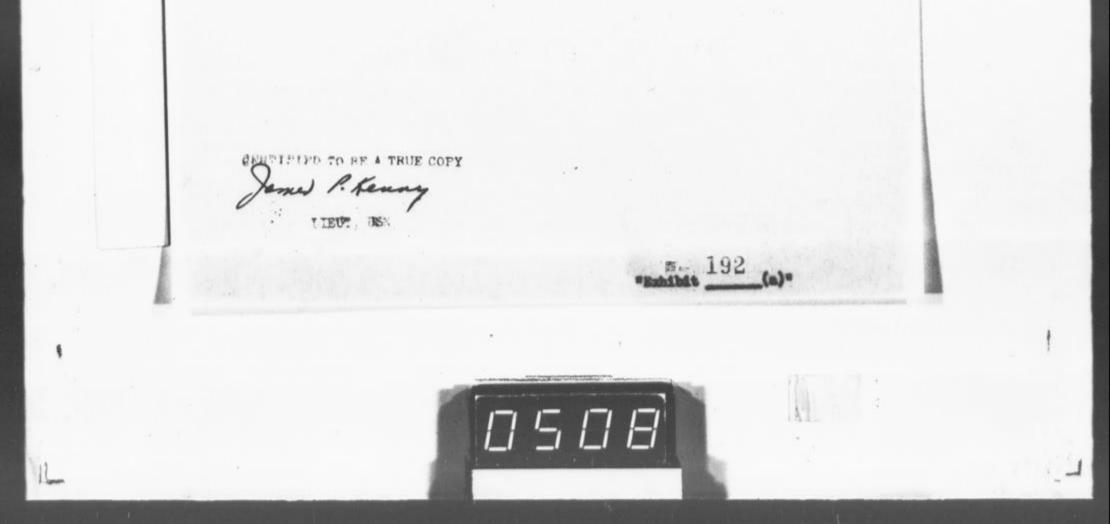
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INOUE, Fumio, ex-captain, IJA, was of such a good character when he was in our village that he really could be said to be the "public servant". We can not think that he has been accused as a criminal suspect in the intives' case. If so, I think he was made to be a criminal by the evil propaganda of the leaders of the Japanese militalists. INOUE, Fumio is not a man who commits a crime against humanity. I beg your consideration for his aged mother and lovely wife and child. I beg you will send him back to where they are waiting for him.

> KANSMAKI, Tsuruto Wakayama, Futaiwamura, Nishiuwa-gun.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.



To the US Military Coundesion of the Marianes Area,

PETITION FOR INCUR, FUNIO, EZ-GAPTAIN, ISA.

1. Funie was very mild, gentle, honest, benevelent and kindk and I could not find any faults in his character. All our village man admired him. Hot only was he mild but also he settled any hard problems in repid suscession, so he was considered to be the model of our village. But he was never proud of himself as there is a saying, "The greater a man is the more courteous he is, I have never met such a pure-ginded and gentle person.

2. Funie is not a man who would vielate humanity such as to commit a crime against others, to dishonor others or to do svils in order to gain. He is really a sincer and upright man.

3. Funde's family is a very pitiable, and his old mother and sister are maintaining thier humble life. As prices are dear now, no one is more bitter than those who have no man in their family to work. It is just like a house without central pillar. I begyou from all my heart that you will find him not guilty and send him back to Japan as soon aspossible.

INCUE, Asako

I certify the above to be a true and complete translation of the original petition to the best of my ability.

HUGENE E. KERRICK, jr., Lioutenent, USNR, Interprotor.

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CERTIFIED TO BE A TRUE COPY

amed P. Kenny

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LIEU., USN



To the US Hilitary Commission of the Marianas Area.

PETITION FOR INCUE, FUMIO, EX-CAPTAIN, IJA.

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I an surprised to hear that he has been unexpectedly confined in the stockade as a war criminal suspect. He was a good model person in nature. He is not a man who can violate humanity. Besides, his family can not continue their living without him. Their condition is very pitiable.

I beg you that you will have kind consideration for these circumstances and that you will release him.

13 December 1946

INCUE, Kitoro Fukikwwa, Futaiwamura, Nishiuwa-gun, Ehimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., L4cutemant, USNR, Interpreter.

Sened P. Kenny TIEUT IS 194 "Exhibit (a)* ٩ 0510

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA.

He was mild and gentle when he was a young man. The people of the village placed much confidence in him. He was a rare man of character.

He was sympathetic to others, and he would never do any inhumane acts such as commit a crime of his own accord. His family consist of his old mother, wife, child and his sister, so he is the only support of his family. Without him it is difficult for his family to maintain their living. I am very sorry for them.

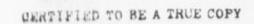
Gentlemen of the Commission, I beg you as a Japanese that you will spare this mild man of character from death.

Utsunomiya, Kazue Yokohira, Futaiwamura.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.

"Exhibit _195 (a)"



James P. Kenny TIEU , USA

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PETITION FOR INOUE FUMIO EX-CAPTAIN IJA.

His noble character is recognized by all people of our village. He was mild in nature and is not a man who commits a crime of his own accord. We affirm this fact, and, at the same time, strongly believe it.

If he does not come back, since his remaining family consist of an old person, child and women, so he is very important to his family as their main support.

His old father is dead. He has only his old mother, his sister, his lovely daughter of five years old called Yoko and his wife. They are looking forward to his return and are spending uneasy days.

Gentlemen of the Commission, please don't condemn this important person to death for the sake of our country, not to speak of for our village. I sincerely beg you as a Japanese.

Hijikata, Emi

I certify the above to be a true and complete translation of the original petition to the best of my shility.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpretor.

"Exhibit" 196 (a)"

CERTIFIED TO BE A TRUE COPY

J. P. Kenny TIEU IS



To Your Honor the President of the US Military Commission of the Marianas Area.

PETITION FOR CLEMENCY IN BEHALF OF INOUE FUMIO.

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He is mild in nature and is a model of our village men. He lost his father when he was young, and now, only women and a child remain in his family. I think you can judge from his daily attitude that his character family. I think you can judge from his daily attitude that his character will be as good in future. I respectfully beg that you will deal lemiently with him.

SHIMIZU, Midori

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutenant, USNR, Interpreter.

CERTIFIED TO BE A TRUE COPY ~ r. Kenny TIEVE DEN - 197 "Exhibit ____(a)" ٤ $\Box \subseteq I \exists$

PETITION FOR INCUE, FUMIO, EX-CAPTAIN, IJA.

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He is mild in nature and is not a man who can commit a crime. Only women and a child remain in his family and they are making a peor living. I beg you will deal lemiently with him.

WISHIMURA, Aiko

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.

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GERTIFIED TO BE A TRUE COPY

Jemes P. Kenny LIEUT, OSN



PETITION FOR INCUE, FUMIO, EX-GAPTAIN, IJA.

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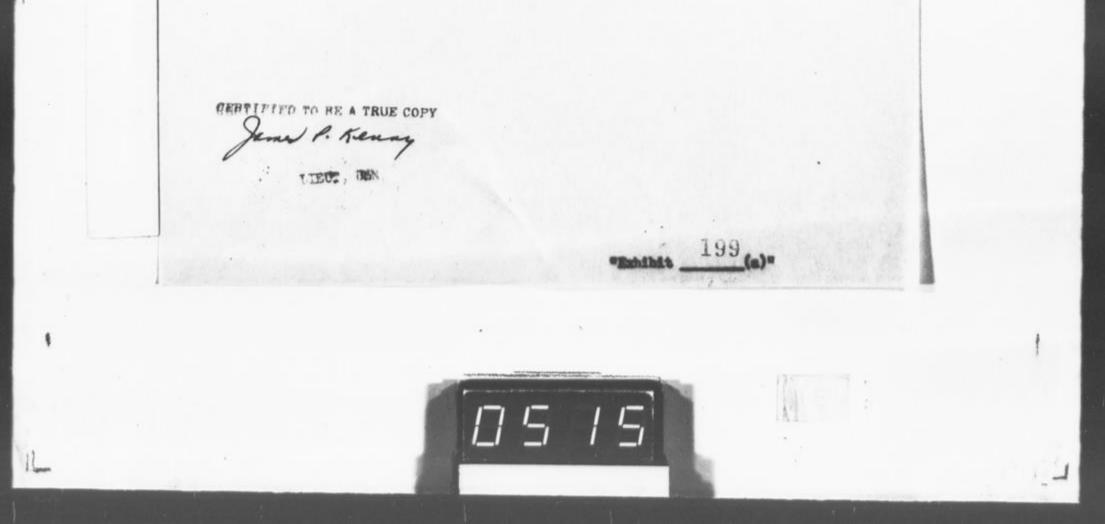
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Inoue, Funio was very mild when he was young and was very kind and benevelent towards others. I cannot think that he did a wrong thing during the war. I beg you from all my heart that you will send him back to our village as soon as possible.

> DAIJO, Kayako Wakayama, Futaiwamura, Nishiuwa-gun, Ehimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutenant, USNR, Interpreter.



PETITION FOR INCUE, FUMIO, CAPTAIN, IJA.

t

He is good and benevolent, and is kind towards the young and the old. He is really an indispensable person in our district. At his home, his mother is living a lonely life as she is anxious about her son. I am very sorry for them. I beg that you will forgive him.

13 December 1946

KHONO, Sumie Futaiwamura, Nishiuwa-gun, Ehime-kan.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.

UESTIFIED TO BE A TRUE COPY 1 R.Ke LIEUT, USN "Eshibit ________ 0516

PETITION FOR MITTGATION

Becenber 14.

The American Military Counission, Marianas.

INCOR, Funio.

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The above person is a sincere and gentle man. He is the model character of our village. His future had been looked upon with great anticipation by all the people of the village.

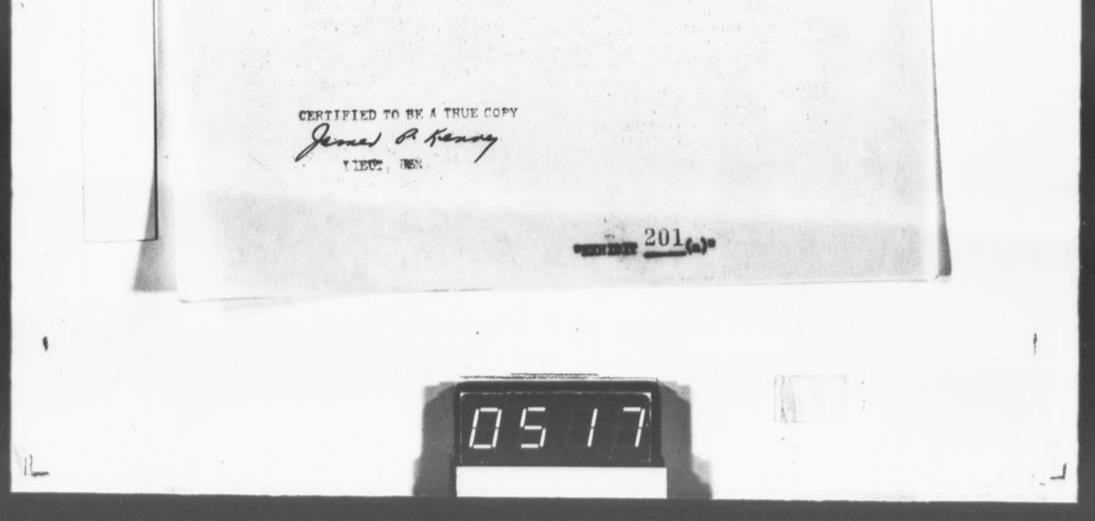
His family is very pitiful, because he lost his father when he was very young. At present he has an aged mother, wife, and shild to look after.

I beg you will judge his character by his daily conduct and deal most lemiently with him.

SUEMISTU, Sadao, SUEMITSU, Takie.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

ENGENE E. KERRECK, Jr., Ldoutement, U.S.H.R., Interpreter.



PETITION

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The Military Coumission, Marianas Area.

I have heard that INCUE, Funio, former Army Captain is a war oriminal unable to return to Japan because he obeyed and executed the orders of his superior.

He is a man of fair, gentle and sincere character. His thoughts are always sound. During his school days, he was only absent a few days when he was in his fourth year and he just missed a perfect record. So, you may judge how diligent a worker he is. He graduated eighth in the class.

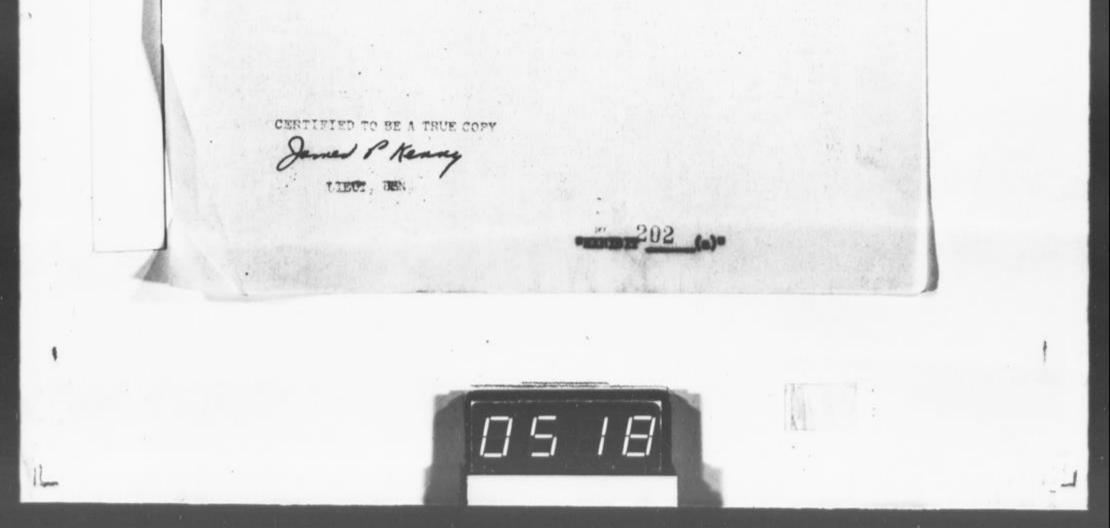
At home there is no man to help. His mother, wife, sister and daughter are eagerly waiting his return and are working hard.

Please take into consideration this situation and deal lemiently with hime

KOBAYASHI, Moriye, Nishi-uwa-gun, Hido-mara,

I certify that the above to be a true and complete translation of the eriginal petition to the best of my ability.

EDORNE E. KERRICK, Jr., Ldoutemant, U.S.N.R., Interprotor.



PETITION for Inoue, Funio, Ex-Captain, IJA.

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Funio is very mild, benevelent, honest and kind. He is willing to bear any hardships if it is for his village men. He looks after us very kindly even at a risk.

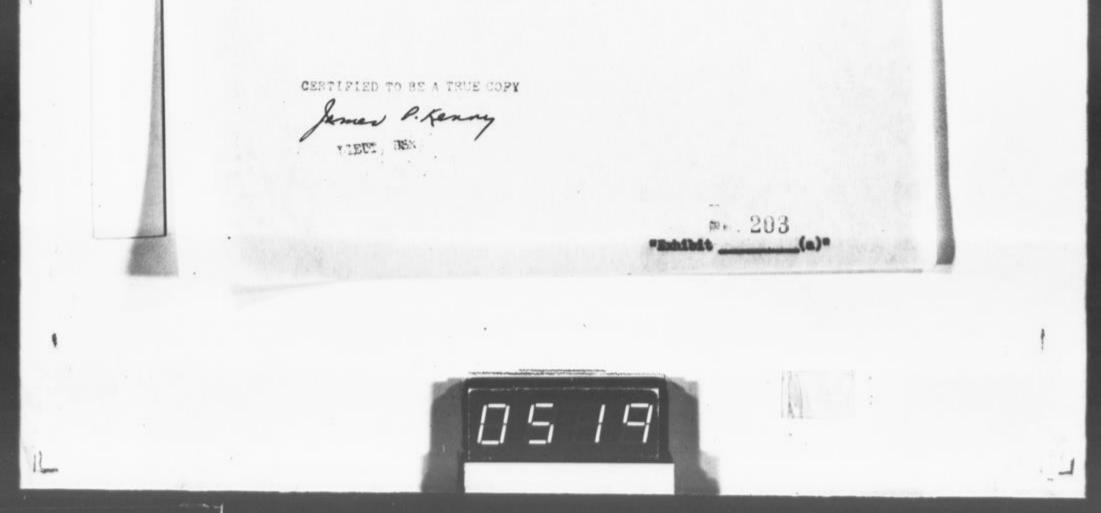
Funio is not a man who commits a crime against others nor is proud of himself when he is successful.

It is very sorrowful for Fumio that his remaining family consist of only his aged mother and sister. As the prices are dear now, they are suffering from hard living. Whenever I meet them they say, "I wish I could have Fumio back." I beg you from the bottom of my heart that you will send him back as soon as you can.

INCUE, Komachi

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. RERRICK, Jr., Licutement, USNR, Interpreter.



PETITION FOR INCUE, FUMIO, EX-CAPTAIN, IJA.

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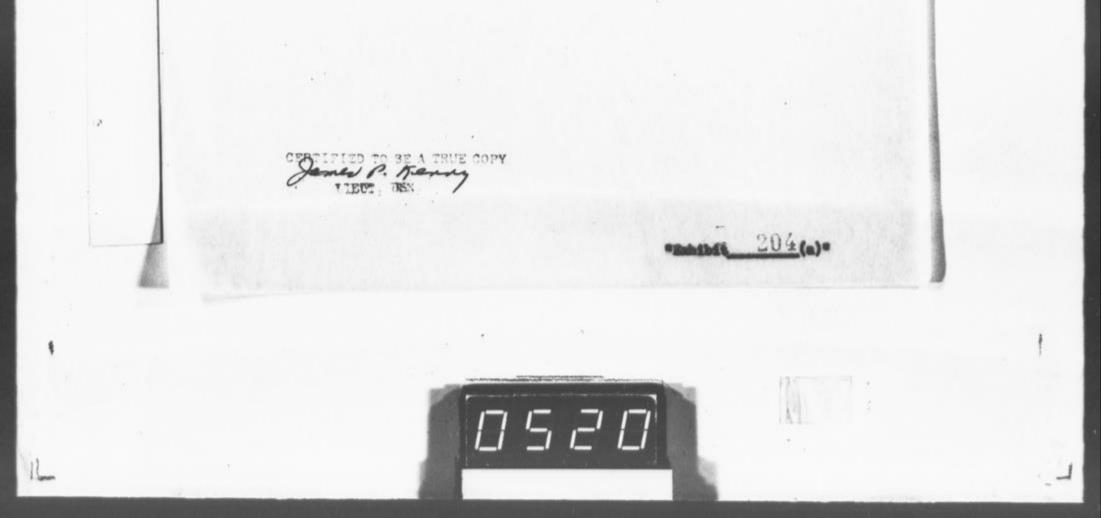
He is mild in nature and of a moble character. He is an indispensable man for our village, and we admire him as a teacher. It is as if we lost our arms and legs if we lose such a clever, understanding person for the construction of Japan. We are looking forward the day when you will allow him to come back.

5 December 1946

KAJITANI, Hanayo, Futaiwamura, Nishiuwa-gun.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.



December 10, 1946,

PETTTION FOR MITTGAFION in behalf of INCOR, Fundo,

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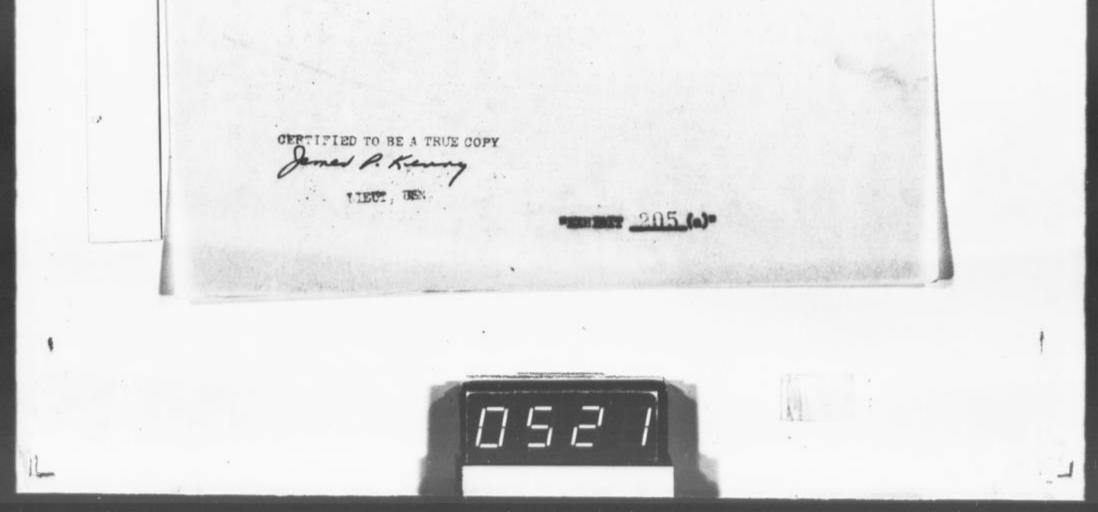
The American Military Commission, Merianas Area.

The above person is gentle, sincere and s und. He is respected by his colleagues and the people of the community. During his school days his conduct and marks were superior. After his graduation he was diligent and he worked for the sake of the community. He definitely is not a person to consit an inhuman set. I beg your lemient judgment and mitigation of his contence.

> KADOTA, Toshihiko, Hhimo-kan, Yawatahama City, Daikaku-aho, 1 shomo.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

BUGRNE E. KERRICK, Jr., Lioutonant, U.S.H.R., Interpreter.



PETITION FOR INCUE, FUMIO, EX-CAPTAIN, IJA.

Inoue was a mild man in our village, and was loved by us all. I am surprised to hear that he is named a war criminal. I am convinced that he took responsibility because of certain circumstances. He is not a bad man. I beg you will forgive him this time. As his remaining family are all women, they are leading a miserable existence. I am very sorry for them. I have heard that Americans are all kind people. I beg you that you will forgive him.

15 December 1946

KIKUCHI, Toyo Futaiwamura, Nishiuwa-gun, Ehime-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.



PETITION FOR INOUE, FUMIO, EX-CAPTAIN, IJA.

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He is very mild in nature, and I think that he never would violate humanity. His family can not make their daily living without him. I beg you that you will allow him to go home. I hereby place this petition before you.

10 December 1946

NINOMIYA, Ryuso Futaiwamura, Nishiuwa-gun, Ehime-ken.

I mertify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.



PETITION FOR INOUE, FUMIO, EZ-CAPTAIN, IJA.

He has a mild character and is a model of our village. I am convinced that he is not a man who commits a crime of his own accord.

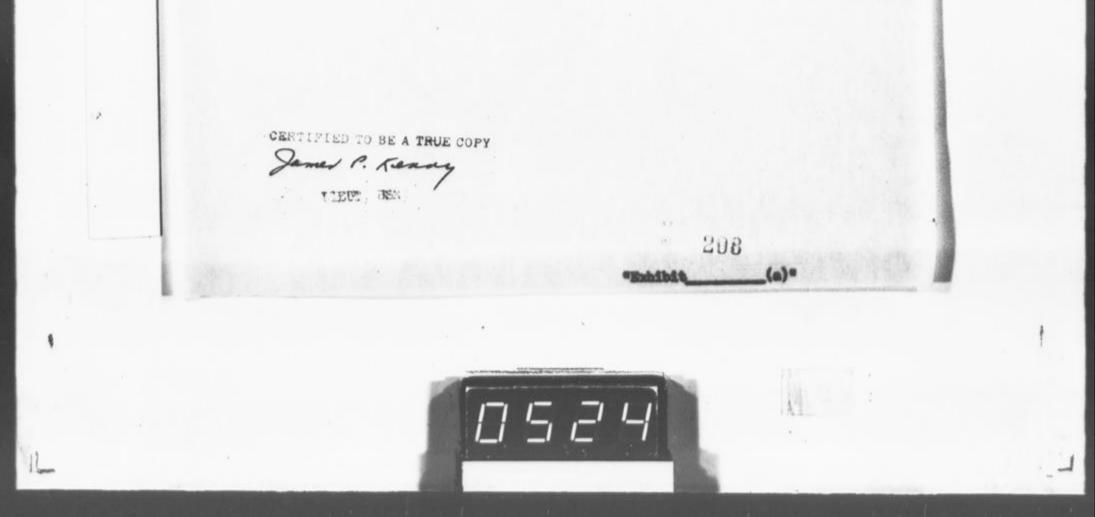
He is the head of his family and has an aged mother and wife and child. I place this petition before you and beg that you will deal lemiently with him for the sake of our village and the democratization of Japan.

5 December 1946

INOUE, Jinichi

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE Z. KERRICK, Jr., Lieutenant, USNR, Interpreter.



PETITION FOR INCUE, FUMIO, EX-CAPTAIN, IJA, GAZAFUKIKAWA, FUTAIWAMURA, MISHIUWA-GUN, EHIME-KEN.

He is of the best character.

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He has never committed a crime. He assumed the leadership of our village.

Without him, his family will feel very hard put. He is the only man in his family.

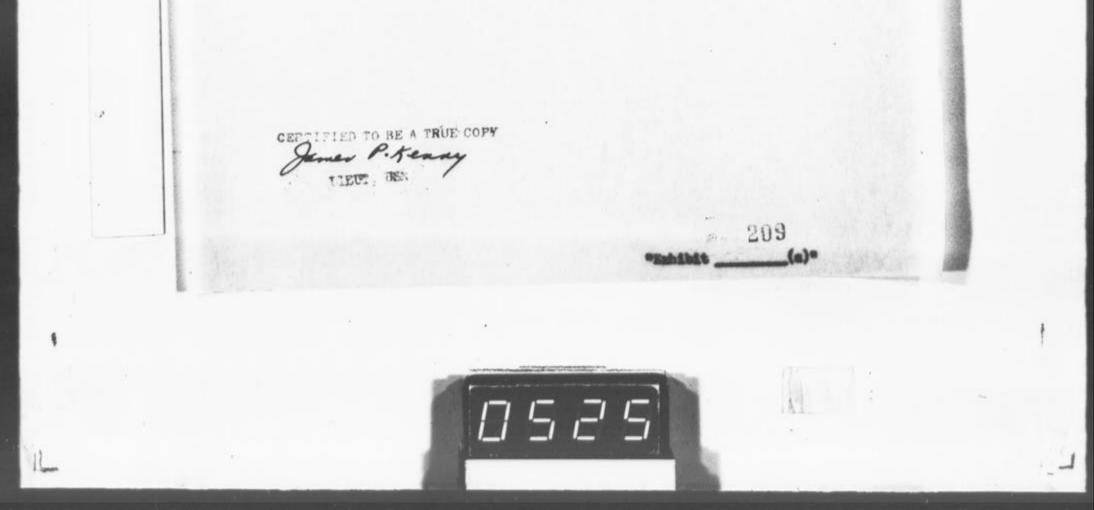
I beg you that you will allow him to go back to Japan.

5 December 1946

KIKUCHI, Tokuhei Oasa-kawamai, Yawatahama-shi.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.



PETITION FOR CLEMENCY IN BEHALF OF INOUE, FUMIO.

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He is a man of sincere, mild and gentle character. I beg you will understand his character from his day by day attitude and you will deal leniently with him.

NISHIMURA, Ryo

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. XERRICK, Jr., Lieutenant, USNR, Interpreter.

CERTIFIED TO BE A TRUE COPY 1 James P. Kenny TIEUT, DEN 210 (a)* "Exhibit _ ٩ 0526

PETITION FOR INCUE, FUHIO, EX-CAPTAIN, IJA.

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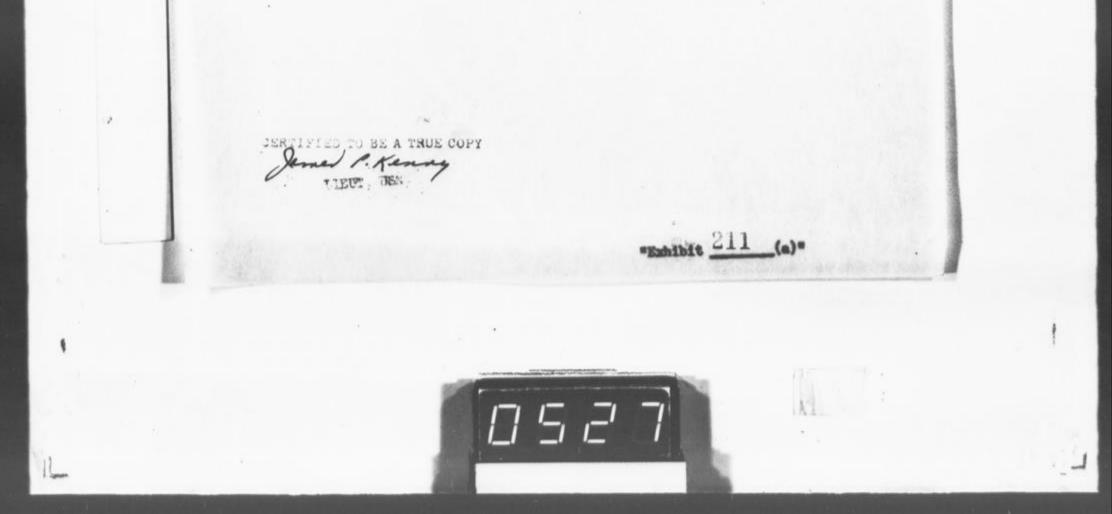
He was born in our village and was really a mild man. He has his mother and sister at home and their living is very miserable. I don't know what he did during the war, but I don't think that he did it of his own accord. I beg you that you will send him back as soon as possible.

10 December 1946

NINOMIYA, Kimiko Futeiwamura, Nishiuwa-gun, Shima-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, USNR, Interpreter.



To the Members of the American Military Commission, Marianas Area.

PETITION FOR INCUE, Famio, former Captain, IJA.

By your most friendly help, Japan is gradually recovering from her wounds, for which we all are most grateful.

Our beloved ones are coming home and our family life has become most pleasant and cheerful. We are burning with the hope of contribution our part in establishing a peaceful world.

On the other hand, when I think of the families whose beloved ones have not come home from the South Seas, I wonder how lonely and sorrowful they might be. I have been always praying for them that they might return home soon, and I have always trying to comfort and help the lonely families whose beloved ones have not yet come home.

One of these is "INOUS, Fumio, former Army Captain.

With a pure heart of loyalty INOUE, Funio fought for his country and now his is held in Guam for his crime and praying quietly for his country, for the Allied Powers and for the world.

If he were to be excentrated, how great the pleasure of his family would be! How deeply would he be moved! To recompense for his act I firmly believe that he would sacrifice himself for peace and love.

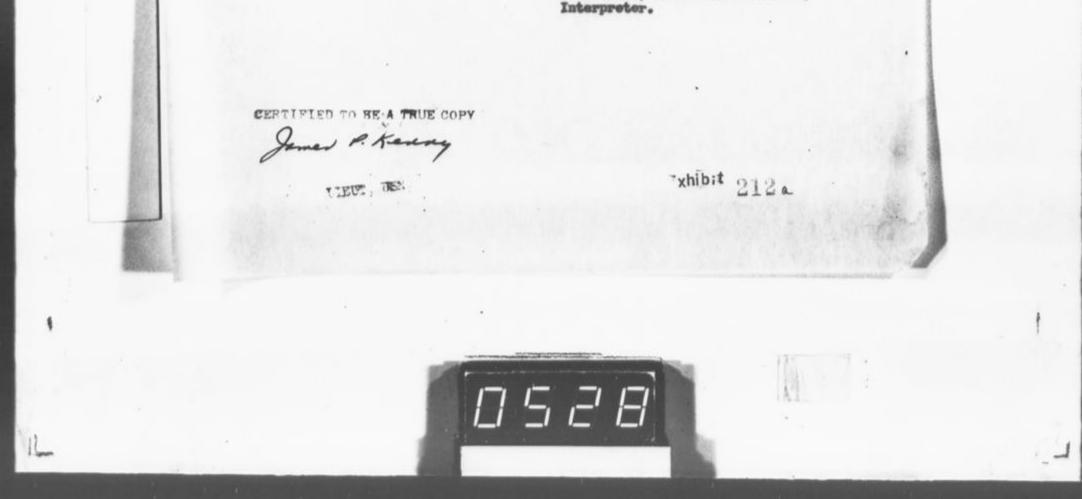
I pray that my wishes be that of God's.

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KIKUCHI, Kikne, Ehimo-ken, Yawatahoma City.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lioutonant, U. S. Naval Reserve,



1. TITION FOR INOUE FUNIO EX-CAPTAIN IJA

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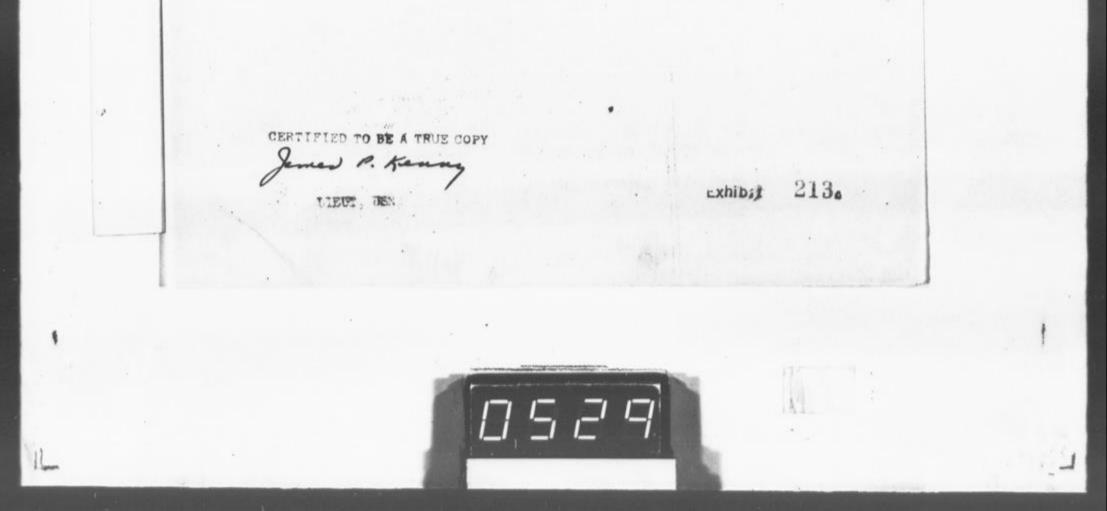
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I hear that he is confined in the Guam stockade as a criminal suspect in the Jaluit native's case. But he is of noble character and mild in nature, so I think he was not able to commit a crime. Only women and a child are remaining at his home and they are in a miserable condition. I beg you that you will forgive him.

10 December 1946.

Kikushi, Ruitaro, Futaissana, Rishiuwa-gun, Bhimo-kan.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

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10 December 1944 .

Insue, Toranori, Isuni, Futaiwamura, Mishiuwa-gun, Shimo-ken.

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I certify the above to be a true and complete interslation of the original petition to the best of my ability.

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PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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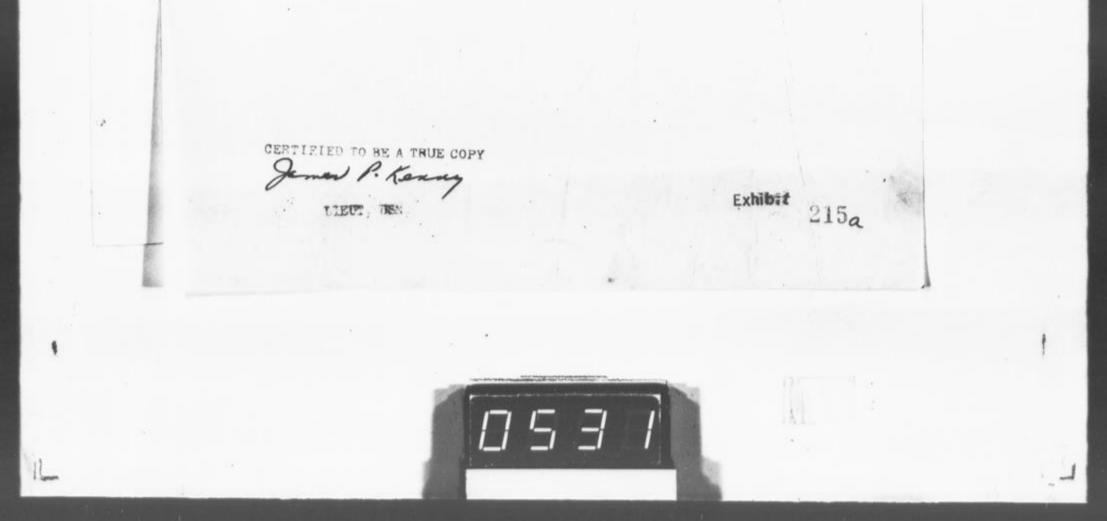
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10 December 1946.

Asai, Sheichi, Putaisemura, Mishiuwa-gun, Thimo-kem.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

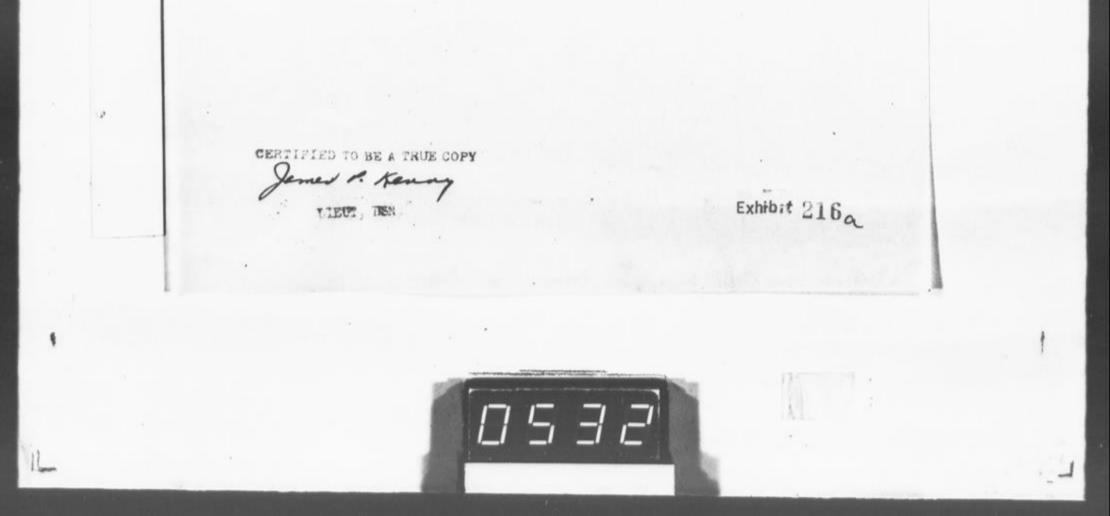
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10 December 1946.

Inoue, Muncharu, Fubaiwa-sura, Nishiuwa-gun, Shimo-kan,

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

I hear that he is confined in the Guam stockade as a criminal suspent in the Jaluit native's case. But he is of noble character and mild in nature, so I think he was not able to commit a crime. Only women and a child are remaining at his home and they are in a miserable condition. I beg you that you will forgive him.

10 December 1946.

Inoue, Makio, Futaiwa-mura Mishiuwa-gun, Shimo-kon.

I certify the above to be a true and complete translation of the original petition to the bast of my ability.

EUGENE E. KERRICK, Jr., Lieutonant, U.S. Naval Reserve,

To the US Filitary Consistion of the our Interpreter.

TITICS FOR INCLUDED UN-OWNER IN

I have that no is evolved in the Grave etcokeds to a granial surgrave in the brint mutively rane. But he is of mobile ebucenter and sule is notary, so I thick to the not offer or write a erise. Only shown and a child are retaining a size here and they are in a minorable sphillion. I begines that you will wondies him.

10 December 1945.

I contify the above to be a true and complete translation of the original petition to the bart of by ability.

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Exhibit 217a

NIGERS & KERRICK, Jr., Liculiant, U.S. Maval Remorve, "Inderproter.

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PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

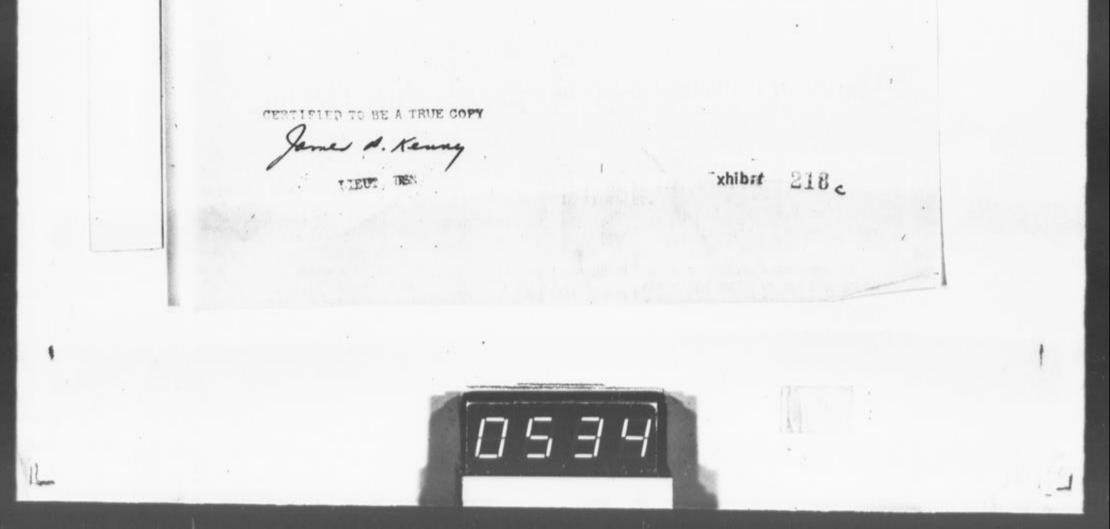
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10 December 1946.

Eikuchi, Tedashi, Futaiwa-mura, Hishimma-gun, Ehimo-kan,

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

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10 December 1945.

Utsunomiya, Setsuyo, Isumi, Futaiwa-sura, Mishiwwa-gun, Thimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutonant, U.S. Naval Reserve, Interpreter.

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CERTIFIED TO BE A TRUE COPY 1.14 Exhibit 219 c TIEUT, USA 0535

PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

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10 December 1946.

Eikushi, Chotaro, Isusi, Futaiwa-mura, Hishiuwa-gun, Ehimo-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutenant, U.S. Naval Reserve, Interpreter.

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PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

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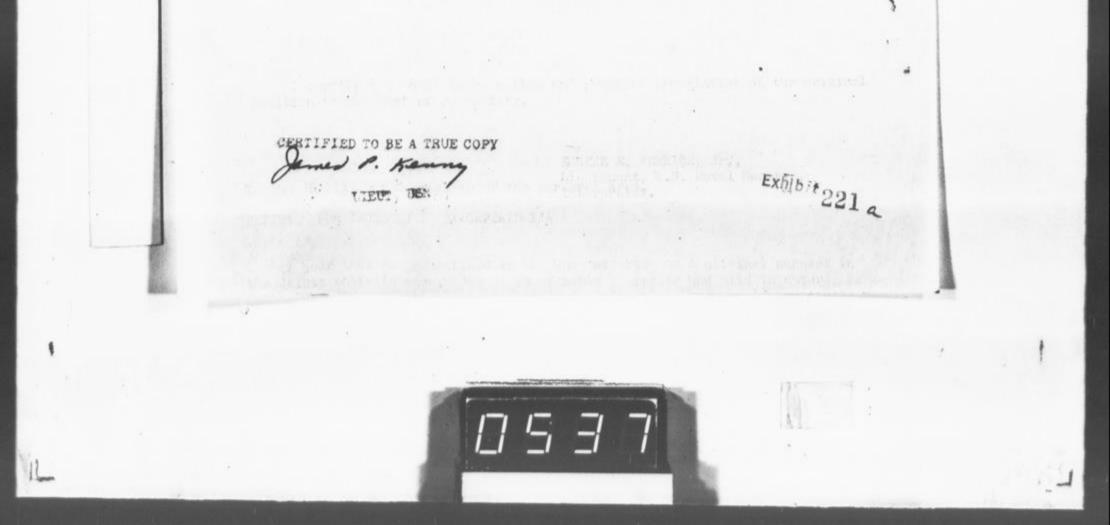
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10 December 1946.

Utsunoniya, Isam, Isuni, Pataiwa-mura, Hishiuwa-gun, Ehino-kan.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

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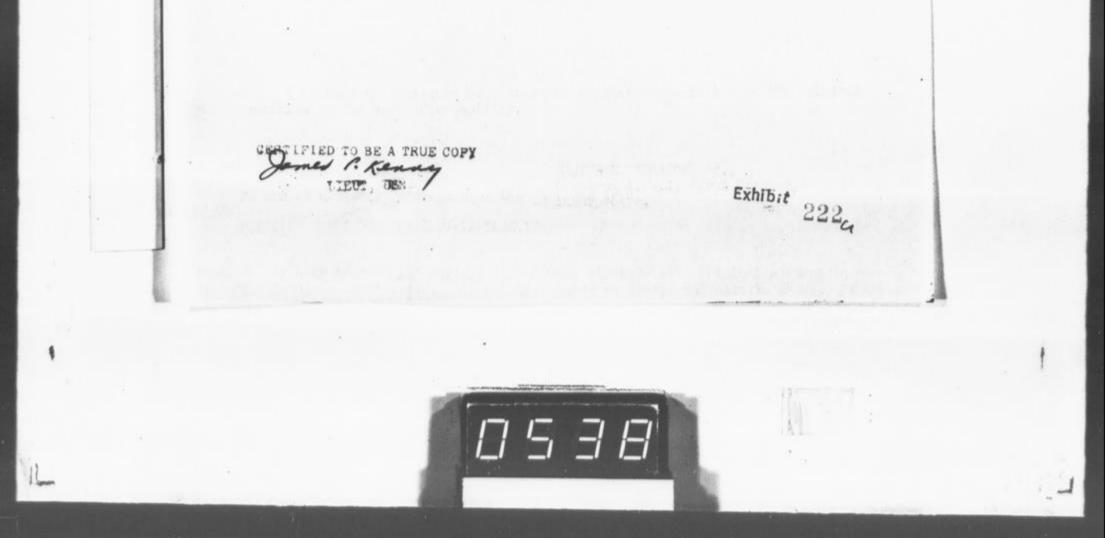
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10 December 1946.

Eikushi, Yaoji, Isumi, Futaiwasura, Mishiusagun, Hino-ken.

I certify the above to be a true and complete translation of the original petition to the best of my ability.



PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

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10 December 1946.

Utsunomiya, Funitomi, Oasa-Isumi, Futaiwamura, Nishiuwa-gun, Ehimo-kon.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

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PETITION FOR INOUE FUNIO EX-CAPTAIN IJA

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10 December 1946.

Inoue Tenekichi Isumi, Futaewamura, Mishiump-gum, Ehime-kom.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. KERRICK, Jr., Lieutonant, U.S. Naval Reserve, Interpreter.

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inut in Exhibit 224a CERTIFIED TO BE A TRUE COPY James P. Ken ~ 0 TIEUT, DEN 0540 14

FETITION FOR INCUE, FUNIO, FE-CAPTAIN, IJA.

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I hear that he is confined in the Guan stockade as a estminal suspect of the Jaluit natives case. But he is of noble character and mile in nature, so I think that he can not counit a crime. His remaining family consists of woman and a childl and they are in a miserable condition. I petition you that you will forgive him.

15 December 1946

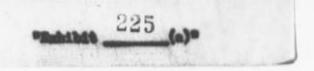
Rikushi, Moriso Puteiwasura, Nishiuwa-gun, Mhime-kene

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. FERRICK, jr., identenant, USHR, Interpretor.

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Jenes P. Kenny VIEUT, DEN





PETITION FOR INCUE, FUNIC, EE-CAPTAIN, IJA

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I hear that he is confined in the Guan stockade as a criminal suspect in the Jaluit natives' case. But he is of noble character and mild in nature, so I think that he can not bounit a crime. He has only an old mother and a child at home and they are in a miserable condition. I think there are of course some reasons but I beg that you will forgive him and allow him to go back to his child.

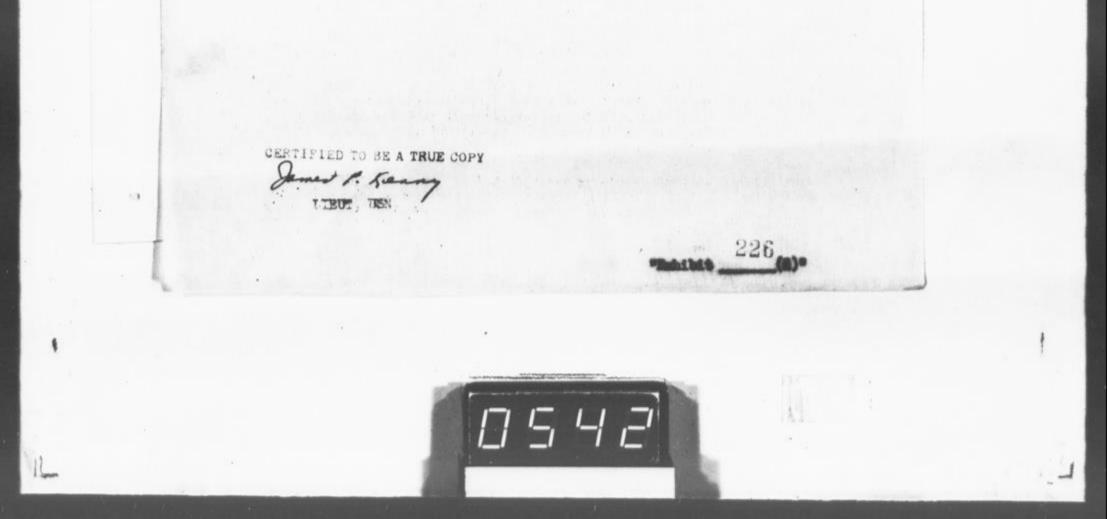
15 December 1946

UTSUNOMIZA, Yasuhasu Futaiwasura, Nishiuwa-gun, Ehime-kene

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I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE B. KERRICK, jr., Licutement, USNR, Interpreter.



ETITION FOR INCOR, FUNIO, HE-CAPTAIN, LIA.

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I hear that he is confined in the Guam stockade as a criminal suspect in the Jaluit natives' case. But he has a noble character and is gild in nature, so I think that he can not commit a crime. I am very sorry for him because he has only an old mother and a child at home. I beg you that you will forgive him.

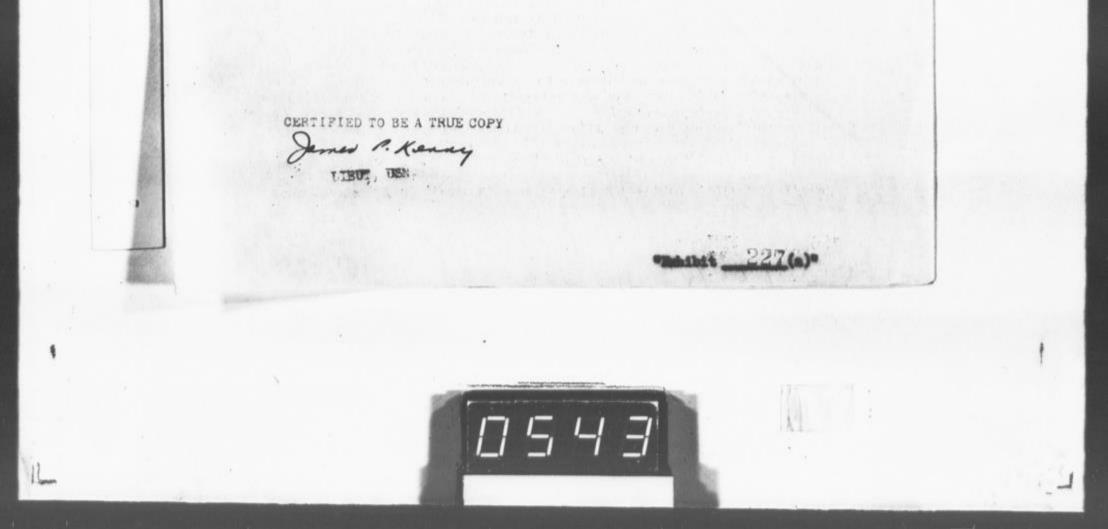
10 December 1946

Riknshi, Kichio Putaiwamura, Nishiuwa-gun, Khima-kan.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. FERRICK, jr., LAcutement, USBR, Interpreter.

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PETITION FOR INCUR, FUMIO, BE-CAPTAIN, IJA.

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I hear that he is confined in the Guan stockade as a criminal suspect in the Jaluit natives' case. But he is of noble character and mild in nature, so I thin' that he can not commit a crime. Only women and child are remaining at his home and they are in a miserable condition. I beg you that you will have kind consideration for these circumstances.

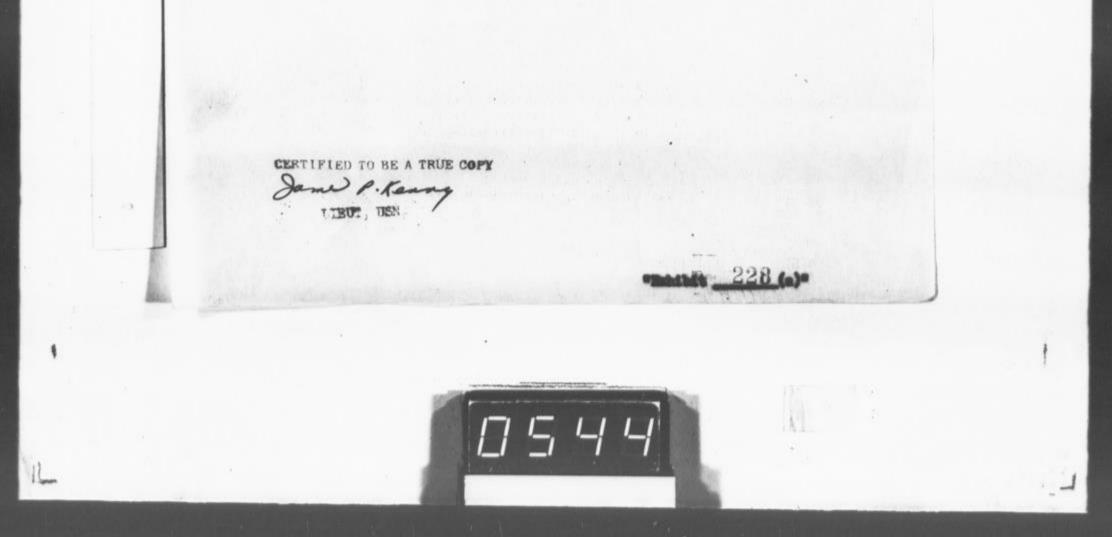
14 December 1946

Kikushi, Ishiro, Isumi, Futaiwamura, Mishiuwa-gun, Mimo-ken

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I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. EMERICK, jr., LAcutanant, USNR, Interpreter.



PETITION FOR INCUE, FURIO, RE-CAPTAIN, IJA.

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I have heard that he is now confined in the Guam stockede as a war erindmal suspect.

He has an old mother, sister, wife and a child at his home and is an important man for his family both economically and mentally. If his sentence is severe, his family will surally be ruined. His sister is now working at my bank and is maintaining the living of the family with her little income.

He is wild in nature, plain, shavelrous, and he takes the responsibility of other people. He is such a noble person that we, his juniore, all admire him.

I can not bear seeing what is happening to him without doing anything for him, because he was our semior and we are friends of his sister.

I respectfully place this petition, andbeg you willhave kind consideration for what I have gut t mentioned and ask that you will deal lemiently with him.

> MIZUNUMA, Sanekasu, Tamatahama Branch Office of the Shikoku Bank.

I certify the above to be a true and complete translation of the original petion to the best of my ability.

EUGENE E. RERRICK, jr., Licutement, USNR, Interpreter.

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nes P. Ke TIBUT, DEN



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PETITION

We have been living in a house next to INOUR, Funic for long years. We were surprised to hear lately that Hp, INOUE is confined in the Guam stockade as a war eriminal suspect, INOUE was mild and sincere in nature, warm-he-rted and had a noble character, so we all loved and admired him. Therefore, we are all convinced that he is not a man who would not against humanity. Repeatally after he went to the front, his family lost their main figure. His sister looks after his old nother and is a working woman. His wife also takes care of her old nother and is bring up her young child. When I see them, we can not help being moved with sympethy.

As the circumstances are as mentioned above, we hope Your Honor, the President will have special consideration for his and beg you will find him not guilty after your especially kind judgment.

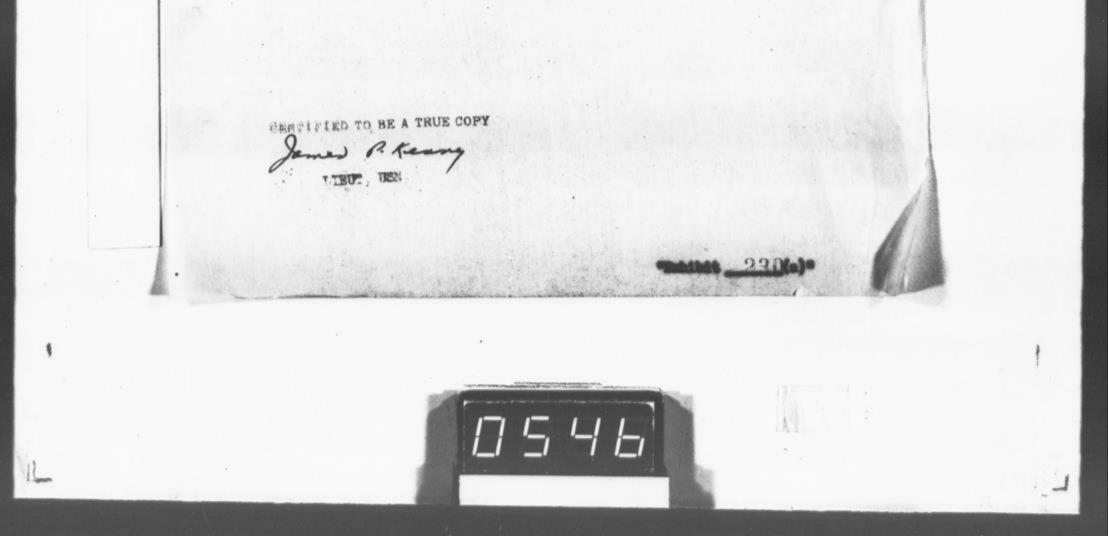
December 1946

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HASHINOTO, Funio. HASHINOTO, Hicako. HASHINOTO, Susuko. Takikawa, Futaiwamura, Hishiuwa-gun, Hhimo-kun.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E, KERRICK, jr., Lioutenant, USNR, Interprotete



PETTYICS FOR INCUR, FURID, Ba-Captain, ISA,

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He is mild and eincome in nature and is not a man who can count a orine. Only women and a shild remain in his family and they are making a poor living. I beg you will be lemient with him.

UTSUNONITA, Massyoshi.

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I cortify the above to be a true and complete translation of the original petition to the best of my ability,

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ENGENE R. KERRICK, Jr., Lioutenant, USHR, Interpreter,

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James P. Kenny TEUT , USN

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To the members of the American Military Coumission, Merianas Area.

PETITION

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Under the wrong loadership of blind loyalty, INCUE, Funic obeyed the order of his superior and it resulted in his present situation. He is a man of noble character and a model of all the people of the village. I eannot believe he is a man to commit any orime.

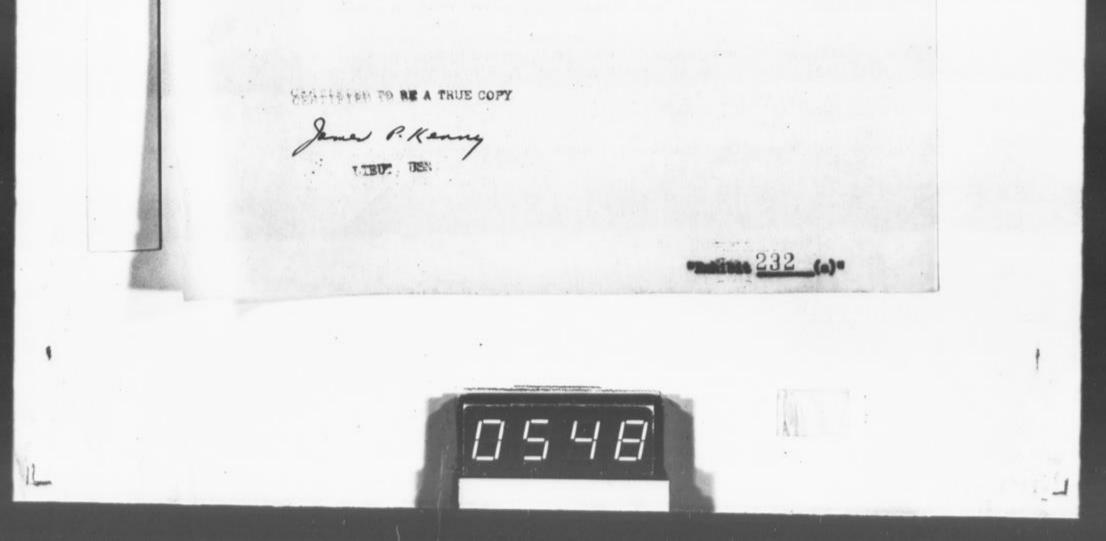
In the vortex of the perbour searcity of food and inflation, his aged mother has been working hard in the fields ever since he left them to serve in the war. Now his mother is gotting weak and they are in a miserable mitmation. So without his early return their family is completely lest.

Such is the condition, so I place this petition and beg your elementy for his carly return.

EITOIE, Yoshiko Yasatahama Gity, Saiwai-cho No. 2.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

BUGENE E. RERRICE, jr., Lioutement, USBR, Interpreter.



To the numbers of the American Military Commission, Marianas.

PETTYION

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I am a high school girl. I beg you will accept my humble request. I have heard that INCUE, Funic is now being tried as a war ariminal, and being so sorry for his family I could not help but write this petition to you.

At home he has an aged mother and a little daughter. As their family is none too prosperous his wife is having a hard time. When I think of this I feel a great sympathy for them.

I would like to draw your attention to his character. He is gentle and fair. He never lies or gives false statements. He is a man who walks the straight read of honesty. So I believe he only implicitly obeyed his superior order.

The nightmare of war has ended and I know he is feeling sorry for the spirits of those who died.

I humbly beg your importial judgment in behalf of his pitiful family and himself. If he is saved I am sure he will be a gig help in the reconstruction of a peaceful Japan.

> HAMA, Suniko Bhine-kan, Yaustahane-shi Shineho, 5 shone.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

EUGENE E. RERRICE, jr., Licutement, UENR, Interprotor.



To: The members of the American Military Commission, Marianas Area.

PETITION

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When I leaved that INCOM, Funic, former captain had been confined as a war orime suspect I was much surprised and fult that such a person could not have possibly done such a brutal act.

It is natural to punish people who have done acts which violate the ways of humanity and have them tried as war criminals. I believe he is a person who is good and who knows what is good, but he is in the pesition of shouldering the responsibilities of other peoples's bad deeds.

INCUE, Fundo excelled in school. He is sincere and reighteous, Everybody asknowledged this. I cannot possibly think that a man of such character could violate human ways. Even though he superisheed continuous defect, I believe that an upright and gentle person as he who had been leading a righteous life with firm determination, could do anything that is beyond the possible. At home there is no man to be the center of the family and lead it. I beg your lemient judgment for INOUE, Funie who is the physical and spiritual center of a fammer's family.

> HAYASHI, Ritsuko Hhimo-kon, Taustahama City Daikohm-sho, 2 shome.

I certify the above to be a true and complete translation of the original petition to the best of my ability.

HOUSHE E. HERRICK, jr., Lioutement, USHR, Interproter.



PETITION

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The American Military Counission, Marianas Area.

We, girls student were very much surprised to hear about the situation of INCONE, Fundo, because he was such a good and fair person, who had no defects in his character.

Now can such a gentle and fine person counit a wrong act.

His family is not very prosperous so if they should lose him they would be souplately swept away by the waves of missry. When I think of this I essent observe it except as a fire on the other side of the shere.

I beg your lonient judgmont,

HINCHIYA, Kumiko, Ehimo-kon, Yawatahama City, Matsukago-cho,

81

I cartify the above to be a true and complete translation of the ariginal petition to the best of my ability.

ENGENE E. KERRICK, Jrop Lioutenant, U.S.MR., Interprotor.

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James P. Ferny TIBUT / DEN



PETITION FOR MITIGATION OF INCOR, FUNIO

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The American Military Counission, Marianas Area.

INCUE, Funio, was graduated from the Ehimo-Prefectural Commercial School and while serving in the military forces this incident occurred and he is now being tried.

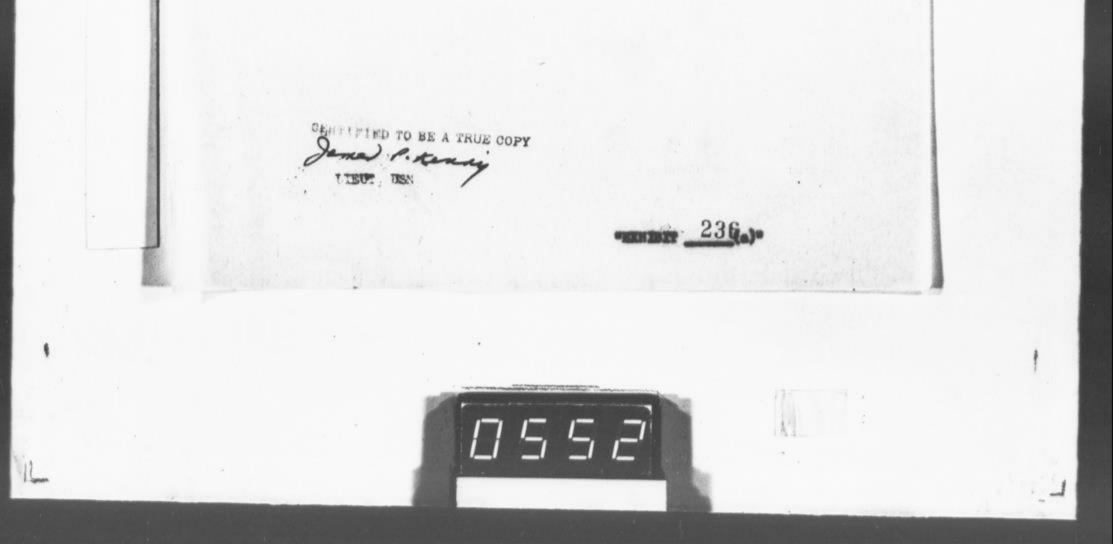
During his school days, he excelled in studies and his conduct was next satisfactory. Though he had to walk a long way to school every day he was absent from school only three or four days all through the five years. How can such a man counit an evil act. At home he has a nother of fifty-six and a daughter of four years old. Without him his family would be completely lost.

Such a person who is sincere, good mannered and excellent in studies would not possibly do anything evil. Please be lemient with him.

> The DAIRORU Family, Ehime-ken, Rigashi-uwa-gun, Ishi-shire-mura, Iwaki.

I certify the above to be a true and complete translation of the eriginal petition to the best of my ability.

EUGRNE E. RERRICK, Jr., Lioutement, U.S.N.R., Interprotor.



The American Military Consistion, Marianas Area.

PREATER

INCOR, Fundo,

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I was surprised to hear that the above person is now being held at the Gam Stockade as a war orize suspect, and beg that he upli be emmiserated.

He is by nature sincere and hencet, His relations with others are always friendly and with love he guides the others. His character is noble, then I think of our friendship throughout these years, I cannot help but he neved by his many teachings.

Judging from his noble character it seems as if it were a dress that he is being held as a oriminal suspect. The people of the village have great respect for his fine character and swear that he is not a sum to count an inuman act.

At hame, now his aged nother in the center of the family, his sister has been working with all her night to help her nother. His wife is obedient to his mother and she is always a help and confert to his sister. His wife is doing everything possible in bringing up his daughter. The people of the willage have great sympathy for the family.

This is all in all, the love of nother for her sen and the love of white for her husband. I believe that this confidence in her son, affection for her husband and respect for her brother all point to one thing -sincervir.

Taking the above situation into account I beg your loniont judgment and with morey please emperate him.

> INUE, Shigetare, Ehizo-ken, Eishi-Jua-gun, Futa-Jua-mura, Fukigama,

I certify the above to be a true and complete translation of the eriginal polition to the best of my ability,

BOORNE R. SERRECH, Jr.,

