

natives, then on the first of April, Inoue knew 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 Inoue'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 inescapable conclusion that Inoue and his statements are not credible.

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

Inoue'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 Inoue read written investigation reports prepared by himself and Morikawa; that on the third they read a report on Raliejap's group, on the 6th 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 leaves 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.

Inoue 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 natives?" Answer - "No."

Another discrepancy between the testimony of Inoue and that of other witnesses indicates the fabricated nature of the testimony. Furuki, testified that the first meeting on April 3rd lasted 3 hours, but Inoue testified (Q.244) that this meeting was held in the morning before breakfast and only lasted 20 to 30 minutes.

The whole story about these numerous examinations and consultations and that Inoue or anyone else 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 these 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

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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 Masuda, Furuki, Shintome, as 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 fades and Inoue 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 were held. (Ans. 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 Martial", 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 concoction of numerous examinations and consultations constituting a trial.

There was no trial. Furuki and Inoue attempted to prove that Masuda, Furuki and Shintome were judges, and Inoue was judge advocate. But Furuki's testimony indicates he was not ordered to act as judge; for on cross examination Furuki was asked - when you were informed you were to act as a judge Q. 241 - "did you ascertain the duties of a judge?" Answer - "No." Since Furuki is obviously a precise methodical officer it is clear that if he had been ordered to act 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 were 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 anyone to act 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 natives; 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 corroborated by Shintome's testimony, clearly and unequivocally proves that Inoue's story about a judicial

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

Analysis of Inoue's own testimony, establishes beyond any doubt, that there was no such procedure, and that Inoue 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. Inoue'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 Inoue in answer to questions 102 and 107 testified that on the 3rd of April, and again on the 8th of April, Masuda ordered Inoue 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 Inoue 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? A. From the time I was confined at Jaluit as a suspect. Q. 172. Was this after the war? A. Yes."

Thus Inoue 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 Inoue 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, Inoue 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 Inoue 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, Inoue 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 Inoue was asked "Q. 394. Was the proceeding of examination and consultation held in regard to the Mille natives a trial? A. 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 Inoue 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. Inoue himself testified concerning a document circulated after the executions to inform the military and other personnel about the native incident. Inoue testified that the document said that the natives had sneaked into the Marshall Islands, that the natives 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, let us look at the testimony of Inoue before the War Crimes Investigation. While the accused attempted to weasel 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? A. 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 according to the report."

There is no mention 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 Inoue was specifically asked 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 Inoue and all these friendly witnesses, it is apparent not only that Inoue knew that there was no trial, but also that there were no examinations and consultations of any kind.

The conclusion is inescapable. Inoue is not a credible witness. His sworn oath is valueless, his testimony is incredible. The Commission cannot accept his incredible story that he honestly 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 Inoue 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 natives 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 doctrine 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 Inoue believed "as a fact" that the natives had received a fair and proper trial under the circumstances and that he believed they had been legally executed. There are two things basically wrong with this argument. The first is that merely calling Inoue's alleged state of mind a "fact", and thus a mistake of fact since he was wrong in his alleged belief of legality, is a specious illogical attempt to distort and confuse the question at issue. This alleged fact of what his state of mind is as to legality, etc., is not what the law is concerned with when it provides that mistake of fact may under certain 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 acknowledged criminal intent to commit crime, and the law would not have to be concerned with the question of ignorance of fact, 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 concerned 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 facts 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 made his erroneous decision as to the legality of his acts, then we are faced with the question of mistake of fact. If the accused knew the facts, but made a mistake as to the legality 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 fact. If 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 his age, experience, training, responsibilities, etc., then if under all these circumstances the mistake of fact was reasonable, and the accused 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 overlooks the fact that Inoue participated in these proceedings in many capacities other than that of a mere executioner. Inoue according to his statements investigated the natives; he made reports concerning them to Admiral Masuda, Shintome and Furuki, and participated as alleged judge advocate at all these alleged examinations and consultations. Inoue was not merely 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 alleged deliberations and consultations of the alleged judges when they stated their opinions. Inoue knew the facts, he even claims a fantastic recollection of minute details more than two years after the executions. No the evidence is clear. Inoue knew the facts; and if any mistake or ignorance existed it was a mistake of law as to whether under all the known facts a legally permissible trial was held and a proper order of execution issued. This is one of the clearest possible illustrations of alleged ignorance or mistake of law, for the accused knew and clearly participated in all the "facts."

(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 own testimony. He testified as to his familiarity with the law. He testified as to numerous specific provisions of the Criminal Code of Japan under which the accused natives according to his testimony, were found guilty of criminal acts. (Q. 107,431) He has argued this familiarity with the law in order to prove the alleged 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 officer, 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 criminal 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 alleged capacity as judge advocate and in his capacity as executioner Inoue had specific obligation and duty to know the pertinent law.

As alleged judge advocate it was Inoue'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 crime and punishment were. It should be noted not only that Inoue testified that he gave his opinion as judge advocate before Masuda and the others expressed their opinions - but that the naval court martial law specifically requires the judge advocate to express his opinion. If he had the duty to express his opinion as to the crime and recommended punishment for the natives - then clearly he had an absolute obligation and absolute duty, not only to the Japanese military forces, but also to these natives, to know the law which should be applied to them. If he wilfully neglected that obligation and if this failure contributed to the death of these natives, then on this ground he would clearly be subject to criminal punishment and the Commission could find in that negligence the requisite criminal intent. A wanton, callous disregard or neglect of one's duties when the known or anticipated result 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 headquarters of the Naval Guard Unit, there was a copy of the court martial law. Did Inoue consult it? Or did he gamble 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 alleged 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 martial law, and therefore knew 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 act as judge advocate in any such proceedings. It is immaterial which of these possible alternatives we accept, for under each and every one of them the accused Inoue is proved to have the required criminal intent. To repeat - Inoue either a) did consult the court martial 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 natives were sufficiently important to require him to see what the law provided, or c) in fact there never 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 natives. 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 those 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 executioner - and as well as alleged judge advocate - it was his absolute duty to determine whether the death sentence could lawfully be executed on those 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 criminal intent. This is true on three distinct legal grounds - first, ignorance 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 criminal 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 wanton 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 Inoue 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. Criminal intent is presumed from what one knows or should have known.

One feeble attempt by defense counsel to mislead the Commission into believing that Inoue did not know there was no trial for the natives is so transparent that it hardly justifies comment. The defense counsel contended that as executioner Inoue had no responsibility to know anything in connection with the trial. Similarly, as judge advocate Inoue 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 alleged judge advocate, or as an executioner are all part of what Inoue knew - and if Inoue in any capacity learned any information which did or should have made him realize that there was no trial then Inoue knew this information and it is totally immaterial 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 proceedings, merely proves that in fact Inoue himself knew that these alleged meetings were not trials.

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

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

In discussing the fact that the accused Inoue is not a credible witness the judge advocate has pointed out how in his testimony before this commission the accused Inoue was placed in a most untenable 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 act.

The judge advocate pointed out that the testimony of Shintone, and Inoue's own testimony at the Furuki trial, established that no judges were appointed and that Inoue was not ordered to act as a judge advocate with regard to these natives. Similarly it was pointed out that Inoue's testimony that examinations and consultations were held, and that he always believed that this constituted a trial was contradicted not only by Inoue'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 Mille 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 natives, 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 knew 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 Inoue 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 Inoue 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 against them. 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 Inoue knew, even disregarding the special capacity and duty of Inoue as head of police and as a captain in the Imperial Japanese Army for over 7 years. The fact that Inoue knew that the accused natives were never present at any of these alleged meetings is thus clear proof that Inoue knew and should have known that these natives never received a trial or proper legal procedure before their "sentences" of execution.

Inoue 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 both legally and morally wrong. Inoue possessed clear criminal intent under any theory of law and the fact that he may or may not have been acting under superior orders does not legally excuse or justify his acts. This question of superior orders will be discussed in a later portion of this argument, but suffice it to say that even under 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 natives was illegal is apparent when we consider the execution of the children.

(4) Inoue 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 concerning 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 exaggerate 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. Obviously 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 was, 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 about ten to 13 years of age". Note that even though Inoue obviously tried to exaggerate 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 punishable." So that even under the most favorable interpretation, even under the most extreme exaggerations made 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 Inoue in his official capacity as police officer used the Japanese Criminal Code. The testimony of Inoue 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 executioner, 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 knowledge of any pertinent provisions of the code - the accused Inoue 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 concerning 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 Inoue 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 "very small"; note also that Inoue'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 criminal 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 Inoue 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 natives was without legal excuse or legal justification. If in fact the law permitted or excused the execution of these natives, 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 legal justification or excuse for the homicides performed by Inoue. In considering these arguments in alleged legal justification or excuse, we must bear in mind the fact that the human life is God's precious gift, and that under all civilized concepts of law the protection and preservation of human life is society's most sacred obligation. For this reason the law rigidly limits, and restricts those 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 motive can constitute a legal law, 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 mitigation 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 particular 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 self-defense 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 look 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 reads: "Unavoidable acts done in order to protect the right of oneself or another 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 avert present danger to life, person, liberty or property of oneself or another person are not punishable, provided the injury occasioned by such acts does not exceed in degree the injury endeavored 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 unavoidable, 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 self-defense.

William Sebald 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 person is attempting to restrain another 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 bowl in order to push 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 drunkard on the head with a candlestick to stop him, because in consequence of the blow the latter was more intoxicated than before and shouted 'come out, 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 drunkard who was grappling with him, first with a porcelain bowl, and then later with a candlestick, was conceded 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 declared not 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 natives could have been confined, they could have been released, or they could have been put to work as Shintome suggested. Perhaps Masuda ordered them executed in order to terrify and intimidate his own natives into not trying to escape from Jaluit. It may have been expedient, but it was not necessary or "unavoidable"; and the execution of the children was clearly callous, deliberate, inhuman cruelty.

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

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Under our law - indicated in Wharton's Criminal Evidence, Vol. 1, p. 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 harm 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 prevent serious bodily harm; 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 natives were unarmed, bound prisoners of the accused at the time of the homicide, it is clear that they were not assailants of the accused, that the accused was not in imminent danger of bodily harm 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 soldiers during the heat of battle. But the nature and extent of these excused or justified acts, is definitely limited in international as it is in domestic law. Glueck, *War Criminals, 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 does not authorize violation of the rules of 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 those unarmed 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.

The argument of coercion or compulsion is implicit in the defense argument of superior orders. The inference is that Inoue 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 coercion 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 broad 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 boss or fellow members if they refused to obey the order to kill.

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The rule is expressed succinctly 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 plea of compulsion."

Part 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 commands. 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 lead me to think that compulsion by threats ought in no case whatever to be admitted as an excuse for crime, though it may and ought 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 even in mitigation of punishment. It would surely be monstrous 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 assassinated if he had not committed murder."

c. Superior Orders.

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 certain 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 dicta 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 acts by military guards who fired upon persons who entered restricted military zones, or who failed to halt when properly challenged at such zones, or who resisted arrest during rebellion or martial law, etc. 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 duties, 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. Commander 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 portion of Winthrop, Military Law and Precedents, p. 296, cited by defense counsel Commander Carlson. "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 persons from passing his post, will not be justified in taking life or in resorting to extreme violence, where the object of the order can be effectually accomplished by more moderate and customary means: otherwise where the forcible resistance of the party, his persistence in disregarding warnings, his sudden flight, etc. render it impracticable to seize or stop him without extreme violence or the use of a deadly 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 unlawful or prohibited by law."

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 not argue that Superior Orders was a defense. They argued, as indicated by defense counsel's and Makino's interpretation, that ignorance of the "fact" that it was a crime negated criminal intent, and that the law required a subjective criminal intent. Makino in his Study of Criminal Law - Vol. 3, pp. 114-125, specifically notes, in the portion cited by defense counsel Mr. Suzuki, that the fact that Article 35 was not applied to the acquittal 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 criminal 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 escape 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 Mikuma Motoji, Book II, Para. 5, pp. 343-345, Horitsu Gaku Jiten - still "if an inferior officer knows of criminal intent and the use of himself by the commanding officer for the purpose of commission of a crime, he must refuse to follow the orders." It is obvious 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 homicide performed in obedience to his order or even his expressed threat.

In almost every war crime 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 War 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 these crimes, whether they have ordered them, perpetrated them, or participated in them."

The SCAP 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 accused's superior, or of his government, shall not constitute a defense, but may be considered in mitigation of punishment if the commission determines that justice so requires."

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The logical basis for this rule is apparent. As Glueck points out, War Criminals, 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 criminals 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 Inoue's superior officer, and have erroneously inferred that Inoue 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 not in fact Masuda ordered Inoue to execute these natives. 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 Inoue. For if in fact Masuda ordered Inoue to execute these natives, then this fact merely makes Masuda a participant, but it does not excuse Inoue for his participation in the crime of murder. Masuda and Inoue would both be tried. The alleged superior orders of Masuda may be considered in mitigation, but Inoue must be found guilty as charged.

d. Legal Execution.

Having already disposed of the question of criminal intent or motive, we are not concerned now with what Inoue 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 "acts done in accordance with laws 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 fact 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 merits, and not in terms merely of whether it purports to be in the course of a legitimate order, business, or occupation. Inoue'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 supervise the execution of the sentence. Inoue's acts must be judged on their own merits, and not in terms of his alleged lawful occupation. If the act is illegal, 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 criminal justice. In the narcotics case which I cited earlier in my argument, the Supreme Court of Japan held that even though the act 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 lawful commission, and execution is done accordingly, the judge is guilty of murder.

"Such judgment where legal, must be executed by the proper officer or his duly appointed deputy, and if another 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 legal, 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 Jaluit. Was Tanaka actually with the natives in their boat? Was he hit in the head and thrown overboard in a struggle? Or was he drunk and did he fall overboard? If he was attacked 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 get his short pants that Furuki in question 58, testified the natives had? These are only a few of the unanswered questions raised by the testimony of the accused and his friends.

The accused 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 some candy that her parents had murdered Tanaka, is an incredible fantastic story. Only rivalled by the equally incredible story that the adults faced with the confession of this small child, then opened up and proceeded to verify the entire story. No, the story of how these alleged confessions were obtained does not ring true; and the

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question arises were these alleged confession obtained voluntarily - for confessions obtained under duress are no evidence of guilt, 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 acts 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 overt acts of spying occurred because the natives were picked up and confined immediately; that clearly there is serious doubt as to the criminal guilt of some of the natives; particularly two young children whom the Japanese criminal law specifically provides cannot be punished. No, we do not know whether the natives were guilty or innocent of crime, and their guilt or innocence is totally immaterial to the issue now before this commission.

The accused Incue is on trial here because no trial was given these natives and they had no fair judicial opportunity to prove their innocence. Surely the defense will not argue that we must again convict these natives in absentia and without a trial. Learned defense counsel argues the executed natives were guilty of serious crimes. The law does not permit the accused to argue that if he had in fact tried the natives he would have been able to prove that all 8 of them were guilty. Two years after the event we cannot, nor is it our province to try these dead natives. They cannot testify, and they cannot defend themselves. And even if we did now find that they were then guilty, the accused must still be convicted of murder if in fact at the time that he committed the execution it was not legal 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 cannot permit men to be executed first and tried later.

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

Section 640 reads: "Section 640 - killing under mandate of law is justifiable. The execution of malefactors, by the person whose office obliges him, in the performance of public justice, to put these to death who have forfeited their lives by the laws and verdict of their country, is an act of necessity, where the law requires it. But the act must be under the immediate precept of the law, or else it is not justifiable; and, therefore, wantonly to kill the greatest of malefactors without special warrant would be murder. And a subaltern can only justify killing another on the ground of orders from his superior in cases where the orders were lawful. As we have seen, a warrant that is without authority is no defense, though it is otherwise when the defects are merely formal." (Italics supplied.)

It is apparent from the Section of Wharton cited by defense counsel, that it is totally immaterial to the question of Incue's guilt of murder, whether or not in fact the executed natives had committed

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criminal acts. For as Thorton 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 executions.

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 written order appointing judges or convening the court, the lack of any organized method of recording the proceedings, the fact that the alleged judge advocate was present during all the "deliberations" of the alleged judges, the fact that according to Inoue all three judges were witnesses at the alleged trial. These are only a few of the very obvious defects in the alleged proceedings. But we need not concern ourselves with these perhaps formal defects, because the evidence of fundamental substantive defects is so clear that it incontrovertibly 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 a trial because of minor variances between the procedure applied and the trial procedure provisions of the court martial law or the law of criminal procedure. It is not because of any minor technical variations 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 natives. Even if we believe that there were judges and they were instructed to act impartially, 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 natives, no sworn testimony was required, and finally even the accused natives were not present during this alleged trial. In short every right of trial was denied these natives - 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 vitiate the entire concept of trial.

Defense counsel have argued that the executions were legal because the natives were convicted and sentenced at a legal trial, a special judicial proceeding of examinations and consultations held in Rear Admiral 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 obvious fact, the judge advocate in considerable detail established that this whole story of an alleged judicial proceeding consisting of numerous examinations and consultations was so full of holes, obvious fallacies, 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 Inoue's testimony shows, that there was no trial, that he was not a judge advocate and Shintome 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 were no judicial examinations and consultations, but only one meeting at which he attended and with Masuda, Furuki and Inoue discussed the question of whether the natives should be executed.

The defense attempted to persuade the commission that they can explain the contradictions in Inoue's recent testimony and his previous statements at the Furuki trial and the War 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 dissipated defense. But it should be noted that even if Shintome and Morikawa had never appeared; even from the testimony of the accused himself, it is clearly and unequivocally established that there was no trial and no semblance of any judicial procedure. On cross-examination, Inoue 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 natives lost their right to trial by the Local Court of Ponape. The judge advocate has previously argued that the authority given Masuda by the alleged dispatches did not give him any power of any governmental agency outside of Jaluit, and therefore, did not deprive the Ponape 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 Criminal Procedure which is the normally applied code of criminal procedure for Japanese civilians.

If the natives were entitled to the protection set forth in the Japanese Code of Criminal 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 Procedure which were cited by the judge advocate in his argument in the Furuki case, were the articles from the former code, which has since been modified. Unfortunately the staff of interpreters has not been adequate to translate the new code. But 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 any such change aided the accused or in any way showed that the procedure held on Jaluit was legal, Mr. Suzuki would clearly have pointed out that change. The fact that he did not do so is clear indication that the right of trial and the safeguards of trial set down in the earlier Japanese code of criminal procedure were basic 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 natives were not given a trial.

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 I-V 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 clerk of the court. Sec. 177 - the accused shall appear in the court free of personal restraint, but may be placed under guard. Sec. 179 - the accused may employ counsel to plead 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 hearing by reason of mental derangement or sickness, the proceedings shall be suspended until his recovery. Section 189, Witnesses who have been examined, or experts who have given their opinions at the preliminary examination, may be summoned 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 interrogate 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 deem essential to the pleadings."

This is but a brief thumbnail 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 law or any civilized concept of trial.

In his direct testimony the accused Inoue attempted to establish that the natives were in the status of Gunsokus. This was done because under the Japanese naval court martial law, the gunsokus 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 gunzokus. As a result of this damaging cross-examination the defense had to try to find some other way of attempting to apply naval court martial law, because it was obvious 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 martial 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 Japanese Code of Criminal Procedure, they still retained their right to a trial, the right to trial under the Japanese naval 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 Naval 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 means 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 appear that in a special court martial, the accused may waive his right to counsel and be sentenced in camera.

Defense counsel Mr. Akimoto, argued 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 legal 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 merely 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.

It may be that under dire battle conditions a system of justice would relax 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. Akimoto and his colleagues overlooks one fundamental and all important fact, the fact that these accused natives were allegedly being tried for the crimes of murder and spying which carry the death penalty. No civilized system of law or justice would tolerate 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 Inoue's own testimony that these natives were not given a trial.

(2) No sworn testimony.

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

The testimony of Inoue establishes that no sworn testimony was submitted or considered during the course of the alleged examinations and consultations. 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 law of criminal procedure which provides that no oath 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 also provides that accomplices, relatives, employees, and lodgers of the accused may also take the stand without an oath. The fact 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 oaths, 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 Naval court martial law. This section clearly relates to a preliminary investigation and not a trial - and it indicates merely that a judicial police officer need not or is not authorized to, administer an oath. 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 naval judicial police officer or judicial police officer might not ask witness to make an oath." It is obvious from its context that this provision does not relate to a witness at a trial. The Japanese naval court martial law in sections 247 et seq. deals with the question of trial and specifically provides in part as follows: "Art. 247. Witness should make an oath unless there is any stipulation contrary to it. Art. 248. An oath should be made by witness before questioning begins.... Art. 249. An oath should be made on 'the book of oath.' In this book of oath a statement 'I hereby swear that I shall tell the truth, I shall neither hide anything nor add anything!..... Art. 250. A fact that there is a punishment for person who makes false testimony should be told beforehand to a witness who is to make an oath."

From these citations from the Japanese Naval Court Martial Law, it is obvious that sworn testimony is considered a fundamental aspect of a proper trial procedure in accordance with Japanese naval court martial law. Lack of such evidence, and failure to provide even this

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

(3) Absence of the accused.

Inoue 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 lacking. Mr. Akimoto is a master at floccinaucinihilipilification. 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 mere formality, a procedural cloud which can drift away without jeopardizing 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 every 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 War 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 absentia. 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 certain minor cases, the accused need not 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 law 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 law. The Japanese law like our own requires that this fundamental right be accorded in trial of an accused criminal.

Mr. Akimoto attempts to mislead us by saying that the judges went to see the accused. The alleged judges did not go to see the accused. Even Inoue himself does not claim that either Furuki or Shintome, two of the alleged judges, went to see the accused. And Masuda's alleged visits to the accused natives were not part of any judicial examination and consultation procedure. None of these visits to the natives were even alleged by Inoue 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 during these alleged visits by Masuda to the natives. As no testimony was recorded, as two of the alleged judges were not present, as the accused natives 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 natives 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 evidence against 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 serious explanation of why the accused natives were denied the most fundamental 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 Jaluit, namely Admiral Masuda, Major Furuki, Shintome and Inoue held these numerous meetings in an unsafe place - does he then want us to believe that the natives were not present because the Japanese officers feared for the lives of the natives 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 natives 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 mere formality was lacking - due to the absence of the accused and he asked "practically speaking can a very careless 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 substantive 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 obviously 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) Alleged judges and alleged meetings.

The accused told an elaborate story about how Masuda called Furuki, Shintome, and Inoue 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. Inoue'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 advocate.

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

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Obvious corroboration of this fact is implicit even in the testimony of Inoue which showed that the participants at these meetings did not function as judges. The most obvious proof of this fact was brought out in cross-examination when the judge advocate got Inoue 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, Inoue 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 Inoue 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 were 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 Law. Mr. Kimoto 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 merely means that as a matter 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 Naval Court Martial Law 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 contrary to the expressed opinions of Furuki and Shintome is further indication that they were not judges and this was not a judicial procedure.

(5) Summary.

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 he did not ascertain the duties of a judge. Shintome directly denied that he was ever appointed a judge or that he ever heard Masuda appoint Furuki as a judge or Inoue as a judge advocate. Inoue himself, during the Furuki trial admitted that he did not know that such alleged proceedings were a trial until after the war, thus clearly denying the testimony that he had heard Masuda appoint Furuki and Shintome to act as judges. The testimony of Inoue 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 whether 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 excuse.

(c) No trial - no legal excuse.

The defense anticipated the fact that we would establish that there was no trial, and therefore as an alternative they tried to meet this contingency with whatever specious argument they could muster. They tried to manufacture a legal 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 legal 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 out 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 domestic, 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 precious 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 legal trial, and a lawful sentence, but even requires the strictest compliance with the statutes authorizing the executions. Thus, the courts have shown that even where sentence of death was legal, it is murder to substitute a different method of execution. 26 American Jurisprudence 230. I cite this to show how zealously 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 clearly rejects this contention of the accused that even the "best possible procedure under the circumstances" could constitute a legal excuse for the homicide.

When we examine the defense contention a little closer, regardless 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 trials 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 accused. 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 impossible 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 clique under Masuda, Furuki, and Inoue 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 motive Inoue or Masuda had in killing these natives. Whether 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 desert, is totally immaterial. The fact remains that whatever the motive, whatever the reason, there was not a trial, no legal execution and no legal excuse.

Inoue killed the 8 natives; he intended to kill them; and he killed them without legal justification or legal excuse. Inoue, 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.

C. VIOLATION OF THE LAWS AND CUSTOMS OF WAR.

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

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

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 spy is entitled to trial before punishment, and international law specifically guarantees a right of trial, even to the spy who is caught 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 domestic spies; and that International law, as reflected in the Hague Convention, can only be applied in the case of foreign spies.

This argument is clearly fallacious. In the first place, the Hague 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 spies." If such a distinction had been made by the Hague Convention, the commission would be compelled to decide whether or not these natives 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 clandestinely or on false pretenses, he obtains or endeavors to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party." There 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 natives 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 spies. It merely reflects part of that basic law and states that even when caught in the very act of spying, one cannot be punished as a spy without a trial. A fortiori, if the natives were not caught in the very act, they were guaranteed by international law the right to a trial before being punished as spies.

1. Right of trial under international law.

It should first be noted that Japanese law could not legalize the killing of these natives or their punishment without a trial. For the act of Inoue to be legally excusable, it not only had to be lawful under domestic law, but also under international law. It is a fundamental 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 attempts 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 permitted to make its own rules of warfare justifying mass-murder when committed upon its own governmental order only and as an exclusive instrument of its national policy.....It is not the peraroid decrees of a lawless 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 own laws in contradiction to the laws and customs of war, he was powerless to destroy these 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 held as required by basic international law and every principle of civilized humanity. This requirement of a fair trial, is not only a moral, but a legal 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 provisions of various international agreements.

Heckworth, Digest of International Law, Vol 5, p. 589, quotes United States v. Mexico, William T. May, 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 Mexico, 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 Margaret Roper (United States v. Mexico) Opinions of the Commissioners (1927) 205, 210, cites the following language of the International Commission: "The conclusions of the Judge at Tampico with respect to the investigation conducted by him were treated in oral and in-written arguments advanced 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 argument that the Commission could not, in the light of the record in the case, question the propriety of the Judge's finding. In considering that contention we believe that we should look to matters of substance rather than form. We do not consider the functions exercised by a judge in making an investigation whether there should be a prosecution as judicial functions in the sense in which the term judicial is generally used in opinions of tribunals 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 Crime," Article 12: (The Research in International Law, Harvard Law School) 29 A.J.I.L. Supp. (1935) 596-597, in

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part as follows: ".....No State shall.....subject an alien held for prosecution or punishment to other than just and humane treatment, prosecute an alien otherwise than by fair trial before an impartial tribunal....."

Commissioner Nielsen, in his opinion in the Levin Case, (United States v. Turkey), Nielsen's Opinions and Report (1937) 683, 764-705, cited in Hackworth op. 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 laws, an alien must be accorded rights such as are granted under the laws of civilized countries generally both to aliens and nationals. Most important among these 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 mistreated during his period of imprisonment."

The Geneva Convention of 1929 in dealing with prisoners of war, at considerable length, describes the fundamental requirements of a fair trial. In the case of Rex v. Bosig (Ontario 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 against prisoners of war, for notice being given of the name and rank of the prisoner; 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 advocate 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 Law and Precedents, pp. 836-842, 1920 Reprint; Oppenheim's International Law, Lauterpach's 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 capital punishment on prisoners of war 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 Mexican court, and secondly on the ground "that by the law of nations, no punishment can be inflicted by a sovereign on citizens of other countries 'unless in conformity with those sanctions 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 examined by an impartial court; the explanation to the accused of these facts, the opportunity granted to him of counsel; such delay as is necessary to prepare his case, permission in all cases, not capital, to go at large on bail till trial; the due production, under oath, of all evidence prejudicing the accused; giving him the right to cross-examination; the right to produce his own evidence in explanation.....'" (Italics supplied.)

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James H. Kennedy
LIBR. 100

These brief citations of international law clearly illustrate certain 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 Inoue wilfully, unlawfully, and without previous trial punished these natives as spies, the accused Inoue 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 cease to respect the law and would violate it without fear of punishment. The results would be violence, 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 ambitious. An ordered civilized society requires that we protect individuals, as well as nations against illegal attack. The accused, Inoue, 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 demands it. Not only Inoue, but this court, and international law and order itself is on trial in this room.

David Bolton
DAVID BOLTON,
Lieutenant, USN,
Judge Advocate.

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James P. Kennedy
LIEUT. USN

AFFIDAVIT CONCERNING THE MENTION OF NATIVE CRIMINALS

Original document in Japanese appended to the original record.
Certified translation appended herewith marked "Exhibit 2."

"Exhibit 2"

0297

Affidavit Concerning the Execution of Native Criminals.

I performed the executions by shooting the below named native criminals from Kille Atoll, Marshall Islands, in accordance with the orders of Rear Admiral Nishio NASUDA, Commanding Officer of the Jaluit Defense Garrison, to perform it. These executions were two in number, one in the early part of April 1945 and the other about the middle of the same month.

Details of the Execution.

1. Orders to perform the execution.

The orders from Rear Admiral Nishio NASUDA, Commanding Officer of the Jaluit Defense Garrison were given to Captain Fumio INOUE, Commander of Military Police, Jaluit Defense Garrison, on or about April 8, 1945.

2. Date of the execution.

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

3. Names of the natives who were executed.

A. Persons who were executed on or about April 8, 1945.

RAKINJAP	- male sex	- about 40 years old.
WIFE OF RAKINJAP	- female sex	- about 30 years old.
MIKINT	- female sex	- about 10 years old.
AMUNO	- male sex	- about 27 years old.
OHURA	- female sex	- about 25 years old.
SINO	- male sex	- about 10 years old.
LACOURIE	- male sex	- about 23 years old.

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

RAKIN - male sex - about 35 years old.

4. Place of execution.

Area south of the Airman Transmitting Station, Riddj Island, Jaluit Atoll, Marshall Islands.

5. Method of execution.

They were shot with a pistol.

6. Officer who performed the execution.

Captain Fumio INOUE, 1st Lt., Commander of Military Police, Jaluit Defense Garrison.

7. Men on guard detail while prisoners were being escorted for the execution.

A. April 8, 1945:

Captain JINNA, 1st Lt.
Sergeant Major FUKATSU, 1st Lt.
Petty Officer INOUE, 1st Lt.

CERTIFIED TO BE A TRUE COPY

James P. Henry
Lieut. JG

Exhibit 2(1)

Petty Officer WAKAMATSU, IJN.
Petty Officer HISHIDA, IJN.
Petty Officer MURATA, IJN.
Leading Seaman II, IJN.

B. April 13, 1945:

Sergeant Major FUKATSU, IJA.

The above seven men only carried out their duties as guards during the escorting of the prisoners and did not take part in the execution. Moreover, they were not present at the scene of the execution nor do they know the facts concerning the performance of the execution.

8. Disposal of the bodies after the executions.

In both instances the bodies were buried with due courtesy, flowers were given and prayers for the repose of the souls of these natives were offered.

9. The eight natives who were executed were Japanese subjects and had committed crimes, as a result of the highest deliberation had received sentence to be executed from Rear Admiral MASUDA and had become prisoners awaiting execution.

10. At that time, as Commander of the Military Police of the Jaluit Defense Garrison I was under orders to perform the duties of investigating crimes and effecting their punishment.

I performed the execution in accordance with the orders of Rear Admiral MASUDA 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 Execution.

Announcement of the execution of these natives was made in a report by Rear Admiral MASUDA, Commanding Officer of the Defense Garrison, to all units under his command on the day following the completion of the executions.

The above is my affidavit.

December 22, 1946.

Captain Fumio INOUE, IJA.

Former Commander of Military Police, Jaluit Defense Garrison.

I certify the above to be a true and complete translation to the best of my ability of the original affidavit written in Japanese.

FREDERICK F. THOMAS,
Lieutenant (jg), USNR.
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keating
LIEUT. USN

Exhibit 2(1)

INTERROGATORIES

.....
 IN THE CASE OF INOUE, Fumio,
 CAPTAIN, IMPERIAL JAPANESE ARMY,

The following interrogatories are to be propounded to defense witness Tanaka, Masaharu (or Masaji) and will be offered in evidence in the case of INOUE, Fumio, Captain, Imperial Japanese Army, now pending before the Military Commission convened by authority of Commander Marianas by precept dated 21 February 1947, as modified, in accordance with the authority of Paragraph 5 of said precept, and the authority contained therein to use rules of evidence promulgated by the Supreme Commander for the Allied Powers, SCAP ltr. A.O. 000.5 (5 December 45) LS, Subject "Regulations Governing the Trials of Accused War Criminals", especially Section 44.(1) (c) thereof which authorizes the use in evidence of affidavits, depositions or other signed statements.

- First interrogatory: State your name and present address.
- Second interrogatory: Have you ever had duty with the Japanese Navy?
- Third interrogatory: If you had, what was your rank?
- Fourth interrogatory: Did you ever have duty with the Japanese Navy at Mille Atoll?
- Fifth interrogatory: If so, on what islands and during what period of time did you serve on Mille Atoll?
- Sixth interrogatory: Do you know Lieutenant Fusta, Kiyoshi?
- Seventh interrogatory: What was your military relationship to him?
- Eighth interrogatory: Do you know Chief Petty Officer Hanaka, Tatsuchi?
- Ninth interrogatory: What was your military relationship to him?
- Tenth interrogatory: On what island of Mille Atoll, if any, were you stationed during the period from March to May 1945?
- Eleventh interrogatory: What were your duties at this time?
- Twelfth interrogatory: Do you recall any incident between natives and yourself which occurred about March 1945, on a boat in Mille Lagoon?
- Thirteenth interrogatory: If so, what was the approximate date?
- Fourteenth interrogatory: If so what were all the details of what happened to you, stating what you actually saw, and what you actually heard?
- Fifteenth interrogatory: If you know, will you state who owned the boat and its contents, and what happened to the boat and its contents?
- Sixteenth interrogatory: If you know their names, will you state the names of the natives involved?

(1)

"Exhibit 3 (2)"

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 James P. Kennedy
 JEP: JS

0300

Seventeenth interrogatory: Will you describe these natives, giving their sex, age, occupation, physical appearance, etc?

Eighteenth interrogatory: If you know, will you give the names, age, and job at this time of the members of their immediate family?

Nineteenth interrogatory: Do you know what happened to the natives after this incident? If you do - will you state what you know?

Twentieth interrogatory: Did anything happen to the natives and their families after this incident? If so - tell us what you know?

Twenty-first interrogatory: Do you know if these natives committed any crimes against the Japanese, or the Japanese armed forces, at this time? If so - what crimes did these natives commit? Will you give the details?

Twenty-second interrogatory: If any crimes were committed, do you know what attempts if any were made to capture these natives?

Twenty-third interrogatory: If no attempts were made do you know why they were not made? If so, will you state what you know?

Twenty-fourth interrogatory: If the witness answered any prior question with information which he has not obtained from his own 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?

Twenty-fifth interrogatory: Do you know the accused, INOUE, Fumio, Captain, Imperial Japanese Army? If so, how long did you know him? What is your relationship with him?

Dated in Guam, Marianas Islands, 10 May 1947.

Yuichiro Akimoto
Defense Counsel

Seino Suzuki,
Defense Counsel.

Walter Bolton, Lieut. USN
Judge Advocate

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT USN

(2)

"Exhibit 3 (2)"

0301

DEPOSITION

IN THE CASE OF INOUE, Fumio, :
CAPTAIN, IMPERIAL JAPANESE ARMY.:

TANAKA, Masaharu, the witness above named, having been duly sworn 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, Masaharu, Kagoshima-ken, 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 Navy.
- To the fourth interrogatory: Yes, I had duty with the Japanese Navy at Mille Atoll.
- To the fifth interrogatory: I served on Mille Island, Haru Island, Gari Island and Takaiwa Island. I served on Mille Atoll from June 1943 until October 1945.
- To the sixth interrogatory: Yes, I do.
- To the seventh interrogatory: I served temporarily under Lieutenant Pueta, Kiyoshi at Takaiwa Island. I went 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 canoes in the early part of July 1945. These two canoes were attached to the Takaiwa Unit which was under the command of Lieutenant Pueta, Kiyoshi. We were engaged in fishing and carrying food from Takaiwa Island to the headquarters. Although I was still attached to headquarters I remained on temporary duty with the Takaiwa Unit until I was demobilized.
- To the eighth interrogatory: Yes, I do.
- To the ninth interrogatory: Chief Petty Officer Manako, Tatsuichi was the senior petty officer of the Takaiwa Unit and as such 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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James A. Moriarty
LIEUT. JRN.

Exhibit 3(B)

0302

To the eleventh interrogatory: I was in charge of the officers' quarters of the Shiga Unit of which the commanding officer was Captain Shiga, Masanari, IJN. In this capacity I was in charge of the officers' mess and supervised the seamen 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 canoe and used some natives to help us get the canoe 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 was too rough. In spite 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 canoe and slipped into the water. The native continued to beat me when I tried to get back into the canoe so I swam along behind the canoe, swimming under the water and coming up for air when necessary. In this fashion I swam to Baru Island. When I got to Baru Island some of the enlisted soldiers picked me 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 canoe. I heard later that they had gone back to Takaiwa Island.

To the fifteenth interrogatory: The canoe 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 canoe 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 Arumen. 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 Goro was about 15 years old. They were both engaged in operating canoes. Kerumen (or Arumen) was a tall lean man with a long face. He was also a little bit lame in one leg. Goro was about medium height, chubby, and had a round face. Goro had long hair. He also had a rash on his chest and around his throat.

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James P. Kennedy
LIEUT. JG.

Exhibit 3(u)

0303

To the eighteenth interrogatory: The native called Korumen (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 coconuts for the seamen. I do not know anything about the family of Goro.

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

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 coconuts and food became very scarce so the rest of the natives were told that they would not be allowed to gather any coconuts 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 crimes 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, Fumio, Imperial Japanese Army.

田中正治

Masaharu TANAKA

Subscribed and sworn to before me this 21st day of May 1947, at
Tokyo, Japan.

James A. Moriarty
JAMES A. MORIARTY,
Captain, U.S. Marine Corps.

CERTIFIED TO BE A TRUE COPY

James A. Kenny
LIEUT. USN

Exhibit 3(5)

0304

ALLIED OCCUPATION FORCES }
TOKYO, JAPAN.

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.

田中正治

Masaharu TANAKA

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

James A. Moriarty
JAMES A. MORIARTY,
Captain, U.S. Marine Corps.

CERTIFIED TO BE A TRUE COPY

James P. Kennedy
LIEUT USN

Exhibit 3(6)

0305

ALLIED OCCUPATION FORCES }
TOKYO, JAPAN }

I, Lieutenant, junior grade, Frederick F. TREMAYNE, 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.

Frederick F. Tremayne
Frederick F. TREMAYNE
Lieutenant, junior grade, USNR.

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

James A. Moriarty
James A. MORIARTY,
Captain, U.S. Marine Corps.

CERTIFICATE

We, James A. MORIARTY, Captain, U. S. Marine Corps; Robert OLDHAM, Yeoman 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. TREMAYNE, USNR, gave the foregoing answers to the several questions set forth therein; that after his deposition had been transcribed, the said Masaharu TANAKA had read to him the same by Lieutenant, junior grade, Frederick F. TREMAYNE, USNR, and the said Masaharu TANAKA affixed his signature thereto in our presence.

James A. Moriarty
James A. MORIARTY,
Captain, U. S. Marine Corps.

Robert Oldham
Robert OLDHAM,
Yeoman Third Class, U. S. Navy.

TOKYO, JAPAN.
21 May 1947.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN.

Exhibit 3(7)

0306

EXCERPT FROM TESTIMONY OF MARCH 26, 1947, OF INOUE, FUMIO, FORMER CAPTAIN,
IMPERIAL JAPANESE ARMY, IN THE CASE OF FURUKI, HIDEAKU, MAJOR, IMPERIAL
JAPANESE ARMY, BEFORE A MILITARY COMMISSION CONVENED BY COMMANDER MARIANAS,
AT GUAN, 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 Naval
law?

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

The judge advocate replied,

The commission announced that the objection was not sustained.

The question was repeated,

A. I do.

168. Q. Were there any trials held?

A. Disciplinary crimes were punished by the same procedure 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. Yes.

170. Q. Have you always, since November, 1943, believed that such procedure
constituted a trial?

A. No.

171. Q. When did you decide that this procedure constituted a trial?

A. From the time I was confined at Jaluit as a suspect.

172. Q. Was this after the war?

A. Yes.

Certified to be a true copy:

James P. Kenny
James P. Kenny,
Lieutenant, U. S. Navy,
Judge Advocate.

EXHIBIT 40

0307

PETITIONS IN MITIGATION FOR THE ACCUSED. INOUE, FUMIO. CAPTAIN. IJA.

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

"EXHIBIT 5"
through
"EXHIBIT 237"

0308

PETITION

To: The members of the Military Commission.

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

INOUE, Fumio, is a war criminal 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 solemn. 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 humanity.

During his confinement he has read many poems, and I cannot believe that he is a person to commit a crime.

INOUE and his friends said that they firmly believe that his acts in no way violated any crime. He had only faithfully obeyed the orders of their superior. I am not only of this belief 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 be imagined has many difficulties. They are lost without him. Please look into his diary and personal belongings and see this. I believe in him.

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

I beg your lenient judgment and please send him back soon.

KANEYAMA, Miyoko,
Shimo-ku, Yamaguchi City,
Nishi-Oni-cho.

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
James P. Kearney
LIEUT USN

HUGHES E. KERRICK, Jr.,
Lieutenant, U.S.N.R.,
Interpreter.

"SECRET" 5(a)

0309

PETITION

For: INOUE, Rumi, Former Captain, IJA.

To : President of the Commission; Marianas Area.

I was surprised to hear that the above-mentioned person is now being confined in the Guam 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 odd 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 crime 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 mother 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, dutiful to mother and loving to sister, is busily taking care of the child. The people of the village have great sympathy for them. This I believe is the true love of a mother for the child and wife for her husband. This sincerity I believe enhances the belief of mother, the love of his wife and the respect of his sister.

Taking the above extenuating circumstances into consideration we place this petition before your Honor and beg your merciful judgment and ask for his release.

INOUE, Masaru,
Head of Fukigawa Community
Head of 1st Division of Fukigawa
KEIBUDAN (Fireman's organization,
Futaba-mura, Nishi-ura-gun,
Shima-Ken.

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

HUGHES E. KERRICK, Jr.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keating
LIEUT USN

EXHIBIT 6(a)

0310

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

PETITION FOR INOUE, FUMIO.

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

When INOUE, Fumio'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 G.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 obeyed 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. How can he 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 INOUE, is exerting, in the vortex of the present economical 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
Miyazaki-ken, Yawatahama City
Daikoku-cho. 4

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

CERTIFIED TO BE A TRUE COPY
James P. Kerrick
LIEUT USN

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

Exhibit 7a

0311

To the United States Military Commission of the Marianas Area

PETITION

10 December 1946

/s/ Miyoshi, Hiroyuki
133 Oasa-Mitsuya, Mibugawa-machi,
Shuyo-gun, Ehime-ken.

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 natives' case. One year has already elapsed since I was demobilized 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 clemency, and I respectfully place this petition before you.

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 as 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 coconuts tree of about 100-odd thousand and calculated the amount of food obtainable from these trees. He then divided them into the number of all men on Jaluit, military men and natives, and put the economy 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 Inoue who had such a great love and devotion? Could the twenty odd hundred 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 soldiers die from malnutrition, there was no such case among the natives. What does this mean? These

CERTIFIED TO BE A TRUE COPY

James A. Kenny
LIEUT USN

Exhibit 8(1) a

03 12

PETITION - INOUE, fumio

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

When we think in this way, it is evident that Inoue Fumio 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 be back 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

James P. Keamy
LIEUT. USN.

Exhibit 8(2)a

0313

PETITION

Your Honor, 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 senior officer of the Second Battalion, he was much trusted by Rear-Admiral Masuda and Major Furuki, and worked as earnestly as he could as if he had been their right hands, and assisted Masuda, the commanding officer of the Garrison, and Furuki, the commanding officer of the Battalion. 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 earnestly 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 met him everyday when I offered documents to him. Everytime I met him, I was struck with admiration at his words and behavior. When I was conscious that such a man was one of the senior members of the Jaluit Defense Garrison, I could not help placing much confidence upon the virtue of Captain Inoue. It is about 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 benevolent 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 Masuda and Major Furuki did their best to overcome the difficulties. But at the same time, I believe, we owe much to the earnest exertions of Captain Inoue who positively assisted them and did as best he could. "Sincerity moves men." These are the words of an old sage. I think these words indicate a man like Inoue.

In the living hell of Jaluit, that we were able to escape from starvation and be here today, I think we owe to the efforts of the senior members, not to speak of Captain Inoue. I am thankful even now that he was the benefactor of our lives. I feel very sorry to hear that Captain Inoue, our benefactor, is to be tried and punished. Inoue's home is near my village. How eagerly his old mother, wife and child are waiting for his return!

Your Honor, the President, I beg you that you will take the virtues of Captain Inoue into your consideration, that you will have sympathy for his aged mother, wife and child, and that you will give him chance to meet them again.

I beg your fair and lenient judgement as the most civilized and humane state of the world.

3 April 1947

/s/ Tanaka, Mitsuru

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

James P. Henry
LIEUT USN

HUGHES E. HERRICK, JR.,
Lieutenant, U.S.N.R.,
Interpreter.

"Exhibit 9(a)"

0314

PETITION

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 civilized state. I am one who worked under the command of Captain Inoue on Jaluit Atoll. The accused, Captain Inoue, IJA, had an earnest 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 cut 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. Now 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 Inoue who was trusted by Masuda and who sincerely and earnestly assisted Masuda as if he had been the hands and legs of Masuda. Captain Inoue was a benevolent man. He loved military personnel, gunnery and natives without distinction as if they had been his younger brothers or children.

When he made an inspection of the outlying islands he saw a leprosy patient who was received on a small island was suffering from the shortage of food. He advised Rear-admiral Masuda to move him to the island where food was abundant, and where the patient could recuperate without worrying about food.

We cultivated a farm on a sandy island of the Atoll, and we could harvest our crops and eat them at our meals. Then he said to me, "Natives cooperated with us in the cultivation of our farm and gave us fertilizer. Give some of our crops to them as well as keeping part for us." And he gave directions to the chief of the farm as the officer in charge of it.

What I have mentioned above was an only part of the benevolence of Captain Inoue toward the natives.

Men on Jaluit began self-support earlier than other bases. But on account of various disturbances, it did not progress as we had planned. In the course of time, thefts of food became frequent as the men were unable to bear the shortage of foods. The Special Police Section was organized to control these thefts and Captain Inoue was appointed chief of the Section. As he had a strong sense of responsibility, he took the duty even forgetful of his sleep and other comforts, so we had no conflict between superiors and subordinates which were said to be frequent on other islands, and we had no such disorder as the quarrel of comrades in order to obtain food. We were able to keep our unity under the command of Masuda till the end of the war. I think we owe much to his efforts.

Thousands of men on Jaluit owe what they are today and the fact they did not starve, to the proper disposition of Rear-admiral Masuda and Captain Inoue.

CERTIFIED TO BE A TRUE COPY

James P. Kanny
LIEUT. USA

Exhibit 10211

03 15

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

Captain Inoue is the benefactor of our lives.

Can this man of character whom thousands of men on Jaluit unanimously said to be a good man commit a crime? If so, it must be a mistake. Your Honor, the President, I beg you that you will try him carefully with your fair insight.

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

3 April 1947

/s/ Jimno, Shigeru.

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

EUGENE E. KERRICK, JR.
Lieutenant, U.S.N.R.
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LIEUT USN

Exhibit 10 (a)(2)

03 16

To the US Military Commission of the Marianas Area.

PETITION

I arrived at Jaluit on 9 January 1944, was attached to the Jaluit Detachment of the 101st 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 met Captain Inoue Fumio 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 well, I was entirely astonished to hear this unexpected news.

Mr. Inoue was very mild in nature and had a noble character. He had a good reputation among his comrades, 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 humanity; 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 benevolent father. In the present condition of Japan, it is hard for them to live unless he comes back. I eagerly hope that he will be back soon when I think of how his family is getting along. I am very worried 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

Nakamura, Tsuyoshi
Nakanikunioke-machi, Sakai-shi,
Osaka-fu.

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
James A. Kenny
LIEUT. USN

Exhibit 11a

0317

PETITION

Inoue, Fumio went with us to the front in the Phillipine 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 October last year. And we were very sorry that we could not go home with our affectionate commanding officer (at that time he was an officer attached to headquarters.)

I believe that the reason why he was confined as 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 (TN-Inoue) he told us especially about faith. Whenever we heard it, we, his subordinates, felt as if our mind and body had been cleansed.

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

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

My 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 decisive and executive character is very necessary for the reconstruction of democratic Japan. So I again beg you that you will mitigate his sentence.

December 1946

Wakamiya Koriyoshi
Utsunomiya, Higashimura-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

"Exhibit 12 (a)"

03 18

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 Kimiko that Inoue Fumio is confined as a criminal suspect in the Jaluit natives' 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 he 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

Tetsu, Satoko
Wada, Minamikedamura, 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.

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

CERTIFIED TO BE A TRUE COPY
James P. Kenny
LIEUT. USN

"Exhibit 13 (a)"

0319

To the United States Military Commission of the Marianas Area.

PETITION

I would like to submit this petition respectfully in behalf of Inoue Fusio, 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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

"Exhibit 14 (a)"

0320

PETITION

To: The American Military Commission, Marianas Area.

For: INOUE, Fumio, former Army Captain.

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

A military person must implicitly obey his superior's order. If his acts were unpardonable 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, sister, 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 most lenient judgment.

FUKUDA, Yasuo.

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.N.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

RECEIVED

0321

PETITION

To: **The American Military Commission, Marianas.**

I wish to state a few points about INOUE, Fumio, who is now being held and tried as a criminal in the Marianas. He is a man of sincerity, gentleness and righteousness. His conduct has always been solemn, sincere and impartial. He is a man of discipline and cannot perform any execution without having justifiable cause for it. As to his acts which he had committed, I am 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 commit any crime. 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 console them. Please make it possible that he may be able to return home soon.

**TATSUNI, Aiko,
Rhine-Ken, Yawatahama City,
Kawani-uchi.**

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.N.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James A. Kenney

LIEUT. USN

"EXHIBIT 16(a)"

0322

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

PETITION FOR INOUE, Fumio, former Captain, IJA.

The above person who is now being held as a war criminal, is a man of gentleness, fairness, soundness of thought and clearness of speech; 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 loss. 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 clemency in giving him another chance to be as a member of a peaceful country in its reconstruction.

TAKAHASHI, Mariko
Ehime-ken, Iwatahama 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 E. KERRICK, Jr.,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY
James P. Keeney
LIEUT USN

Exhibit 17a

0323

To the US Military Commission of the Marianas Area.

PETITION.

I heard that INOUE, Fumio is now confined in the Guam stockade. 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 old mother, sister, wife and child and he is the supporter of his family. If he will not come back, his family will be ruined both economically and mentally.

He was brought up in a hillside village to be plain and chivalrous. He is a man of noble character and sometimes takes the responsibility of other people.

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

KIMURA, Saichiro,
District Official,
at the Nishinawa 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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keamy

LIEUT. USN

18
"Subject" (e)

0324

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

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 school-mates. 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 onlookers, 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.

Representative,

KEIZABUNO ENJU

CERTIFIED TO BE A TRUE COPY

James P. Kearney

USMC USN

Exhibit 19a.

0325

PETITION

To : The American Military Commission Marianas Area.

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

INOUE, Fumio is our model character. He graduated from the Commercial School as eighth among the class of 63 pupils. His conduct is gentle and honest, his manners sincere and solemn, his acts impartial, his discipline, regular; thoughts, sound; speech, clear; attitude, passive; and he was always diligent. How can a man who possesses such a noble character as INOUE, Fumio plan to commit such a cruel act, I cannot possibly think of such a thing.

At home, there is no man to help so the women are doing what over they can. How can they lead a satisfactory life. They are farmers who with the first light of dawn go out into the fields to work and come home when the stars are bright in the sky. When I think of their situation I cannot help but feel deep sympathy. If only they had a man to help, out how cheerful 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 native place and still INOUE 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.

IWAMOTO, Chitose
Shimo-ken, Yacotsu-hama City
Furo-machi.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

29 (a)

0326

PETITION

Your Honor, the President.

I would like to express my thanks for your everyday toil. I am surprised to hear that Captain Inoue is to be tried. Why is Captain Inoue, 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 Jaluit, 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 Inoue 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 parent, 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 Inoue and that you will have kind consideration for what I have just said. I beg you that you will give him a fair 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 original petition to the best of my ability.

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

CERTIFIED TO BE A TRUE COPY

John P. Henry

LECT. USN

EXHIBIT 21(a)

0327

PETITION

December, 1946.

To: The President of the American Military Commission, 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 INOUE, Fumio is now being held because he is accused of killing spies.

He was born here, and has always been our model. He is a gentle, mild and excellent man. He is not a man to commit any cruel acts. When he killed the persons who had spied, he was only obeying a superior order in accordance with his militaristic 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 clique which has trained us.

I cannot express myself well, but I beg 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, Teshiko,
Khima-ken, Yamatahara City,
Honcho, 2 chome.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

EXHIBIT 22 (a)

0328

To the Members of the Military Commission, Marianas Area.

PETITION FOR INOUE, FUMIO

INOUE, Fumio, 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 nature to commit any atrocious acts. His acts are merely due to his moderate nature 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 criminal. His wife, taking care of the 5 years old daughter is working in the farm. His sister VRAKO, 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-ura-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. KERRICK, Jr.,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kerry
LIEUT. USN

Exhibit 23a

0329

To the US Military Commission of the Marianas Area.

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

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 old mother to live; really, he is indispensable to her. I am praying for his return.

KAJITANI, 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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

1ST LT USN

24

0330

PETITION

For: INOUE, Fumio,
To : The Members of the American Military Commission, Marianas Area.

It was a great surprise for us who know him to learn that he has been unfortunately confined as a war crime suspect. Since childhood he has been kind and obedient, for which the people of the village admire him very much. I cannot think such a man would do any act against humanity.

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

WAKA, Kinko
Teacher of Futaba Primary School,
Nishi-ura-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.

CERTIFIED TO BE A TRUE COPY

James P. Renny
LIEUT USN

25 (a)

0331

To the US Military Commission of the Marianas Area.

PETITION FOR CLEMENCY IN BEHALF OF INOUE, FUMIO.

INOUE 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, Futatabimura, Nishiuwa-gun,
Mino-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LEUT. USN

"26 (a)"

0332

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

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, Futatabi-mura, Nishinaga-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

VERB. 151

27(a)

0333

To the US Military Commission of the Marianas Area.

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

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

My aunt goes on foot to the bank everyday which is about 6 kms. away 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 leniently with him and you will repatriate him as soon as you can.

UKITA, Hiroshi
Fukikawa, Futatabimura, Nishinaga-gun,
Ehime-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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kerrick

1st Lt. USN

28(a)

0334

To: The Members of the U. S. Military Commission, Marianas Area.

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

The above person graduated with the 26th graduating class from the Ehime-ken Yawatahama 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 commit a crime.

Furthermore his aged mother (age 99) 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 acquittal.

IKEDA, Koichi,
Ehime-ken, Yawatahama-shi
Shohaku-cho

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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kenny

1.1.1. 1.1.1.

"Exhibit 20 (a)"

0335

To: The Members of the U. S. Military Commission, Marianas Area.

Petition for the Acquittal of Fumio Inoue's Case.

I am a student who lives in the same village as Inoue, Fumio. Unfortunately Fumio is held as a war crimes 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 whom we respected the most. I firmly believe that a person with such high character could not commit a crime.

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

Please take these points into consideration and I beg and beg of you from the bottom of my heart to do all you can for his acquittal.

YAMADA, Koichi,
Shimo-ken, Nishiuma-gun,
Futsuwa-Mura, Asa-Nakatsugawa.

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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

1. DEPT. USN

30(a)

0336

To the US Military Commission of the Marianas Area.

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

I am very much astonished 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, child and women. For a farming family who need man to work, it is very inconvenient. 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 benevolent trial and that you will release him as soon as possible.

INOUE, Hideo
Nobeta, Fukikawa, Futaiwamura,
Nishiura-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.

CERTIFIED TO BE A TRUE COPY

James P. Kanning
LIEUT. USN

31(a)

0337

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, EL-CAPTAIN, IJA.

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

INOUE, Tadashi,
Representative of the employee of
the Iyo United Bank, Futaiwa Branch
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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

USNR USN

32
"321110" (a)

0338

To the US Military Commission of the Marianas Area.

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

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

KIYUCHI, Chisuko
Putaiwamura, Nishinaga-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenney
LIEUT. USN

"Exhibit 33 (a)"

0339

To the US Military Commission of the Marianas Area.

PETITION

INOUE, Fumio who is now being tried by you was a mild man when he was at home. I can not think that he should commit atrocities. I beg you will deal leniently with him.

OROSH, Teisoku
Kamakura, Futatabi-mura, Nishikawa-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.

CERTIFIED TO BE A TRUE COPY
James A. Keeney
LIEUT. USN

Exhibit 34a

0340

To the US Military Commission of the Marianas Area.

PETITION

INOUE, Fumio is mild in nature and noble in character. He is a man of great ability and also a man of great exertion. When he was at home he was very filial to his aged mother and was benevolent. I can not help being astonished to hear that he has to attend to court as a war criminal.

He is not a man who commits atrocities, so I beg you will deal leniently with him.

ORONO, Saiko
Kamakura, Futeiwamura, Nishiuwa-gun, Shimoda.

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

James P. Kenny
Lieut. USN

Exhibit 35(a)

0341

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, EE-CAPTAIN, IJA.

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

TOMITA, Seitaro.
Wakayama, 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.

CERTIFIED TO BE A TRUE COPY

James P. Keeney
JEC: JS

36(a)

0342

To the US Military Commission of the Marianas Area.

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

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

10 December 1946

INOUE, Takeshiro
Immi, Futsuomura, 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.

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

CERTIFIED TO BE A TRUE COPY

James H. Kenny

121211 15N

37

0343

To the US Military Commission of the Marianas Area.

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

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

12 December 1946

INOUE, Kojiro,
Wakayama, Futatabimura, Nishiuma-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.

CERTIFIED TO BE A TRUE COPY

James H. Keating

1 DECEMBER 1946

Exhibit 38 (a)

0344

To the US Military Commission of the Marianas Area.

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

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 commit a crime against humanity of his own accord. Besides, it is hard for his family to maintain their living without him. I am very sorry for them. I beg your kind consideration for these circumstances and petition you that you will deal leniently with him.

13 December 1946

INOUE, Juichi
Fukikawa, Futatabi-mura, Nishino-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

1ST LT. USN

FORM 100-39 (a)

0345

To the US Military Commission.

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

Captain INOUE 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 crimes trial, and that you will deal leniently with him.

INOUE, Goroichi

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

James P. Kenny

1. LEUT. USN

40 (a)

0346

To the US Military Commission of the Marianas Area.

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

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

TANAKA, Ryuchi,
Wakayama, Futatabi-mura, Nishino-gun,
Mino-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

41
Exhibit _____ (a)

0347

To the US Military Commission of the Marianas Area.

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

INOUE, Fumio is a mild man. I heard that he was benevolent to his subordinates when he was in the Army. We are praying that he will be back soon. I hereby respectfully place this petition before you.

INOUE, Yomeisai,
Wakayama, Futatabi, Nishiuma, gun,
Hime-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.

CERTIFIED TO BE A TRUE COPY

James P. KERRY

LIEUT. USN

"Submitt (a)"

0348

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

TOMITA, Tei,
Wakayama, Futaiwamura, Nishiuwa-gun,
Ihime-ken.

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

CERTIFIED TO BE A TRUE COPY

James P. Kenney

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

430

0349

To the US Military Commission of the Marianas Area.

PETITION

1. INCUE, Fumio is mild and sincere and is not a man who commits 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. KERRICK, Jr.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

Exhibit 44 (a)

0350

To the US Military Commission of the Marianas Area.

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

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

MITSUKE, Yo,
Wakayama, Futatabi-mura, Nishikuwa-gun,
Edo-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

45

"HMM" (a)

0351

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, EX-CAPTAIN, IJA, PERMANENT DOMICILE: OAZA-FUKIRAWA, FUTAIWAMURA, NISHIOWA-GUN, SHIMIZU-KEN, JAPAN.

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

It is a very sorrowful 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 unavoidable situations caused by a mistaken patriotic 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 mild in nature and that he had an honest 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 acts during the war were not done of his own 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 leniently as possible. I can not bear to see the humane freindship of his village men and the misery of his family, and hereby place this petition before you.

NAKANICHI, Kaneichi.
Police man attached to the
Futaiwamura Police Box.

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

James P. Kenny

LIEUT. USNR

Exhibit 46 (a)

0352

To the US Military Commission of the Marianas Area.

PETITION FOR INQUE FUMIO EX-CAPTAIN IJA.

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 was 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, Futaiwasura, 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, USMC,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kenny
Lieut. USN

47
"Exhibit _____ (a)"

0353

PETITION

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

I am a classmate of INOUE, Fumio. 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 to think 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 tolerant with others. His features as leader supplemented by his humane character have become ever harmonious. It is not surprising that he should have won the respect and love of so many people.

At home, his aged mother 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 native case we, who know him well, doubted our ears 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.

Swearing 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 leniently 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.

HUGH E. KENRICK, Jr.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY.

James P. Henry
LIEUT. USN

48 (a)

0354

PETITION FOR INOUE, FUMIO.

INOUE, Fumio 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 clemency.

We believe that the reason why he was named a war criminal 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 men 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 committed any crime.

We think it is unavoidable 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 kind consideration for his family. We hereby have written about his character and his family and hope you will release him as soon as possible.

8 December 1946

TAIRA, Tadashi.
ISUMI, Michi.

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

James A. Keany

LIEUT. USN

Exhibit 49 (a)

0355

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

I hear that he is confined in the Guam stockade as a criminal suspect in the Japut 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 he is not a man who commits 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.

14 December 1946

Asai, Akihiro
Futatsubara, Nishino-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, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James R. Kanny

LIEUT. USN

Exhibit 509

0356

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

To the US Military Commission of the Marianas Area.

1. He is mild in nature and of upright character.
2. He is not a man who can commit a crime of his own accord.
3. We are looking forward to the day when he will be back.

5 December 1946.

KAJITANI, Shigeru
Ootaiwamura, Nishiuwa-gun.

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

Eugene E. Harriek, junior, U.S.
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

Jarner P. Keany

LIEUT. USN

Exhibit 51a

0357

To the US Military Commission of the Marianas Area.

1 December 1946.

INOUE, Ryo
Osaka-Gotanda, Yawatahama-shi, Ehime-ken.

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

**Eugene E. Kerrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.**

CONTINUED TO PG. A TRIM COPY

James P. Kenney

LFEU TS:

52

0358

PETITION

**To the U. S. Military Commission,
Marina Area.**

I have heard that Inoue is in a miserable condition, so I would like to state the following and beg a lenient trial.

Inoue was born 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 committed any crime, it is because he had a noble character and took the responsibility of his men as a superior. I believe that he did it for an unavoidable reason.

**MURATA, Kichisemon
Manager in chief,
Social Welfare Association, Nishinaga-gun.**

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

**Eugene E. Herrick, Lieutenant,
U. S. Naval Reserve,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Henry

LIEUT. USN

53

0359

PETITION

To the US Military Commission of the Marianas Area.

We are surprised to hear of the miserable fortune of Inoue, Fumio. We cannot believe it because Inoue was a very mild person. We beg you to deal leniently with him.

1. He is a gentle person and we cannot think that he is brutal.
2. He is not a man who forgets humanity.
3. He was a benevolent person and we loved him.

FUJITA, Shizu.
KAKIMURA, Katsumi.
NAKAGAWA, Hisako.
SHIMIZU, Yoshiko.
KUSE, Tomie.
IZUMI, Yoshiko.
TANAKA, Tokiko.

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

Eugene E. Harriek, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keary
LIEUT. USN

540

0360

PETITION FOR INOUE, FUNEO, EX-CAPTAIN, IJA.

I heard that he is confined as a war criminal suspect and that he is to be tried soon. But he is mild in nature, well-behaved and a promising young man, so all village men are looking forward to his return. At his home, he has his wife, child, old mother and a sister. The old mother is physically weak and his wife must look after her child, so only his sister can work for his family's living. I am very sorry for his family. I beg you will deal leniently with him.

5 December 1946.

INOUE, Hasekichi,
Member of the village assembly.

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

Eugene E. Kerrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James C. Hanning
LIEUT. USN

55

0361

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

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

I heard that Inoue is now confined in your place as a war criminal 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 men are surprised of it. So I petition you to deal leniently with him and to release him.

1 December 1946.

**YAMAMOTO, Mae
President of the Futaba National School,
Nishiwaga-gun, Ehimeken.**

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

**Eugene E. Kerrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.**

CERTIFIED TO BE A TRUE COPY
James A. Kennedy
LIEUT. USN

56

0362

PETITION

We would like to express our deepest thanks for your exertions in holding a fair trial for many war criminals with the moral standards of civilized society.

Captain Inoue who has been accused was an important person on Jaluit as a Chief of the Special Police Section and as a right hand man of the commanding officer, and I was working as his subordinate. He led and encouraged us kindly both in our official and private lives.

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

He was really an admirable military man through more than three years he was at Jaluit Atoll. He had a righteous heart, showed the way himself, was full of a sense of responsibility, was affectionate to his subordinates and was courteous. He was always a man of few words. He was earnest, considerate and careful in discharging his duty. He performed everything with consideration and he was a very honest executive.

He was a man of such fine character. He toiled hard as the chief of the farm, and he kept proper economy for the consumption of provisions. So there was no crime concerning food among military men, guncmen and natives, and we could escape from starvation with our close co-operation. We owe this to Inoue.

We can not bear to see that he whom we loved and admired is going to be tried. Thousands of men on Jaluit will surely wonder why such a man of character is to be tried. I believe that the justice of the law is not to accuse such a person. I beg you that you will try him wisely.

He is a man who can neither think or do anything other than what is right. I think he does anything after he believed it was right. I beg you will consider his true character. I also beg you that you will have sympathy for his old mother, wife and child who have been looking forward to his return for several years.

Members of the Commission, I beg that you will penetrate into his true character, that you will understand, what I have just mentioned and that you will fairly benevolently and leniently try him as representatives of a civilized state.

Wahamaton Minoru

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

EUGENE S. HERRICK, JR.
Lieutenant, U.S.N.R.
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LIEUT. USN

57 (a)

0363

PETITION

I submit this petition in behalf of mitigation of the punishment for Inoue,
Furio, Ex-captain, IJA.

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

I was with him in the same unit for about three years, and knew that he was
of humane character.

I beg you that his punishment will be mitigated.

5 December 1946.

FUJITANI, Unase
1036 Asa-Shohara, Shohara-machi,
Hiba-gun, Hiroshima-ken.

To Your Honor, the President of the U. S. Military Commission 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.

Eugene E. Herrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James I. Kenny

LIEUT. USN

58

0364

PETITION

I submit this petition in behalf of mitigation of the punishment for Inoue,
Fumio, Ex-captain, IJA.

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

I was with him in the same unit for about three years, and knew that he was
of humane character.

I beg you that his punishment will be mitigated.

5 December 1946.

FUJITANI, Unase
1036 Asa-Shohara, Shohara-machi,
Hiba-gun, Hiroshima-ken.

To Your Honor, the President of the U. S. Military Commission 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.

Eugene R. Kerrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LIEUT. JEN

58

0365

PETITION FOR INOUE, FUMIO, Ex-Captain, IJA.

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

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 commit a crime in violation of humanity.

He has no father, but only an old mother, 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 sympathizing with them when I think of it.

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

I beg you will have kind consideration, you will have benevolence for Fumio and his family and you will forgive his personal crime. I am so sorry when I think his family at home and his character, that I humbly place this petition before you.

UTSUNOMIYA, Masamitsu,
Teacher of the Futaba National School,
Nishiuma-gun, Ehime-ken, Japan.

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

Eugene E. Kerrick, Junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Henry
LIEUT. USN

"Exhibit 59a"

0366

6 December 1946

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

PETITION FOR INOUE 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 senior 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 impatiently 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, KIYOSHI
KANAKURA, FUTAIWA-MURA,
NISHI-UWA-GUN, EHIME-PREF.

WAKABAYASHI, SHOSHIN
PRIEST OF SHOKO-JI TEMPLE
FUTAIWA-GUN, NISHIUWAGUN
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. HERRICK, Jr.,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. USN

Exhibit 60a

0367

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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

By Kono, Jinkai:
Putaiwamura, Nishinaga-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, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kenny

LIEUT. USN

Exhibit 61a

0368

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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, 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, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kennedy

LIEUT. USN

Exhibit 62a

0369

To the US Military Commission of the Marianas Area.

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

1. Fumio is very mild, sincere and kind, and assumed leadership for the sake of our village. He was such a pure-minded and gentle person.
2. Fumio is not a man who would commit a crime against other persons.
3. At his home, his old mother and sister are living a bitter life. I beg you from the bottom of my heart that you will repatriate him as soon as possible.

INOUE, Kiseko

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

James P. Fanny
LIEUT. USN

63 (a)

0370

To the US Military Commission of the Marianas Area.

PETITION FOR CLEMENCY IN BEHALF OF INOUE FUMIO

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.

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

James A. Kennedy
LIEUT. USN

Exhibit - 64a

0371

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA.

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

Jishimura, Akio

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

James A. Fenny

LIEUT. USN

Exhibit 65a

0372

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO CAPTAIN IJA

I hear that he is confined in the Guam stockade as a criminal 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 miserable condition. Although this is a very short petition, I hereby place it before you.

14 December 1946

Kikuchi, Uhei
Futaiwamura, Nishiusa-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, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kenny

LIEUT. USN

Exhibit

88a

0373

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

PETITION FOR INOUE, FUMIO, FORMER CAPTAIN IJA.

I was surprised and worried when I learned that such a gentle person as he was now being held as a war crime suspect. I do not know what constitutes crime 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 cruel 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.

INOUE, TETSU
FUTAIWA-MURA,
FISHI-UMA-GUN,
SHIMI-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 COPY

James P. Kenny
LIEUT. USN

Exhibit 67a

0374

PETITION FOR INABA, JUNZO, EX-CAPTAIN, IJA.

I humbly place this petition before your sacred court. Junzo was born in our village, was very mild in nature and was always a model among the people of the village. When he came of age, he entered the Army. But he was too mild to be suitable to army life. He then became a clerk at an office and then entered police service. His perfect character and careful actions were acknowledged by superiors and he became an instructor and was loved by students as if he had been their father. When he received the call and left our village he said to us, "Please believe that I shall be well until the day when you receive the official report of my death." Thus he left his wife, child and mother of 60 years old and went to the front. His attitude at that time was so calm that I can recall his figure even now. He is a man who is never discouraged by his ill-luck and he can never be arrogant when he is in good fortune. He never loses his reason. So I am firmly convinced that he never violated military discipline at the front and that he never acted against humanity. We, the village men, are very anxious that he is to be tried in your court. Since old times in Japan, there have been many instances in which a man sacrificed his life for his superior or took the responsibility of his subordinates. At his home, his wife and child are waiting him to come back; his sister is working in order to maintain their living even abandoning the hope of her marriage; his mother of 60 years old is so anxious for her only son that she is ruining her health and is growing thinner; we feel so sorry for them. I hereby petition you that you will deal leniently with him so that he will come back as soon as possible.

5 December 1946

INABA, Teiichi,
Committee of people's lives,
Oma-Fukihara, Futatabi-mura,
Nishino-gun, Nino-gun.

To the US Military Commission of the Marianas Area.

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

HUGHES E. HENRIK, JR.
Lieutenant, U.S.M.C.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. JEN

68 (4)

0375

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

By Soga, Makoto.

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

CERTIFIED TO BE A TRUE COPY

James P. Keavy

1. DEUT. 185

Exhibit 69a

0376

To the US Military Commission of the Marianas Area.

PETITION FOR CLEMENCY IN BEHALF OF INOUE FUMIO

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 Women's
Association, Futaivamura.

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

James P. Henry

LIEUT. USN

Exhibit 70a

0377

PETITION FOR INOUE YUNIO, EX-CAPTAIN, IJA.

He is mild and especially benevolent, and everyone in our village admires him. Anyone who once has been acquainted with him is sure to admire and love him.

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

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

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

6 December 1946.

Fujimoto, Masako
Fukuhara, Futaba-mura, Nishino-gun,
Shino-han.

To the US Military Commission of the Marianas Area:

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

Eugene E. Kerrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Keating

LIEUT. USN

7 (a)

0378

PETITION

For INOUE, Fumio, Former Capt, IJA.

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

Fumio lost his father in his childhood. From the time he was a boy, he helped the community and worked hard to help his family. But now, his absence from the family has left his aged mother, young wife, child and sister in a depressing situation, both materially and spiritually.

Now, he is before you waiting your wise judgment and I wish to place this petition before you. I beg you will take into consideration the situation I have stated and show clemency to him.

INOUE, Ruike
Clark in Futaba village office,
Representative of Futaba Women's
Association,
Shimo-ken, Nishi-Utsunomiya-gun,
Futaba-gun.

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

HUGHES E. HERRICK, JR.,
Lieutenant, U.S.M.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kennedy
LIEUT. USN

72 (c)

0379

To the Members of the American Commission, Marianas Area.
Petition for the Acquittal of INOUE, Fumio.

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

Please I beg you to acquit him.

At home his aged mother, wife and child 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.

Yamaguchi, Mitsushige,
Shimo-ken, Iwatahama-shi,
Chira-Inagawa-machi, 305.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. JEN

FORM 73 (a)

0380

December 1, 1946

PETITION

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

The above person is now being held as a war crime suspect, but he is a man of noble and humane character and I cannot 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 lenient judgment and I hope send him back as early as possible.

INOUE, Nishitaro
Teacher of Futaba Primary S.
Shimo-ken, Nishi-Ube-gun.
Futaba-mura

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

James P. Kening

LIEUT. JEN

74 (a)

0381

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

Petition for the Acquittal of INOUE, Fumio.

Inoue, Fumio graduated from the Shimo-ken Yamatohama Commercial School and is our senior. 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 criminal. I do not know how to express how his aged mother and others are feeling. Under present condition I do not think his family is getting along very well. He has a good character and would not do such a thing. I beg you for his acquittal.

Takeda, Hiroshi
Yamatohama-shi, Shohoku.

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

HUGHES S. KERRICK, JR.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Henry
LIEUT. USN

0382

PETITION

10th Nov. 1946

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

Re Army Captain Inoue, Fania.

The above person is a man from our village. From his boyhood he was gentle and he did not do anything bad.

At home my mother, elder sister and a nephew are living very innocently.

I beg of you for his forgiveness.

**Inoue, Riko
Hime-han, Nishi Wap-gan,
Futaba-mura, Fukuoka.**

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

**ROBERT E. KERRICK, JR.,
Lieutenant, U.S.M.C.,
Interpreter.**

76 (a)

CERTIFIED TO BE A TRUE COPY

James A. Kenny

LIEUT. JEN.

0383

PETITION

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

Petition for the acquittal of Inoue, Fumio

Former Army Captain Inoue Fumio who is now held in the stockade as a War Crimes Suspect graduated from the Shimo-hara Yamaguchi Commercial School in the year 1929 with high scholastic standing, good conduct and 5 years of clean record and he was very honest. I firmly believe that a man could not have killed with the character he had. I hope that he will be acquitted as soon as possible. At home he has an aged mother, wife and child and they can not go on living without him. Because he is a very good person, I beg you to acquit him as soon as possible.

INOUE, Tadashi
Shimo-hara, Kito-gun, Shirotschi-Mura,
Oasa-Kaya.

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

HUGHES, E. KERRICK, JR.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kearney

UNITED STATES

77 (a)

0384

PETITION

To the members of the Commission, Marianas Area.

Petition for the Acquittal of Inoue, Fumio

I beg you to acquit Former Army Captain Inoue, Fumio who is awaiting the decision in the stockade as a war crime suspect on Guam.

While he was a student at the Shin-han Yamotaka Commercial School he had a clean record for 5 years and by studying very hard he obtained very high scholastic standing. As to his character he is gentle and honest and after he graduated he worked very hard. We do not believe that a person like Fumio could do such a murder. At home his aged mother, wife, and a child are having a difficult time with prices so high and are worrying while awaiting his return. I therefore beg you to take the above fact into consideration and acquit him.

**Kikuchi, Goun
Shin-han, Yamotaka-shi, Asahi-machi**

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

**HERBERT E. HERRICK, JR.,
Lieutenant, U.S.N.R.
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Henry
VIEW USN

78 (d)

0385

PETITION

Nov 10th 1946

To The Members of the U. S. Commission, Marianas Area Petition.

Re Army Captain Inoue, Fania.

The above person is being held as a War Crimes suspect, but as he was very humane, gentle and intelligent from his boyhood and is of a very good character, I firmly believe that he can not commit a crime. When he can not commit a crime. When the notice came his aged mother and two children thought it a dream and are living very modestly waiting for his return.

I pray that our hope and request are taken into consideration.

**Inoue Tadashi
Shimo-hara, Nishikawa-Gun,
Futaba-mura, Fukuoka.**

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

**BURTON E. KERRICK, JR.,
Lieutenant, U.S.N.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James A. Henry

LIEUT. JR.

RECEIVED 11/10/46 (a)

0386

PETITION

10th Nov, 1946

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

Re Army Captain Inoue, Fuki.

The above person is a very good person. Everyone knows Fuki. He has greatly contributed to our village. While he was small he was always honest and has never been disliked by anyone after he grew up.

After hearing the notice his family has been living very miserably. Grandmother is thinking about him every day and we can not stay calm. We all wait him to come home as soon as possible.

Please consider our request.

Inoue, Fuki
Shimo-hara, Nishi Ue-gun,
Fukuoka-ken, Fukuoka.

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

FRANK E. HUNTER, JR.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Henry
LIEUT. USN

80 10

0387

PETITION

To: Members of American Military Commission, Marianas Area.

For: INOUE, Fumio, former Captain, IJA.

Hearing that the above person has been held as a war crime suspect at Guam, I hope that he will be cleared of all guilt.

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

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

Considering the extenuating circumstances I place this petition and beg your lenient judgment.

KANANO, Oosun
Fukigawa, Futaiwa-mura,
Nishi-ura-gun, Shima-han.

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.M.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kanning

LIEUT. JEN

FORM 81 (a)

0388

To the Members of the U.S. Commission, Marianas Area.
Petition for the Acquittal of INOH, Punico.

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 who can kill.

I beg you for his acquittal.

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

Funaf, Jungo,

Rhine-ken, Nishiuwa-gun,
Kawanoishi-cho, Honomachi.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James R. Kenny

120000 000000

82 (a)

0389

Dec. 14

PETITION for Mitigation.

To : The Members of the Commission.

For : INOUE, Fumio.

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

He 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 petition in mitigation for his sentence.

UTSUNOMIYA, Mantaro.

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.N.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James A. Henry

LIEUT. USN

REC 83 (a)

0390

PETITION

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

For: INOUE, Fumio, Former Captain, IJA.

The above person is now being held as a war crime suspect, at your place, but he is a man of noble and moral character. Every one who knows him cannot believe that he would commit such an unmoral act against humanity.

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

Taking into consideration the above situation, and by your lenient judgment I beg his acquittal so that he may return home soon.

KAWANO, Kazutoshi.

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

**ROBERT E. KERRICK,
Lieutenant, U.S.N.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Kenny

1. LEUT. USA

84 (a)

0391

PETITION

To: The American Military Commission, Marianas Area.
For: INOUE, Fumio, Former Army Captain.

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

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

WAKA, Atsuko,
Rhino-ken, Nishi-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.

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

CERTIFIED TO BE A TRUE COPY

James M. Lenny

LIEUT. JEN.

RECORDED - 63

0392

PETITION

To: The American Military Commission.

For: INOUE, Fumio.

Permanent Domicile-Ehime-ken, Nishi-uwa-gun, Futa-uwa-mura, Nakatsuga.

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

| | |
|------------|-------------|
| Conduct | Gentle |
| Manner | Sincere |
| Act | Impartial |
| Discipline | Good |
| Speech | Clear |
| Diligency | Industrious |
| Studies | Excellent |

Present family situation: 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 consideration the above facts I beg your lenient judgment.

NAKIMIZU, Tamako,
Ehime-ken, Yawatahama-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.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. KERRY
LIEUT. USN

86(a)

0393

PETITION

To: The American Military Commission, Marianas Area.

For: INOUE, Fumio, Former Captain, IJA.

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

SAKAMOTO, Masako,
Ebino-ken, Yamatahama City,
Hiroko.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James R. Henry
LIEUT. JEN.

87(a)

0394

PETITION FOR INOUE FUMIO RE-CAPTAIN IJA

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

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

10 December 1946

Kikuchi, Bin
Futaiwara, Nishinaga-gun, Ehime-ken.

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

HUGHES E. KERRICK, JR.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. USN

80(a)

0395

To: The American Military Commission.

PETITION

I beg to place this petition in behalf of INOUE, 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 help them so without him they will have a very hard time hereafter.

Most of the soldiers who were sent out were repatriated or their souls have returned to their native place to rest in peace, but INOUE is now in confinement writing poems about his mother. When I think of him, I cannot hold back my feelings any more. So I am placing this petition before you and beg his early return.

YOSHIMI, Toshiko,
Yamatahama City, Hirose.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Keary
LIEUT. JRN.

89
"RECEIVED" (a)

0396

PETITION

To: The American Military Commission, Marianas Area.

INOUE, Fumie is a man of noble and gentle character. During his school days he excelled in his studies. He never mingled with bad company and attended school very diligently. He is not a man to commit any crime. It may be due to the feudalistic tradition that he was constrained to become a criminal.

His mother is old and there is a small daughter in his family to be looked after, so without him his family will be completely lost. His daughter YOKO has not met her father yet.

Please deal leniently with him.

YAMASHITA, Chisoku,
Yawatahama-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.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James R. Kennedy
LIEUT. USN

FORM 90 (a)

0397

PETITION

To: The American Military Commission, Marianas Area.
For: INOUE, Fumio, Former Army Captain.

The above person is now being held in the Marianas because during the Pacific war he had obeyed 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 cruel acts.

At home, his mother, wife, sister and child are waiting his return. I believe there is no difference in the love of relations no matter where or when it is shown. INOUE would be a capable man in the reconstruction of a new and peaceful Japan. I place this petition so that he may be able to return soon.

KANAZAWA, Machiko,
Ehime-ken, Nishi-uwa-gun,
Misaki-mura, Misaki.

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

EUGENE E. KERRICK,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keany

LIEUT. JPN.

EXHIBIT 91 (a)

0398

PETITION

To: The American Military Commission, Marianas Area.

The conduct of INOUE, Fumio, has always been gentle, good and fair. He is not a man to commit such an atrocious 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 lenient with him.

KIKUCHI, Eriko,
Shimo-ken, Nishi-ura-gun,
Kawakami-mura, Kawa-matsu.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. JRN

92
"RECEIVED" (a)

0399

PETITION

To: The American Military Commission, Marianas Area.
For: INOUE, Fumio, Former Army Captain.

I would like to take this opportunity to write a few lines in behalf of INOUE, Fumio. I am sure the members of the commission are fully aware of the customs and practices of our country at that time.

Faithfully 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 merciful judgment so that he may be able to return home and relieve his mother's anxiety.

WISHIJIMA, Tetsuko,
Rhine-ken,
Yawatahama 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,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Henry

LIEUT. JRN

93

0400

PETITION

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.

Captain Inoue has a charitable heart as he always toils much more for people and society than for himself. About October of 1944, the food on Jaluit became extremely scarce, 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 Masuda, Commanding Officer of the Guard Unit.

"The natives of the Leprous Island are in need 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 worried about the food situation of the Leprous patients. Rear Admiral Masuda readily approved Captain Inoue's opinion, and the Leprous patients were moved to an island with food and were given help in their livelihood. And for this reason the Leprous patients through the commanding officer of that island expressed their thanks to Rear Admiral Masuda.

Captain Inoue's method of carrying out his duties as Chief of Military Police was first not to have any crimes committed and if a person should commit a crime, he would induce him to think about what wrong he had done and that he will never again commit a crime, by talking to him from his own heart. Because of this everyone from Admiral Masuda down knew and realized Captain Inoue's super-human work. Even those who were arrested by Captain Inoue felt Captain Inoue's deep love which came from his heart and actually showed their sorrow and felt that they would never again do wrong.

Around April, 1944, Captain Inoue submitted the following opinion to me: "The Marshall Islands are all surrounded by large enemy forces. In the battle of the Pacific Islands it is nearly impossible for the Japanese forces to counterattack and come to the Marshalls. Further supposing it possible, 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 plans, I think a time is sure to come when our men 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 opinion to Commanding Officer Masuda." Because I felt the same way, Inoue and I went to Rear Admiral

CERTIFIED TO BE A TRUE COPY

James P. Henry
LIEUT. JEN.

- 1 -

Exhibit 94(1)

0401

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 Saipan we were able to make counter-plans to meet the food situation.

I believe that one of the main reasons there were only a few persons who died of starvation on Jaluit as compared to the other islands of the Marshalls was that we had wisely coped with the food situation on Jaluit. And this original idea came from the opinion of Captain Inoue. Under the severe bombing by the Americans from day to day and night to night, at the time when the men and officers had nothing in their minds but to escape death from the bombing of each air raid and to find something to eat; for Captain Inoue to think and bring up this opinion shows, of course, his far-sightedness, but I believe that it was his original nature, his deep love to humanity, in other words he thought that he had to serve to better the condition for the mass of people and for the public. This is the light which made him do this.

2. Faithful to his Duties, Honest, and Fair.

In carrying out his duties he did not turn back no matter how difficult or painful. In order that he might fulfill to the best of his knowledge the duties as the Chief of Military Police and as the head of the Force he would stay up until four or six o'clock to think about the best way.

The Defense Force of Jaluit was made up of Military personnel, Gunseks, and Natives.

Among the military personnel there were Army and Navy, and among the Gunseks there were former government officials of the South Seas Government and civilians which made internal affairs very complicated.

Because their points of view all differed, all kinds of problems in regard to interests came up, and we were in a position where we could not avoid emotional clashes. Furthermore with the progress of the war getting closer to the final defeat and with all the things on Jaluit at a standstill, the discipline of the men, officers and Gunseks was gradually becoming corrupted. On the end of the year 1944, Captain Inoue said to me as follows:

"Military discipline is the vein of the Army. The fundamental problem as to whether the Jaluit force will survive or not depends entirely upon whether or not we can maintain this discipline under this present condition on Jaluit. I do not think I who have no gift of talent nor ability would be of any help in maintaining the discipline of Jaluit, for as Chief of Military Police his duties are to control the discipline of the Army. 'There are many fit persons with ability, so will you please ask Rear Admiral Masuda to take me off this duty.' However, as I believed that there was no person than Captain Inoue to hold this important duty, I did not agree to this, but as he begged me again and again, I finally brought his opinion before Rear Admiral Masuda.

CERTIFIED TO BE A TRUE COPY

James A. Henry
LIEUT. JEN.

- 2 -

Exhibit 1

Blue (2)

0402

At the same time, Captain Inoue had asked Lieutenant Commander NITOME, 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 Military Police. Lieutenant Commander NITOME also tried very hard to change Captain Inoue's opinion. Rear Admiral Masuda called Captain Inoue with Lieutenant Commander NITOME and he present and stated, as follows: "There is no person on Jaluit other than Captain Inoue who can hold the duties of Chief of Military Police. I, myself, and all the personnel on Jaluit know that among all the personnel of the Army and Navy of Jaluit you are very strict and fair in regard to discipline and that you have a strong sense of obedience. Furthermore, your fair and human character and acts with right or wrong side to them are absolutely necessary to settle discontent and differences of feeling between Military, both personnel and Gunseikus, Army and Navy, and officers and men. There is no other person who can take the duties of the Chief of Military Police and maintain military discipline 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."

Exactly as Rear Admiral Masuda stated, all the officers and men on Jaluit knew and believed that Captain Inoue's fair and honest character and acts in carrying out his duties had greatly contributed to maintaining the discipline and unity of the Defense Force on Jaluit.

3. Obedience.

Captain Inoue was always saying as follows: "The first duty of the Military Police is to control military discipline, but to me this is a very hard problem. I know my own gift and ability. In maintaining the military discipline of the Defense 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 cause." Captain Inoue actually did what he said no matter how difficult the condition or how busy he was, if any orders were given, he put forth his best effort to do it. And he worked hard every day and night to become as it is stated in the Japanese Army Operational Hand Book, the Japanese Navy's Naval Battle Hand Book, and other Military Regulations, "Obedience will become your second nature."

Rear Admiral Masuda was always stating that Captain Inoue is the No. 1 man among the Army and Navy personnel on Jaluit 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 execution of the native spies who came from Hilli Island was carried out by orders of Admiral Masuda. Rear Admiral Masuda had a thorough belief on discipline, in other words, he was very strict in regard to obedience of orders, and this he taught to his subordinates and demanded action. One main reason Jaluit had no desertion of Military personnel or Gunseikus and only a few deaths by starvation as compared to other bases of the Marshalls was that Jaluit had a very strict discipline compared to others. But the reason

CERTIFIED TO BE A TRUE COPY

James A. Henry
V. L. E. J. S.

- 3 -

Exhibit 94a(3)

0403

Jaluit had this strict discipline was I think because Rear Admiral Masuda was the Commanding Officer of Jaluit. Under these conditions Captain Inoue was ordered by Rear Admiral Masuda to carry out the execution and at this time Rear Admiral Masuda 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 obedience to orders of his superior his life and duty as stated in the Emperor's script were in Captain Inoue's position or if any military personnel of any country were in Captain Inoue's position I sincerely 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 Navy personnel who are superior to Captain Inoue in regard to deep affection, (love), a strong sense of obedience, true to their duties, and honesty in what they say and do. Of all the persons I know, I respect Captain Inoue 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 Captain Inoue as my subordinate and also as my true friend. If the two thousand Japanese who returned to Japan from Jaluit heard that Captain Inoue was being tried as a murder suspect I think there will be no one who would believe it.

Your Honor, the President and the members of the Commission:

Captain Inoue is not only necessary in the care of the lives of his aged mother, 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 who returned from Jaluit without knowing that he is being tried, I hereby beg you upon my knees to take the above statement into consideration in judging the case of Captain Inoue.

FURUKI, Hidenaka.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James M. Kenny
LIEUT. JES.

EXHIBIT 94a(6)

0404

PETITION

3 April 1947

/s/ Utomoniya, Hirotsuke
Sergeant, IJA,
Mar-Jaluit Defense Garrison.

Your Honor, the President: I would like to express my deepest gratitude for your every day efforts in this hot weather.

Captain Inoue who is now being tried and I were born in the same village and served together in the Jaluit Defense Garrison. So, I believe that I am one who knows about the character of Captain Inoue most.

He was brought up in the plain, grassy countryside by his mother only. From this environment, he was inherited such virtues as mildness, righteousness, 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 neighbors.

The duty of Captain Inoue on Jaluit was that of chief of the Special Police Section and the administrator of the farm program of the Self-support Committee. In former, he took charge of preventing and supervising the violation of food control in order to protect the lives of 2,000 military men and 2,000 natives on Jaluit who were on the verge of starvation, and in the course of the latter, he took charge of raising crops on the Atoll, so they were very difficult tasks. Both jobs were very tedious work and no one liked to take charge of them. But he took both of them and earnestly carried them out. If it had not been for his strenuous efforts as the chief of the Special Police Section and as administrator of the farm program, most of our 2,000 men would have starved like those on the other bases of the Marshalls did.

Owing to his efforts, we could be rescued from starvation. Captain Inoue is the benefactor of our lives. Not only I, but also anyone who lived on coconuts on Jaluit thinks so.

Why must Captain Inoue, such a fine man, be tried at court? I am so anxious that I feel as if I could neither stand or sit.

Your Honor, the President: Captain Inoue has done what is faithful, what is righteous and what is mild.

When he was in his village, he was a fine citizen; and when he was called to the military service, he was an obedient, responsible and loyal officer. He has been doing what is true and what a man should do. If he will be discharged from military service, he will save his family, help his neighbors and work for the people. I have never doubted it, because he did save 2,000 men on Jaluit from starvation.

CERTIFIED TO BE A TRUE COPY

James P. Kanny
LIEUT. GEN.

Exhibit 95(1)

0405

At his home, his old mother, sister, wife, and a daughter who was born after he had gone to the front and who does not know his face, are looking forward to his return.

Your Honor, the President and Members of the Commission: I beg your kind consideration for what I have just mentioned.

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

Eugene E. Kerrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keating

CLERK

95(2)

0406

FOREWORD

Your Honor, the President and the Members of the Commission.

I would like to express my deepest respect for your exertion that you are devoting yourself to judicial affairs every day in spite of this hot weather.

Now, I am going to state what I know about the personality of Inoue, Fumio, Captain, IFA, ex-Jaluit Defense Garrison who is to be tried on this island as a war criminal, and I like to beg your benevolent, lenient judgment.

Captain Inoue was a man of character. He was the most senior officer in the army unit under the command of Major Furuki, and was the man whom we admired and trusted most. Much confidence was placed in him by Rear Admiral Hamada, the Commanding Officer of the Jaluit Defense Garrison, not to speak of Major Furuki, the battalion commander. I once heard Hamada saying, "When I carry out my duty as the commanding officer of the Jaluit Defense Garrison, my most reliable assistants, my right-hand men, were Major Furuki and Captain Inoue. When the war is over and I can go back to Japan, I shall never fail to go to the Army Department and tell the Army Minister the merits of these two persons."

His subordinates unanimously felt that Captain Inoue was mild except when he was on official duty. He relieved others with a smile, used polite language and never was arrogant. He had such an attitude even toward us. We can imagine how he was courteous toward his superiors.

He never showed his emotion or emotion; he never acted blindly passionately; he never was careless; he was calm, self-possessed, patient and considerate. In his characteristics he was the same as Major Furuki, and he was also pure minded and honest.

From these characteristics, he may look rather conservative. We especially feel so by his mild and pious attitude. But in reality, his character is quite the opposite. Everyone who met Inoue and knew this fact was surprised. Needless to say, he had a firm will, positive belief, a strong sense of responsibility and power of execution. His character seems somewhat reflective. But although he may look mild and not like a military man, he has in the bottom of his heart a firm military spirit with strong faith.

As I have stated above, Captain Inoue is a man of character and a man of faith. So he is conscientious in his every word and deed, and never goes out of the common road. He can not do anything without the spirit of justice, humanity and love. He thoroughly performed his part as a military man, and was faithful to his military duty.

Any man of the Jaluit Defense Garrison knows, that he exerted himself to the utmost in assisting Rear Admiral Hamada without any selfish motive.

He held a strict attitude toward military discipline. Especially, military discipline was an indispensable element in performing the duty of the chief of the Special Police Section. His strict sentiment toward military discipline became a firm belief of his by the strenuous training and enforcement of Major Furuki, and he was always showing the way himself in maintaining it. When Major Furuki trained us, junior leading members, he showed Inoue as our model for our training. And Inoue was fair when he did anything.

He was appointed chief of the Special Police Section and took charge of supervision and the control of unlawful acts in general of the Jaluit Defense Garrison which was composed of different groups, namely Army, Navy, guards and natives. I think this was because the Rear Admiral knew that Captain Inoue was a man of fair character. And the exposure of unlawful acts was done very strictly without any distinction as to whether the offender was Army, Navy, guards or native.

He set an example of himself, and was a man of deeds but few words; he was plain and faithful; he had a spotless integrity; he loved himself with

Exhibit

964

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JAMES P. HANLEY
JUL 27 1954

0407

calmness and strictness; he honored the rights of others and never improperly restricted them or made them await.

He was very charitable. His attitude toward his subordinates was very mild except on official duty. He never compelled them by his authority as a superior, nor did he restrain them with the tone of military order. He regarded them on an equal footing with him, and respected their social position. (He did so not only to officers but also to NCOs and privates). His words were full of deep affection like that of older brother toward his younger brother. He had such a fair attitude not only to ward the military personnel but also toward the gunnans and natives too.

This attitude of his was especially marked toward natives.

Captain Inoue made an inspection round of the outlying islands at a time when the provisions of Jaluit fell short and even a tree or plant was said to be a precious food. After he completed his inspection, he said to Rear Admiral Nagata, "There is no provision on Bughan Island (the island of leperous patients), and if we leave it as it is the leperous patients will soon starve to death. It is necessary to move them to the island where the food is abundant." After giving this advice to Nagata, he gave them Tabet Island where food was most abundant, and helped them to move to the island with a boat at the risk of infection.

He used to admonish his subordinates, the members of the Special Police Section, as follows: "If we expose the unlawful acts of the natives, as well as those of military men and gunnans, we have to punish them. But the natives are really the members of the Jaluit Defense Garrison, and are the indispensable component of the Garrison as the supporters of our lives. We can live because we have them, so the natives are the benefactors of the Garrison. So it is unbearable for me to punish the natives. When you find out the crimes of natives, you must consider it carefully then and there. Don't expose their crimes at once. If you think you can correct their faults with your admonition, admonish them then and there. In such a case, entrust their desposition to the district commander and don't trouble headquarters about that. Try not to expose them, unless they are felonious". I once heard this from the member of the Special Police Section.

This is the outline of the character of Captain Inoue.

He offered all his energy, faith and passion to Rear Admiral Nagata, and, as his right hand man, exerted himself in maintaining the base of Jaluit. We may call him one of the Saviors of Jaluit. As well as late Rear Admiral Nagata and Major Furuki, or far more than them, he was relied upon and respected by all persons of Jaluit.

Captain Inoue, a man of such a noble character, the Savior of our lives, is to be tried. I cannot help doubting where righteousness is. I believe the principle of humanity or morality ought to be based upon the spirit of live, and it is to maintain peace and happiness for the members of the society without violating the basic standards of the society. The Jaluit Defense Garrison was entirely isolated, and we lost hope to go back to our fatherland again, and we had no way but to destroy ourselves or be annihilated. But each man of us was proud that the society of which we were members on Jaluit was the best one we could establish in such circumstances. That this society could be well maintained means that there was no violation of humanity, does it? This great result owes much to the contribution of Captain Inoue.

At his native village ruined by the war, he has his old mother, young weak wife and sister, and a daughter (Ibiko) who was born after he went to the front. They have no one to work and they really don't know what to do. They can only be anxious about him and awaiting his return. Without him, this family has no way but to starve.

I beg your kind consideration for what I have just mentioned and that

Exhibit 96(2)a

0408

you will deal benevolently and leniently with him.

3 April 1947

Kabota, Iture

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

EDWARD E. HERRICK, JR.
Lieutenant, U.S.N.R.
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Heany

LIEUT. JRN

9663(a)

0409

Your Honor, the President and Members of the Commission:

PETITION

I am filled with deep emotion to hear of your day and night exertions in seeking legal justice for the eternal peace and happiness of mankind.

I am one, who during the war on Jaluit, as his subordinate and as his comrade, shared my fate with Inoue, Fumio, 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 comrade and beg your wise judgment.

Members of the Commission: So far as I know, Captain Inoue was a man who remarkably obeyed orders as a military man. As I am, he is a reserve officer commissioned after the cadet training. But his obedience 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 him 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 solemnly gave him decisive orders, he never argued about whether they were just or not, and earnestly fulfilled his duty according to the military spirit. He was really a wonderful man to me.

Members of the Commission: Captain Inoue was a man who willingly faced difficulties. I think, in any kind of society, there are few men who can willingly undertake difficult work. But, in the desperate struggle of Jaluit on the verge of starvation, he volunteered 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 sterile sandy land, and as the chief of the special police section, he regulated the violations of the food rationing, and he saved the lives of 4000 military men, civilians, and natives on Jaluit from starvation. I think we can understand that he was a man to be admired and praised from only the fact that he volunteered to take the jobs which no one wanted to take and that he was successful in carrying out his jobs and saved the people of Jaluit.

Members of the Commission: Captain Inoue had a deep affection 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 harvest had to be impartial toward natives and he carried out his words. He maintained the protection of native lapars, stated that they should be given Eniet Island where 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.

Members of the Commission: his respectable character and his faithfulness

CONFIRMED TO BE A TRUE COPY
James H. Henry
VICTOR, IOWA

ENCLOSURE 97(a)(1)

0410

toward his duty rescued miserable Jaluit especially the pitiable natives, from danger which might have occurred 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.

Members of the Commission; I beg you from the bottom of my heart that you will have kind consideration for the accused Inoue with the utmost benevolence and that you will judge him with fairness and justice.

IKKI, Tamenori

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. KERRICK, Jr.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kenny
LIEUT. JEN.

97 (a)(2)

0411

PETITION

Members of the Commission,

I would like to express my gratitude for your every day exertion in this fair trial.

Since the 1st South Seas Detachment arrived at Jaluit in November 1943, I was in close contact with Captain Inoue as an officer attached to the garrison and also as his subordinate.

I have heard that the trial of Captain Inoue will be held, and I would like to petition you in behalf of this fine person.

Captain Inoue was very honest and a mild character. He spoke to everybody with intimacy, and we felt as if he had been a father. So, we, all the members of the garrison, relied and respected him. He was humane, courteous and of fine character. He is not a man who violates the law. Although Jaluit suffered under terrible and intense air-raids and from the shortage of materials, we several thousands could well maintain order and escape from starvation. We owe this to Commanding Officer Masuda and also Captain Inoue who worked as his right-hand man.

When I heard the miserable conditions of the other bases of the Marshalls after the end of the war, I felt as if my hair had stood on end, and became thankful again for the fine efforts of Captain Inoue.

He may be called the benefactor of the lives of thousands of members of our garrison or our Savior.

Captain Inoue who sincerely saved our lives is now being tried. I feel as if my life became shortened when I think of it.

Members of the Commission, I beg your consideration for the truth about Captain Inoue, the benefactor of us, and I also beg you to give him a fair trial based upon righteousness.

I again beg you that you will listen to my petition from the bottom of my heart.

10 April 1947

Lieutenant Inoué

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

James P. Kearney
LIEUT. JEN.

WALTER R. KERRICK, JR.
Lieutenant, U.S.N.
Interpreter

Exhibit 98 (a)

0412

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUKIO EX-CAPTAIN IJA.

As he was born in our neighborhood, we know well about his nature from the time he was a boy. He was mild in nature. When he graduated from the Yamahama Commercial 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 Settsu Silk-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 enlightened them by advising them to practice reading. Owing to his mild character, the characters of many young men were elevated, and they became fond 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 zaibatsu, and he came to enter the Army. We, all the men of our village, who know his character well, thought that he was not the type of the Japanese militarist, but the pure-minded man was at last mobilized as a military man. People in his neighborhood who knew 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 lead not only his subordinates but also the inhabitants of the occupied territory and would never do unlawful things.

After he went to the front, we often received his letters, in which we could guess that he was as gentle as when he was in our village and that he never committed crimes. He was always thinking of his native village, and was sympathizing for the miserable 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 went and our imagination was not mistaken.

His comrades and subordinates came back. They told us that he was well and that he was not ashamed of himself before God 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 nothing but a consolation. And we believed that his gentle character since he had been young was well expressed 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 them we feel very sorry for them. We think that this is the saddest thing in the world. These four persons who are looking forward to the return of their son, husband, father and brother are almost crazy, and are praying to God to save him.

Members of the Commission of the United States, we humbly beg your kind consideration for these circumstances and that you will deal leniently with him so that he will soon be innocent and be able to go home.

CERTIFIED TO BE A TRUE COPY

James P. Henry
LIEUT. GEN.

Exhibit 99a(1)

0413

6 December 1946

Inoue, Nitsuo (clerk)
Inoue, To (public official)
Inoue, Munetoshi (public official)
Inoue, Masumitsu (public official)
Makai, Yachiyo (public official)
Inoue, Fukumi (public official)
Kikuchi, Satsuki (public official)
Inoue, Kinuko (public official)
Kikuchi, Mitsuru (public official)
Inoue, Juichi (public official)
Kikuchi, Tsuyako (public official)
Inoue, Matsuo (public official)
Inoue, Kenaki (Futaiwamura Women's Party)
Inoue, Masaru (Chief of the Education Section of the
Futaiwa Young Men's Association)
Oasa-Fukikawa, Futaiwamura, Nishiusa-gun,
Shima-ken, Japan.

I certify the above to be a true and complete
translation of the original petition to
the best of my ability
/s/ Eugene E. Herrick, Jr.
Eugene E. Herrick, Junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Henry
LIEUT. JEN.

Exhibit 99(2)

0414

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

PETITION

Former captain, Imperial Japanese Army, INOUE, Fumio excelled in school, and is a man of good conduct, and gentle manner. I cannot understand why he should be a war criminal.

We feel sorry that INOUE, Fumio 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 hope, is working hard.

When we think of the feeling of his mother, we cannot help but make this petition in behalf of the mitigation of INOUE, Fumio. I sincerely beg you with all my heart you will sympathize with the age old mother. His family is as follows:

Mother - INOUE, Hideo
Wife - INOUE, Kimiko
Daughter - INOUE, Yoko
Sister - INOUE, Urako

YAMAGUCHI, Wakako
Shimo-ken, Yawatahama- City
Kitacho

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

James P. Keating
LIEUT. JEN.

100
Exhibit (a)

04 15

PETITION

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

The above person is now confined as a war crime suspect, but he has always been a man of high and moral character. We cannot believe that he would ever do an immoral act against humanity. Please be lenient with him and return him safely.

NAGAI, Akira
Teacher of Futaiwa Primary School,
Nishiwa-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

MAJEST, USN

101 (a)

04 16

To the US Military Commission of the Marianas Area.

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

1. Fumio is an important person in our village and is kind to everybody.
2. Fumio would never commit such a wrong deed as a crime. I think he did not commit the crime in this case of his own accord, so please deal leniently with him, he is not a man who does wrong acts.
3. Fumio is the head of his family, and his aged mother 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.

INOUE, Hisao.

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, USMC,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Keating
LIEUT. USN

102

"102" (a)

0417

Your Honor, the President and Members of the Commission.

PETITION

I would like to express my deepest thanks for your everyday's exertion. I was serving on Jaluit as a subordinate of Captain Inoue. Now I hear that he is to be tried soon. I would like to submit this petition in behalf of him whom I most trust and admire, and beg your lenient judgment. He was greatly relied and admired not only by me but also by thousands of military men, gunseku and natives of Jaluit. He was admired like Major Furuki.

Captain Inoue was very righteous and benevolent. Our duty was to prevent unlawful acts while carrying food at night by a small boat from the outlying islands, and Captain Inoue was our chief. I sometimes saw him going out on duty in rainy weather wearing his raincoat on his head, saying, "I think you are busy on your duty. I'll go by boat tonight." Even now, I can recall his figure.

Once I fell ill when I was on duty on an outlying island. It was a stormy night. But he called on me and consoled me saying, "How do you feel now. Shall I appoint someone else in your place?" I answered that he need not worry about me and that I am pretty well. He said, "Don'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 benevolent superior that we can be here today.

Captain Inoue was saying thanks to the natives. Whenever he went out to the outlying islands, he called me to his room and used to say to me, "Try to overlook trifling violations of consumption regulations by the natives. Strictly regulate military men not to do evil toward the natives."

As I stated above, he was the benefactor of our lives. Why he must be tried, I can not help thinking that it is a mistake. When he did anything at all, he was very careful and considerate. So I am convinced that he would never commit a crime. I beg you will admit the noble character of Captain Inoue, and you will have sympathy for his mother, wife, and daughter who are struggling on the verge of starvation in the countryside of Japan and are awaiting his return. I petition you that you will try him fairly and benevolently.

FUKATSU, Tadashi.

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

James P. Kerring
LIEUT. USN

Exhibit 103 (a)

0418

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

PETITION

I respectfully place this petition before you. In behalf of INOUE, Fumio, former captain, Imperial Japanese Army, who is now being held at Guam 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, Fumio is very intelligent and gentle. His thought is sound and has a deep sense of responsibility. He graduated from the Prefectural Commercial School located here in Yawatahama City 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 contact with the American forces.

I shall speak about his family. His father has died and now his aged mother, wife, sister and daughter are at home. Without any man to help them they are having great trouble in adjusting themselves to the violent changes of the post-war situation. They are earnestly awaiting 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
Shimo-ken, Yawatahama-shi
Saibansho-dori.

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

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

CERTIFIED TO BE A TRUE COPY

James L. Keating
LIEUT. JEN.

To the US Military Commission of the Marianas Area,

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

I am very much surprised to hear that he is unexpectedly confined in the stockade as a war criminal 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 maintain its livelihood without him.

I beg your kind consideration for these circumstances and that you will release him as soon as possible.

13 December 1946

INOUE, Toshiko
Fukihara, Futsu-mura,
Nishikawa-gun, Ehime-ken.

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

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

CERTIFIED TO BE A TRUE COPY

James P. Gentry
LIEUT. USN

105

0420

To the US Military Commission of the Marianas Area,

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

I hear that he is confined in the Guam stockade as a criminal suspect in the Jaluit natives' case. But INOUE was a man 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

KIKUCHI, Takeichi,
Rumi, Futsuomura, Nishimura-gun,
Shima-han.

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

James A. Kenny
LIEUT. USN.

106

(a)

0421

PETITION

Your Honor, the President:

I would like to express my gratitude for your everyday efforts. I am a leading seaman in the Navy who served on Jaluit. As Captain Inoue, who belonged to the Army unit, came under the command of the commanding officer, Masuda, of the Navy unit, I know about the character of Captain Inoue well. Really, Captain Inoue was a man of fine, admirable character in the Army and Navy units. I hear that Captain Inoue, a man of fine character, is to be tried as an accused, and I would like to petition you as follows:

Jaluit Atoll was entirely isolated, and we, several thousand, were on the verge of starvation. Inoue 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 night, Inoue was working hard to carry coconuts from the outlying islands. He was anxious for the health of even a humble private, asking him how he was getting on. I was an orderly of Rear Admiral Masuda. As he took meals together with Captain Inoue, I know well about the nature and the character of Captain Inoue. Whatever one might say, Captain Inoue was a man of responsibility. He made examples of himself in doing anything at all, was affectionate to his subordinates, and was a courteous man.

Owing to the efforts of Captain Inoue, this fine man in the army unit, we exist today. He is really the benefactor of our lives or the father of our lives. Can Captain Inoue, this fine person, commit a crime?

Your Honor the President: I beg your careful judgment after your seeking after the truth. At his home, his parents, brothers, wife and child have been waiting for his return for several years.

Your Honor, the President: I beg you will sympathize with them. I beg you that you will fairly, benevolently, and leniently deal with him as a representative of a civilized state.

4 April 1947

/s/ H. Masachika

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

Eugene E. Kerrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

"Exhibit 107A"

CERTIFIED TO BE A TRUE COPY.

James P. Henry
LIEUT. USN

0422

PETITION

Your Honor, the President, and the Members of the Commission:

I would like to express my gratitude for your everyday exertion.

Captain Inoue was a commanding officer of our army unit when we arrived together at Jaluit Atoll.

At that time, I was a private in the army, but I often went to the headquarters of the (then) Inoue unit for liaison. Even a private like me was struck with admiration at his mild and benevolent character.

Now I hear that Captain Inoue 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 arrived at Jaluit. He was such a mild man with a strong sense of responsibility and a spirit of inquiry. He was especially obedient to the orders. He believed in God and Buddha, and was affectionate to his subordinates. 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 avarice. He was humane, and he was affectionate and thankful to the natives.

I believe that the reason why thousands of our comrades could escape from starvation was that we had a man of such fine character on Jaluit. Can such a fine man commit a crime? If this answer is affirmative, I am afraid that it is a mistake. I beg you will fairly seek into the truth and you will carefully try him. We thousands of his comrades at the front cannot bear seeing Captain Inoue 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 believed it was right to do so. I beg you will see his true character with your sacred eyes as judges.

At his native village, his old parents, 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 accused and that you will fairly, benevolently and leniently deal with him as representative of a civilized and first-rate nation of the world.

4 April 1947
/s/ Akisaki, Masumi

To Your Honor the President,

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

Eugene E. Kerriek, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

James H. Kerriek, junior
Lieutenant, U. S. Naval Reserve,
Interpreter.

108

0423

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. Inoue 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.

Inoue Fumio 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 crime. 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 gentle 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 stand when I think of his mild 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

Yamano, Katsuaki
479 Minamitsukajima-cho, Taka-ku, Osaka.

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

James A. Keany
LIEUT. USN

"Exhibit 109 (2)"

0424

December 15, 1946

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

PETITION FOR INOUE, FUMIO.

I beg to make this petition.

I have heard that INOUE, Fumio is now being held as a war crime 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, YRAKO, 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, Fumio. Please, grant my humble wish.

FUJII, Shinako
Shine-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. KERRICK, Jr.,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY
James L. Henry
LIEUT. USN

Exhibit 110a

0425

Your Honor, the President and Members of the Commission:

PETITION

I would like to express my gratitude for your day by day exertion. When I was serving on Jaluit, I was a Navy petty officer. When the conditions of Jaluit grew worse, and the members of the navy unit which had but few men were endeavoring hard but with great uneasiness, the army unit came under the command of the Commanding Officer, Masuda, of the navy unit. It was at that time when I came to know Captain Inoue. Since then, the more I came in close contact with him the more I felt his fine character.

Now I hear that Captain Inoue whom I most admire is to be tried as an accused, and I would like to petition you as follows in behalf of this fine person.

It was Captain Inoue who did his best and rescued us from danger at the risk of his life when Jaluit was entirely isolated, and we had no food nor ammunition and we lost our courage even to fight, on account of our uneasiness and despair. For Jaluit and for his fatherland, he didn't care about his own life. He was very loyal. 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 on the other hand he was very affectionate to his subordinates. He never failed to come to encourage us at our anti-aircraft MG battery after the air raids although we belonged to the navy. He carried injured soldiers on his back to the dispensary. When he found a man complaining about hunger, he gave him his own ration without eating it himself. He was really a fine man, and not only the man of the army unit, but also the man of the navy unit, admired and thanked him.

He was free from avarice. He made a clear distinction between official and private affairs. He was very benevolent. Especially, he loved natives and was thankful to them.

He used to tell us that the natives were the benefactors 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 subordinates such as were said to be frequent on the other bases. Officers and enlisted men shared hardships together and we were able to maintain order and unity until the end of the war.

Can a man whom all men on Jaluit said was a good man commit a crime? If he did, it was a mistake. It was his proper disposition which enabled us thousands of men on Jaluit to escape from starvation. If he had not been on Jaluit we would have been dead. He is the father of our lives and the Savior of Jaluit. It is unbearable for me to see the benefactor of our lives punished, and at the same time I can not understand why the great benefactor of many lives has to be punished.

I beg your wise seeking after the facts and your careful judgment. Anyone who is once acquainted with him will know that he is the man who can do only what is right. He acted because he believed it was right to do so. I beg that you will understand his true character and the truth within him. I also beg your kind consideration for his parents, sister, wife and child at home who have been looking forward to his return for several years.

CERTIFIED TO BE A TRUE COPY

James P. Kerry
LIEUT. USN

Exhibit 111(a)(1)

0426

I beg that you will understand what I have just mentioned, that you will see the true character of the accused and that you will benevolently and leniently deal with him.

4 April 1947

SUGAWARA, Toshio

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.

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

CERTIFIED TO BE A TRUE COPY

James P. Keary

LIEUT. USN

Form 111(a)(2)

0427

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

PETITION FOR INOUE FUMIO, FORMER CAPTAIN IJA
FUKIGAWA, FUTAIWA-MURA,
NISHI-UWA-GUN, EHIME KEN,
BORN FEBRUARY 5, 1912

It is reported that the above mentioned person is now being held as a war crimes suspect. From primary school days he was a very quiet boy.

When he grew 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.

INOUE, SHIGEO
Assistant Head of Futaiwa-mura.

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

James P. Kennedy
LIEUT. USN

Exhibit 112a

0428

To the United States Military Commission of the Marianas Area.

PETITION

I am a civil engineer who is working at the Osaka 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 Guam stockade as a criminal suspect in the Japut 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 Inoue 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, Civil
Engineering Section, Reconstruction
Bureau, Osaka Municipal Office,
139 Wada, Minamikedamura, 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.

CERTIFIED TO BE A TRUE COPY

James A. Keany
LIEUT USN

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

Exhibit 113

0429

PETITION

For: INOUE, Fumio, former captain, Imperial Japanese Army.

On learning that my brother is being confined at the Guam stockade as a war crime suspect in the Jaluit native case, I, his small sister grieving over the sorrowful fate and feeling great anxiety, wish to place this petition before you.

We lost our father before my brother was very big. When he reached the age of discretion, he helped mother and was very dutiful to her. As a brother he was always kind and noble. He loved peace never quarrelled with others and loved to read. He also was fond of fishing and his small catch would always lighten up our poor meal. I cannot possibly 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 awaiting the day of judgment. If I only had wings to fly to him!

Whenever mother looks at the clear moon and whenever she smells the fragrant odor of a flower she grieves over her son.

When one asks my small niece about her father she answers, "in Guam" and her eyes are filled with tears.

Please have pity on our unhappy family and be lenient with my beloved brother.

In closing I swear to God that my brother is a man of gentleness and purity.

INOUE, Urako, sister.

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

James P. Kenny
LIEUT. JEN

"Exhibit 114(a)"

0430

PETITION

For: INOUE, Fumio, Former Captain, IJA.

From: INOUE, Hisai, Mother.

I beg to place this petition before your honor, the President of the Military Commission, Marianas Area.

From childhood, FUMIO was honest, upright and noble. He was always peaceful and quiet, so I cannot believe he has committed a grave crime.

He was brought up by my slender arms in this remote village surrounded by beautiful mountains and a river. He may have a slightly feminine character, but I swear to God that he is not barbaric.

Since learning FUMIO is confined in the remote island of the South Seas, I feel as if I were torn apart. In sleep I see him in my dreams and when I awake I pursue his illusion and always live in sorrow.

If we cannot have FUMIO back with us, my little grandchild and myself would be at a complete loss. I beg your lenient judgment and please send him back to us soon.

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

E. E. KERRICK, JR.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Henry
LIEUT. JEN

EXHIBIT 115 (a)

0431

PETITION.

To: The American Military Commission, Marianas Area.
For: INOUE, Fumio.

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 clemency 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 Prefectural 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 crime 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.

KANENARI, Isao,
Ehime-ken, Yawatahama-shi
Hirose

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
James P. Kenny
LIEUT USN

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

"Exhibit 116(a)"

0432

PETITION.

To : The American Military Commission, Marianas Area.
For: INOUE, Fumio

I beg to place this petition before you.

INOUE, Fumio who is now being confined at the Guam stockade as a suspect in the Jaluit native incident, is an alumni of Rhime-Prefectural Commercial School located here. He is fair, gentle, sincere. During his 1st, 2nd, 3rd, and 5th years at school he was absent once and his marks were excellent. When he graduated he was 8th 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 man he was to the family and community. His sister URAKO graduating from the Yawatahama 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 INOUE Fumio was involved in the said incident and now being tried. Calmly considering this, I believe the act which INOUE 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 INOUE, Fumio 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 Rhime-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.

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

CERTIFIED TO BE A TRUE COPY

James P. Keany
Lieut. USN

"Exhibit 117 (a)"

0433

To Your Honor, the President and the Members of the Commission of the Commander
Marianas Area.

PETITION

I would like to appeal to your sympathy and submit this petition before
you in behalf of Captain Inoue, Funic whom I most admire and respect.

Captain Inoue is a man of pure integrity and is a sincere man. He served
with me on that miserable ruin of Jaluit. Whenever and whatever orders he
was given by his superiors, he never complained, not even a word. When the
air-raids were intense, he used to sit calmly at the desk of his room and was
lost in meditation day and night. At night with only a gloomy light of a
candle, he busied himself in making plans, and earnestly devoted his whole
energy in his duty.

I have heard that on each Japanese base in the Pacific, thousands or ten
thousands of men died from starvation, one after another, and especially on
each base of the Marshalls 50% to 70% of each unit died from starvation.

However, on Jaluit only a few men out of 2000 starved, and we had no
natives die from starvation. It was because Captain Inoue, with his strenuous,
super-human efforts, took charge of regulation and supervision of the rationing
of food as the chief of the special police section and prevented Jaluit from
retrogressing and becoming like a hungry ghost.

If it had not been for his sincerity, Jaluit, like other Japanese bases,
would have become a living hell in which "The stronger prey upon the weaker"
and both the military men and the natives would have starved.

He was an affectionate man.

Around February 1945, people on Jaluit had but little food to eat, had
but little shelter in which to dwell and had but little clothing to wear.
He found a soldier wearing a dirty worn-out shirt, and gave him his clothing
out of his own. He was of such a fine character, and was conscience itself.
Why can he commit a crime? I can not think from any point of view that he is
a man who can commit a crime.

At his native village he has a family, his dearest wife, a young daughter,
an old mother, and a sister. They are looking forward to his return as the
main support of their family.

Your Honor, the President and Members of the Commission, I am feeling now
as if I were appealing for the mercy of God. I humbly beg you that you will
deal leniently with Captain Inoue whom we respect and admire.

Horikawa, Shigeru.

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

COPIED TO BE A TRUE COPY
James P. Kenney
LIEUT. JEN

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

"Machito 118 (a)"

0434

PETITION

To: The American Military Commission, Marianas Area.

For: INOUE, 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.
2. He is a man who cannot commit any inhuman acts in war. He only obeyed 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, Setsuko.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Henry

119

"REMARKS" (a)

0435

PETITION

To: The American Military Commission, Marianas Area.

For: INOUE, Fumio, Former Captain.

1. The above person is sincere, gentle and a man of high character in the village.

2. He cannot commit 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.

IWAMOTO, Emiko.

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

EDGEM E. KERRICK, Jr.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keany

LIEUT. USN

"EXHIBIT 12(a)"

0436

PETITION

To: The members of the American Military Commission, Marianas Area.

For: INOUE, Fumio, Former Army Captain.

1. The above person is sincere and gentle and one of the noblest men in the village.

2. His is not a man to commit any inhuman crime.

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.

IWANOTO, Chieko.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keary

LIEUT. USN

EXHIBIT 121 (a)

0437

PETITION.

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

On learning that INOUE, 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 officer. 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 INOUE 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. INOUE 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 impartial judgment. I am also of this hope.

Owing to the above reason, I beg your most impartial judgment and place this petition in behalf of INOUE, Fumio.

NAKAMURA, Masao
Ehime-ken, Yawatahama-City
Hirose.

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
James S. Keany
LIEUT. JG

"Exhibit 122(a)"

0438

December 15, 1946

PETITION

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 lenient judgement.

KIKUCHI, Tokuhisa
Ehime-ken, Nishi-Uwa-gun,
Futa-Iwa-gun, Nakatsugawa

KIKUCHI, Fumikiyo

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, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kenny
1. LEUT. JEN

"Exhibit 123 (a)"

0439

PETITION FOR MITIGATION

To: The American Military Commission, Marianas Area.

For: INOUE, Fumio, 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 lenient judgment for his mitigation.

NISHIMURA, Fumiko.

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.N.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. JES

"EXHIBIT 124(a)"

0440

December 15, 1946.

PETITION

To: The President of the American Military Commission.

I have learned that INOUE, Fumio, is now being held at the stockade, but every one in the village is fully aware that he is not a man to commit any inhuman acts. Especially, he is not to commit 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.

KAWATA, Shigemitsu,
Ehime-ken, Nishi-uwa-gun,
Futa-uwa mura.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Henry

LIEUT. USN

"EXHIBIT 125(a)"

0441

PETITION

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

In behalf of INOUE, Fumio, who is being tried now, I wish to place this petition and say that he is not a man to intend murder. Everyone is well aware that INOUE is sincere and gentle. At home, his mother 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 sincerely beg his mitigation.

MIYATA, Hatsuho,
Shimo-ken, Nishi-ura-gun,
Kawa-no-Ishi-mura.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James R. Keary
LIEUT. USN

RECEIVED 126(a)

0442

PETITION FOR MITIGATION

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

For: INOUE, Fumio.

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 child. He
has a very pitiful family.

I hope you will judge his daily conduct and I beg your lenient treatment.

KIKUCHI, Tokai.

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

EUGENE E. KERRICK,
Lieutenant, U.S.M.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. GEN.

EXHIBIT 127 (a)

0443

PETITION

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

I was very much surprised to learn that INOUE, Fumio, former Captain, is now being held as a war criminal.

He is honest and gentle. His conduct is sincere and in no way is he a man to commit any cruel act. He only obeyed superior orders.

Taking into consideration his good character, I beg your lenient judgment.

KIKUCHI, Sawao,
Nishi-ura-gun, Hida-mura,
Matsushita.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. JEN.

128

0444

PETITION

To: The American Military Commission, Marianas Area.

For: INOUE, Fumio, Former Army Captain.

The above person is now being held at the Guam Stockade as a war-crime suspect. I was surprised to hear this and pray that he will be exonerated.

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 blamed and swear that he is not a man to commit any inhuman act. His mother and sister are waiting for his return. I beg that his release will be soon.

INOUE, Yoshiharu.

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.N.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Keary
LIEUT. JEN

"EXHIBIT 129(a)"

0445

PETITION

7 December 1946

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

Re Army Captain Inoue, Fuzio.

I have heard that the above person is held as a War Crimes Suspect, but I confirm that he is a person with great gentle character, and a person with a human character who could not have committed a crime.

Looking back at his family at home, this wife and child are living with his mother and his step-sister very modestly because of no male hand to help them. Taking these points into consideration I beg you for a judgment of not guilty and his freedom as soon as possible.

**Inoue, Fuzio
Shimo-ken, Nishikawa-gun,
Futatabi-mura, Oaza-Futatabi.**

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.N.R.
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Kenney

TEU: BN

130 (a)

0446

PETITION

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

Petition for the Acquittal of the Case of Inoue, Fumio.

Inoue Fumio graduated from the Rhine-han Yawatahara Commercial School on March, 1929 with a very good record in scholastic matters and in conduct. Furthermore when he went out into the business world, he worked with all his power and with honesty and did many meritorious deeds.

He has a very high character and is always gentleman-like.

At home his aged mother, wife, and child (age 4 years old) are praying for his return as soon as possible.

I beg from the bottom of my heart for the acquittal of Inoue.

Inoue, Fumio
Rhine-han, Yawatahara-shi)
Shikoku.

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

EDWARD E. KERRICK, Jr.
Lieutenant, U.S.N.R.
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LIEUT. JEN

131 (a)

0447

PETITION

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

I think you are busy everyday in this hot weather.

Captain Inoue who is now being tried was the benefactor of the lives of two thousand military men of the Jaluit Defense Garrison. I hear that our benefactor is being tried, and I am very anxious about him. I would like to beg your consideration and sympathy and place this petition before you.

The duty of Captain Inoue in the Jaluit Defense Garrison was that of chief of the Special Police Section and the administrator of the farm program. Both the duties were really hard ones, but Inoue did them earnestly. He had respect and admiration for his working figure. He was impartial, enthusiastic and earnest in dealing with affairs. No one complained about what he did. Inoue had the two duties mentioned above. The main job in the former was to prevent violations of the economy of food program in order to prevent from starvation, in the latter to raise crops on the sandy soil of the Atoll, and both of them were very hard jobs to do for one man. But if he had not succeeded in carrying out his duty, I don't know what would have become of us. We should have been in as miserable conditions as those on the other bases of the Pacific, and most of us would have been starved.

I have heard about the miserable conditions of starvation on the other bases many times. Of course, Jaluit was also on the verge of starvation but was better than the other bases to some degree. This part was made possible by the hard efforts and faith of Captain Inoue. Because the benefactor of the lives of two thousand soldiers is being tried. I can not help wondering if there is a god of justice in this world.

I once heard from an officer that Rear Admiral Nagata said to him, "If I can go back to my fatherland, I shall go the War Department first, and shall have to report to the Army minister the merits of Major Furuki and Captain Inoue. Really, we owe that we are today to Captain Inoue."

I hear that his old mother, sister, wife and child, all of them are women or children, are waiting at home for his return.

Your Honor, the President, I beg your sympathy for this family. I beg your consideration for what I have just mentioned.

3 April 1947

Inoue Katsunori

To Your Honor, the President.

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

James R. Kenny
LIEUT. JEN

HUGHES E. HENNING, JR.
Lieutenant, U.S.N.R.
Interpreter.

132

(a)

0448

To: The members of the American Military Commission, Marianas Area.
For: INOUE, Fumio, former army captain.

PETITION

The above person is of good manners, and gentle, his acts are sincere and he is diligent in his work. His thoughts are sound and speech clear. 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 crime suspect. He was only doing his best in performing his duties as a military man, who was led by wrong feudalistic thoughts and a sense of responsibility.

At home his family is waiting for his return. I beg your lenient judgment so that he might be able to return to his family who is waiting for his return.

HAMANE, Takiko
Shimo-ken, Yamatahara-city,
Mikami-nada

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

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

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LIEUT. USNR

133
Exhibit _____ (a)

0449

PETITION.

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

Former Army Captain INOUE, Fumio is from Nishi-Iwa-gun, Putaiwa-mura. 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 Yawatabama Commercial School, Shimeku-kenand he was an excellent student there. His character is honest and gentle. He is obedient 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 INOUE family because Fumio 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 lenient judgement and pray that he shall not be a war criminal.

KAWAKAMI, TOSHIKO
Shime-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.

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

CERTIFIED TO BE A TRUE COPY

James A. Kenny
LIEUT. USN

"Exhibit 134 (a)"

0450

PETITION FOR MITIGATION

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.

YAMAZAKI, Toshiko
Khime-ken, Nishi-Iwa-gun
Yawatahama City
Saiwai-cho 1 Chome

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

Jesse A. Kenny
LIEUT. USN

"Exhibit 135 (a)"

0451

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

PETITION.

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 crime. 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 told his wife to live strongly.

I cannot help but shed tears when I think that INOUE had already made his determination.

I beg your lenient 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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

1.1.1.1. USN

"Exhibit 136(a)"

0452

PETITION.

To: The members of the American Military Commission, Marianas Area.

INOUE, Fumio has at home an aged mother, wife, daughter and sister. When I learned that during his absence from home they have been meagerly supporting themselves by agriculture under the present difficult living conditions, I could not help but sympathize with him. I beg your kind consideration of this poor family and ask your permission to have him sent back soon.

NAKAOKA, Yukiko,
Shimeken, Yawatahama 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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LEUT. USN

"Exhibit 137(a)"

0453

PETITION.

To : The members of the American Military Commission, Marianas Area.
For: INOUE, Fumio, former Army captain.

INOUE, Fumio 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
Mihase-ken, Yawatahama 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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keany

WITNESSES

138

0454

To: The members of the American military commission, Marianas Area.
From: INOUE, Fumio, former army captain.

PETITION

The above person is of good manners, and gentle, his acts are sincere and he is diligent in his work. His thoughts are sound and speech clear. 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 crime suspect. He was only doing his best in performing his duties as a military man who was led by wrong feudalistic thoughts and a sense of responsibility.

At home his family is waiting for his return. I beg your lenient judgment so that he might be able to return to his family who is waiting for his return.

KAMEI, Hatachi
Shimo-ken, Nishi-ura-gun
Kusanoishi-mura

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

James P. Kennedy
LIEUT. JNR.

Form 139 (a)

0455

December 16, 1948

To: The members of the American military commission, Marianas area.

PETITION

I beg to place this petition before you in behalf of INOUE, Fumio, now being held at Guam as a war criminal.

INOUE, Fumio 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 man of the highest character.

He has left at home his mother of 97, his wife, his daughter who was born after he had left for war and his sister. He is indispensable to his home. As I have said he is a man of noble character and everyone acknowledges the fact that he is certainly not a man to commit murder. He only faithfully executed the orders of his superior.

I beg your acquittal and hope you will send him back soon. As a friend of URAHO I beg to make this petition.

KIRUCHI, Unije
Shimo-kan, Yamotahara City,
Shokoku

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, USMC,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. USMC

Exhibit 140 (a)

0456

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

PETITION.

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 implicitly.

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 am a girl working to rebuild Japan.

ASAKA, Kiyoko
Shime-ken, Yawatahama City,
Kawanouchi

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

James R. Kenny
LIEUT. USN

141
"Exhibit (a)"

0457

PETITION

I was formerly on Jaluit.

I have heard that the trial of Inoue, Fumio, Ex-captain, IJA, will be held. I heartily hope for a 'not guilty' of Inoue, Fumio, in this document, and beg your Honor, the President, will find him not guilty.

Inoue, Fumio, was really an upright man. He was free from avarice, temperate, impartial and kind to other people. He was a man of such character.

Although I served for long years in the Army, I have not met 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 committed 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 criminal character.

I strongly maintain that he could not commit a crime and that he was of humane character. I beg that you will find him not guilty.

I beg your kind consideration and that you will give him a fair judgment.

10 December 1946

Respectfully,

**KAWAGUCHI, Kenichi,
Sekiya, Katsunuma, Kunago-gun,
Ymaguchi, Hon.**

To the United States Military Commission 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.

**Eugene E. Kerrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. JEN

"Exhibit 142"

0458

PETITION

Your Honor, the President, and Members of the Commission:

I would like to express my deepest gratitude for your exertion, and I would like to place this petition before you in behalf of Captain Inoue, Fumio, the accused in the natives case. In the Jaluit Defense Garrison, there was no distinction between army and navy, and all of us followed the orders of the commanding officer and Major Furuki in our duty of self support and guard. I was a member of the Garrison. Whenever I was ordered to do the duty as guard of the outlying islands, I was told that the natives were the benefactors of 2,000 men on Jaluit and that I had to be kind to them and not to spoil their feelings. Very often, shows were dispatched to my island, Elizabeth Island. Welfare parties, and doctors were often sent. Raprous patients were protected in the islands where foods were abundant. Air raid shelters were built on the outlying islands. These benevolent activities were planned and performed by Major Furuki and Captain Inoue. They often made inspections for the welfare of the natives. But the accused, Captain Inoue, had the duty of the chief of the Special Police Section, who had the duty of regulating crimes. So I beg that you will understand that he is not a man who commits a crime. He cannot commit a crime whatsoever. The home of Captain Inoue after the termination of the war will be Shikoku. I saw in the newspaper of Guam that they had a storm and tidal wave at Shikoku and many people were killed. His family who lost him as its head are really miserable. I hear that he has a child, wife and sister. I think they are now in a very miserable condition.

Your honor, the President, I beg your sympathy and consideration for him.

5 April 1947

/s/ Nishida, Mitsushi.

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

Eugene E. Kerrick, junior,
Lieutenant U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James R. Kearney
LIEUT. JEN

Exhibit 143a

0459

PETITION

To your Honor the President.

I would like to pay my respect to you for your exertion in this hot weather.

Hearing that Captain Inoue is to be tried, we, the members of the former Jaluit Defense Garrison can not help praying for him to be found not guilty, because he is a man of respectable character and was one of the benefactors of the members of the Jaluit Defense Garrison. Captain Inoue is so mild and modest that it may be thought that he is not a military man. If we deprive him of his earnest enthusiasm for his responsibility, he will be too mild to perform military affairs which require strictness in execution.

As the chief of the Special Police Section, he regulated the unlawful acts of starving people on Jaluit, and he performed his duty without finding out any serious crimes against the rationing of provisions. If we had not had such a faithful, sympathetic man on this duty, the lives of thousands of us would have been destroyed by trouble among ourselves. When we saw the behavior of Captain Inoue which seemed to us like justice itself, we could not commit unlawful acts no matter how pained we were.

Captain Inoue, as a right hand man of Rear Admiral Nagata endeavored to the utmost in order to maintain the lives of two thousand people on Jaluit. We can see clearly how Rear Admiral Nagata and other people were thankful toward Captain Inoue in the words of Nagata at the end of the war: "If I could win the war and go home, I would report the merits of Captain Inoue to the Army Department before those of anyone else."

Captain Inoue who is now to be tried is not a man who fought hard for our lives but only a mild, innocent person called Inoue, because he discharged his duty as a military man to which he had to do his best.

I cannot help shedding tears when I imagine how Captain Inoue is worried, thinking of his mother, wife, and daughter who are remaining in miserable Japan. Captain Inoue is the only son, only husband and only father for these three helpless persons. I beg you that you will have kind consideration.

5 April 1947

Sakada, Sawaki
Ex-Jaluit Defense Garrison.

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

Eugene E. Kerrick, junior,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James R. Kenny
LIEUT. JEN.

Exhibit 144c

0460

To the US Military Commission of the Marianas Area.

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

I am very much surprised to hear that he is unexpectedly confined in the stockade as a war criminal 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 circumstances and petition you that you will release him as soon as possible.

13 December 1946

INOUE, Masaru
Fukikawa, Futaiwamura, Nishiuwa-gun,
Ihime-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenney
LIEUT. USN

"Exhibit 145 (a)"

0461

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 abhorred 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 old 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 pitiable. I beg that you will give him a lenient sentence.

5 December 1946

Inoue, Yukie
Member of the Women'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

James P. Kenney

USNR USN

"Exhibit 146 (a)"

0462

PETITION

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 him 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.

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

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LIEUT. JEN

1470

0463

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. 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 weak 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.

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

CERTIFIED TO BE A TRUE COPY

James P. Keany

LIEUT. USN

"Exhibit 148 (a)"

0464

To the US Military Commission of the Marianas Area.

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
Putaiwasur, 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.

CERTIFIED TO BE A TRUE COPY

James P. Henry
LIEUT. JEN.

"Exhibit 149 (a)"

0465

To the US Military Commission of the Marianas Area.

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

I hear that he is now confined in the Guam stockade as a criminal suspect in the Japut 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.

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

James P. Kenny
LIEUT. USN

150
"Exhibit _____ (a)"

0466

To the US Military Commission of the Marianas Area.

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

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 sake of his child.

14 December 1946

YOKOHAMA, Jinichi
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.

CERTIFIED TO BE A TRUE COPY

James P. Hendry

USNR USN

Exhibit 6 151 (a)

0467

To the US Military Commission of the Marianas Area.

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

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
Oaza-Isumi, 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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. JEN.

"Exhibit 152 (a)"

0468

To the US Military Commission of the Marianas Area.

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

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,
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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

"Exhibit 153 (a)"

0469

To Your Honor, the US Military Commission of the Marianas Area.

PETITION FOR CLEMENCY IN THE CASE OF INOUE, FUMIO.

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.,
Lieutenant, USNR,

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. JEN.

154
"Exhibit (a)"

0470

To the United States Military Commission, Marianas Area.

PETITION

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, Futaba-mura, Nishikuwa-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenney
LIEUT. USN

"Exhibit 155 (a)"

0471

To the US Military Commission of the Marianas Area.

PETITION FOR CLEMENCY IN THE CASE OF INOUE FUMIO.

Inoue 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. When 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, 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.

CERTIFIED TO BE A TRUE COPY

James A. Kenny
LIEUT. USN

Exhibit 156 (a)

0472

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO THE CRIMINAL SUSPECT OF JALUIT NATIVES' CASE.

7 December 1946
ONO Tokamatsu
Oasa-ShimoKensan, Miyoshisura
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 lenient 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 for him when he will be tried. I hereby beg you that you will deal leniently 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.

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

CERTIFIED TO BE A TRUE COPY

James P. Kenny
JURY MAN

"Exhibit 167(a)"

0473

To the US Military Commission of the Marianas Area.

PETITION.

I was repatriated from Jaluit in November 1945.

I feel very sorry that INOUE Fumio is not yet demobilized.

When I was on Jaluit, I was working under INOUE, Fumio. 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, Gichi
13 Horibatadori, Uwajimashi,
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.

CERTIFIED TO BE A TRUE COPY

James P. Henry
LIEUT. JEN

"Exhibit 158 (a)"

0474

To the United States Military Commission, Marianas Area.

PETITION.

In the same unit for a long time, I lived together with Inoue Fumio, ex-captain, IJA, who is now confined in the Guam 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 military officers. He was always kind and benevolent toward subordinates and natives, and was loved and yearned after by people as a kind officer - still less was he a man who committed crimes 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 crime and not the persons who commit it, I beg you from all my heart to deal leniently with him and send him back to his loving 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 character is.

It is unbearable for us to lose such a man of character. That is why I humbly place this petition of clemency before you and beg you that you will mitigate his punishment or pardon him.

7 December 1946

YANO, Shube
851 Hidomura, Nishiuwagun, 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.

CERTIFIED TO BE A TRUE COPY

James R. Kenny
CHIEF, JEN

Exhibit 159 (a)

0475

To the Military Commission, Marianas Area.

PETITION.

Inoue Fusio who is now before your Military Commission as a war criminal suspect in the Jaluit case is the man with whom I shared hardships for more than three years.

Inoue Fusio was a devoted believer, friendly to people and was a reasonable man. I have never heard of anyone 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 Inoue Fusio or pardon him.

December 1947

KAMEMOTO, Shin
6 of 3 Midorigi-cho, Sumiyoshi-ku,
Osaka.

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

Jane S. Kenny

WELT. WEN.

160

"Exhibit _____ (a)"

0476

To: The members of the Military Commission, Marianas Area.
From: Inoue, Fumio, former captain.

PETITION.

INOUE, Fumio during his primary school days was a good, honest and excellent pupil. At home he was gentle and never did anything cruel or bad. 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 leniency and hope you will mitigate his sentence.

KAMIMURA, Sumiko.
Shimo-ken, Yawatahama City,
Kita-sho.

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

James P. Kenney

LIEUT. JEN

"Exhibit 161(a)"

0477

To the United States Military Commission of the Marianas Area.

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 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

KAMIKO, 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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. JG

"Exhibit 162 (a)"

0478

To the United States Military Commission of the Marianas Area.

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 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

James P. Kenny

1. LIEUT. USNR

163
"Exhibit (a)"

0479

To the United States Military Commission of the Marianas Area.

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 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

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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keamy

LEUT. JEN

Exhibit 164 (a)

0480

To the US Military Commission of the Marianas Area.

PETITION

I respectfully petition you.

INOUE, Fumio, Ex-captain, IJA, was gentle in nature and was benevolent, mild man. 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 without 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 INOUE, Fumio as soon as possible.

MITSUSE, Tokio
Wakayama, Futatabi-mura, Nishikawa-gun,
Shima-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
Lieut. USN

165

0481

To the US Military Commission of the Marianas Islands.

PETITION

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 commit 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 benevolence for his old mother, wife and child, who can not live without him.

15 December 1946

INOUE, Shizuka
Oasa-Wakeyama, Futsiwasura, Nishinawa-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LIEUT. JEN.

Form 166 (a)

0482

PETITION

To: **The American Military Commission, Marianas Area.**

INOUE, Fumio, has left at home his aged mother, 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, and 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 speck of malice. One year and several months have elapsed since the end of the war. Many of his friends have returned home, so please take into consideration the actual state of mind of **INOUE** and the situation at home and deal most leniently with him.

NINOMIYA, Kasuko,
Shimo-ken, Yawatahama City,
Hamano-cho.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Henry
LIEUT. GEN.

FORM 167 (a)

0483

PETITION

To: **The American Military Commission, Marianas Area.**

On hearing that INOUE, Fumio, is now being held at the Guam Stockade as a war crime suspect, I cannot but feel sorry 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 commit such a barbarous act. He had merely 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 sorry for them. And there is his five year old daughter who was born after he had been called out, and how sad she would be when she later learns that her father had been executed.

Please consider all these facts and mitigate his punishment so that he may return to his home soon. I beg your clemency.

MIYOSHI, Etsuko,
UTSUNOMIYA, Tomoko,
Shimi-ken, Yamatahara 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.,
Lieutenant, U.S.M.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kenny
LIEUT. GEN.

168 (a)

0484

PETITION

**To : The Members of the American Military Commission.
For: INOUE, Fumio former army Capt.**

The above person lost his father when he was a child and now at his home his mother, wife, sister and child are bearing the hardships of life. He has been of gentle character since childhood and is not a man to commit any criminal acts. He has been respected by his village people. I beg your kind consideration as to his judgment.

TAKANURA, Kenichi.

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.M.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

169 (a)

0485

PETITION

I was a member of the Navy unit on Jaluit which became isolated in 1944. Owing to the shortage of food, we were on the verge of starvation. We really owe what we are today and the fact that we could escape from starvation to the efforts of Captain Inoue, not to speak of Rear Admiral Masuda.

Now, this man of fine character is to be tried, and I would like to petition you as follows.

Captain Inoue of the Army unit was of fine character and much confidence was placed in him by Rear Admiral Masuda, the commanding officer of the Navy unit. He was of as fine a character as Masuda's.

He was thoughtful, careful and very righteous.

He set the example himself when he did anything. He was full of a sense of responsibility. We, Navy Petty Officers were all struck with admiration to see the strict attitude of Captain Inoue of the Army unit in military training. On the other hand he was polite, benevolent and kind to his men. He used to pray for the life of "Jaluit", and believed in God and Buddha.

I heard that he was thankful and affectionate to the natives and that he strove for the benefit of the natives.

It is unbearable for me that he, a man of fine, human character, the benefactor of our lives, is going to be punished. I beg your careful judgment with your insight. I also think, that it was because he was a man of such fine character that we could maintain our unity in such miserable conditions without any conflict between superiors and subordinates.

I beg that you will sympathize with his parent, sister, wife and child in his village who have been waiting for his return for several years. I beg you that you will find him innocent with your fair, benevolent judgment.

5 April 1947

Moriura, Tokio

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

HUGH E. HERRICK
Lieutenant, U.S.N.R.
Interpreter.

170 (a)
"EXHIBIT"

CERTIFIED TO BE A TRUE COPY

James P. Kennedy
Lieut. USN

0486

To the United States Military Commission of the Marianas Area.

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 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, Ichiru

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

James P. Henry

LIEUT. JG.

171
"Exhibit (a)"

0487

PETITION.

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.

- 10 December 1946

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

James P. Kenney

UJEU JSN

Exhibit 172(a)

0488

To the United States Military Commission of the Marianas Area.

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 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

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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Henry

11000 USN

Exhibit 173(a)

0489

To the United States Military Commission of the Marianas Area.

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 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

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

James P. Kenny

LIEUT. USN

Exhibit 174(a)

0490

To the United States Military Commission of the Marianas Area.
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 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

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. KERRICK, Jr.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James C. Kenny

USNR USN

175
"Exhibit _____ (a)"

0491

To the United States Military Commission of the Marianas Area.

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 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

KIKUCHI, Masayuk

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

James P. Kenny
LIEUT. USN

"Exhibit" 176 (a)

0492

To the United States Military Commission of the Marianas Area.

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 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

SITIBATA, Hiroshi

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

James P. Henday
LIEUT. USN

Exhibit 177 (a)

0493

To the United States Military Commission of the Marianas Area.

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 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

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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

1LTJG, USN

178

"Exhibit _____(a)"

0494

To the United States Military Commission of the Marianas Area.

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 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

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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. JEN.

"Exhibit 179 (a)"

0495

PETITION

To : The Members of the Military Commission, Marianas Area.
For : INOUE, Fumio, former army Capt.

The above person is a gentle character and I cannot think that he can commit a crime. At home he has left only women and a child and they are having a hard time in making a living. I beg your consideration and that you mitigate his sentence.

INOUE, Fujimi.

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.M.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keamy

U.S.M.R. USN

"~~Form 180~~ (a)"

0496

PETITION

To: The American Military Commission, Marianas Area.

I have learned that INOUE, Fumio is now being confined, but he is not such a bad man. His sister was my senior in the Yawatahama Girls School and she too was a very fine person. Judging from her, I cannot think of him as a bad man. I believe he merely obeyed his superior's order and had no intention of malice whatsoever. INOUE, Fumio 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. Fumio may be compared with a prep to his family. If his crime is not mitigated, they would be in the most pitiful situation. I beg you, please have mercy on him. He only obeyed the orders of his superior so please deal leniently with him.

MATSUDA, Yoko.
Ebina-ken, Nishi-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.

EUGENE E. KERRICK, JR.,
Lieutenant, U.S.M.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LIEUT. JEN.

101 (a)

0497

To the United States Military Commission of the Marianas Area.
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 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

UTSUNOMIYA, 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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

Exhibit 182(a)

0498

To the United States Military Commission of the Marianas Area.

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 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

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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keany

LIEUT, USN

"Exhibit 183 (a)"

0499

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, EX-CAPTAIN, IJA

I heard from my teacher that INOUE, Fumio was a war criminal, and was very much surprised.

When he was at Futaivamura, 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 mitigate his sentence.

INOUE, Kanoo,
Futaiva National School,
Futaivamura, Nishikuwa-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

184(a)

0500

PETITION

To: The American Military Commission.

INOUE, Fumio former Capt., who is being held now in the Marianas and lonely awaiting the day he can return, is a gentle and sincere person. From his school days it has been said that he was always solemn and a model student with sound thought. He was always faithful and earnest to his duties. I cannot believe such a person could commit a cruel act. How could such a gentle and noble person like INOUE, Fumio commit such a thing. It must have been that he only performed his duties faithfully.

At home his aged mother who considers gentle INOUE, Fumio 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 ones left 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. Nevertheless, his mother being the center of the family they are working hard to overcome the difficulty with the hope that they will have him back.

When words came that he was being held as a suspect and would not be able to return, I can imagine how surprised and helpless the family, especially the mother, 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 help but write this petition. I beg your kind consideration for his family and hope you will commute his crime.

**HINOMIYA, Kazuko
Shima-ken, Nishi-ura-gun,
Hiyouchi-mura.**

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

**EUGENE S. KERRICK, JR.,
Lieutenant, U.S.N.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

185
"185" (a)

0501

To the US Military Commission of the Marianas Area.

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

I am greatly astonished 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 poor economic condition. I am very sorry for him. I beg you will deal leniently with him and that you will mitigate his sentence or Release him.

10 December 1946

NAITO, Yoshimitsu
Futaiwamura, Nishinaga-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
V. B. U. S.

186

"Exhibit _____ (a)"

0502

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, CAPTAIN, IJA.

Not only was he kind and mild, but also he tried to develop culture and loved peace. I wish I could have him again as the central pillar of our village. I can not think that he should commit atrocities. 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

KOHNO, Giso,
Futsiwanura, Nishikuwa-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.

CERTIFIED TO BE A TRUE COPY

James P. Kennedy
V. E. U. S. N.

187

EXHIBIT (a)

0503

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, EL-CAPTAIN, IJA.

I have heard that INOUE is to be tried in your military court. He was born in our village, and was well-behaved, mild and honest, and was admired by the village men. I believe that his crime during this war was not committed of his own accord. At his home, his old mother, wife and child are waiting for his return. I beg your kind consideration for the eagerness with which they are looking forward to his return, and that you will deal leniently with him.

INOUE, Tanehara
Putaiwamura, Nishinawa-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.

CERTIFIED TO BE A TRUE COPY

James P. Kerney
LIEUT. USN

188
"188" (a)

0504

To: The members of the military commission, Marianas area.

PETITION

INOUE, Fumio former captain, is from Shine-ken, Nishi-Iwa-gun, Futaiwa-sura and he graduated from the commercial school with an excellent record. He went 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 far away in the south.

His aged mother, sister, wife and daughter who is 5 years old are awaiting his return. Without man power, they are engaged in agriculture. If he should not ever return how discouraged they would be. He is the only person upon whom the family can rely. I can well imagine the shock that the sorrowful 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 acts. I am praying that his crime shall be dealt with leniently.

SAKAMOTO, Kiyoo
Nishi-Iwa-gun, Ma-ana-mura.

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

James P. Kenny

LIEUT. USN

189
"189" (a)

0505

PETITION.

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

I have heard that INOUE, Fumio, 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 leniency towards him.

His wife, his daughter whom he has not yet seen, and his aged old mother are waiting at home and they are struggling to support the family.

TSUZUKI, Chikako
Ebino-ken, Nishikuwa-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.

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

CERTIFIED TO BE A TRUE COPY

James P. Keany

VIEW. USN

"Exhibit 190 (a)"

0506

To the US Military Commission of the Marianas Area.
PETITION FOR INOUE, FUMIO, EX-CAPTAIN, IJA.

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 commit a crime. I beg you that you will send him back as soon as possible.

15 December 1946

UTSUNOMIYA, Sadao
Futaiwanura, 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.

CERTIFIED TO BE A TRUE COPY

James P. Keany

LIEUT. USN

191

"Exhibit _____ (a)"

0507

To the US Military Commission of the Marianas Area.

PETITION.

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 natives' case. If so, I think he was made to be a criminal by the evil propaganda of the leaders of the Japanese militarists. 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.

KANEMAKI, 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.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. USA

Exhibit 192 (a)

0508

To the US Military Commission of the Marianas Area.

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

1. Fumio was very mild, gentle, honest, benevolent and kind; and I could not find any faults in his character. All our village men admired him. Not only was he mild but also he settled any hard problems in rapid succession, 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-minded and gentle person.

2. Fumio is not a man who would violate humanity such as to commit a crime against others, to dishonor others or to do evils in order to gain. He is really a sincere and upright man.

3. Fumio'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 juht like a house without central pillar. I beg you from all my heart that you will find him not guilty and send him back to Japan as soon aspossible.

INOUE, Asako

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

James P. Keany

LIEUT. USN

193

0509

To the US Military Commission of the Marianas Area.

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

I am 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

INOUE, Kitora
Fukikawa, Futaisamura,
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.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. JG

194
"Exhibit _____(a)"

05 10

To the United States Military Commission of the Marianas Area.

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, Kazuo
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.

CERTIFIED TO BE A TRUE COPY

James P. Kenney
LIEUT. USN

"Exhibit 195(a)"

0511

To the United States Military Commission of the Marianas Area.

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, Eui

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

James P. Kenny

WELP. USN

"Exhibit 196 (a)"

05 12

To Your Honor the President of the US Military Commission of the
Marianas Area.

PETITION FOR CLEMENCY IN BEHALF OF INOUE FUMIO.

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
will be as good in future. I respectfully beg that you will deal leniently
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.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keany

1. LEV. 197

197

"Exhibit _____ (a)"

05 13

To the US Military Commission of the Marianas Area.
PETITION FOR INOUE, FUMIO, EX-CAPTAIN, IJA.

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 poor
living. I beg you will deal leniently with him.

WISHIMURA, Aiko

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

James P. Kenny
LIEUT. USN

"Exhibit 198(a)"

05 14

To the US Military Commission of the Marianas Area.

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

Inoue, Fumio was very mild when he was young and was very kind and benevolent 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,
Kume-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.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. JEN

Exhibit 199 (a)

05 15

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, CAPTAIN, IJA.

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, Nishiura-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.

CERTIFIED TO BE A TRUE COPY

James A. Kennedy
LIEUT. USN

"Exhibit 290(a)"

05 16

PETITION FOR MITIGATION

December 14.

To: The American Military Commission, Marianas.

For: INOUE, Fumio.

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 child to look after.

I beg you will judge his character by his daily conduct and deal most leniently with him.

**SUENISTU, Sadao,
SUENITSU, Takie.**

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.N.R.,
Interpreter.**

CERTIFIED TO BE A TRUE COPY

James A. Kenny
VICE, GEN.

201(a)

05 17

PETITION

To: The Military Commission, Marianas Area.

I have heard that INOUE, Fumio, former Army Captain is a war criminal 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 leniently with him.

KOBAYASHI, Mariye,
Nishi-awa-gun, Hida-mura.

I certify that 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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keany

LIEUT. JEN.

202 (a)

05 18

To the US Military Commission of the Marianas Area.

PETITION for Inoue, Fumio, Ex-Captain, IJA.

Fumio is very mild, benevolent, 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.

Fumio 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.

INOUE, Komachi

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

James P. Kenny
V. L. E. U. S. N. R.

203

"Exhibit _____ (a)"

05 19

To the US Military Commission of the Marianas Area.

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

He is mild in nature and of a noble 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 original petition to the best of my ability.

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

CERTIFIED TO BE A TRUE COPY

James P. Henry
LIEUT. JEN

204(a)

0520

December 10, 1946.

**PETITION FOR MITIGATION
in behalf of INOUE, Fumio,**

To: The American Military Commission, Marianas Area.

The above person is gentle, sincere and sound. 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 commit an inhuman act. I beg your lenient judgment and mitigation of his sentence.

KADOTA, Toshihiko,
Mhine-ken, Yawatahama City,
Daikoku-cho, 1 chome.

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.M.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LIEUT. GEN.

"SECRET 205 (a)"

0521

To the US Military Commission of the Marianas Area.

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

Inoue was a wild 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.

CERTIFIED TO BE A TRUE COPY

James E. Kerrick

LIEUT. JNR.

Exhibit 206 (a)

0522

To the US Military Commission of the Marianas Area.

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

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

HINOMIYA, Ryuse
Futaiwamura, Nishiusa-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.

CERTIFIED TO BE A TRUE COPY
James P. Kennedy
VICT. GEN.

"Exhibit - 207(a)"

0523

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, EX-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 leniently 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 E. KERRICK, Jr.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Ready

1 LIEUT. JG

208

"Exhibit _____ (a)"

0524

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, EX-CAPTAIN, IJA, OAZAFUKIKAWA, FUTAINAMURA,
NISHIUWA-GUN, EHIME-KEN.

He is of the best character.

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, Tokubei
Oaza-kawanai, Yawatahama-shi.

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

James P. Keady
LIEUT. JG

209

"Exhibit _____ (a)"

0525

PETITION FOR CLEMENCY IN BEHALF OF INOUE, FUMIO.

NISHIMURA, Ryo

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

CERTIFIED TO BE A TRUE COPY

James P. Kenney

REF ID: A66161

210

"Exhibit _____(a)"

0526

To the US Military Commission of the Marianas Area.

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

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
Futaiwamura, 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.

CERTIFIED TO BE A TRUE COPY

James P. Kennedy
V. J. JEN

"Exhibit 211 (a)"

0527

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

PETITION FOR INOUE, Fumio, 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 "INOUE, Fumio, former Army Captain.

With a pure heart of loyalty INOUE, Fumio 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 exonerated, 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.

KIKUCHI, Kikue,
Ehime-ken, Iwatahama 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.,
Lieutenant, U. S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kerney

W. E. J.

Exhibit 212a

0528

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Kikuchi, Ruitaro, Futaiwara,
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. FERRICK, Jr.,
Lieutenant, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Keating

LIEUT. JEN.

Exhibit 213a

0529

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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 1944.

Inoue, Toranori, Isumi, Futatsunuma,
Nishinaga-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. KERSTICK, Jr.,
Lieutenant, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. JG.

Exhibit 214a

0530

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Asai, Shichi, Futatsunura,
Kishima-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, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kerney

LIEUT. JES.

Exhibit

215a

0531

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Inoue, Munohara, Futsuwa-mura,
Nishinaga-gun, Shima-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, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kenney

LIEUT. JEN.

Exhibit 216a

0532

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Inoue, Makio, Putaiwa-mura
Nishinawa-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, U.S. Naval Reserve,
Interpreter.

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

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

Exhibit 217a

CERTIFIED TO BE A TRUE COPY

James P. Keenan

LIEUT. JES

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

0533

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Kikuchi, Tadashi, Futaba-mura,
Mishima-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, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James A. Kenny

CLERK, USMC

Exhibit 218c

0534

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Utsunomiya, Setsuyo, Isami, Futaba-mura,
Nishiura-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, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

LEUT. USN

Exhibit 219c

0535

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Kikuchi, Chotaro, Isami, Futaba-mura,
Nishinaga-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, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

WENT, DECEMBER 10, 1946

Exhibit 220a

0536

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Utsunomiya, Isamu, Isami, Futsuno-mura,
Nishino-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, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. USN

Exhibit 221 a

0537

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Kikuchi, Yaeji, Isumi, Futaiwamura, Nishimura,
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, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kennedy
LIEUT. JEN.

Exhibit 222a

0538

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Utsunomiya, Fumitomi, Oasa-Isami,
Futaiwanura, Nishimura-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, U.S. Naval Reserve,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. JEN

Exhibit 223 a

0539

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE FUMIO EX-CAPTAIN IJA

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.

Inoue Tetsukichi
Isumi, Futatabi-mura, Nishikawa-gun,
Chiba-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 COPY

James P. Kearney

1. DEPT. OF DEF.

Exhibit 224a

0540

To the US Military Commission of the Marianas Area.

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

I hear that he is confined in the Guam stockade as a criminal suspect of the Japuit natives case. But he is of noble character and mild in nature, so I think that he can not commit a crime. His remaining family consists of women and a child and they are in a miserable condition. I petition you that you will forgive him.

15 December 1946

Kikuchi, Moriso
Futsuimura, 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. FERRICK, Jr.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenney

LIEUT. USN

225
"Exhibit" (a)

0541

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, EX-CAPTAIN, IJA

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 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

UTSUNOMIYA, Yasuharu
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.

CERTIFIED TO BE A TRUE COPY

James P. Keany
LIEUT. USN

226

226 (S)

0542

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, RE-CAPTAIN, IJA.

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 mild 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

Kikuchi, Kichio
Futaiwamura, Nishiuma-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. FERRICK, Jr.,
Lieutenant, USNR,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

1LTJG, USN

Form 227(a)

0543

To the US Military Commission of the Marianas Area.

PETITION FOR INOUE, FUMIO, Ex-CAPTAIN, IJA.

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. 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

Kikuchi, Ichiro,
Isami, Futaiwamura, Nishinaga-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.

CERTIFIED TO BE A TRUE COPY

James P. Keany
LIEUT. USN

228 (a)

0544

To the US Military Commission of the Marianas Area.

PETITION FOR INQUE, FUKIO, SE-CAPTAIN, IJA.

I have heard that he is now confined in the Guam stockade as a war criminal 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 surely be ruined. His sister is now working at my bank and is maintaining the living of the family with her little income.

He is mild in nature, plain, chivalrous, and he takes the responsibility of other people. He is such a noble person that we, his juniors, all admire him.

I can not bear seeing what is happening to him without doing anything for him, because he was our senior and we are friends of his sister.

I respectfully place this petition, and beg you will have kind consideration for what I have just mentioned and ask that you will deal leniently with him.

HIZUNUMA, Sanekazu,
Yamatahama Branch Office of the
Shikoku Bank.

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

James P. Kenny

LIEUT. USN

Form 229 (a)

0545

To the US Military Commission of the Marianas Area.

PETITION

We have been living in a house next to INOUE, Fumio for long years. We were surprised to hear lately that Mr. INOUE is confined in the Guam stockade as a war criminal suspect. INOUE was mild and sincere in nature, warm-hearted 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 act against humanity. Especially after he went to the front, his family lost their main figure. His sister looks after his old mother and is a working woman. His wife also takes care of her old mother and is bring up her young child. When I see them, we can not help being moved with sympathy.

As the circumstances are as mentioned above, we hope Your Honor, the President will have special consideration for him and beg you will find him not guilty after your especially kind judgment.

December 1946

HASHIMOTO, Fumio.
HASHIMOTO, Hisako.
HASHIMOTO, Susuko.
Takikawa, Futaiwamura, Nishiuma-gun,
Shimo-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.

CERTIFIED TO BE A TRUE COPY

James P. Keany
V. B. U. S. N.

230(a)

0546

To the US Military Commission of the Marianas Area,

PETITION FOR INOUE, FUMIO, Ex-Captain, IJA.

He is wild and sincere 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 poor living. I beg you will be lenient with him.

UTSUNOMIYA, Masayoshi.

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, USMC,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny

1ST LT, USMC

Form 201 (a)

0547

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

PETITION

Under the wrong leadership of blind loyalty, INOUE, Fumie 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 cannot believe he is a man to commit any crime.

In the vortex of the post-war scarcity 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 getting weak and they are in a miserable situation. So without his early return their family is completely lost.

Such is the condition, so I place this petition and beg your clemency for his early return.

KIYOIE, Yoshiko
Yamatahara City,
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.

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

RECEIVED TO BE A TRUE COPY

James P. Kenny

LIEUT. USNR

232 (a)

0548

To the members of the American Military Commission, Marianas.

PETITION

I am a high school girl. I beg you will accept my humble request. I have heard that ISHIO, Fumio is now being tried as a war criminal, 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 road 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 impartial judgment in behalf of his pitiful family and himself. If he is saved I am sure he will be a big help in the reconstruction of a peaceful Japan.

EGAWA, Sumiko
Shimo-tan, Yawatahara-shi
Shincho, 5 chome.

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

James P. Kenny

LIEUT. USN

"~~Subject~~ 233(a)"

0549

To: The members of the American Military Commission, Marianas Area.

PETITION

When I learned that INOUE, Fumio, former captain had been confined as a war crime suspect I was much surprised and felt 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 position of shouldering the responsibilities of other people's bad deeds.

INOUE, Fumio excelled in school. He is sincere and righteous. Everybody acknowledged this. I cannot possibly think that a man of such character could violate human ways. Even though he experienced continuous defeat, 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 lenient judgment for INOUE, Fumio who is the physical and spiritual center of a farmer's family.

HAYASHI, Ritsuko
Shima-ken, Yawatahama City
Daikoku-cho, 2 chome.

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.

DETERMINED TO BE A TRUE COPY

James P. Kenney
1st Lt. USN

234(a)

0550

PETITION

To: The American Military Commission, Marianas Area.

We, girls student were very much surprised to hear about the situation of INOUE, Fumio, because he was such a good and fair person, who had no defects in his character.

How can such a gentle and fine person commit a wrong act.

His family is not very prosperous so if they should lose him they would be completely swept away by the waves of misery. When I think of this I cannot observe it except as a fire on the other side of the shore.

I beg your lenient judgment.

NINOMIYA, Kuniko,
Shimo-ken, Yamaguchi City,
Matsukage-cho.

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.M.R.,
Interpreter.

GENERATED TO BE A TRUE COPY

James P. Kearney

USC / USN

235
"RECEIVED" (a)

0551

PETITION FOR MITIGATION OF INOUE, FUMIO

To: The American Military Commission, Marianas Area.

INOUE, Fumio, was graduated from the Ehime-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 most 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 commit an evil act. At home he has a mother 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 lenient with him.

The DAIRORU Family,
Ehime-ken, Higashi-uwa-gun,
Ishi-shiro-mura,
Iwaki.

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.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

EXHIBIT 236(a)

0552

PETITION

To: The American Military Commission, Marianas Area.

Re: INOUE, Fumio.

I was surprised to hear that the above person is now being held at the Guam Stockade as a war crime suspect, and beg that he will be exonerated.

He is by nature sincere and honest. His relations with others are always friendly and with love he guides the others. His character is noble. When I think of our friendship throughout these years, I cannot help but be moved by his many teachings.

Judging from his noble character it seems as if it were a dream that he is being held as a criminal suspect. The people of the village have great respect for his fine character and swear that he is not a man to commit an ill-man act.

At home, now his aged mother is the center of the family, his sister has been working with all her might to help her mother. His wife is obedient to his mother and she is always a help and comfort to his sister. His wife is doing everything possible in bringing up his daughter. The people of the village have great sympathy for the family.

This is all in all, the love of mother for her son and the love of wife 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 -- sincerity.

Taking the above situation into account I beg your lenient judgment and with mercy please exonerate him.

INOUE, Shigetaro,
Khinu-hen, Nishi-Izu-gun,
Futa-Izu-mura, Fukigawa.

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

HUGH E. HERRICK, Jr.,
Lieutenant, U.S.N.R.,
Interpreter.

CERTIFIED TO BE A TRUE COPY

James P. Kenny
LIEUT. USN

FORM 237 (a)

0553