

Opening Statement For The Prosecution.

Delivered By Lieutenant Edward L. Field, USNR.

If it pleases the commission: The prosecution desires by way of its opening statement to give the commission a brief synopsis of the case which we shall present. Nothing that I shall now say is evidence nor is it in any way to be construed as such, but is merely an outline of the evidence that we shall disclose through our witnesses in order that the commission may follow better the evidence as it is revealed.

The presence of these three defendants before this commission is indeed a tribute to the painstaking diligence and perseverance of the investigators who are responsible for uncovering this outrageous crime. The facts of the case were hid behind what seemed to be an unsolvable maze of uncertainties. The passing of time, the events of war and the deliberate attempt of the accused to hide their crimes complicated the circumstances to such an extent that the investigators were literally "searching for a needle in a hay stack". It was only after tracing innumerable vague rumors and searching out and running down the most meager bits of information that the accused have been brought to justice.

Our evidence to prove the charges and specifications centers primarily around the eyewitness accounts of two natives of Truk whose presence here on Guam to testify before this commission represents the first time in their entire lives that they have been outside of the islands of Truk Atoll. The prosecution asks the commission to give most careful attention to the testimony of these two witnesses who are handicapped due to limited education, language difficulties and the normal uneasiness of appearing before such a body as this commission.

Our witnesses will reveal that prior to 17 February 1944 at least seven American prisoners of war came into the custody of the 41st Naval Guard Unit stationed at Truk Atoll and commanded by the defendant, Captain Tanaka. Extensive efforts have been exerted to ascertain exactly how these Americans happened to fall into the custody of the Japanese. The best information seems to indicate that they were sent as prisoners of war to Truk from the Marshall Islands in January 1944 although we are unable to prove just when or how they became prisoners of war. The specific identity of these seven prisoners of war cannot be further traced other than to show their nationality.

Our witnesses will show that on 17 February 1944 the seven Americans were first blindfolded, with their hands tied behind their backs, and then they were marched out on the sea wall in front of the headquarters of the 41st Naval Guard Unit. Next they were then forced to sit in a line on the sea wall with their feet dangling over the seaward side, whereupon the accused, Commander Danzaki, and the accused, Lieutenant (jg) Yoshinuma, then proceeded to simultaneously behead the victims with their swords one by one, allowing the bodies of the victims to fall into a marshy area at the base of the sea wall. Our witnesses will further show that one of the seven victims was not killed instantly, but was slashed across the shoulders and then run through the abdomen with a sword and fell from the sea wall into the marshy area at the base and that this helpless victim was allowed to writhe in agonizing and excruciating pain for approximately an hour before he was shot with a pistol by an unknown Japanese.

"I(1)"

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The prosecution will show that these executions took place with the full knowledge and acquiescence of the accused, Captain Tanaka, and that he witnessed the executions from the veranda of his headquarters approximately 50 meters from the sea wall. We have been unable to find any motive or purpose that promoted these executions and we are not able to prove with certainty just who originated the execution order although it appears that some form of approval or "go ahead" was given to the accused by higher authorities. We shall also show that there was absolutely no justification for these heinous atrocities and that the victims were afforded no trials or other due process.

The prosecution will further show that after this brutal and savage massacre had occurred that the Japanese covered the bodies of these victims and a little later planted sweet potatoes in this area. Our own witnesses will testify that the accused, Commander Danzaki, instructed them never to mention anything concerning this brutal crime and in addition we shall show that at the end of the war and prior to the arrival of American forces on Truk, the Japanese dug up this area by the sea wall and removed what bones and other evidence of their crime they could find and proceeded to place the same in metal containers for disposal in the ocean.

This then gentlemen, is a brief account of the diabolical conduct of the three accused who appear before you which we shall disclose through the testimony of our witnesses.

Edward L. Field
EDWARD L. FIELD
Lieutenant, USNR.

"I(2)"

1244

UNITED STATES PACIFIC FLEET
COMMANDER MARIANAS

6 November 1946

TO WHOM IT MAY CONCERN:

This is to certify that Fujiro Ishii, Lieutenant Commander, Imperial Japanese Navy, is at present at the U.S. Naval Hospital, Guam, as a patient. His diagnosis is Pulmonary Tuberculosis, active, Far-Advanced, and at present he is seriously ill.

His condition at present is such that it is impossible for him to appear in court or to be interviewed in order to obtain a deposition from him. It is not likely that any time in the immediate future his physical condition will be improved sufficiently to allow him to appear in court.

M. V. McCLOW
M. V. McCLOW,
Lt(jg) (MC), USNR

"J"

0003

政治風

[illegible]

暴露何物我々に及ばぬか分らぬ得る事——と大敵の
 上達の危懼軍師等々云々から——た其らの状況によらず
 へて張王裁断しんもの故に、わが方にも海軍大佐と
 し先任の所をなげき十一年秋頃から通ひた後に再び
 丁度と受け入れたんす——と云ふ一書も此——と未だ敬週

STATEMENT OF TANAKA MASAHARU.

I entered the Naval Academy in 1903, was appointed ensign in 1907 and then after several promotions came to be a captain.

I arrived at Truk Atoll on 27 December 1943, and served as the commanding officer of the 41st Naval Guard Unit for only fifty-five days. I was the subordinate of the 4th Naval Base Commander whose direct superior was the Chief of the 4th Fleet.

I was the commanding officer of the 41st Naval Guard Unit and took charge of sixteen batteries, four anti aircraft guns, communication facilities and the defense of the headquarters itself. I had about eight hundred men under my control.

One day during my fifty-five days' service at the 41st Naval Guard Unit our enemy made an air raid. We heard an air raid alarm at 4 a.m., that day and I had our men take their battle stations. The enemy's planes were ship based planes which came each time in groups of eighty to one hundred enemy planes over us.

The next day, they attacked us in the same way from 3 a.m., till noon. Their target was, at first, our three aerodromes which were soon damaged, and toward dawn, about 5 a.m., they began to attack our ships and transportation facilities. In the meantime many of our ships were set afire and sank, and the anchoring ground was covered with flames. The ships which could move were evacuated by having them escape from the anchorage.

Our planes soon took up their challenge, but the outlook of the battle seemed to be against us, and soon we had no planes of our own in the air. We could only return their fire by anti aircraft, and our damage continued to increase.

About 7 a.m., we were ordered by headquarters to rescue the damaged ships. We sent life boats and rescued them all.

About 10 a.m., it was reported that their battleships were bombarding Yawata Jima from the sea, that to the west their transport like ships appeared, and that their submarines penetrated into the Atoll. Then I was ordered by 4th Naval Base Headquarters to send one hundred men to defend Take Jima Air Base, and the men under my control suddenly became short. About 3 p.m., the headquarters above me ordered me to prepare for the defense of Dublon jointly with Army troops, and they were to send for three hundred Army soldiers from Dublon. 27K

On account of the terrible air raids, our losses increased rapidly. Thirty-six ships were sunk or damaged and thousands of men were killed or injured. We were very busy carrying these injured to the hospital. It took us all night through to bury our dead. At that time I determined to die thinking of our desperate resistance against the American landing.

About 3 p.m., an ensign (as my service at the Naval Guard Unit was so short, I do not know his name) came to me and asked me if he could execute the prisoners, because it was difficult for him to keep them under such

conditions. I thought that I could never execute them on any account. But since we found ourselves in such a difficult situation I thought it necessary to ask the headquarters about that. So I scolded him, "Such an important matter cannot be decided by me, a mere commanding officer of our unit. You must ask the headquarters about that."

He withdrew and seemed to tell Lieutenant Ishii about that. And Lieutenant Ishii came to me and asked, "May I ask the headquarters about the execution?" I answered, "You may." He withdrew and telephoned headquarters. After a while he reported to me that the headquarters ordered him to execute the prisoners. As I know that Japanese Naval Law well, I was much embarrassed. But since it was an order, I thought I could not help it.

The Japanese Naval Law states, "Be obedient to a strategic order or an order of a superior. Anyone who disobeys an order will be condemned to death...." That means we must obey these orders whether they are just or not, and the whole responsibility of the order lies upon the superior who gave the orders..

So, when I was asked by Lieutenant Ishii, "May I execute them?" I answered, "You may carry out the orders of headquarters," and Lieutenant Ishii seemed to relay the order to an ensign who took charge of the prisoners. After that I heard some officers quarreling outdoors as follows: "I don't like to execute them." "I cannot help it, because it is the order from headquarters."

Lieutenant Ishii came again and said that he intended to entrust the execution to Lieutenant Danzaki, and I answered, "You may." After a while it was reported by Lieutenant Ishii that they had carried out the orders of headquarters, and executed the prisoners. I went to the 4th Naval Base Headquarters, on the evening of the 17th and reported that the orders of the headquarters had been carried out - the prisoners had been executed.

I am an old man and was retired for thirteen years. My recall to active duty and my service of fifty-five days at Truk were difficult for me. On the day of the air raid I was confused and when I was told it was an order from headquarters, I believed it to be such and therefore agreed that such orders must be carried out because I had been an officer for twenty-one years and well knew the penalty for not carrying out orders. I had no intention to kill nor did I kill. I did not strike or assault anyone as I am charged with doing. I participated in no way in this incident.

As to neglecting my duty as commanding officer, I want to say that if there has been any neglect on my part there was no intention to do so. On the one hand I am charged with murder of which I am not guilty and then I am charged with neglect of duty arising out of the same incident. My duty was to carry out the orders of my superior officers and that I did. It seems strange that after a long and honorable navy career, I should be charged as a war criminal when I had no intent. All I did was with honest purpose and as an upright and honorable naval officer of the Japanese Navy.

I ask the members of this commission to judge me according to the circumstances of the case. I was ordered to active duty after thirteen years on the retired list and, when assigned as commanding officer of a small guard unit at Truk, did the best I could to carry out the orders of my superior officers. On that day there was no malice in my heart nor is there any now.


I had no premeditation nor did I participate with any others in any killing. My job was an operations job and it seems I am being charged with murder only because I was the commanding officer. Let the commission judge me in the light of all the circumstances, an air raid, prisoners in our very midst who might turn against us, a landing imminent. I, a very senior navy captain but who had been recalled to active duty after almost sixteen years retirement was suddenly after a few weeks in Truk in the midst of the most terrific air raid I have ever experienced. I might have made a mistake but my seniors, the 4th Base Headquarters were much more competent and I only obeyed what I thought was the better judgment of these, my superiors. It was difficult for me, an old man, to always do the thing that perhaps in light of other circumstances should not have been done. I relied explicitly on my seniors to do the right thing to protect the island of Truk from a landing which was considered imminent. This seems wrong to me, especially to charge me with murder.

Of that I am innocent, I acted in good faith, without any criminal intent but with honest purpose.

Respectfully,

TANAKA, MASAHARU.
CAPTAIN, IJN.

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


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

陳述書

不 回 嶺 檣

私は明治三十九年六月一日、北支那に上陸した。このとき私は、昭和七年少尉に任ぜられ大東亞戦争勃発の時は大尉、終戦後少佐に昇進致しました。

宣戦布告後第一号軍の昭和七年十二月二十日の上陸に首任第四師團司令部に赴き勤務致した。私の任務は水陸科長で、船隻、機雷、航路、通信の事項に任ぜられていた。

或る朝早くから、はたは、北支那の、敵の上陸が危惧されるようになった。既に敵は、上海、自貢島、東路口なる海軍要港の東岸に上陸してあると噂さ(れ)た。其の報が、おこされた状況下には、司令部の命令が下つたのである。

其の日の午後三時頃には、第四師團が新河、ローアのあたりに少艇の數人を入つた。このときから、父輩の人同もお集りになり、早く檀崎に赴き、その命令が、あつたと彼は私に言ひました。私は父輩に、あつたが、その命令は、確かである(と)も彼は、な(ら)ない(と)言ひました。

私は当時敵特務機関の教唆に亘る極悪不
数千の人員の被害と多数の舟艇の没上、大被害を蒙
りてゐる此のやゝ急つた状況下その死刑に對し
ては正當な理由であつたと考へ、そして又我
は命令に服従するものと考へ、警備隊機内西部
へあつてゐた。

ところが混乱状態であつておりました。私は死刑の
命令を信じその命令の実行にあつて決して意氣
的に應じ、思ひを以て、不法に行つたおぼえは
ありません。

先計には正當な理由があつたと考へてゐたが
私が史の上の命令を行ふ以外に、余地のあつた
極悪不道一た状況下に於ては、おぼえ正當な理
由があつてと言へず、私が殺人をした。犯意が
あつたといふてゐる、事であつた。

確定する命令を受けた以上私は、それを決
行して強制された、その時私は、敵の
保衛下にあつた、機密の要中、而して敵
の隠微な手摺を知らぬ、とくに命令が下つたが
ありません。だから命令に服従するのは正當です。

事實私は命令に服従しました、其の極悪不
道下には日本人なら誰しも同様に行つた
のだと、今考へて見れば残念ですが、さうい

うて了。

平二五新 殺意のある警察には私と大佐とが照
十一年十月十七日改米字番号一名を捜査し、
また、その捜査事項は、絶対であり、
情状のふしは知らぬが、殺意はあつた
と云ふ。

私は大佐と此處下には、命令を實行し
て了る。

（四）五五二に重なる日大佐海軍大佐の間、私は
命令を確定に、實行し、又、その實行したことを
上官から報告せられておりました。然るに私は今
命令を行つて殺人したのだにしろ、戦争犯罪
人として先斬りされております。私は悪意ある企図
も持たず、只、命令を實行しただけであります。
私は善意に正々な境内にも悪意を——に
行つたのであります。

私の日本海軍に於ける名譽ある勤務は
大要長期にわたります。其の間私は大佐
の戦争と捜査とをしております。現田部嘉吉
大佐と其の部下、日独文部省長官、
其他二三、

家族は妻と子供六人で暮らして居て
おります。昭和二十三年三月、大佐からの手紙

には次の様に書かれてある。「母は父親が、
自分と兵隊から戻った後、胸の痛みとて、今、
大分好くあつてゐるが、妹は父の帰りを待ち
こめてゐる。元來、私の最後の家族は、爾
後家族のうの便に接してゐる。」

元來私の家族は貧困な家族は敗
戦下の生活、共にあつてゐる。ふいだろ
か今生活費にあつてゐるのは、昔の国の生活
の全部を捧げた林の下層階級、吾々の家
族の大部分からあつた。

今や戦争、貧困の苦を盡き、貴族の前
で、同じ命令を、日本海軍と
あつた私が裁かれることになつた。

其時又、戦争は終つて海軍の士、又は
水兵が何故命令を行つたかといふ新たれたか
私は「解」に於てあつた。

理屈を言つたは彼等のからいといふたのは
ある其の詩人だと思ひます。私の長、生活
生活の間、私は何回何回も、死に面し
死を命せられて来た。今私は、何れ
に罪人として裁かれることになつた。

は「あつた、おぼえてゐる。其の口では
兵隊は命令された命令で、行つた。

確定に辨明出来ることを志す所である。
また常例として同様の志す所であると思ふ所
上座の命令は正當なるを要し、正當なる命令
を不服する命令として分別を知らねばならぬと言
ふことは同じである。此の點に於いての悔意を以て
二人は所感す。

今では只一應つて命令に従ふと言ふ規則は
いふに及ばぬ。一應つて命令に従ふと言ふ規則は
私はとてふことが出来ぬ。搭こそ、氣持が沈
んじ、こころいさへ

私は上座からの命令を受けました。それが
不意であつたので、いふに及ばぬ。直ちに理
を同じうする命令に服従する。これも強弱一
事である。此の點に於いての悔意を以て、
二人は所感す。此に責任があるのは只一人
である。いふに及ばぬ。

今では只一應つて命令に従ふと言ふ規則は

敬
大田 昭 雄

STATEMENT OF

LIEUTENANT COMMANDER DANZAKI, TOMEROKU.

I first entered the Japanese Navy on 1 June 1906 as an enlisted man. I served in various grades until 1924 when I was commissioned as a warrant officer. I was promoted to ensign in 1928, and when the Pacific War broke out I was a lieutenant. I was made a lieutenant commander after the termination of the war. I have, therefore, served forty-one years on active duty.

I arrived at Truk Atoll on 20 December 1940, a full year before war was declared, and served at the 41st Naval Guard Unit. My duty was the chief of the sea patrol unit, and I took charge of ships, mines, marine affairs and communications, mine sweeping, and laying of mines.

One day, there was an intense air raid by the enemy beginning early in the morning, and we were afraid that they might land on our positions. It was rumored that they were landing on the coast back of the Naval Hospital which was at the east side of Dublon, Truk Atoll. It was in such pressing circumstances that the orders of headquarters came about.

About 3 p.m., on that day, I met an ensign taking men with him at the turning circle in front of the Naval Guard Headquarters. He told me that orders had been given that we had to execute these men as soon as possible and that I (DANZAKI) had to take charge of the execution. Then I asked him whether the order was definite or not. I was very busy. He replied, "They are definite". I thought at that time that there must be a just reason for the execution, since we were in such pressing circumstances, the enemy continuing to send waves of bombing planes which killed thousands of our troops and set many of the ships on fire and caused much damage. I also thought that I must obey the order, and hurried to the western end of the enclosure of the Naval Guard Headquarters. Everything was confusion.

I believed the order for the execution was lawful and I never did do anything wilfully, feloniously with malice or unlawfully in carrying out the orders I received. It is written in the charge that I executed without justifiable cause, but I did believe that there is justifiable cause in such pressing circumstances when all I did was to carry out the orders of my superior officers. It cannot be said I had a bad state of mind (criminal intent) to commit murder. I was compelled to carry out my orders because I had definite orders. We were being bombed by the enemy; I received orders while we were being bombed and expected the enemy to land; it was reasonable I should obey orders; I did obey orders. Under the circumstances any Japanese would have done the same. Now I am sorry but this act has been committed.

According to the specification of the Charge II, Assault with intent to commit murder, it is stated that on or about 17 February 1944 we (I and YOSHINUMA) assaulted some American prisoners of war, but there was nothing of the sort, I swear. I do not know legal matters but I had no intent to murder. I only carried out orders under combat conditions.

After forty-one years in the Japanese Navy during which I always carried out orders and have been commended for carrying out orders, I am now charged as a war criminal with murder for carrying out orders. It seems to me that I should not be charged with murder because I had no malice or intent and only carried out orders. I acted in good faith, with honest purpose and without any criminal intent.

My service in the Japanese Navy has been long and honorable. I have received the following decorations and medals: 4th Class Order of Sacred Treasure; 7th Class Order of Rising Sun; War Medal of World War I; War Medal of Sino-Japanese War, and some other medals. Never before in my long service have I done anything to be punished for.

My family, a wife and six children, live in Yokosuka. In March, 1945, my eldest son sent me a letter in which he stated that my wife was seriously ill and he also has come down with tuberculosis since his demobilization. Though he was much better at that time, my sons and daughters are waiting my return. That was the last letter I received and I never have heard from them since then. As my family is poor I am afraid that they might be suffering from stern realities of life in a defeated Japan. It is we individuals of low rank who have spent all our life in service of our country who now suffer and most of all our innocent families.

Now it is up to you officers who have been in the service of your country for many years to judge me who have been in the Japanese Navy for forty-one years for carrying out orders. It is most difficult for me to understand why an officer or man in the Navy is in time of war under actual battle conditions charged with murder for carrying out orders.

It was an English poet I believe who said: "Theirs not to reason why". Many, many times during my long navy career have I faced danger and been called upon to die. Now for the first time I am being judged as a criminal. I do not know for sure but I feel that the English have a rule that a soldier has a valid defense if his act was ordered by his commander. Perhaps there was the same rule in the American Army. Now I am told for the first time in my forty-one years service that the orders of my superiors must be legal and that I should know the difference between a legal order and one that is not legal. Unquestioned obedience is no longer the rule it seems. I am uncertain and confused.

I received a command from my superiors. I did not know it was illegal. Is it just to hold me responsible when my forty-one years of military training has always stressed the duty of instant and unquestioning obedience.

I submit myself to the judgment of you officers of the Commission.

Respectfully,

Danzaki, Tomeroku,
Lieutenant Commander, IJN.

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

Eugene E. Kerrick, Jr.
EUGENE E. KERRICK, JR.
Lieutenant, USNR.
Interpreter.

陳述書

私、文正十二年海軍に入團シ昭和三年十一月一日下士
官トナリ昭和十八年六月一日少尉ニ任官致シシタ
私ハ昭和十八年六月九日附第四十一警備隊附ラ
命ゼラレ同年七月二十二日内地發同年七月三十日
トラツシ島(夏島)着即日第四十一警備隊入隊
着任致シシタ

着任後掌工作長(舟艇車輛管造物及兵器等、
修理關係擔當)ヲ拝命シシタ自今、着任後
氣候不順、地、勤務、依、健康常、勝レズ、
勤務致シテ参リシタ、事件、發生、當時、事件、
發生、約一ヶ月前、テ、熱、罹、リ、約三週間
位、病氣ヲ致シシタ其、後、約二、三日、こゝろカラ
下痢、病ニ罹、リ、寢テ居、リシタ
其、當時、空襲警報、號令ガアリ、續々敵、
上陸スル、疑ハ足、ル、號令ガアリシタ其、前
「マーシャル」デ、アツタカ「サイパン」島、テ、アツタカ、王、碑、後
カラ、今、度、ハ、トラツシ、デ、ハ、ナイ、カト、云フ、話ヲ、シテ、参
リシタ、デ、コレ、ハ、イ、カ、ト、思ヒ、急ニ、バ、ネ、起、キ
シタ、頸ガ、ク、ラ、ク、ラ、ト、ナリ、目、舞、外ガ、デ、シ、イ、マ
シタ、ソ、レ、デ、モ、防、空、壕ニ、入、ベ、ク、寢、室ヲ、飛、ビ、出、シ
本部、前、方、カト、思ヒ、ス、所、差、掛、リ、シタ、時、
突然、内務、長、石井、大、尉ニ、遇、ヒ、シタ、其、時

敵が上陸する早う修繕を命ぜり、命令
せしむ。自令に此の時田にも又命令を接
せしむ。又病氣、為に極度に疲弊して居
りて目がかうらみ、目先の殆どは暗トナリ
自令に浴室へ行くがアル敵が上陸するアルト
う事、頭をなぐりて、ドウに浴室へ行く
がアルか判然と教へてせしむ

石井大尉から命令せしむ。将具、合が要にカウ
駄目なト話したる、自覺し、話してスガ

其、後誰しが話したるか判りてせしむ

自令が氣着き、何時の間、自令、室に入

り、何時に空襲が終り、か判りて、ベツトし

従兵は大変、仕末をせし時、氣が着き

命令せし時、激烈な空襲、開始せし居

り、其、年月日、時刻等、覺え居りて

自令に其、後昭和十九年七月十日、空襲

に因りて右足大腿骨折し、即日入

院(四病)同月十三日病院船氷川丸に

院内地へ送還せしむ

八月二日横須賀海軍病院へ入院約一箇年

入院して居りて

自令に昭和二十一年六月三日巣鴨に收容せ

同年六月十六日、グアムに参りて、六月二十日

調ベニテ自合ハ信譽一名ニ切ツカカッタ
陳述ニテ居リスガ十月二十五日、再調ベニ依
一信譽ヲ切ツタ事實アリ、又自合ハ信譽アリ
一命令ヲ安員行ニストナフ点、取消ヲ御願ヒシ
署名ニシテ

私ハ終戦當時自宅引入療養中デアリ
ミタ、私ハ妻ト子供七名ヲ持ツテ居リスガ
財産ハ何論、事柄ハ自合、家モナク、他
人、物置、一間ヲ借リ、住居トシ、又貯蓄
トアリセシ、終戦後、何トカ生計ヲ樹テ、参
リミタガ終戦後トナルや國內ハ極度ニ疲弊、
シ物價ハ益々不足シ、物價ハ上ニ一カニテ一家
凡名ハ安員ニ生活ニ困難ヲ來シミタ
配給食料デハ生計ハ樹ツ不足令ラ、何トカ
他ヨリ需メナクシバナラヌ状況デアリスガ、極メテ
僅少ナル高價モ使ヒ果シ、シカラ以後、自合達
ノ衣類等ヲ以テ物々交換ナドシテ辛ツシテ
生活ニテ参リミタ、之トテ子供達ヲ満足サス
デニ行カズ、自合達夫婦ハ三度、食事ハ
二度トシ、貧乏デ子供達ニハ「ヒモジイ」思ヒラ
セタナイト努力ニテ参リミタ、私ハ未ダ負
傷モ全治セズ、充テテ働キモ出來ズ、妻トシテモ
七名、幼兒、面倒等ニテ、意、如ク働ケズ生

計ハ益々困難トナリ逼迫ニテ参リマシタ
私、永イテ二年間、光榮アル海軍生活ハ斯
様ナ不幸ナ結果ニナリマシタ
偶々私が今時事件、為不在トナリ、家族達
如何ニ生活ニテ居ルカと思フ時毎々心配ニ遺ヘ
ナイデアリマス、私が從業鴨ニ収容サレ約二週間
前親友ヨリ私、生活状況ヲ知ジ戴イテ其ノ
方、關係スル農農業會ニ勤ム様ト、救ヘノ手
ガアリマシテ私トシテモ之、幸ト有難ク受諾シ
勤ム心算デアリマシタガ今時事件ニヨリ之モ
出来ナリマシタ私、不在中家族ハ頼ムベキモ
トテサウ實ニ困リ果テ居ルニエト存ジマス、夜ニ入リ
親、心中ヲ知ツテカ知ラズカ自合達、欲スモノモ、
「ワラワラ」與ヘラレズトモ別ニ不満ヲモ言ハズニ「スヤ」
ト眠ツテ居ル寝顔ヲ見ルトキ感謝、熱淚ヲ
禁ビ得ラレセシメシタ、斯ル情況ニ付之等、
諸點ヲモ御斟酌下サレ公正ナル御取計
ニテ御願ヲ致シマス

昭和三十一年十月一日

吉 沼 義 治

STATEMENT OF LIEUTENANT (JUNIOR GRADE) YOSHINUMA, YOSHIHARU.

I was ordered to be attached to the 41st Naval Guard Unit on 9 June 1943. I started from Japan on 22 July, arrived at Truk Atoll on 30 July 1943 and became a member of the unit on that day.

My duty was that of engineering officer and I took charge of repairing ships, cars, barracks and other weapons. On account of the bad weather, I had been feeling ill since my arrival. I came down with dengue fever about a month before this incident and suffered from it for about three weeks. After that I came down with dysentery and was ill in bed.

There was an air raid alarm on that day and it was said that the enemy would soon land. After the fall of Saipan, or the Marshalls, we were afraid that it would be our turn to be defeated. I jumped from the bed. Though I felt a little dizzy, I left my room and hurried to the air raid shelter. When I reached the front of the headquarters, I happened to meet Lieutenant Ishii, the executive officer, who then ordered me to execute prisoners as the enemy might land. The order was so unexpected, I knew nothing about prisoners and I was so tired from my illness that I felt giddy and everything went black all around me. I thought I must go to the air raid shelter; the enemy is about to land. But I really did not know where the air raid shelter was and how to go there.

I remembered that I answered Lieutenant Ishii that I could not execute anyone because I was seriously ill, and then I fell senseless. I did not know when I returned to my room nor when the air raid was over. I recovered my senses when my messenger cleared up after me, I, having been asleep.

When I was given orders, the air raid began, I remember. But I do not remember the date or time. I was injured in my right thigh bone by the air raid of July 11, 1944. I entered the hospital and was repatriated by the hospital ship Hikawa Maru.

I entered the Yokosuka Naval Hospital and stayed there for about a year.

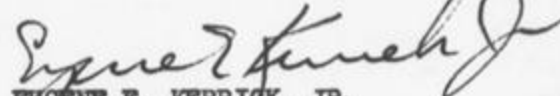
I was confined at Sugamo on 13 June 1946, and was sent to Guam on 16 June. At the questioning of June 24, I stated that I had killed a prisoner, but at the second questioning of October 25, I stated that I had done no such thing as execute prisoners and that I never carried out the order. Then I begged to be allowed to retract the answer of the previous questioning.

About the time the war ended I was home recovering from my sickness. I have a wife and seven children. We have no property nor savings, we have no house for our own in which to live. At present we live in a single room which we rented. During the war we were able to sustain ourselves. After the end of the war Japan was greatly weakened by the shortage of materials and increasing prices, which are continually going up. Our family of nine found it hard to eke out a livelihood. Conditions were such that you could not live on the food that was rationed, because it was so inadequate, and we had to supplement this shortage from other sources. We used up what little savings we had. Next we traded our clothes barely enabling us to live. My wife and I have centered all our efforts on seeing that the children would not go hungry. We cut our three meals a day to two but still it did not suffice.

I have not recovered fully from my wound yet. My wife cannot work as she wishes with seven young children to look after. The difficulties of making a livelihood are closing in on us. I did not think my twenty-two years in the service of the Navy would result in such an unfortunate end. I cannot bear to think about how my family is making out while I am here. About two weeks before I was incarcerated in Sugamo Prison, a friend of mine who knew about my living conditions offered me a job in the office of a Farmers' Association with which he was connected. I was going to take this offer. Because of this incident I could not do so. While I am away there is no one on whom my family can lean. How pitiful they must be! Whether the children know what their parents are thinking or not, they show no dissatisfaction even when they are not given the things they would like. At night when I think about their sleeping faces, I can not help but shed tears in thanks for their faith in their parents. Taking these points into your consideration I ask your fair judgment.

YOSHINUMA, YOSHIHARU,
Lieutenant (jg), IJN.

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


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

辯論

伊藤憲郎

裁判長閣下、裁判官諸君、
私は被告等のために無罪を主張
し、就中被告田中政弘のために
辯論をなすつもりであります。
刑事の中心は何れと、凡そ
如何なる刑事の中心たるもの
の本質的特長を論ずることは、法律
と事実との関係であります。

流線は何か、事實は何か

(1) 20

は後には何れと一に二三に於いて
事ゆゑ見ゆ^のか、辯護人の裁
断をあらと思ふてあります。この
三案につき、吾等も辯護も或は
不足なり、或は全創案であるはも
たぬのをあらます。

法廷は何れと一に場合の法律と
は或る法現に認められ、又
明証の道義なる言は法律に
はありきと、又職務受授を
法現に明証にあらせし、この案に
関し、検事の心証責は重なりとあり

人等の責任の所在は、そのとおり

す。N.C.B. セリシヨシ - 五回

事実とは何れと一々の場合の事実

は、数えられます。若しくは、その

に就くもの、時に、その場所にて

も、その能者の収束にて、確定の

に記載したとおり、事実は、明確

に、また、そのとおり、す。N.C.B.

セリシヨシ ミニ

証人とは何れと一々の場合の証人

の、証人、その陳述、そのとおり

より、証人、そのとおり、証人は、元

金は有りませぬ、直接に猿猴紙に
據も少なうござります、島文の言
は直接に猿猴紙に據えし、他
の二人の猿猴紙には記号を一つ、此
節に疑ひは、場合に於て、事変
を生じたる、例を解する
と思ふ、ござります、2000 1116
31の陳述書は何より、その形
の形式に於て、その形
式を讀んで、SOPに於て、何
の目的を以て、その陳述書は
後述の如く、思ふ、ござります

疏年七事實之已微——河三和

子不猶己姪己告群也有罪己責己

新王本。張氏本。王本。必不誤。

此書可謂古今中外第一

每行五字

生有，余聲則

[illegible]

此後之世，其間必有其人。

卷之三

Handwritten notes:

1. ...
2. ...

人必若此而後一之

一“q” (5)

本碑之銘，其辭雖古，其意則明也。
若其文之記載，其辭雖古，其意則明也。

3
の如き事なほ、軍人の責は負
つゝ、この如き一の事なす。この美
に於ては、將軍に於て、重大犯とし
て、東洋に於て、軍閥東條大將は
下ニテ、其名は、今、敵軍に於て
の事なす。又日本人に於て
の事なす。此の如き、此の如き、海
外に於て、此の如き、漸く、此の
如き、此の如き、日本は、日清
日露の戦に於て、將軍の命、此の
如き、此の如き、此の如き、支那に
對して、此の如き、支那の

0034

本人世の多くは突然の死を以て
かつたのである。このことは
被害者にとりて、またその家族
にとりて、甚だしい苦痛の下に置かれ、
別荘に建てたばかりの邸宅に
まう。そこで、本件は訴訟に発展し、
文明社会の道義なる言を以て
教育に現れ、また、刑罰適用
と、言者の死因、品性、人となりを
とらえよう。日本には教育
犯罪人のAのみのみならず、
刑罰適用、また教育中の

"q" k(6)

6
保護也、……米穀^{米穀}之類
の穀類^{穀類}を、米穀^{米穀}と云ふ段々
種々^{種々}と云ふ……と云ふ
なり。又米穀^{米穀}の目録^{目録}は、
同一^{同一}の米穀^{米穀}と云ふ命令^{命令}と、
人穀^{人穀}の穀類^{穀類}は、穀類^{穀類}と云ふ
光^光の穀^穀……と云ふ穀^穀……
者即ち大日本帝國海軍^{大日本帝國海軍}大尉^{大尉}(^{大尉})
糧食^{糧食}第六^{第六}同海軍^{同海軍}大尉^{大尉}(^{大尉})石井
就次郎^{就次郎}同海軍^{同海軍}少尉^{少尉}(^{少尉})石井家
光^光其の他^{其の他}不詳^{不詳}者^者……と云ふ
物^物……と云ふ……無^無……

殺害する事と^{（殺害）}等しい事になります。

其一と其二は同一事と二回述
べているように、^{（殺害）}殺害と普通

の強盗は^{（殺害）}人殺しと殺害する

事を区別する段を過ぎると又防犯と

区別する段を過ぎると殺害する

事を許す区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

を区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

保護する結果殺害を許す区別

であるが、この場合、前名は後名と

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

区別する区別は^{（殺害）}角の^{（殺害）}角の^{（殺害）}角

本件に於ける事實は如何也 —

當日 祖在寺中にて方丈に據りて
司令部の係より下部に於て一
二は同一明瞭であります。即ち、彼
下部の押さへ置ける祖在部
は其の下部の押さへ置ける祖
在部に於ける事の本質に於
て、此に如井大尉に於て是れ
方丈に據りて司令部に於て見
るに於ける事（同一下部に於ける
事）と同一である。特にこの事
に於て如井大尉は司令部の係

か知らぬが、⁽⁹¹⁾と日本籍といふ承
諾を爲すも、通説を流す得
るに、極く明白に示す。然
るに、⁽⁹²⁾に於ては、⁽⁹³⁾と
部下に命令したといふ、⁽⁹⁴⁾と
は、自身の命令といふ、⁽⁹⁵⁾と
する。他は命令部即ち上級
命令を述べたものゝ如き。然
し、⁽⁹⁶⁾に於ては、⁽⁹⁷⁾と
いふ、⁽⁹⁸⁾と
する。他は、⁽⁹⁹⁾と
⁽¹⁰⁰⁾と
⁽¹⁰¹⁾と

親等家同士の協力を促して
 にはたして共に努力を要する。
 事業は長期に亘ることは戦
 日本軍閥の如く多量な資金を
 必要とし、その見返りとして
 将来の利益を分配するものと
 思ふ。東洋銀行は信託事業に
 関するに於て強みがあることは
 否かといふ点に於ては、日本の
 日本銀行に劣るものはない。自
 己の資金を充て込んでおいて
 思ふところ。

指揮し並刑之補佐一に思ふは
に此は坤常も見えおとし現場で
部下之補佐一に思ふにのこり
す、此の度には補佐本部に捕
北刑の場所には極めて近距離にあ
つたのこりすか、此は現場にのこ
るに、此は極めてのこりす、西
へ報告するは先年一に再々太平
洋の戦争の部佐により、此は
部下より、此は部下一に、此は部
下の部佐に、此は部下一に、此は部
下の部佐に、此は部下一に、此は部

(5) मध्याह्न

$$P_n Q_n (2)$$

0046

時大元帥の^中に敵上陸の軍大士
よりあつたのをきき、當時
先づに親を父親として日本海軍刑
にせうとせしめ、敵前には
軍紀の保持をせよとて
「出たが、行方不明の敵を……」と規定
し、おまへ 敵軍中の親戚は彼
の境には金と犯禁はせぬとて
あつた、町々、上陸の軍大士
且敵前の親戚はあつたのをきき
彼は非常な躊躇し、せうとせぬと
せしめ、せうとせぬとせしめ

[illegible]

0050

張してゐた。この事は自じに井
田もいふから、横濱の二日、
神原を舟に上つてゐる時、
にふとふとふと。横
濱の二日、横濱に上つて、
大尉の陳述書を見せして、
皇の將に化せると、其の女を
人の將に化せると、其の女を
一は若の女、其の女を
とて、大尉は其の女
とて、其の女を、
とて、其の女を、

ね 顔としておれとふけれども
 徳と田中不花との難難は
 白米正上もあ、ねとにふらの
 んちから起、ね顔が刺る
 ねはさうまてに、ねを田中
 は 処刑の現場におよぶたのこ
 ります。ねを者たら捕虜
 にせられし、何人であるか
 ー 赤い顔に、おれ、おれ
 います。赤い顔は、ねは
 赤い顔から、赤い顔
 にとり、赤い顔に、赤い顔

第 10 号

日本経済新聞社

〒

0054

0055

[illegible]

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

I would like to insist on a finding of not guilty for these defendants, especially for Captain Tanaka.

What is the criminal offense? In any criminal offense its substantial points are law, fact, and evidence. Then, what is the law, what is the fact and what is the evidence? I think it is the duty of defense counsel to argue upon these three points. The charges of the prosecution and the defense ought not to be insufficient or surplus in these three points.

What is the law? The laws in this case are the laws and customs of war. The phraseology "moral standards of civilized society" is not the law. The law which punishes neglect of duty is not shown clearly. On this point the prosecution does not assume the burden of the proof. There is no shifting of the burden of the proof to the defense. (N.C.B. Section 154).

What is the fact? In this case, the fact is murder, but the charge does not state clearly the plan, date, place and the name of the P.O.W.'s. The facts must be stated with certainty. (N.C.B. Section 32).

What is the evidence? We have heard from testimony and three statements which have been submitted as evidence, but all this evidence is not sufficient to prove the case. We have only a little direct evidence and circumstantial evidence. The testimony of two natives is not sufficient to prove the case, and two other witnesses seem to have the privilege as accomplices to refuse to answer. (N.C.B. 236).

All three statements are written as affidavits, not as depositions though there is no distinction between affidavits and depositions in the SCAP Rules, these statements are not sufficient to prove this case.

Law, fact and evidence - when these three are fully arranged, the defendant will be found guilty of the charge. However, in this case, we have surplus of law and fact, but insufficient evidence. The prosecution is said to have taken great pains to prove this case, which, I think means that the evidence they introduce was negligible.

"Judge not" is a famous quotation written in the New Testament. Even in the system of trial in real life we can not but admit this. On the other hand, we may say that this quotation shows the necessity of sufficient evidence in any trial. The important point in this charge is the one which concerns the murder of seven American prisoners of war. I hope the commission will honor this sacred phrase and judge leniently.

The phraseology "moral standards of civilized society" written in the charge is neither a law nor a custom. It is not to be found in the sources of unwritten law (N.C.B. Section 5). "Violation of the moral standards of civilized society" is not in the same category as laws and customs of war. I think that the prosecution wants

to show their opinion that Japan is guilty of aggressive war, but the humble officers like these defendants Tanaka ought not to have the responsibility. General Tojo and 27 other major war criminals are now being judged in Tokyo for the crime of aggressive war. It was never meant to be an aggressive war, but to the Japanese people themselves it seemed to be for the purpose of furthering their civilized development. Japan went to war against China in order to protect her special interest acquired by her victory in the Sino-Japanese war and Russo-Japanese war. By the diplomatic skill of China, Japan and the U.S. stood against each other. But, by the Ishii-Lansing Agreement, our special interest was admitted. The Kellogg-Briand Pact agreed to and signed in Paris on 27 August 1928 decided on the abandonment of war but admitted the existence of self-protecting privileges. We can think that Japan fought the Pacific War to protect her meager privileges. These three defendants were not responsible for the aggressive war, and, in fact most of the Japanese people had no aggressive intent. I hope the commission will not condemn these defendants to heavy punishment under the phraseology of the violation of moral standards of civilized society. I think that the very term "moral standards of civilized society", is nothing but a paraphrase for laws and customs of war which is the source of punishment. In Japan war criminals are classified as A, B, and C, and the militarist General Tojo and 27 others now on trial in Tokyo are deemed to be A class. Our three defendants should be put in C class for the violation of the laws and customs of war.

On Charge III, neglect of duty in violation of the laws and customs of war: In this charge, the neglect of duty on the part of Captain Tanaka is stated. Specification I of the Charge states that Captain Tanaka did unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the 41st Naval Guard Unit, to properly protect seven (7) American prisoners of war, held captive, by the armed forces of Japan on said island, ..., did neglect and fail to take steps to prevent, and to prevent the unlawful killing..., In the Specification II, it is also stated that he did unlawfully disregard, neglect and fail to discharge his duty as Commanding Officer of the said 41st Naval Guard Unit, to control and restrain members of his command, namely; Danzaki, Tomoroku, then a Lieutenant, IJN, Ishii, Yujiro, then a Lieutenant, IJN, Yoshinuma, Yoshiharu, then an Ensign, IJN, and other persons unknown, then subject to control, ... permitted and allowed to unlawfully kill these prisoners. These two specifications are stating the same things. At least, in common logic, "to neglect and fail to take steps to prevent, and to prevent the unlawful killing" and "neglect and fail to control and restrain his members and permit and allow the unlawful killing" are nothing but different expressions for the same thing. In this case the latter will be included in the former. I think this corresponds to the case in which the duplication of the charge is not admitted, and Specification II ought to be rejected.

What is the fact in this case? It is evident that Captain Tanaka ordered his subordinates to execute the prisoners by order of the 4th Naval Base Headquarters. When he received the report of his subordinate about the custody of these prisoners and also the advice about their disposal, he was surprised at the importance of the affair. He soon ordered Lieutenant Ishii to ask by telephone about that, and ordered his men to execute them by the order of the Headquarters. Regarding this point, it is abundantly clear that Lieutenant Ishii received the answer "do" which

"R 2"

0060

meant agreement to the proposal from someone from Headquarters whom he did not know. The order Captain Tanaka gave to his men about the execution of the prisoners was not his own. He had neither the intent nor a plan for the execution. He thought from the outset that he, a mere commanding officer of a unit, could never have any legal capacity for such an important thing as the execution of prisoners. Without the order for the execution, he would never have done it. If he had had any legal capacity concerning the execution as the commanding officer of the Naval Guard Unit, he would have had neither any intent nor any desire to do so. We can imagine that he could do it against his will by the order of Headquarters. If he himself had desired the execution, he would have gone to the place of execution as soon as he heard the order from Lieutenant Ishii. He himself would have seen the prisoners and would have commanded and encouraged his men to perform the execution. However, he neither encouraged his men or saw the prisoners. Though his headquarters was quite close to the place of execution, there is no evidence that he was at the scene then. The witness Tipetip Somour testified that he was then on the veranda of the Naval Guard Headquarters, but this testimony is not evidence and therefore open to question. The defendant Captain Tanaka was recalled in his advanced age at the outbreak of the Pacific War. Moreover, he was appointed as commanding officer of the 41st Naval Guard Unit, Truk Atoll, and took charge of 16 batteries, 4 AA guns, communication facilities and the defense of the Headquarters itself. The custody of prisoners was not his original duty. According to the order of his superior, he happened to keep these prisoners who were then to be sent to Japan. During his short service of only 55 days, this incident happened. He consulted his men, asked his superior, and after fully meditating, he discharged his duty. So, there is no evidence of his neglect of duty. On the 17th of February, they heard an air raid alarm at 4 p.m., and they all took their positions. The air raid continued till evening by ship based planes which came in turn in groups of 80 to 100. On the 18th also, the same condition continued from 3 a.m. till noon. Many ships were damaged; thousands of soldiers were killed or wounded, it is said. He had been the harbor-master of the city of Nagoya for 13 years, and was recalled and took part in this war at his advanced age. We can imagine that he worried himself very much about it. All Tanaka did was to relay the orders of his superior officer. He thought it was a legal procedure. At the time of the incident there was great air raid, there was even a signal saying that the enemy had landed. The psychology that gripped the defendant Tanaka at that time was the 17th Article in Japanese Naval Penal Code. Unavoidable action taken in the front lines to retain discipline shall not be punished. The defendant Tanaka had no intent whatsoever under the circumstances and feelings. These were orders from his superior officer and conditions were that of battle. He hesitated in giving the order but thinking that it could not be helped he relayed the order to his subordinates to do the execution. I believe that the defendant Tanaka is not guilty.

What is the evidence in this case? The prosecution introduced statements of Tanaka and Danzaki. The defense counsel was not notified that the prosecution wished to question Tanaka and Danzaki. They were questioned after I was appointed defense counsel. This is highly unethical. The two statements should not have been admitted in evidence over our opposition. This was an reversible error.

The prosecution questioned Vice Admiral Wakabayashi, the commanding officer of the 4th Naval Base and Commander Higuchi, the senior staff officer. These two witnesses did not answer on the cross examination of the defense that they gave the order of execution to Captain Tanaka. However, this answer is simply natural. Because, if they do not so, they will be considered as conspirators. In this case, no answer does not mean that Captain Tanaka ordered the execution without the order of the 4th Naval Base Headquarters.

The prosecution presented the statement of Lieutenant Ishii on this point.

When a bird is going to die,
It cries sorrowfully;
When a man is going to die,
He tells the truth.

This is the word of a sage in ancient China. What Lieutenant Ishii said in his death bed was nothing but the truth. His testimony shows clearly that the defendant Tanaka received the order from the 4th Naval Base Headquarters and that he relayed the order to his subordinates.

On this day two years after the incident occurred in some parts their memory is not too clear and detailed. I clearly think that when they testified that they saw the defendant Tanaka at time of the incident looking on from the Headquarters together with 20 or 100 men, it is false.

The accused Tanaka was not at the scene of the execution. The identity of the prisoners, the corpus delicti has not been proved. This case is an unusual case in which the evidence is very weak. In such a case I think it would be very dangerous to give them the supreme sentence.

In conclusion I request that the commission allow me to explain my observations in this case. The strong point of this case is in the word "surplusage". In any criminal case the material strongpoint of the case consist of laws, facts and evidence. In this case moral standards of civilized society which is in the charge is surplus. This I have spoken on before.

In fact it is an act of murder. Therefore the 2nd Charge "assault with intent to commit murder" is surplus. If neglect of duty has already been charged in murder, it is not reasonable to charge him with neglect of duty. It was because there was neglect of orders that murder was done. If there is murder it is surplus to add neglect of duty. The act done by the order of the superior does not form neglect of duty. Even if we admit that the second specification should be included in the first specification. Therefore the 2nd specification is surplus. This I have explained before.

In the part concerned with law and facts, in parts there is a great deal of surplus. In that part concerning evidence can it be said there is no surplus. "No." It is full of the fictitious surplus of two natives who have had very little

"R 4"

0062

schooling. It is being presented as neutral evidence in this case.

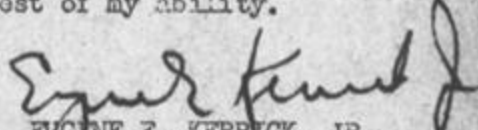
The prosecution has not carried out their responsibility which is designated as the burden of proof and the burden of proof never shifts to the accused. I think that the above mentioned surplus is mere camouflage to hide the lack of evidence.

There is a custom in the Orient and also in Japan in which the old people are revered. It is a custom to respect the old people. This originated from the idea that an old person had lived in that society along time during which he had done a lot of good or had furthered that society and to reward him for this. In Japan this is taken into consideration in criminal procedure and criminal policy.

The defendant Tanaka is an old officer of 62 years. I again ask the commission to take his surplus age into their consideration and not to give him a surplus and heavy sentence.

KENRO ITO

I certify the above to be a true and complete translation of the original argument of Ito, Kenro, in Japanese to the best of my ability.


EUGENE E. KERRYCK, JR.
Lieutenant, USNR.
Interpreter.

"R 5"

0063

辯論

辯護士 戸田正直

裁判長閣下並ニ裁判官諸賢

私ハ被告等、中檀崎留六、主召義治ニ對シテ
辯論ヲ上申致シマス

一 先ッ檀崎留六ニ付テ申上ケマス

(1) 第一告訴 殺害 罪狀項目ニ於テ海軍大尉

(當時)檀崎留六、昭和十九年二月十七日頃

意思的ニ惡心的ニ違法的ニ企圖ト惡意ヲ以テ

正當ナ理由モナク適當ナ公判其他狀ルベキ

手續キモセス米俘虜七名(姓名不明)ヲ危

険ナ武器即チ日本刀ト彈丸ヲ裝填シタル銃

砲(詳細不明)ヲ以テ襲ニ殺害セリトシテ起

訴シテ居リマスガ

第一ニ檀崎カ「意思的ニ惡心的ニ違法的ニ企

圖ト惡意ヲ以テ」俘虜ヲ處刑シタモノテ

アルカドウカト云フ矣ヲ考ヘマスルニ私ハ彼

カ決シテ意思的ニ惡心的ナル精神ヲ有セス違

法的ナル認識ナカリシコト從ツテ企圖ト惡意

ヲ以テ俘虜ヲ處刑シタニ非サルコトヲ強く主

張出來ルノデアリマス

檀崎ノ行為ハ命令ニ基イタ、デアリマス

日本軍隊ノ命令、如何ニ嚴格ナルカハ既ニ軍法

5. (1)

委員會諸氏、充分御諒承、處ト存シマスカ茲
ニ日本軍隊、命令、如何ニ絶体的ナモ、デアリ
嚴格其ノモリ、デアルカニ付テ、ニ拔萃致シマス
『軍隊内務令、綱領、五、軍紀ハ軍隊、命脈ナリ
故ニ軍隊ハ常ニ軍紀ヲ振作スルヲ要ス
時ト所トラ論セス上下齊シク軍ノ本義ヲ體シ熱
誠以テ軍務ニ努力シ命令必ス行ハル是ヲ軍紀振
作、實証ト爲ス

服從ハ軍紀ヲ維持スル、要道タリ故ニ至誠上官
ニ服從シ其ノ命令ハ絶体ニ之ヲ勵行シ習性ト成
ルニ至ラシムルヲ要ス而シテ服從ハ至誠盡忠、
精神ヨリ出テ彈丸兩注、間克、身命ヲ君國ニ献
ケ一意上官ノ指揮ニ從フニ至ルヘキモノニシテ其
之ヲ致ス所以、道ハ上官先ツ自ラ命令ヲ遵法シ以
テ服從、範ヲ垂ルニ在リ

第二章 服從 第十一 命令、謹シテ之ヲ守リ直
クニ之ヲ行フヘシ 決シテ其當不當ヲ論シ其、
原因理由等ヲ質問スルヲ許サス（以下略）』

『海戰要務令、綱領、二、軍紀ハ軍隊、命脈ニシテ
和諧ハ其ノ血液ナリ 軍紀、要ハ服從ニ在リ』

『艦船職員服務規程、綱領、四、命令ハ軍隊活動
ノ源泉ニシテ確實且適切ナルヲ要シ又一度命シ
タルコトハ命令者ニ於テ其ノ實行ヲ監視シ之カ徹

底ヲ期セサルヘカラス（以下略）

六、軍隊ニ於ケル服従ハ絶体的ニシテ軍人ノ第二天性タラサルヘカラス一旦命令ヲ受ケタル後或ハ其ノ行ヒ難キヲ詐ヘ或ハ實行ヲ懈リ或ハ當否ヲ議スルカ如キハ断ニテ容許スヘカラス然レトモ命令ノ實施ニハ独断專行ヲ要スルコト甚カラサルモノニシテ緊急ノ場合狀況ノ変化ニ際シ更ニ指令ヲ受クルノ遅ナキトキハ命令者ノ意圖ヲ忖度シ独断專行宜シキヲ得テ機會ニ投セサルヘカラス（以下略）

而モ此ノ絶体的ニシテ強カナル命令ニ比例シテ命令ニ違反シタル場合ヲ「抗命罪」トシテ最罰ニ處スルノテアリマス

『海軍刑法第四章抗命罪第五十五條 上官、命令ニ反抗シ又ハ之ニ服従セサルモノハ左ノ區別ニ從ヒ處断ス

一、敵前ナルトキハ死刑又ハ無期若クハ十年以上ノ禁錮ニ處ス

二、戰時又ハ艦船救護ノ多緊要ノ方略ヲナス際ナルトキハ一年以上十年以下ノ禁錮ニ處ス

三、其他ノ場合ナルトキハ五年以下ノ禁錮ニ處ス』

右ノ如ク抗命罪ノ重キコトハ日本ノミテナク多少ノ差ハ有リマスカ世界各國ノ認メル所テアリマス

『米國海軍律 第四條 海軍軍人は記載スル行
爲ヲ多シタルトキ死刑又ハ軍法會議ノ言渡シ
得ル他ノ刑ニ處ス

二號 上官ノ適法命令ニ服從セサル者

十五號 戦闘準備若ハ戦闘参加ノ命ヲ受ケタル

トキ指揮官ノ命令ヲ遵法セズ且之ヲ實

行スルニ全カラ盡ササル者』

尚『英國海軍律 第十七條』

『ソウェートロシヤ軍事犯罪處罰法令 第三條』

『瑞西軍刑法 第六十一條』

『佛國海軍律 第二百九十四條 第二百九十五條』

等皆各シモ之ニ重刑ヲ課シテ居ル、デアリマス

檀崎ハ一九〇六年六月一日 海軍ニ一水兵トシテ入

團シ 大正十三年兵曹長 昭和三年少尉ニ仕セラ

シ 大東亞戦争勃発、時大尉 終戦后少佐ニ仕

セラシル迄 實ニ四十二年間、永ク間 全人生ヲ日

本海軍ニ捧ケ、只營命ヲ、忠實、中ニ生キテ来

タ、デアリマス

彼ハ眞白面ニシテ從順ナル命ヲ、遵法者デアリマ

シタ

此ノ日本ノ命ヲ、嚴格即チ兩注、彈丸、中ニテ

モ水火、中ニテモ飛ビ込メテ人間トシテ最も重

大ニシテ傳キ生命ヲスラ捨テサケシハナラナイ

50 (4)

然モ命令ニ對シテ、其當不當又理由原因
ノ如何ヲ問フ能ハサル教育ヲ受ケテ来リ此ノ
愛スヘキ檀崎カ意思的ニ惡心的ニ違法的ニ企
圖ト惡意ヲ持タサルコトハ自ラ明瞭デアロ
ト信スルノデアリマス

彼ハ永イ日本海軍生活ニ於テ日本海軍砲術
界ノ至寶ニアリマシタ 彼ノ技能ノ優秀ナ
ルト同時ニ彼ノ温順篤實部下ヲ思フ情、
深キ其ノ人柄ノ實ニ日本海軍砲術界ニ於テ
誰一人知ラサルモノカナイノデアリマス

此ノ條ナル美派ノ性格ヲ持ツ彼カ他國人テ
アルト否トラ問ハス傍テアルカ否カラ問ハス
惡意ヲ以テ人ヲ處刑スル人物ニ有ラサルコトヲ
確ク信シテ居リマス

文明國ノ刑法ニ共通スル原則ハ凡テ、犯罪ニ成
立ニハ惡意ノ存在ヲ必要トシテ居ルコトニ基ク
俟タナイノデアリマス

私ハ惡意ナキ檀崎ノ行爲ハ犯罪ヲ構成セサル
モノデアルコトヲ信シテ居リマス

決シテ罪ヲ免シカタメニ事更ニ命令ノ嚴格ヲ
グトク申上ルノテハ決シテアリマセ

眞實ニ日本軍隊ハ命令服從ノ關係ニ於テ強化
セラシテ居ツタノデアリマス

此ノ兵ヲ眞実ニ軍法委員會ニ知ツテ頂キタイニ
アリマス

由來日本人ハ命令ヲ遵法スル國民ニアリマス

理由、如何ヲ問ハス命令ニ服従スルハ日本ニ於ケル
缺兵ニアリ美兵ニアリマス

日本敗戦後、聯合國進駐ニ當ツテ、靜肅ナル

日本國民、態度ハ世界、意外トシタ所デアロウ
ト思ヒマス

日本進駐、期間モ非常ニ短縮
サレルデアロウト聞イテ居リマス又進駐軍兵
員モ著シク減員サレルト言フコトモ聞イテ居リマ
ス

此レハ一体何ヲ意味スルノデアリマセウカ

此レハ日本國民カマツカーサー司令部、政策ニ協
力シ其ノ命令ニ忠実ニ服ミテ居ル證ニアロウ
ト私ハ信シテ居リマス

次ニ私ハ處刑當日、アトラック島ニ敢行サレ
タアメリカノ大空襲ヲ見逃ミテハ本作ヲ正シク
判断出来ナイト思ヒマス、テ左ニ當日、空襲、
模様ヲ申述ヘマス

當日未明ヨリ、空襲ハ熾烈ヲ極メ、一回ニハ十機
乃至百機カ一團トナリ約一時間ニ亘ツテ爆撃
ヲ敢行シ一團去ルハ同様數、一團カ更ニ来リ同様
ノ戦法ヲ以テ二月十七日ハ終日行ハ、翌十八日モ未

明日四時頃ヨリ同様ノ空襲カ同日、晝頃迄行
ハシタ、テアリマス。其ノ空襲、如何ニ列シカツ
タカハ、当日、被害状況ヲ見テモ令ル、テアリマス
二月十七日、午前中ニハ日本ノ飛行機ハ一機モ上
空ニ姿ヲ見セナクナリ。船舶ガ沈没總數四十
十隻、死傷者數千人ニ及ニタ、テアリマス
午前十時頃ニハ情報カアリ。敵ノ軍艦カ現レ
タ。輸送船ラニイ。敵前上陸、準備、潜水艦
カ港内ニ入ツタ筈、情報カ船外トミテ盛ニ
飛ニタ、テアリマス

停泊處刑ハ、實ニ此ノ緊迫セル状況下ニ於テ行
レタ、テアリマス

檀崎ハ此ノ命令ヲ受ケタトキ此ノ命令ハ正シク確
實テアリ。緊急命令ナリト判断シタ、テアリマ
ス

日本海軍刑法第十七條「多衆共同、暴行ヲ鎮
壓スル爲メ又ハ敵前若ハ艦船危急ノ際ニ於テ軍紀
ヲ保持スル爲メ已コトヲ得サルニ出テタル行爲ハ
之ヲ罰セス」ト云フ規定カアリマス

又瑞西軍刑法第二十六條第三項「上官軍事上
ノ危険殊ニ敵前又ハ騷擾ノ場合ニ於テ軍紀ヲ保
持シ又ハ自己ノ命令ニ對シテ服従セシムル爲メ必
要ナル行爲ナルトキハ之ヲ罰セス」

中華民国軍刑法第十四條「多衆共同、暴動ヲ
鎮壓スル多又ハ敵前、部隊ニシテ事態急迫、
時ニ當リ軍紀ヲ保持スルタメニシテ己ムコトヲ得
サルニ出テタル行為、之ヲ罰セス」(以下略)
彼ハ事態急迫セル状況下ニ於テ緊急行為ナリト
判断シタリテアリマス

(2) 次ニ第二告訴 殺意アル襲撃 罪状項目ニ

「檀崎海軍大 吉田義治、昭和十九年二月十七日頃
米俘虜一名(姓名不明)ヲ危険ナ武器即チ日本
刀ヲ以テ襲ヒ突キ刺シ當時同所ニ於テ夫ニ仍テ
同米俘虜ヲ殺サントシタ事ニ仍リシト在リマス
カ本件俘虜、處刑ハ全部ヲ七名テアリマス
然ルニ第一告訴ニ於テハ七名ヲ殺害シ第二告訴ニ
於テ更ニ一名ヲ襲撃シタトアリテ検事ハ二人ヲ二人
トシテ計算シテ居ル、テアリマス

而モ第一告訴ニ於テハ海軍大佐田中政治ト共同
シトアリ第二告訴ニ於テハ其レカ思イ、テアリ
マス 私ハ此、區別、理由ヲ介リマセン

検事モ亦此等、其ヲ明瞭ニ立証シテ居リマセ
ン

檀崎カ日本刀ヲ以テ處刑シタト云フコトハ日本ノ
風習ヲ知ラヌモ、ハ非常ニ残酷、様ニ考ヘ勝テナ
ノテアリマスカ日本ニ於テハ封建的時代、昔カウ

「介錯」ト云ツテ武士、首ヲ斬ツテヤルコトハ武
士、情ヲアルト云フ風習ト傳統カアルデアリマス
ソレハ悪イ風習ニアルト私モ考ヘテ居リマス

然レ封建的ナ武士ノ時代ヨリ現在迄ノ軍人ニ迄此
ノ風習ハ傳ヘラレテ来タデアリマス

日本ノ武士ヤ軍人、日本刀ハ自分ノ「魂」ヲ考
ヘテ居ルデアリマス 從ツテ日本ノ武士ヤ軍人

ハ其ノ刀カ人ト云フ優シクモ、ヲ持ツコトヲ誇リ
シテ居ルデアリマス 其ノ魂ヲアリ誇リテアル

自分ノ日本刀ヲ以テ斬ツテヤルコトハ其ノ人ニ對シ
テ禮儀ヲ盡シテ處刑シタコトトナルデアリマス

ソシテ其レハ日本ノ歴史ノ上ニ明ニ實証シテ居ル
デアリマス

檀崎ハ證人ト立サマセニテシタ 其レハ檢事側カラ
提出サレタ檀崎ハ陳述書ヲ認メルモノデアリマ
セン 先ニ辯護士側カラ「オブジエクニヨリ」シタ

如ク辯護士カ任命サレタ後辯護士ニ於テヤラ知
ルコトナクナサレタ陳述書ハ極メテ非道義的

デアリ 信憑力極メテ薄キモノト信スルデアリ
マス

例ヘ檀崎カ浮城處刑ニ参加シタト云フコトヲ
示スコトカ出来テモ檀崎ハ上曾ト同意シテヤツタ

ノテハナク敵カ上陸シテ来サウナ戰鬪状態ニ於

テ命令ヲ實行シタニ過キナイト云フコトヲカ
示サレテ居ル、ニアリマス。

被ハ單ニ補助者ニ過キマセ、

彼一人カ有罪トシテ罰セラシテヨイモ、テセウカ、
證人若林中將ハ、検事、要求ニヨリ、次、如ク証言
シテ居リマス。彼ハ四十一警備隊、直屬上官トシ

テ何等俘虜ニ関シテ知ラナイト強調セラシテ居
リマス。此ハ自己ニ役立ツ陳述ニアルカ或ハ其
ハ俘虜カ昭和十九年二月十七日十八日、二日間ニ於
テ捕ヘタカ何レカニアリマス。

仕務ニ付キ責任ヲ以テ居ルコトヲ認メサルヲ得ナ
イ大日本海軍中將カトウシテ責任ヲ免シ、四十
一年間、海軍生活、大體令ラ下士官兵トシテ
過コシタ。士官カ責任ヲトルヘキタト云フ主
張ラスルコトカ出来マセウカ。

檀崎ハ殺人ヲ犯ス様ナ士官ニ決シテアリマセン
以上由上々々通り檀崎ハ無罪ヲ有シタルモ、ニ非
サルハ刑法上、責任ハ無イ、ニアリマス。

宜シク無罪、御判決下サレシコトヲ軍法委員
會ニ要求致シマス。

二、次ニモ沼義治ニ對シテ辯論致シマス。

沼義治、大正十二年海軍ニ入團シ、昭和三年十月

(10) 5

下士官 昭和十八年六月一日 少尉ニ任官シ 二十二年
間 海軍生活ヲナシタノデアリマス

彼ハ昭和十八年七月三十日「トラツク島」第四十
一警備隊ニ配属サシ 掌工作長トシテ 舟艇車輛
營造物兵器ノ修理関係ヲ任務トシテ居リマシタ
彼ハ着任后 健康勝ルス 遂ニ南洋特有ノ「デ
ンク熱」ニ罹リ 其の後下痢ヲ起シ 約一ヶ月モ病床
ニアツタノデアリマス

彼ニ呪ハシタ不幸ナ日、實ニ此、彼、病氣中ニ起
キタノデアリマス

昭和十九年二月十七日 朝早ク「トラツク島」ニモ
遂ニ空襲警報ハ鳴リビシキマシタ、其ノ日本
海軍ノ不意ノ警報デアリ又彼ニトツテ取モ不意
ノ警報デアリマシタ

「敵ヲ上陸スル 延ケ足急ケ」ノ号令ニ應ジニ飛
テ居ルヲ 彼ハ病床、中テ聞キマシリ

「マシーヤル」共 陷後ハ 今度ハ「トラツク島」ニ
敵ヲ上陸スルデアロウトナフコトハ 既ニ予期セウ
レテ居タノデアリマス

彼ハ突如ニ「コシ」不可「ト」思ヒ 急ニ「ハネ」起
キマシタカ 頭カ朦朧トシテ 目迷イカスル 漸ク

警備隊本部、前迄参リコスト 突然 内務長、
石井大尉ニ 遇ツタノデアリマス

11/21

其、時石井、吉沼ニ對シ「敵カ上陸シテ来ル早
ク俘虜ヲ處分セヨ」ト命令サレタノデアリマス
彼、此、時自分カ病氣デアリタメニ此、到底
出来ナイト断ツタノデアリマス

彼、此、時永イ間、病氣、爲極度、疲労、敵
上陸寸前タト、報ニ今亦突然思ヒ掛ケヌ命
令ニ接シ自カクウミ甚、中カ急ニ眞暗トナリ
彼、其、后、行動ハ全然記憶カナイ、デアリマス
彼、俘虜ヲ見タコトモ俘虜ヲ處刑シタコトモ
今彼、記憶ニハナイ、デアリマス

然シ等ツカ、状況、彼ニ極メニ不利デアリマス
彼、調査委員會、調査ニ當リ彼、否認シ来タ
ノデアリマスカ昭和二十一年六月二十四日頃調
査委員~~カ~~カリイ少佐ヨリ檜山、陳述書ヲ見セ
ラレ「兎ニ角仕方カナイカラ一名テモ二名テモ斬
ツタコトニセヨ」ト云ハレ止マタク「俘虜ヲ一名
斬ツタ」ト陳述書ニ記載シタノデアリマス
然シ其、後十月二十五日周ヒカリイ少佐、調査
ニ當リ「俘虜ヲ處刑シタ事實ナキ」コトヲ
主張シ其、陳述書ヨリ「俘虜ヲ處刑シタト云
フ記載ヲ取消シテ實ニ其、ニ署名シタノデア
リマス

トラツク島民、證人、吉沼カ俘虜ヲ處刑シタ、
5.42

ヲ目撃シタト言ッテ居リマスカ 吉沼ハ島民ヲ
全然知ラヌノテアリマス

私ハ今島民、證言、中 幾ツカ、曖昧ナル証言
ヲ指摘シ以テ證據トシテ採用サレコトニ付キ軍
法委員會ニ注意ヲ喚起シタイノテアリマス

(1) 彼(証人)カー番最初ニ浮屠ヲ海岸、方ニ歩
カセテ行クヲ見タトキ浮屠ハ目隠シサレ
キハ後ニ縛ラレテ井ヲ又此等、者カ海岸
ニ歩カセウシタ時誰カ一緒ニ着イテエタカ
ト、検事、質問ニ對シ檀崎ト吉沼カ一緒ニ
居ルヲ見タト云ツテ居リマスカ アノ空襲
ノ急ク要スル時ニ目隠ヲニテ縛リ而モ
檀崎吉沼、二人テ七名、浮屠ヲ連シテ行カレ
タデアロウカ

(2) 彼、他ニ歩崎カー人居タト後ニ証言ニ居ル
コトニヨツテ檀崎吉沼合セラ三人テアルヘ
キニ拘ラス辯護人ノ質問ニ對シ二人テスト
答ヘテ居ル矣

(3) 浮屠處刑、他ニトラック島ニ何カ特別ナ
変タコトカナカッタカト、辯護士ノ質
問ニ對シ死体、骨ヲ掘リ出シメタト、見
当外シ、答辯ヲシテ居ル、當日、トニ
ク島、大空襲、非常ニ熾烈ヲ極メタモ

ノテアツテ此、重大ナル事件ヲ忘レテ其証人
言ハ採用得ナイ

(4) 彼ハ六セキ米離シタ様橋カウ見テ居テ浮屠
ノ血カ流シルノカ見エタト云ツテ其証人

(5) 彼ハアメリカニ行ツタコトナク、アメリカ人ト交
際シタルコトナリシテ浮屠ハアメリカ人ナル
コトヲ知ツテ居ル其証人

(6) 彼ハ英語ヲ喋ラサルニ浮屠ハ父ヤ母ヲ呼ビテ
泣キ騒イテ居タト云フ其証人

(7) 彼ハ日本語ヲ知ラサルニ檀崎ヨリ此ノ問題
ヲ秘密ニセヨト云ハシタト云フ其証人

(8) 二月十七日ト云フ数年前ノ日附ヲカナカ族如
何ニ記憶力旺盛ナリトモ正確ニ陳述ニ得
ベキニ非ス

(9) 一島民カ僅カ五十五日間ニカ「トリック島」ニ
居ラサリシ田中警備隊司令ヲ知ツテ居ルト
云フ事實及ハ九月モ「トリック」ニ居タト
云フコトヲ証言シ居ル事實、日本軍人
モ階級、位イ兵等ハ階級、高イ大佐等ニ
ハ各島民ニ會ヘルモ、テナリ顔ヲ知ルコトカ
ナイノテアル

(10) 而モ「白米離」タ「グエラ」ニ約「白名」ハ
カシノ兵ト共ニ田中司令ノ如ク顔ヲミテ

(11) 5

サツノヲ見タト云フ供述

(1) ア、熾烈な爆撃中、一時間も様橋に居ッテ
處刑ヲ目撃シテサツト云フ云

等、不可解ナル諸兵ヲ考へ此、重大ナル事件ヲ此、
島民、証言ニヨツテ決スルコト、頗ル危険極ムル
モノト信スルモノデアリマス

夫ノ権力者タル日本軍人、非違ヲ摘テ現在、
権力者ニ阿ネントスル、被治者タル原住民ト
シテ在リ勝タノコトデアリマス

我ハ此、「トラツク島民」証言、其、証言、價
値ニ関シ慎重ナル考慮ヲ拂フ、要アルコトヲ
軍法委員ニ要求致シマス

吉沼、昭和十九年七月十日、空襲ニヨリ右足
大腿部骨折ヲナシ、即日入院、同月十三日病院
船永川丸ヲ内地ニ送還セラル、八月二日横須賀
海軍病院入院、約一年入院シタルデアリマス

彼ハ棲家モ財産モ有リマセ、有ルモノハ
彼ノ妻トセテ、子供タガテス、最モ、子供ハ今
年、九月ニ生シタバカリトコトニス

敗戦後、日本、食料不足ト悪化シ、彼
ト彼ノ妻、衣類ヲモ食料ト換ヘラシマシタ
ソニテ彼等、家庭ヲ窮乏ト悲惨淵ニ落シ
込マシタ

彼ノ負傷モ全治セス妻トシテ七名ノ幼児ヲ如何
ニシテ養育スルニテ行ケルテセウカ

彼ハ私ニ「妻ヤ子供ヲ事ラ思フト「スタックード」
中ヲ涙カ出テ夜モ寢ラウシコセン」ト涙ヲ流ニテ
語ツテ居リマス

彼ノ永イ三十二年間、光榮アル海軍生活ハ實ニ
斯様ナ不幸ノ結果ヲ以テ終リテ告ケタノデア
リマス

彼ノ妻ハ生シタバカリノ子供ヲ抱イテ夫ヲ思ヒ泣
イテ居ルノテハナシテセウカ

私ハ「アブラハム・リンカーン」ノ傳記ヲ讀シタ時次
ノ様ナ物語ヲ發見シマス

南北戦争ノ時ノコトデアリマス

或ル日リンカーンカ官邸ノ廊下ヲ通ルト不圖赤
兎ノ泣キ聲カ耳ニ入ツタ不思議ニ思ツテ下僚

ニ尋ネルト何シテモ遠イ田舎カラ訪ネテ来タト

カハフ一人ノ女カ子供ヲ抱イテ大統領ニ面會ヲ求

メテ来ルノテシタ 余リ身装ヲ見スボラシイノテ

受附ハ追ヒ返シテヤルケレトモ毎日赤兎ヲ抱イ

テハヤツテ来テ今日テ三日ニナルト言フノテス

リンカーンハ大變気ノ主母ニ思ヒ阿カ仔細カアル

ニ相違ナイノタカラ早ク連シテ来イト命シタ

間モナク通サシタノヲ見ルト十八九ノ年若イ

女テアル 翌日、日数モ経タヌト見エテ面會
シカシテ息ツカイモ何ニトナクカカナイ、赤見

檻ニ包ンテ抱キカ、エ、悄然ト頭ヲ垂シテ并ル

隣ナ女ハ涙ト共ニ仔細ヲ物語ル、テシタ

彼女ハメリーランド州ノ田舎カラ来タ者テ、夫ハ銀
治屋ヲシテ并タカ結婚早々召集サシテ西部ウ
アゲニア、戦線ニ行ツタ

夫カ出征スルト間モナク赤見カ生シクモ此
ノ頃傳令兵トナツテ并タ、彼女、夫ハ職務、間
違ヒラマツテ軍律ニ觸レ銃殺、宣告ラ受ケタト
云フノデアリマス

彼女ハ事情ヲ詳シク申立テタ上句「夫ハ大切
職務ヲ怠ツタノテスカラ銃殺サシテモ仕方ナ
イト歸メテ居リマスカ、セメテ此ノ子供ヲ一目ナリ
ト夫ニ見セテ別シタイト思ヒマシテ陸軍省ニオ
願由シマシタカ許サシマセン、テ思案、不統

領様ニオ願ヒニ参リマシタ 後生テスカラ唯一
日赤見ラ夫ニ會セサ下サイト訴ベル、テシタ
リンカーンバコノ哀サニハラト落涙シテ「ソ

ハ尤モダ」ト云ヒ乍ラ直タニ一枚ノ紙片ニ赦罪
命令ヲ認メテ「サアコレヲ持ツテ陸軍省ニ行ク
カヨイ、オ前ノ亭主ノ罪ハ許シテヤル」ト云ツテ

ソシテ女ニ渡スト、彼女ハ夢カト許ッ驚キ疑シ

“(5)”

涙ニ掻キ暮シテ暫ク返ス言葉モナカツタカ、
ヤガテ「神様ヨ、慈悲深イ大統領様ヲオ
守リ下サイ」ト叫ニタト云フコトデアリマス

私ハ今此ノリニカーンノ美ミイ、ソシテ慈悲深
イ物語ヲ因ニ起シ、士呂ト士呂、妻子、上ヲ
思ヒ無量、感慨ニ堪エナイ、デアリマス

本作ニ関スル士呂、謎デアリマス 士呂、俘虜ヲ處
刑シタ覺エハ全然無イ、デアリマス

「疑ニキハ無罪トス」ト、刑法上、殆ダカアリマス
不明ノ場合、刑法、理論上犯人ニ非スト推定スヘ
キデアリマス

文毫ストリンベルニハ「刑罰、最も嚴シイ刑ハ疑
惑テアル、ソノ時自今ハ余儀ナク罪ナキ者ヲ
疑フヤウニナル」ト斯様ニ云ツテ居ル、デアリマス
若シ仮ニ士呂カ俘虜ヲ處刑致シマシタト致シマシ
テモ彼ハ惡意ヲ以テ俘虜ヲ處刑スルコトハ決シ
テ有リマヤシ、命令ニヨル行為、如何ナルモノデア
ルカ、檀崎ノ項ニ於テ充分説明致シマシタノテ
其シテ全部茲ニ援用致シマシテ再ニ説明スル
コトヲ省略致シマス

私ハ被告士呂義治ニ對シ無罪、判決ア、ソ
コトヲ裁判長閣下並ニ裁判官各位ニ衷心ヨ
リお願い致シマシテ私、辯論ヲ終ル次第

55

トラックス

一九四六年十一月五日

"5" (P)

0082

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

I would like to deliver this argument first for DANZAKI, Tomeroku and next for YOSHINUMA, Yoshiharu.

The Specification of Charge I, "murder", states that DANZAKI, Tomeroku, then a lieutenant, IJN,..., did,... on or about 17 February 1944,... wilfully, maliciously, feloniously, with premeditation and malice aforethought, without justifiable cause, and without proper trial or other due process, did assault, strike, and kill, with dangerous weapons, to wit, sword and a loaded firearm, ... seven (7) American prisoners of war, names to the relator unknown.

In the first place, did he or did he not execute the prisoners wilfully, maliciously, feloniously, with premeditation and malice aforethought. I maintain that it was neither wilful nor with malice, and, therefore, that he did not execute them with premeditation and malice aforethought.

His act was based upon orders. I think the commission knows well how strict the orders of the Japanese Army and Navy were, but I would like to cite a few examples showing how absolute and severe these orders were.

In General Principles of the Regulations of Army Life, it is stated as follows: "Military discipline is the life-blood of the Army, and we must always encourage it. At all times and in all places every man in the Army must know the true meaning of the Army spirit. He must give his all in the military service and carry out anything ordered, then we can say that the purpose of military discipline has been accomplished. Obedience is the best way to maintain the military discipline. Therefore, we must obey heartily our superiors and carry out any order - this must become a habit. Obedience comes from the spirit of loyalty. We must sacrifice our lives for our fatherland, even in the most terrible battle, and obey only the directions of our superiors. The best way for superiors to promote the spirit of obedience is to discharge by themselves what they order and set an example of what obedience is.

Article 11 of Chapter 2 of these regulations, "Obedience", also states as follows: We must respectfully fulfill an order and carry it out at once. Never question whether it is just or not, or ask the cause or the reason of the order.

General Principle 2 of the Naval Battle Law states: Military discipline is the life-blood of the Navy, and harmony is the source of it.

General Principle 4 of the Regulations for Naval Personnel states: Order is the source of naval activity and ought to be certain and proper. Anything which is ordered must be supervised in its execution by the officer who ordered it in order that it may be fulfilled completely.

General Principle 6 of the same Regulation states: Obedience in the Navy is absolute and ought to be second nature for Navy Personnel. Never complain about the difficulty of its performance after receiving an order; never fail to carry it out; never question whether it is just or not. Self-decision is sometimes necessary to

carry out orders. If, in case of emergency or change of circumstances, there is no time to ask for directions from superiors, we must guess the intention of the superior, decide by ourselves and seize the opportunity.

In proportion to these absolute and powerful orders, their violation is heavily punished.

Article 55 of chapter 4 "Crimes for the violation of orders" of the Japanese Naval Law states: Anyone who violates or disobeys the order of his superior will be punished according to the following classifications: Failure to carry out orders (1) while facing the enemy will be punishable by death, life or more than 10 years imprisonment. (2) In time of war or in case of emergency in the rescue of ships will be punishable by confinement of more than 1 and less than 10 years. (3) In other cases will be punishable by confinement less than 5 years.

That the punishment for violation of orders is heavy is not only true in Japan, but also in every nation of the world. The U. S. Naval Law also states: Any Navy personnel who commit the following acts will be punished by death or given other punishment as the commission shall determine to be proper: No. 2 in this article those who disobey or do not do their best in carrying out orders in preparing for battle or when ordered to take part in the battle. Article 17 of the British Naval Law, Article 3 of the U.S.S.R. Military Criminal Law, Article 61 of the Swiss Military Law and Article 294 of the French Naval Law, impose heavy punishment for the violation of orders.

Lieutenant Commander Danzaki entered the Navy on 1 June 1906 as an enlisted man, was appointed to Warrant Officer in 1924 and to ensign in 1928. He was a lieutenant when the Pacific war broke out, and was appointed to lieutenant commander after the termination of the war. He offered his whole life to the Japanese navy for the very long time of 41 years and found himself only in faithful obedience to its orders. He was nothing but a faithful, honest man who obeyed orders. The orders of the Japanese Navy were very strict. The Japanese must even sacrifice their own life in the terrible struggle to carry these orders out. Moreover, they have to obey even unreasonable orders, and can not ask the reason for the orders. Lieutenant Commander Danzaki has received enough education so that I believe, he did not execute the prisoners wilfully, maliciously, feloniously, with premeditation and malice aforethought. During his long career in the Navy he was respected as an authority on gunnery. Beside his outstanding ability, he was so mild, sincere and benevolent to his men that anyone concerned with Japanese Naval Gunnery would know of his fine character.

He had a very noble character. I believe he is not a man who would execute men with malice whether they be foreigners or not, whether they be prisoners or not.

The common principle of criminal law in the civilized states shows the necessity of malice for the existence of crimes. I believe that the act of Danzaki which has no malice can not form a crime. I don't mean to speak repeatedly about the

strictness of orders that he may escape guilt. But truly, obedience to orders was strongly maintained in the Japanese Navy, and I would like to make the commission understand this point.

By nature the Japanese are people who are willing to obey orders. Regardless of the reasons obedience is both a good and a bad characteristic of the Japanese. During the occupation of the Allied Forces after the termination of the war, the people in the world were surprised at the attitude of the Japanese. We hear that the term of the occupation will be shortened and that the numbers of the Allied Occupation Forces in Japan will be diminished. What does it mean? I think, this is good evidence to show that the Japanese cooperate well with the policy of the Allied Forces and obey faithfully its orders.

I would like to explain how terrible the air raids were on that day because I think the explanation is necessary for judging this case accurately. On that day, 17 February 1944, the enemy's air raids were intense starting early in the morning. They came in a group of 80 to 100 planes, and, after an hour's bombing, another wave of planes came over. Such attacks continued till evening on the 17th, and on the 18th they continued from 4 a.m. till noon. The damage from the air raids tells us well how intense they were. Japanese planes were all shot down on the morning of the 17th. 40 ships were damaged or sunk, thousands of soldiers were killed or injured. At 10 a.m. they received an intelligence report: enemy warships appeared, may be transports, hurry up and prepare for their landing, their submarines seem to be coming into the lagoon.

The execution took place in pressing circumstances such as the above so that when Danzaki received the order, he decided that it was a definite order and an emergency one. Article 17 of the Japanese Naval Law states: Acts necessary in repressing the atrocities committed by a mass of people or to maintain military discipline in case of emergency namely, in the face of the enemy, or in time of danger aboard ship, will not be punished.

Article 26c of the Swiss Military Law states: The acts of a superior officer necessary to maintain the military discipline or to make his men obey his orders in case of emergency, especially in the face of the enemy or in case of sedition will not be punished.

Article 14 of the Chinese Army Law states: The acts necessary to maintain military discipline in case of atrocities concerning many people or in case of emergency in the face of the enemy will not be punished.

Danzaki judged that this was an emergency action done under pressing circumstances.

Charge II "assault with intent to commit murder", states that Danzaki, Tomeroku and Yoshinuma, Yoshihara, did, on or about 17 February 1944, assault, strike, and stab with a dangerous weapon to wit a sword one (1) American prisoner of war, name to the report unknown...

The prisoners executed in this case were seven and charge one states that seven people were murdered. However, assault upon another prisoner is added in Charge II. I doubt whether the prosecution counts one for two. In Charge I it is stated that they acted jointly with Captain Tanaka, but Captain Tanaka is not charged in Charge II. We can not understand that, nor does the prosecution prove this point clearly. A person who does not know the customs in Japan would think it was very cold blooded, when it is said that Danzaki executed them with a sword. From feudal times in Japan there is a tradition, and custom called "Kasyaku" in which compassion on the part of the samurai in cutting off the heads of a samurai is shown. I also think this is a bad custom, but from the time of the feudal warriors to the present day, this custom has prevailed among soldiers. The Japanese samurai and soldier considers his sword his "Tamashi", or his spirit. Therefore a samurai or soldier prided himself in possessing a sword superior to those of the others. And to execute with that sword which is imbued with the person's spirit or Tamashi is considered to be an honorable execution.

Next I would like to argue for the defendant Yoshinuma, Yoshiharu. Yoshinuma entered the Navy in 1922 as an enlisted man, was promoted to petty officer in November 1928, and commissioned as an ensign on 1 June 1943. He served 22 years in the Navy. He was attached to the 41st Naval Guard Unit, Truk Atoll on 30 July 1943. His duty was that of officer in charge of repairs and he took charge of repairing ships, cars, naval installations and ordnance. He was in poor health from the time of his arrival when he was stricken with dengue fever and then with dysentery. He was in bed for about a month. This cursed and unhappy day came at the very time when he was in bed. On 17 February 1944 there was an air raid alarm at Truk Atoll early in the morning. That was an unhappy alarm both for the Japanese Navy and for himself. From his sick bed he heard people shouting "Hurry up, the enemy will land". It was supposed that after the fall of the Marshalls they would attack Truk Atoll. He recognized his desperate situation and jumped from his bed. But his senses were uncertain and his head was a little dizzy. He had hardly reached the headquarters when he happened to meet Lieutenant Ishii who ordered him to execute the prisoners as soon as possible because the enemy would land. He refused saying that he could not do that because of his serious illness. He was so tired from his long illness and was so shocked by the sudden order that he became dizzy, everything around him became suddenly dark, he fell senseless and does not remember what happened after that. Natives on Truk testified that they witnessed his execution of the prisoner but he does not know those people. He has no memory of ever seeing a prisoner nor of having executed a prisoner, but the circumstances have him at a great disadvantage. About the 24th or 25th of June the investigator, Lieutenant Commander Currie showed him Danzaki's statement and said "There is no thing you can do about it, write down that you executed one or two prisoners". He replied in the negative, but he wrote in his statement that I cut one prisoner. Later upon investigation by Lieutenant Commander Currie on the 25th of October he stated that there was no truth in the fact that I executed a prisoner. He had the part in the statement which stated that I executed a prisoner removed after which he signed the statement.

I would like to point out some obscure and doubtful testimony made by the natives that the commission may take notice of. When the witness saw the prisoners

being taken to the sea wall, they were blindfolded and their hands tied behind them. The prosecution asked who took these prisoners to the place of execution. He answered they were Danzaki and Yoshinuma, but can only two people take the seven in that intense air raid only because that they were blindfolded and tied their hands? He testified that there was a sentry at the scene of the execution so that there should have been three at the scene, whereas he answered at the close of the examination by the defense that there were two at the scene. To the question "was there anything special other than the execution?", he made a wrong guess saying that they buried their dead bodies. The air raids on that day were very intense and I wonder why he forgot the air raids. Such a testimony is, I think quite inadmissible. He said that he saw the blood of prisoners from the bridge, about 60 to 70 meters away from the place. The witness has never been in American nor known any Americans. How could he recognize Americans? Though he does not know English at all, he testified that he heard the prisoner crying for father and mother. Though he does not know Japanese, he testified that he was told by Danzaki not to speak about the execution. He can not remember the date 17 February 1944 accurately, how he has a strong memory. How is it that a native of Truk can know the commanding officer, Tanaka, who had been only 55 days on Truk, when even in the Japanese Navy a more private or non com does not have any opportunity to meet high ranking officers as Captain Tanaka. He said that he could see Captain Tanaka in a rage in the midst of 100 men on the veranda which was more than 100 meters away from where he stood then. Could he keep standing for an hour on the bridge during those intense air raids? Considering these doubtful points, I believe it not good to determine the guilty of the accused in this important case by the testimony of these natives. It is quite natural for natives to reveal the mistakes of their former master, the Japanese, and to flatter their new master, the Americans. I ask the commission to pay very great attention to this in deciding the efficacy of the testimony of these natives.

Lieutenant (junior grade) Yoshinuma injured his thigh-bone in the air raid of 11 June 1944, entered the hospital on that day and was repatriated on the hospital ship Hikawa-maru. He entered the Yokosuka Naval Hospital on 2 August and received medical treatment for about one year. He has neither a house to live in nor any property. All that he has are his wife and seven children. His youngest child is still a mere baby. Food crisis and intense inflation in Japan after the termination of the war obliged his wife to sell her clothing for food. And they were caught in the throes of dire poverty. He has not yet recovered completely from his injury. Can his wife support herself and seven children? He once told me with tears, "I can not sleep here in the stockade when I think of my family. His long, honorable Navy life of 22 years thus terminated with this miserable result. I suppose his wife will weep with her baby in her arms.

When I read the biography of Abraham Lincoln I found the following story: It was a story in the American Civil War period. One day Lincoln was walking the corridor of his official house when he happened to hear a baby crying. He thought this strange and asked his men what it was. He was told it was a country woman asking to see the President with her baby in her arms. She was so poorly dressed that the reception officers always drove her away but she comes every day, and this is the third time. Lincoln felt so sorry for her that he ordered the woman to be

called because he thought that there must be some reason for this visit. He soon saw her coming. She was a young woman of 18 or so, it seemed that it was soon after the birth of her child and she looked tired and feeble. A baby dressed in rags in her arms, she dropped her head sadly and related her story with tears.

She was a native of Maryland. Her husband was a smith. He was called soon after their marriage, and went to the front at West Virginia. After his call, a baby was born. But soon the poor wife heard that her husband, who was then an orderly, was to be shot for violating the military law by his failure to the line of duty. After telling in detail what had happened, she said, "I can not help it that he neglected to discharge his duty. But I should like to show this baby to my husband before he is shot. That is my only wish. I asked the War Department about that, however, they did not allow me to do so, that is the reason why I came here. Mr. President, please hear my plea." Lincoln shed tears and said, "It is true what you say." He wrote on a piece of paper an order to release him. "Now you go to the War Department with this paper, the crime of your husband will be forgiven." So saying he passed the paper to the woman who was very much delighted and choked with tears she could say nothing for some time. She said after awhile, "Heaven protect the President."

I now recall this noble benevolent story of Lincoln and think of the wife and children of Yoshinuma with great emotion.

There is a proverb of criminal law that "the doubtful ought be not guilty." If you can not ascertain whether he is guilty or not, you must suppose him not guilty according to this rule of criminal law.

Strindberg, that famous writer said: The most strict form of punishment is suspicion. Then I shall be obliged to suspect even an innocent person.

If we presume that Yoshinuma did execute the prisoner, he would never have executed the prisoner with malice. I have explained fully in the part of my argument concerning Danzaki how actions were done under orders. I say the same thing here again and shall not go into it further here. I ask that your honor the chairman of the commission and the members of the commission find the defendant Yoshinuma not guilty.

MASANAO TODA

I certify the above to be a true and complete translation of the original argument of Masanao Toda in Japanese to the best of my ability.

Eugene E. Herrick
EUGENE E. HERRICK,
Lieutenant, USNR
Interpreter

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Closing argument for the accused, Captain Tanaka, Masaharu, Imperial Japanese Navy, Lieutenant Commander Danzaki, Tomeroku, Imperial Japanese Navy and Lieutenant (junior grade) Yoshinuma, Yoshiharu.

Delivered by Commander Martin E. Carlson, USNR

This commission has been convened in order to put into effect the answer to the question: What shall be done with Japanese war criminals? Notwithstanding many legal obstacles to the trial of individuals for violations of International Law as embodied in the Laws and Customs of War, the Hague Convention of 1907, the Geneva Prisoners of War Convention of 1929 and the Geneva (Red Cross) Convention of 1929, this commission overruled our plea in bar and held that these accused are properly in the jurisdiction of this commission.

If this commission holds with Sheldon Glueck in what he says in his book "War Criminals, Their Prosecution and Punishment" pp 14-15, "The issues to be resolved entail, not finely drawn spinings out of inevitably one-sided conclusions from clearly defined and universally accepted principles of law resorted to generally by lawyers; they involve rather, an explanation of the still wild borderland between the poorly developed field of the law of war and the public policy of civilized States conscious of their obligations as members of the Family of Nations. Debatable issues of a technical nature ought therefore always to be resolved, if this can reasonably be done, in favor of the right of the civilized world to punish those States, their governments and their military and political hirelings who have deliberately and scornfully flouted the most elementary principles of law and morals. The administration of justice is not some amiable little game of chess to be played forever according to the old rules though the heavens fall; it is rather a means to a socially and morally desirable end, and it must constantly be modified to achieve that end. In our day and age, one major aim of the administration of justice in international affairs is to demonstrate beyond doubt that lawlessness, whether indulged in by Heads of States, members of military general staff, members of political cliques, or persons of lesser status, entails prosecution and punishment." then this commission must in this case decide if these accused are war criminals who should be punished for the alleged crime. You members of the commission must decide what, if anything, is the responsibility of Captain Tanaka, Lieutenant Commander Danzaki, and Lieutenant (junior grade) Yoshinuma for the offenses charged and how should their defense that the alleged atrocity was committed only in obedience to orders of military superiors be treated.

Consider the evidence in this murder trial. In order to prove the case it was necessary for the prosecution to bring to the witness stand two natives of Truk who out of the mouth of an interpreter testified that they saw two of the accused execute seven persons on a sea wall, one person executing six, the other person executing one. These two witnesses although they had never seen white men before easily identified the seven as Americans, all having red hair. The prisoners were blindfolded and the witnesses were 70 meters away but the witnesses were sure they were Americans and although it was the first time they had seen them they knew they had not had a trial. For two days the American bombers came over from early morning until late at night in waves of 100 planes at a time. These two natives

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however remember every detail of the execution, such as 2 p.m. February 17, 1944, the color of the hair of each of the victims, how and with what each of them was tied, and the kind of blindfolds each of them wore, how the khaki and dungaree shirts were removed notwithstanding their hands were tied behind their back, how one screamed "mama and papa" for a full hour and even when finally chased away from this place which was 70 meters away from the alleged execution they still could hear the screams which were only silenced by the accused firing a shot. The prosecution asked these witnesses if the prisoners had had a trial and the answer was given promptly and without hesitation or reservation: "These prisoners were not given a trial".

The third accused, although he had been at Truk only a matter of days, was easily identified by these witnesses who observed him from a place 70 meters away. Captain Tanaka was on the veranda with 100 others but they knew none of the others but the captain who as I said had only been at Truk a matter of days and left a couple days later, he they recognized and observed as watching the alleged execution from this veranda. So he too, because of the testimony of these two witnesses is to be convicted of murder. Remember, American bombers are coming in waves of 100, and thousands of Japanese are being killed and thousands of others wounded, shore installations are being demolished, ships set on fire and sunk but here are two witnesses who testify to minute details of an alleged execution and by their testimony are likely to condemn these officers of the charge of murder.

But, the prosecution say, we have the confession of two of the accused. We objected to the introduction of these confessions into evidence, not on a technicality, but because a substantial right guaranteed by the Fifth and Sixth Amendments of the Constitution of the United States of America had been violated.

Under date of August 30, 1946 as serial number 10889, Commander Marianas Area appointed defense counsel for these three accused, Captain Tanaka, Lieutenant Commander Danzaki and Lieutenant (junior grade) Yoshinuma. We again remind the commission that the precept, serial 12841 is dated October 15, 1946. On September 12, 1946 and again on October 25, 1946 these accused were interrogated by an Investigating Officer from the prosecution office and on the same day as the judge advocate delivered the charges and specifications to the accused these accused were asked to sign and did sign what purports to be a confession. This was done at a time other than when the regularly appointed defense counsels were present. Therefore, although the convening authority appointed defense counsel, the accused were for all practical purposes without counsel until the day the trial started, November 5, 1946.

Our objections to the statement of Lieutenant Ishii were based on sound and fundamental reasons. The court overruled our objections to this statement without clearing the court and as a very routine matter. Yet we pointed out that Lieutenant Ishii was named in Specification 2 of Charge III and was not only by inference but specifically named as a co-conspirator.

Wharton's Criminal Evidence Vol 2, par 714 states: "Narratives of past events

after the conspiracy is fully executed are to measures taken in the execution or furtherance of the common purpose inadmissible against conspirators, citing Logan vs United States, 144 U.S. 263, 1(2d) 429; 127, et 617, Clark v United States (C.C.A. 5th) 61F(2d) 409 State v. Sweeney, 180 Minn 450, 231 N.W. 225, 73A.L.R. 380 State v. Violet, 57 S.D. 648, 234 N.W. 623 State v. DeAngelas, 72 Utah, 209, 269 P. 515.

Confessions of co-conspirators and accomplices are also inadmissible against a co-conspirator or co-defendant on trial, for the reason that a confession is necessarily made after the commission of the crime, and by its nature, it is not made in furtherance of the purpose of the conspiracy to commit such crime.

If the declaration sought to be introduced..., or after the consummation of the purpose thereof, the objection to be made is that such declaration is a hearsay statement and not binding upon the co-conspirator on trial". Hill v State 113 Crim Rep 85, 18 S.W. (2d) 1086 Whartons Criminal Evidence Vol 2 par 699, p. 1188.

"The co-defendant against whom the act or declaration is not admissible receives his protection from the court's admonition, and it is reversible error for the court to fail to instruct the jury in this respect." State v. Kirkland, 175 N.C. 770, 94 S.E. 725 Wharton's Criminal Evidence, Vol 2 p. 701 p. 1190.

As against this evidence, limited to the testimony of two natives of Truk and the objectionable confessions of two of the accused and the statement of Lieutenant Ishii himself, a conspirator and participant in the alleged offense we have the testimony of Captain Tanaka.

Captain Tanaka, a retired Navy officer was living a peaceful life as a retired Navy captain after 21 years of active duty. He was graduated from the Japanese Naval Academy in 1903. Suddenly he finds himself back on active duty after about 15 years retirement and on duty at Truk. He is almost 60 years old and knows nothing of modern warfare but Japan is in sore need of officers. On duty only a few weeks, yes just a question of days, and the American Navy, after much planning begins a terrible air attack. From early morning until late at night wave after wave of American bombers unload their bombs on that once mighty bastion, that fortress that Japan had guarded so well and where not white man had ever been allowed to set foot.

Words cannot express what that old man felt. Enough to say that he didn't know what it was all about. One of his junior officers, or it may even have been an Army officer, because this old man cannot remember too well what happened, came to him and said, "What about the prisoners?" What did he know about prisoners, having only been on duty a few weeks. This very junior officer suggested that the prisoner be executed because it would not be safe to have the enemy in their very midst when everyone was needed to repel the invasion.

This Navy captain had been living a peaceful life for more than 15 years so was horrified at the suggestion. The officer was soundly reprimanded but would not be

denied so suggests that Base Headquarters be called. This all while Japanese Army and Navy men were dying by the hundreds, ships were on fire and many were sinking, and shore installations were in smoking ruins. It might have been a different answer, but under the circumstances the answer was "Yes, execute the prisoners." So this old man reluctantly passes on the orders of his superior officer.

You have seen him in court here, you have heard his testimony. Now before you judge him for murder consider what was said in the case of Dithmar and Boldt, Germany, Reichsgericht, July 16, 1921, 16 American Journal of International Law, p. 708: "The fact that his deed is a violation of international law must be well-known to the doer, apart from acts of carelessness, in which careless ignorance is a sufficient excuse. In examining the question of the existence of this knowledge, the ambiguity of many of the rules of international law, as well as the actual circumstances of the case, must be borne in mind, because in war time decisions of great importance have frequently to be made on very insufficient material."

The prosecution charges him: wilfully, maliciously, feloniously, with premeditation and malice aforethought, without justifiable cause..., did assault, strike and kill. This is the charge and I say to you that the old man is not guilty of murder. He did not even do the killing. We shall later on analyze some of the leading decisions regarding the defense of superior orders, but now we shall go into what the prosecution say is the most important part of the specification - the technical terms used to describe the murder. Consider well the definition of "wilfully" as defined in Bouvier's Law Dictionary vol 2 p. 3454 "in an indictment charging a wilful killing, it means intentionally and not by accident." 116 Mo.96, 22SW 447. Ordinarily it is required of the prosecution to show by competent evidence that there was will to kill on the part of each of the accused. There has been no showing that Captain Tanaka willed to kill anyone of seven; Lieutenant Yoshinuma denied on the witness stand that he participated in the offense, and although the native witnesses testified they saw Lieutenant Danzaki stab, such testimony in no way proved any will to kill. Lieutenant Danzaki's confession objected to as evidence clearly states there was no will to kill. Lawful excuse there was in this case. If the prosecution failed to show wilfulness on the part of any of the accused they should at least be required to cite cases in point holding that the action of each of the accused under the circumstances indicated wilfulness. This they have so far not done. We shall go to Bouviers Unabridged Law Dictionary for a definition of malice and find on page 2067 vol 2 this definition: Malice -- In Criminal Law. The doing a wrongful act intentionally without just cause or excuse. 4 B & C. 255; Com v York, 9 Metc. (Mass) 104, 43 Am. Dec. 373; Zimmerman v Whitely, 134 Mich. 39, 95 N.W. 989. A wicked and mischievous purpose which characterizes the perpetration of an injurious act without lawful excuse. 4B & C 255; Com. v York, 9 Metc (Mass.) 104, 43 Am Dec. 373.

In Whartons Criminal Law Vol 1, par 421, pp 634-636 we read: Murder is distinguished from other kinds of killing by the condition of malice aforethought; but malice in a term which requires, as has been already seen, peculiar exposition and limitation. Nor do the words "preponse" or "aforethought" relieve the definition from ambiguity. What is "preponse" or "aforethought"? Can the mental processes by which conclusions are reached be measured by the flow of time? Does not intention itself logically include prior thought? Under these circumstances

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we must hold that the definition just given, authoritative as it is, does not exhaustively describe the offense of murder and we must reach, also a second conclusion: if the sagacity of our jurists working on this important topic for so long a series of years has been unable to construct a terse, satisfactory definition of murder, this is because such definition cannot, from the nature of the thing to be defined, be constructed. In order, therefore, to understand what murder is, we must study the subject in the concrete. When each particular case is presented to the jury, terms can readily be found, in and of the common law or statutory definition, to reach the merits of such case. But a definition which is large enough to cover all cases in advance must be necessarily so general that each of its leading terms will require a new definition to make it exact.

The prosecution are likely to skip over the word "maliciously" and go on to the words "malice aforethought". They define it as purpose and design in contradistinction to accident and mischance and say it may be inferred from the fact of killing. Where do they get their authority for such conclusions. Why do they fail to cite a single case in point. It is only fair to this commission that the prosecution cite at least one leading case to show what is meant by these technical and legal terms. This is certainly not the responsibility of the defense.

Are they going to define for the commission the word "feloniously" and will they support their definition by at least one ruling case.

The prosecution would define "premeditation" as "a design to commit a crime or to do some other act before it is actually done." In Wharton's Criminal Law Vol 1 page 634; par 420: "Premeditation and deliberation, as an element in murder, consists in the exercise of the judgment in weighing and considering and forming and determining the intent or design to kill." State v Roberson (1909) 150 N.C. 837, 64 S.E. 182. All the evidence in this case clearly showed that the alleged act was done in the spur of the moment, on the heat of battle and without any premeditation. Can the prosecution deny this?

If we accept the definition which the prosecution give for the phrase "without justifiable cause" to mean that the acts of the accused were done without his having any legal right to do it. The commission have heard the evidence and can well determine, being all military men of great experience if the possibility of an enemy landing is not justification enough for these subordinate persons to carry out the alleged execution especially when they had orders to do so from higher authority.

What of the evidence regarding swords and a loaded firearm? One native witness testified that one of the accused stabbed with a sword. Lieutenant Yoshinuma on the witness stand denied any part in the execution. No witness has been able to give proof that the accused used a loaded firearm. We say that the prosecution have failed to give convincing proof that swords were used to kill.

"Corpus delicti" must in a murder case be proved. Section 149, Naval Courts and Boards says it "must be established before any one can be convicted of the perpetration of the alleged crime;" otherwise the accused might be convicted of murder,

for example, when the person alleged to have been murdered was still alive." On a charge of homicide it is necessary to prove that the person alleged in the indictment to have been killed is (1) actually dead, as by producing his dead body;... The phrase corpus delicti sometimes means the dead body of the deceased," Whartons Criminal Law Vol 1 pp 449.

"To prove corpus delicti in a charge of homicide, it must be shown (1) that the person alleged to have been murdered is dead, (2) that he came to his death from the effect of a wound, (3) that the wound was unlawfully inflicted, and (4) that the accused was implicated in inflicting the wound." McBride v People (1894) 5 Colo. App. 91, Pac953.

"The corpus delicti in a case of murder may be proved by (1) production of the dead body, or the identification of the body or a portion of it, and (2) by proof that deceased met his death by violence, and not by accident or suicide." Lovelady v State (1883) 14 Tex App 545; Gay v. State (1901) 42 Tex Crim Rep 450, 60 S.W. 771. Whartons Criminal Law Vol 1 pp 453-454.

"Chancellor Walworth, however, says: "One rule which is never to be departed from is that no one should be convicted of murder upon circumstantial evidence, unless the body of the person supposed to have been murdered has been found, or there is clear and irresistible proof that such person is actually dead. People v Videto (1825) 1 Park Crim Rep (NY) 603. In New York it is held that in trials for murder the people must establish by positive evidence either (1) the corpus delicti or (2) the criminal agency producing it; and that after either is thus established, the other may be shown by circumstantial evidence. Ruloff v People (1858) 18 N.Y. 179; People v. Bennett (1872) 49 N.Y. 137 (by divided court). In such a prosecution the corpus delicti is established by proof of the finding of the body of a human being under such circumstances as indicate that the death or killing was felonious, and not by accident or suicide. State v. Potter (1879) 52 Vt. 33 But the proof of the identity of the dead body must be established by evidence outside of the death of the party alleged; the remains of the deceased, or a portion of them must be sufficiently identified to establish the death of the party." Lovelady v. State (1883) 14 Tex App 545; Gay v. State (1901) 42 Tex Crim Rep 450, 60 S.W. 771. Wharton's Criminal Law Vol 1, pp 459-460. The prosecution have failed to prove these seven were Americans or that there were seven. The names of not a single one of these persons was proved. How can the prosecution say they have proved the "corpus delicti". Their only excuse for not producing the body of the crime is a very flimsy story that two years later someone dug in the spot nearby where the execution was alleged to have taken place and put some bones in a tin can and took the can out to sea. That story even if it were verified doesn't prove that the seven bodies were so disposed of and the prosecution have not produced a single case to the effect that they do not have to produce the body of the crime. Since the "corpus delicti" has not been proved there can be no guilt on the part of any of the three accused.

The prosecution label this a murder charge and then the specification alleges that the offense is in violation of the laws and customs of war. We did ask the

prosecution to inform the accused as to what specific law or custom of war these accused are charged with having violated. How can the accused properly prepare a defense unless they know what the laws and customs of war are that they are supposed to have violated?

The prosecution asked the commission to take judicial notice of the Hague Convention No 1 V of 18 Oct. 1907 and we objected but were overruled. Article 2 of this Convention provides that the provisions of this Convention do not apply if all the belligerents are not parties to the Convention. Since neither Italy nor Bulgaria has ratified the 1907 Convention, these accused claim they are not bound by the Convention, although Japan did sign the Convention.

If the accused are charged with having violated the Geneva Prisoners of War Convention of 1929 we point out that Japan has not ratified or formally adhered to it. The mere fact that Japan did through the Swiss Government agree to observe the provisions of this Convention makes no difference legally.

The prosecution talk about certain rules found in the Japanese Army Operational Handbook and Japanese Navy Regulations and the notification issued by the Japanese War Ministry in March 1942. If the prosecution are basing this first charge on such rules we insist that the accused be so charged and that the prosecution be required to prove these things like any other fact and not come in with these rules by way of a closing argument.

It was Mr. Justice Rutledge in the dissenting opinion in the Yamashita case who reiterated an old and well established custom of American law when he said: "It is not our tradition for anyone to be charged with crime..., in language not sufficient to inform him of the nature of the offense or to enable him to make defense."

All three accused are jointly charged with Murder under Charge I. The evidence clearly shows their was not joint action on the part of these three accused, yet all are charged as principals. Why? The prosecution cite section 332 of the U.S. Criminal Code in defining a principal: "Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal." According to the prosecution each of these accused may be guilty of murder even though none of them struck the fatal blow. They need only have aided, commanded, induced, or procured its commission. Apply this to the present case and what do we find? Remember American bombers had been bombing since about four o'clock in the morning, bent on the utter destruction of this mighty Naval Base, Truk. Not only were the Japanese caught unprepared as regards their air force, but American landing craft, with transports and other ships dared to appear off Truk. Now these Japanese who had heretofore felt secure at Truk were to know the terrible might of not only our Navy air force, but also our landing force, the American Marines. For some time the war had been coming closer to Truk and today it was upon Truk. Thousands of Japanese were dying in defense of this outpost of Japan and yet nothing seemed to avail them; still the American planes came to drop their deadly bombs and the rumor that

the Americans were landing struck fear and consternation into the hearts of these Japanese. It was indeed unfortunate that there happened to be American prisoners in the custody of the 41st Guard Unit that day. Although every man was needed to defend their positions someone must guard well the prisoners that day. Not immediately but late that afternoon an officer charged with the responsibility for the custody of these enemy prisoners came to the Commanding Officer and recommended that the prisoners be disposed of in order to help the Japanese situation. The Commanding Officer, Captain Tanaka, had only been on Truk a matter of days and never before had he been in a battle or experienced the terrible power of the American Navy Air Force. What a precarious position he was in. However he had been too long in retirement living a calm and peaceful life and the very thought of killing prisoners was instantly denied and he reprimanded the young officer who had the temerity to suggest it. But the situation was critical and so the executive officer advanced the proposition again. Still this gentle old man would have none of it, but reluctantly agreed to allow Lieutenant Ishii to call the 4th Base Headquarters, inform them of the situation and to ask their orders regarding the disposition of these prisoners. Now it was the orders of the 4th Base Headquarters to dispose of these prisoners in order to make the Japanese defensive position more tenable. Perhaps the Japanese position was more precarious than they at the Guard Unit knew, and under combat condition orders must be carried out without any question. The 4th Base Headquarters orders must be carried out or all might be lost that day. Who is selected to carry out the orders? There is little time and of all the officers the unhappy choice falls upon Lieutenant Danzaki. What a penalty for efficiency, ability and good conduct. Danzaki whose very name was a synonym for all that was best in the Japanese Navy; he who was a model officer; whose 40 years service in the Navy was a bright and shining example for everyone to emulate, honest, sincere, and loved by all, he it was that was ordered to supervise this execution. There could be no question in his mind as to the legality of the order. He did however question it, "Was the order definite", in other words, why should he be ordered to execute prisoners. He the mighty warrior that he was could better be used to stand against the advancing foe as they stormed ashore but orders were orders and for 40 years he had obeyed orders so he has said, in a statement made without benefit of counsel although he had had counsel appointed, he saw to it that the orders were carried out. Late that evening during a lull in the bombing he, good and thorough officer that he was, reported to his Commanding Officer that he, Danzaki, had seen to it that the orders regarding the prisoners had been carried out. At the Base Headquarters Conference that evening Captain Tanaka reported that the orders had been carried out, the prisoners had been executed.

It is well that at this point trace the law and consider the cases dealing with orders as a justification for the act. This is a most complex and technical problem and in this case the circumstances were such as to absolve all three of any liability for the acts alleged to have been committed.

Paragraph 347 of the American Rules of Land Warfare reaffirms and adopts the principle set out in the British Manual of Military Law when it specifically provides that a soldier has a valid defense if his act was ordered by his government or by a commander: "Individuals of the armed forces will not be punished for these offenses

in case they are committed under the orders or sanction of their government or commanders."

In the present case there is no need to climb up the hierarchical ladder to reach someone amenable to the jurisdiction of a war crimes commission. Be sensible in interpreting the word commander. These three accused were only carrying out orders of their superior commander, the Commander 4th Naval Base.

The provisions in the American Rules quoted above protects these three accused against punishment because they were only obeying the orders of a military superior even though they knew their acts to be contrary to the laws and customs of legitimate warfare.

In this present case this American Rule is very undesirable from the standpoint of the prosecution, but this is the rule, the American Rule since 1914. In the footnote on page 234 of Glueck's book "War Criminals" we read: "The source of the provision is evidently Oppenheim's International Law (1st ed., 1906) Vol II, pp 264-6. It seems to have entered therefrom originally into the 1914 edition of the U.S. Army's Rules of Land Warfare through the official British Land Warfare. An Exposition of the Laws and Usages of War on Land for the Guidance of his Majesty's Army, by Colonel J.E. Edmonds and L. Oppenheim. (1913)."

Note 3 on page 234 Ibid reads: "F.M.27-10 Basic Field Manual, 1940, p. 87 Oppenheim makes no distinction between commanders and ordinary troops; he clearly would exempt all who violate the laws and customs of warfare as long as they do so upon a governmental order: 'Violations of rules regarding warfare are war crimes only when committed without an order of the belligerent government concerned. If members of the armed forces commit violations by order of their government they are not war criminals, and may not be punished by the enemy! Oppenheim: International Law (1st Ed., 1906) Vol. II, pp 264-6. See note 47 for Oppenheim's argument in support of his view, which can seriously bedevil the administration of criminal justice in the case of violators of the law and customs of warfare."

Note 47 on page 242, Ibid, states: "The rationale of Oppenheim's rule of complete exemption is stated to be that 'the law cannot require an individual to be punished for an act which he was compelled by law to commit.' International Law, 1st to 5th editions, Vol II, Sec 253 note.

"In time of war a soldier ought to receive greater protection for obeying an order that turns out to be unlawful; for at that time especially during a period of active hostilities, the discipline of a soldier should be more severe because failure to obey an order on the ground of doubt as to its legality could have a very serious consequences for an entire company or regiment." Sheldon Glueck, War Criminals p. 148.

"The principle which denies justification of the act if the order turns out to have been in fact unlawful seems excessively harsh.

"Military men argue that for a soldier to be placed in the position of first definitely determining whether or not the order he received is in fact unlawful would often amount to insubordination and would subvert military discipline." Glueck, War Criminals, p. 148.

In re Fair, 100 Fed 149, 155 (C.C.A. 9th, 1900) Fair who had been acquitted of manslaughter by a court-martial was prosecuted in a civil court for murder and the judge following a test laid down in the civil case of McCall v McDowell said that "the illegality of the order, if illegal it was, was not so much so as to be apparent and palpable to the commonest understanding. If then the petitioners acted under such orders in good faith, without any criminal intent, but with honest purpose to perform a supposed duty, they are not liable to prosecution under the criminal laws of the state." Glueck, War Criminals p. 148.

"The English law is best reflected in the leading case of Regina v. Smith, which embodies a principle much like the American "palpable illegality" cases. During the Boer War a patrol of British soldiers, sent out on a dangerous mission, indulged in an argument with a recalcitrant native who hesitated about finding a bridle for them. Under orders of his superior, Smith, one of the soldiers killed the native on the spot. Under the Indemnity and Special Tribunals Act set up after the close of the war for the trial of war crimes, special court tried him for murder. In acquitting the accused, the court stated the superiors orders rule in terms which in emphasis are more advantageous to the soldier than the rule usually embodied in the older American decisions,...

"I think it is a safe rule to lay down that if a soldier honestly believes he is doing his duty in obeying commands of his superior, and if the orders are not so manifestly illegal that he must or ought to have known that they were unlawful, the private soldier would be protected by the orders of his superior officer." Glueck, War Criminals pp 149-150.

Shortly thereafter in 1914 the British Manual of Military Law for the first time embodied a rule on superior orders: "Members of armed forces who commit such violations of the recognized rules of warfare as are ordered by their government or by their commander are not war criminals and cannot therefore be punished by the enemy." This dogmatic rule of absolute non-liability was in 1914 embodied in almost identic terms in the Rules of Land Warfare of the United States Army. Glueck, War Criminals pp 149-150.

Therefore according to the above authorities the three accused must be acquitted of the charge of murder and also the two accused, of assault with intent to commit murder.

We hold that SCAP Rules dated 5 Dec 1945 have no application and are *ex post facto* rules. They cannot supersede the rules of Land Warfare Basic Field Manual FM 27-10 section 345.1 of Chapter 11. Penalties for Violations of the Laws of War:

"Individuals and organizations who violate accepted laws and customs of war may be punished therefore. However, the fact that the acts complained of were

done pursuant to order of a superior or government sanction may be taken into consideration in determining culpability, either by way of defense or in mitigation of punishment."

By order of the Secretary of War;
G.C. Marshall, Chief of Staff

15 November 1944

What was said regarding the phrase "moral standards of civilized society" in our objections to charges and specifications we reiterate. The prosecution has not offered a single bit of evidence to show what is meant by the "moral standards of civilized society". We feel the commission must therefore strike the phrase.

In Charge III Captain Tanaka is charged with neglect of duty arising out of the same incident as he is charged with murder in the first charge. Naval Courts and Boards says of neglect of duty: A person may neglect his duty by never entering upon it, in whole or in part; it is an omission, rather than an act. Captain Tanaka is both charged with a positive act and then charged with failing to act in the same situation. Is the prosecution just fishing, hoping that if the accused is acquitted of one charge that he may still be found guilty of the other charge? It is highly inconsistent and the defense find it as difficult as does the prosecution to arrive at a stage in the proceeding where this accused can be said to be guilty of both a positive act and at the same time omit any act at all and thereby neglect his duty. The evidence clearly shows that an order was given, and it was reported to have been carried out. We admit no neglect, yet neither do we admit any guilt. The evidence just doesn't prove the charges.

A great deal of the evidence was objected to and we respectfully ask the commission having admitted the evidence over our objections to consider and weigh such evidence carefully. To find the accused guilty because of evidence which should not have been admitted is as we have stated reversible error.

We submit the fate of these accused to the mature judgment of this commission and ask that you find them not guilty of the charges.

Respectfully,

Martin Emilius Carlson
Martin Emilius Carlson,
Commander, USNR

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ARGUMENT FOR THE PROSECUTION
DELIVERED BY
LIEUTENANT EDWARD L. FIELD, USNR

If it please the commission:

I commented in my opening statement to this commission that it was a tribute to the investigators of this crime that the accused, now before you, have been brought to the bar of justice. I repeat, that only through the tedious and laborious efforts of these investigators has what must have seemed to the accused to be an unsolvable crime been completely exposed and brought to light! How startled the accused, Captain Tanaka and Lieutenant (junior grade) Yoshinuma, must have been when the long arm of American justice swooped down and plucked them up from their complacent hideouts as demobilized military personnel among the Japanese masses! Commander Danzaki was also no less surprised to find himself being held accountable for his atrocious acts, for above all others it was he who so carefully and deliberately tried to cover up every trace of his heinous behavior.

This commission has heard the prosecution's eye witnesses relate in detail the circumstances surrounding the outrageous execution of seven Americans held as prisoners of war at Truk. These same witnesses testified that the Japanese planted sweet potatoes over the very area in which the bodies of the victims were buried and both of these Trukese natives related to this commission that the accused, Danzaki, warned them never to relate or reveal anything concerning this crime to the American forces. Furthermore, this commission has heard these same two witnesses testify that the defendant Danzaki at the close of the war directed the digging up of the bones of the victims and other bits of evidence at the scene of the crime and after collecting these together disposed of them in the sea. So thoroughly had these accused instructed their subordinate troops never to mention this execution that the investigators of this crime have been unable to find a single Japanese within the 41st Naval Guard Unit who will testify that he saw the execution! The investigators have interviewed hundreds of Japanese personnel attached to the 41st Naval Guard Unit in an effort to locate any eye witnesses to the crime, yet, none of them claim to have seen the crime, but many could testify they had heard about the executions taking place. Bear in mind, gentlemen, that this state of affairs existed among the Japanese personnel of the 41st Naval Guard Unit, in spite of the fact that the prosecution's witnesses as well as the accused, Captain Tanaka, testified that approximately one hundred persons witnessed the executions such careful and meticulous efforts on the part of these accused to conceal their crime speaks for itself! Indeed, gentlemen, this came very close to being a perfect crime and it might easily have been unsolved had it not been for two Trukese natives who, when assured protection of the American authorities, related their simple account of what they had seen.

The prosecution has seen fit to arraign these three accused under three charges; murder, assault with intent to commit murder, and neglect of duty in violation of the laws and customs of war.

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Murder is the unlawful killing of a human being and is one of man's oldest vices originating with Cain and Abel. It is highly fitting and proper that murder should be charged as a war crime against these accused. It is to be noted that the material allegation of person, place, and time, unit of the accused, number and nationality of the victims and manner of execution were uncontested by the defense other than the denial of the accused, Yoshinuma, as a witness in his own behalf that he had participated in this crime and the challenge of the counsel for the accused in his closing argument that we have not proved that the seven victims were Americans.

I deem it is not necessary to trace the testimony of our witnesses to show that these points have been proven, since they are uncontested by the defense. Material facts in this case are relatively simple and the testimony of our witnesses has been most exact and complete and the allegations of the specification under the charge of murder are proven beyond all reasonable doubt. I shall reserve comment on the denial of Lieutenant (junior grade) Yoshinuma as to his participation in the crime until a bit later in this argument. As to the allegations by counsel of the accused that we have not proven that the seven victims were Americans, I need cite only the testimony of the two Trukese natives that the victims were white men who wore the similar clothing to that of the present occupation forces now on Truk. If this left any doubt as to the nationality of the accused, I ask the defense, what more is needed than the statement of the accused, Captain Tanaka, on the witness stand in his own behalf, that he thought the nationality of the victims were Americans? The absence of any contradiction or denial of this evidence on the part of the accused prima facie established their nationality, as Americans.

The only allegation of Charge I, the prosecution considers not proved is the words, "and a loaded firearm". I feel that the testimony of our witnesses did not identify either of the three accused as being the persons who used the firearm to dispose of the one agonizing victim as he lay screaming in pain at the base of the sea wall. This in no way weakens the specification as the allegation that the executions were performed with swords is clearly proven.

The counsel for the accused challenged the prosecution to prove that the technical terms used in the specifications have been proved against each of the defendants. I accept this challenge and wish to carefully consider the terms used in the technical part of the specifications to prove that each of the accused is beyond a reasonable doubt guilty as charged. The accused would have us believe that these technical words hold some mysterious meaning and are surrounded by "hocus pocus" or "black magic". These terms gentlemen, on the contrary, have a very concrete and specific meaning and I ask you to give careful attention as we examine each one individually.

The first technical term is "wilfully". Wilfully is defined in Bouvier's Law Dictionary as meaning, "in an indictment charging a willful killing, intentionally and not by accident. It is synonymous with intentionally, designedly, without lawful excuse and therefore not accidentally". I ask this commission, did the accused intend to kill these specific and exact seven victims? I further ask this

commission, were the seven victims killed by accident on a mistake? The answer to the first question is emphatically in the affirmative, while the answer to the latter question is emphatically in the negative!

What then does the term "maliciously" mean? I again refer to Bouvier's Law Dictionary, and we find that maliciously is defined as "The deliberate intent to injure". In order to understand the term maliciously we must understand what is meant by the term malice. In the U.S. vs. Reed 312 Fed. Reports, we find the following definition: "Malice" is not necessarily meant in the law a malignant spirit, a malignant intention to produce a particular evil. If a man intentionally does a wrongful act, an act which he knows is likely to injure another, that in law is malice. It is the wilful purpose, the wilful doing of an act which he knows is liable to injure another, regardless of the consequences. That is malice, although the man may not have had a specific intention to hurt a particular individual". Again I ask this commission, did the accused intend to do what they actually did?

Next let us observe the term "feloniously". This is a technical word which at common law was essential to every indictment for a felony, charging the offense to have been committed feloniously. The question then arises what is the meaning of the term "felonious"? In legal sense it means, "done with the intent to commit a crime". Can the accused be heard to say that they did not intend to commit a crime when they intentionally beheaded seven innocent victims?

According to Bouvier's Law Dictionary, "premeditation is a design formed to commit a crime or to do some other thing before it is done." Could there be the least doubt that the accused designed to execute these victims at a considerable time before the act actually occurred? The testimony of our witnesses as well as that of Captain Tanaka clearly show such to be the facts.

The next technical term used to allege the murder is that of "malice aforethought". Referring again to Bouvier's Law Dictionary we see that, "malice aforethought is a technical phrase employed in an indictment, which with the word murder must be used to distinguish the felonious killing called murder from what is called manslaughter. In the description of murder the words do not imply deliberation, or the laps of considerable time between the malicious intent to take life and the actual execution of that intent, but rather denote purpose and design in contradistinction to accident and mischance." The prosecution's witnesses have beyond all reasonable doubt shown that the accused after forming the malicious intention to take the lives of the seven victims proceeded to commit the necessary overt acts to consummate the crime and that their acts did not take place by accident or mischance but they were the deliberate intention of the accused to do exactly what they did do! It is the contention of the prosecution that every word in the technical part of the specifications alleging the crime of murder has been proven in their fullest aspects against each of the accused now before this commission!

What then brought about this fiendish crime? The only excuse offered by Captain Tanaka is that he had orders from higher authority and the counsel for the accused have most vehemently argued that the defendants acted only pursuant to the

orders of higher authority. The prosecution wishes to most emphatically and positively challenge the assertion that the accused acted under orders. Let us look carefully at the facts to see the "orders" under which the accused acted. The judge advocate was able to anticipate this assertion of "superior orders" on the part of the accused and we have brought before this commission as witnesses in our behalf the two senior officers of the 4th Base Force at the time the crime was committed and from whom the accused claimed that they had received orders to carry out the execution. This commission has heard the testimony of Admiral Wakabayashi, the commanding officer of the 4th Base Force at Tru, and his Chief of Staff, Commander Higuchi, both of whom have testified that they did not know of the presence of these seven prisoners at the 41st Naval Guard Unit and further, that they did not know that the execution of these prisoners was to take place, nor did they issue any orders for the same. Even if we believe the entire assertions of the accused concerning this point, we see that at best the facts are but this: The only authority upon which the accused, Captain Tanaka, acted was the verbal statement of Lieutenant Ishii that the 4th Base Force had given assent to his request the 41st Naval Guard Unit be given permission to execute the seven prisoners of war! Captain Tanaka admitted, as a witness on the stand in his own behalf, that he ordered the executions acting only on the verbal statement of Lieutenant Ishii and that he did not attempt to confirm or verify the so-called order! Captain Tanaka further testified that it was the 41st Naval Guard Unit who instigated and originated the idea and conception that these prisoners should be executed and that it was the 41st Naval Guard unit which asked the consent of the 4th Base Force to allow them to execute the prisoners of war. Since when does assent to a request become a military order? Even if we believe the contention of the accused that they had such assent there is absolutely no evidence to indicate that these prisoners would not be alive today had it not been for the actions of the 41st Naval Guard Unit who originated this foul idea that these victims should be beheaded. Gentlemen of the commission, the facts clearly show that the accused, Captain Tanaka had no such orders as he claims from superior authority to execute the accused, but, only at best, was given assent to do what he had requested. This gentlemen is a far cry from what he would have you believe was an absolute order that he had to blindly obey.

Let us observe a bit further the circumstances surrounding this execution. This commission has heard the testimony of witnesses both for the prosecution and for the defense relative to the great American air raid against shipping and other military installations on Truk during the morning of February 17, 1944. You have heard the accused, Tanaka, testify that this air raid took the lives of 60 of his own troops and that the Japanese casualties at Truk were in the thousands in addition to the enormous damage inflicted upon material and installations. Furthermore the accused, Tanaka, testified that as the result of this air raid the spirit and morale of his troops was very high. Under these circumstances with 60 of his own men dead and many other injured, we can see that his only hope of obtaining revenge against the Americans was to execute these seven helpless victims who were in his custody as prisoners of war. It is the contention of the prosecution that it was with this spirit of revenge, hatred and animosity toward the Americans kindled by the raid of February 17, 1944, that Tanaka ordered the execution of all

prisoners of war within his custody. This commission has heard Captain Tanaka testify that he ordered all prisoners of war executed not knowing the exact number in his custody. Gentlemen, to this fiend Tanaka, it made not the least bit of difference whether he had seven, seventy, or seven hundred prisoners in his custody when in a frenzied mood of hatred he ordered all prisoners under his control executed! His only motive was that some how he might retaliate for the losses suffered by his unit!

Thus, we see gentlemen that the seven American prisoners of war were executed without any justification whatsoever by the accused. We have heard testimony that the prisoners had done nothing in the way of misconduct or failed to abide by the regulations imposed upon them that would justify their brutal murders. All the witnesses for the prosecution as well as the accused Tanaka confirmed our contention that there was no trial or other due process given the accused, but instead that they were summarily beheaded before a curious crowd of onlookers in front of the Headquarters of the 41st Naval Guard Unit due entirely to the mad lust of the accused now before you.

The accused have raised the issue that since Tanaka was not a sword wielder it was improper to try him in joinder with the other two accused as principals in the crime. Who then is to be considered a principal? In Section 332, United States Code we find a principal defined as follows: "Whoever directly commits any act constituting an offense defined in any law of the United States or aids, abets, counsels, commands, induces or procures its commission, is a principal." Captain Tanaka falls perfectly within the letter of this definition as he counseled, commanded, and induced the commission of this crime and is therefore properly charged as a principal.

If this does not satisfy the contentions of the accused let us observe the Japanese Criminal Code and see what it has to say concerning principals. Article 60 of the Japanese Criminal Code reads in part as follows: "Two or more persons who have cooperated in committing a crime shall be considered a principal. The expression '(joint principals)' does not refer solely to those who have participated in the whole or part of the act forming an essential element of a crime. If several persons have conspired to carry out a crime and some of the conspirators have been induced to undertake the execution of the criminal act, these who have thus caused the criminal intention to be carried out are also (joint) principals". Looking a bit further we find in Article 60 of the Japanese Criminal Code: "A person who has instigated another to commit a crime shall be considered a principal. The same applies to a person who has abetted an instigator." This, gentlemen, is the Japanese Criminal Code and conforms entirely to the spirit of the United States Code concerning who is a principal. The accused, Captain Tanaka, complies perfectly with these definitions, both in the United States Code and the Japanese Criminal Code, and he has been correctly charged as such by the prosecution!

The accused have argued that they are not informed as to what specific laws and customs of war they have violated. As if they did not know, I shall point out specifically Article 23(c) of the Hague Convention of October 18, 1907 which states

as follows: "It is especially forbidden to kill or wound an enemy who, having laid down his arms or having no longer means of defense, has surrendered at discretion". I also desire to call to the attention of this commission that the accused violated among others Article 2 of the Geneva Prisoner of War Convention of July 27, 1929. Article 2 states as follows: "Prisoners of war are in the power of the hostile power, but not of the individuals or corps who have captured them. They must at all times be humanely treated and protected, particularly against acts of violence, insults, and public curiosity."

The accused have further contended that these sections of International Law are not applicable to them by making the monstrous assertion that Japan's notification to the United States through the Swiss government in January 1943 in which Japan agreed to apply provisions of the Prisoners of War Conventions did not bind the accused to this commitment. Certainly the United States Government did not and does not consider this action on the part of the Japanese government to have been an idle gesture or a diplomatic tawesty! The judge advocate would like to know upon what basis does the counsel for the accused make such reckless and indiscreet statements!

Let us observe briefly the part played by each of the defendants. The accused Tanaka requested permission to execute the prisoners of war. At best he received but verbal assent to this request and acting thereupon without attempting to verify the same, he ordered the execution of all prisoners of war in his command. The two Trukese natives have both testified that Tanaka was sitting on his veranda surrounded by staff officers, as he watched the executions taking place. This commission has heard Tanaka deny that he witnessed the execution, but that he did appear on the porch at the time the execution was taking place. This then is but a question of fact which the commission must determine in its consideration of the evidence. Whether or not he actually witnessed the execution is immaterial. Insofar as the charge of murder against him is concerned. His part in this crime is that of instigator and director of the overall proceedings!

The accused, Danzaki, has been shown by the testimony of the prosecution's witnesses to have been on the scene and participated in the actual crime itself. In his own confession Danzaki has admitted beheading three men and it was Danzaki, witnesses for the prosecution have alleged, who slashed one victim across the shoulders and then pierced his abdomen with a sword after which he kicked this victim over the sea wall and left him groaning and in agonizing pain. It is noted that it was Danzaki who specifically warned the two Trukese natives never to mention that they had seen this horrible crime and it is further noted that it was Danzaki who directed the digging up of the bones of the victims at the end of the war and the disposal of them in the sea. Such scurrilous conduct on his part and in his careful effort to hide the same positively show his guilt!

The accused, Lieutenant (junior grade) Yoshinuma, has been shown by eye witnesses for the prosecution to have been one of the two actual sword wielders at the scene of the crime and this is corroborated by the account of Lieutenant Ishii who stated that Yoshinuma and Danzaki performed the crime. Yoshinuma has seen fit to take the stand in his own behalf and make a complete self-serving denial of his entire

participation in any aspect of the crime including the assertion that he never knew there was a prisoner of war on Truk at any time. Such self-serving testimony was expected by the prosecution, but it does not alter the material facts in the least bit as shown by our witnesses! Yoshinuma did confess as a witness in his own behalf that he was in charge of boat repairs at Dublon Island and also that he did receive the orders to execute the prisoners, but became sick and did not carry them out. Both of these two admissions fit perfectly in the overall account of the crime as revealed by the prosecution's witnesses. It was in this capacity as repair officer that the two Trukese natives often saw the accused, Yoshinuma, and as they have testified they had seen him many times both before and after the crime. There can be not the slightest doubt that the accused Yoshinuma is the man who did exactly what our two witnesses have described him as doing!

The judge advocate notes a glaring inconsistency in the arguments of the counsel for the accused. They have argued that the principle of absolute obedience to all orders exists in the Japanese Navy which must be adhered by all Naval personnel. Tanaka has himself asserted that he most blindly followed the orders of all superiors as his life time training in the Japanese Navy had taught him. It is a strange thing indeed to then hear Yoshinuma as a witness in his own behalf testify that he was ordered to execute the prisoners and did not do so. Apparently Captain Tanaka did not practice with his subordinate staff officers within his 41st Naval Guard Unit what he preached as a witness in his own behalf before this commission! It is just the old story, gentlemen, of desperate men grasping for thin straws and if superior orders can be used to their benefit, well and good! If superior orders prove to be to their disadvantage, they ignore them!

The greatest weakness in the denial of the accused, Yoshinuma, that he participated in this crime is that he has failed to call any witnesses to support his claim when such witnesses are readily available. Before the accused object to my comment on these matters, I wish to call the attention of the commission to Section 147 of Underhill's Criminal Evidence, 4th Edition which states in part: "A prosecutor may always freely comment on the failure of the accused to call particular witnesses, or witnesses for particular purposes, if, for example, to account for his whereabouts on the day of the crime". This, gentlemen, is exactly what I wish to do for if the denial of the accused, Yoshinuma, contained one iota of truth, he could easily have corroborated this by the testimony of witnesses in his own behalf. His failure to do so clearly shows that he has perjured his testimony before this commission, and this commission can not give the least bit of credence to such self-serving untruths.

As I have stated before, it is the contention of the prosecution that the charge of murder in its every aspect has been proved against each of the three accused now before this commission beyond all reasonable doubt. The consummation of the alleged "attempt to kill" by the actual killing therefore nullifies Charge II, and it is the opinion of the prosecution that the commission should find Charge II not proved since Charge I is proved in full.

However, should the commission feel that the facts warrant that they find only six of the seven victims as alleged in Charge I killed, then they may find Charge II proved on the basis that the accused Danzaki is guilty of only attempting to kill the seventh victim who was allowed to remain in agonizing pain at the base of the sea wall. The judge advocate believes nevertheless that the facts in this case clearly show that the proximate cause of the death of the seventh victim was the slash across the shoulders and the run through his abdomen with a sword that he received at the hands of the defendant, Lieutenant Commander Danzaki. There is absolutely every reason to believe that the normal result of this initial assault on the part of Danzaki would have resulted in the death of the prisoner even though he would have lingered in agony for a considerable time prior to dying.

Charge III and the two specifications thereunder have been drawn against the accused, Captain Tanaka for "the neglect of duty in violation of the laws and customs of war." Obviously before there can be neglect of duty there must be duty imposed by law. The question then arises, what then is the duty imposed by International Law upon the accused, Captain Tanaka, and the answer is that International Law requires that the accused, Captain Tanaka, adequately protect from harm and injury any and all prisoners of war which happened to be in his custody. The Hague Convention of 1907 and the Geneva Prisoner of War Convention of 1929 both imposed this duty upon the accused.

It is true that Japan did not ratify or formally adhere to the Prisoner of War Convention, but soon after she had embarked on a treacherous war she was quick to announce on her own volition to the United States that she agreed to apply the provisions of International Conventions, concerning the treatment of prisoners of war to all prisoners under her control. Japan hastened to claim the humane rights and privileges of the conventions for her captured nationals. Under what system of law do rights exist without the corresponding responsibilities?

The government of Japan saw fit to recognize these responsibilities and she imposed them upon her Army and Navy. Japan incorporated these provisions into the Imperial Japanese Army Handbook of Operations and the Imperial Japanese Navy Regulations included the Hague Convention. Is it unlawful to charge officers of the Japanese Navy with knowledge of their own Navy Regulations? The accused offer the ridiculous spectacle of attempting to escape the responsibility and regulations imposed by their own Navy.

This legal duty was most clearly and unmistakably imposed by the Japanese themselves upon the officers and men of the Japanese Army and Navy by the inclusion of these rules in the Army Operational Handbook and in the Navy Regulations. In addition to this the Japanese War Ministry issued a notification in March 1942, covering regulations for the Treatment of Prisoners of War. This document recognizes the obligations of international treaties and customs by stating as follows: "A prisoner of war, as defined in these regulations, is any enemy combatant who has fallen into the power of the Empire or any other person who is to be accorded the treatment of a prisoner by virtue of international treaties and customs."

"A prisoner of war shall be humanely treated and in no case shall any insult or maltreatment be inflicted upon him."

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This, gentlemen, is Japanese law. It is not American law. It is not International law. It is Japanese law.

Let us observe further what the Japanese Navy Regulations have to say:

Article 105: "In regards to a matter of international implication, the captain must especially strive to be prudent and absolutely must act within the limits of orders, regulations, and treaties. If the matter goes beyond those limits, he/ the captain/ must request directions from his superior officers or else directly from the naval minister." This gentlemen is Japanese promulgated law which imposes the absolute responsibility upon the Commanding Officer Tanaka to have protected these prisoners of war.

The responsibility of a commanding officer was clearly recognized by the U. S. Supreme Court in the recent Yamashita case. Speaking for the court Chief Justice Stone said in part:

"It is evident that the conduct of military operations by troops whose excesses are unrestrained by the orders or efforts of their commander would almost certainly result in violations which it is the purpose of the law of war to prevent. Its purpose to protect civilian populations and prisoners of war from brutality would largely be defeated if the commander of an invading army could with impunity neglect to take reasonable measures for their protection. Hence the law of war presupposes that its violation is to be avoided through the control of the operations of war by commanders who are to some extent responsible for their subordinates."

Justice Stone goes on to point out that the Annex to the Fourth Hague Convention of 1907, in Article 1 lays down as a condition which an armed force must fulfill in order to be accorded the rights of lawful belligerents, that it must be "commanded by a person responsible for his subordinates."

The accused Tanaka as the commanding officer of the 41st Naval Guard Unit can in no way be excused for his neglect of duty.

The question now arises; can Tanaka be guilty of both a wilful neglect of duty and at the same time be found guilty of murder? The answer to this question lies in whether or not the charge of murder and neglect of duty are to be considered as separate offenses or whether neglect of duty is considered a lesser and included offense within the charge of murder. It is to be noted that we have not charged in this case both the wilful and negligent killing, but we have charged Tanaka in separate specifications as separate and distinct offenses with both murder and neglect of duty.

Neglect of duty in a military charge is something different than ordinary negligence.

In Wharton's Criminal Law on page 2243, footnote 16:

"As to criminal liability of officer for neglect of duty, see note 40Am. St.

Rep. 713. The essentials of the crime of neglect of duty are wilful neglect in discharge of official duty and injury to the public. State v Anderson (1929) 196 N.C. 771, 147, S.E. 305".

It is to be noted that Tanaka is not charged with a negligent killing but for unlawfully disregarding neglecting and failing to discharge his duty.

It is stated in Court Martial Order number 11, of 1930:

"Recent courts-martial cases published in Court-Martial Orders indicate the fact that no definite precedent has been established which prohibits conviction on one or more charges merely because they appear to have been based on the same act or omission. (CMO 2-1930, p. 3—CMO3- 1930, p. 12.)"

In a footnote to article 43, A.G.N.:

"Not only do military usage and procedure permit of an indefinite number of offenses being charged and adjudicated together in one and the same proceeding, but the rule is recognized that whenever an officer has been apparently guilty of several offenses, whether of similar character or distinct in their nature, charges and specifications covering them all should, if practicable, be preferred together and together brought to trial. (Carter v. McClaugary, 183, U. S. 365, 386)."

It is argued by the accused that the neglect of duty in failing to protect prisoners or in failing to restrain his subordinates in Charge III is a constituent element of the murder in Charge I. Could a commanding officer who has deliberately ordered the murder of a prisoner of war argue that there is no neglect of duty to protect that prisoner? He is obviously guilty of both murder and neglect of duty and when charged separately may be convicted of both.

It is readily recognized that a commanding officer could be charged with neglect of duty growing out of the murder of the prisoner of war who happened to be in his custody even though he did not know the murder of these prisoners was going to take place? The duty imposed on the commanding officer is one of protection and in the absence of the showing of his part that he has exercised reasonable care to assure this protection to the prisoners of war it could be of no avail to him to plead that he did not know these prisoners of war were going to be executed. It is the contention of the prosecution that the charge of neglect of duty is a separate and distinct offense and within itself and is in no way a lesser or included offense growing out of the charge of murder.

The test that this commission must apply is whether or not the facts as presented by the prosecution's evidence show that the accused Tanaka did neglect his duty. If the facts so show this beyond a reasonable doubt then the commission must find Tanaka guilty of neglect of duty. The commission can not set aside these charges and specifications if it believes they have been proven beyond a reasonable doubt. This invades the prerogative of the Convening Authority. The charges and specifications were found in due form and technically correct. It is the duty then of the

commission to ascertain whether the prosecution's evidence has proven as a matter of fact these charges and specifications. There is absolutely no inconsistency in charging the accused Tanaka with the two separate offenses of murder and neglect of duty and finding them proved against him as a matter of fact. It would be a grave error to acquit the accused on a charge of neglect of duty where it appears that the evidence substantiates the charge.

The prosecution concedes at present are unable to find a single case with a similar set of facts which we can cite to uphold our contention. However, we were unable to find a single case in point which states that this contention can not be sustained. One of several examples from Court Martial Orders which we believe to be in point:

"It was not legally improper to charge that accused committed manslaughter in violation of A.W. 93, and that he did "wrongfully and unlawfully drive an automobile in a reckless manner at a high rate of speed and while was drunk and as a consequence thereof did cause the death then and there of _____", in violation of A. W. 96, although both offenses were referable to the same transaction; nor was it legally improper to deny a motion to strike out one of the two specifications. CMO File #191695 (1930).

The two specifications under Charge III have been said by the accused to constitute one and the same offense. A careful study of the two specifications, however, will reveal that specification one charged Tanaka as the commanding officer for his failure "to protect" American prisoners of war then and there in his custody. This is a general allegation under the charge of neglect of duty as a result of any mistreatment or injury occurring to any prisoner of war while in the custody of the guard unit commanded by the accused, Captain Tanaka.

Specification two charges Captain Tanaka with "failure to restrain his subordinates". This is a more specific allegation than that of the first specification. Tanaka could be charged with failure to protect in specification one, even though the persons who injured or harmed the prisoners of war were not under his command. The second specification is more emphatic and specific in that it shows that Tanaka failed to protect prisoners of war from mistreatment by members of his own command.

The only question facing this commission is to determine whether or not the facts show that the two specifications are proved beyond a reasonable doubt. It is to be noted that in specification two, Lieutenant Ishii is mentioned in the group of those whom Tanaka did not restrain. If it pleases the commission, this allegation concerning Lieutenant Ishii has been proved by the testimony of Tanaka on the witness stand in his own behalf when he clearly showed Ishii's participation in the carrying out of the crime as an officer under Tanaka's command.

The counsel for the accused has seen fit to most emphatically contend that the confessions of the accused should not be used as evidence by this commission. The admissions of these documents have been correctly ruled upon by this commission.

It is the contention of the prosecution that every aspect of this crime has been proved against each of the accused by the testimony of witnesses without any consideration being given to these confessions and that the confessions at best do, but corroborate the testimony of the witnesses for the prosecution.

The prosecution most vigorously asserts that the accused, Tanaka, did not have any orders to carry out these executions, but only if we resolve all doubts in his favor, obtained verbal permission to carry out his own request. However, should the commission find as a fact that Tanaka did have such orders, the question then arises as to what consideration should be given to such orders. This commission is well aware of the law concerning superior orders and I shall not trace it at this time. I shall only call to the attention of the Commission that the Rules of the Supreme Commander of the Allied Powers under which this Commission operates state that superior orders can not be used as a defense but may be considered in mitigation of punishment if the Commission feels that the facts so verify.

In conclusion I would like to reiterate that the accused stand before this commission as proven murderers and must be held strictly accountable for their misdeeds. The United States Government has warned Japan on too numerous instances for me to relate that the time will surely come when just such persons as those accused now before this commission would face the bar of justice and be required to give strict accountability of their heinous conduct. This is no time or place for sympathy. I should like to ask the accused, Yoshinuma, who begged so valiantly for mercy in his own behalf on account of his wife and seven children: What consideration did he give for wives and children of the families of the victims he so pompously executed on the sea wall at Truk on February 17, 1944? These three accused must be judged solely on their diabolical conduct and justice rendered under the law.

Gentlemen of the commission, the accused have been weighed in the balance and found wanting. Their guilt as murderers is proven beyond all reasonable doubt. I submit their fate to you and the just punishment they so obviously deserve.

Edward L. Field
EDWARD L. FIELD,
Lieutenant, USNR

"V 12"

01111

陳述書

石井祐治郎

米軍「ドラゴン」第一團(二月)空襲中司令部ヨリ「米軍上陸、偉大ナリト、信号アリ」。

司令部ニ「非ラズシテ、見張所」ヲト思フ、敵巡洋艦、駆逐艦南水道ニ向フト、信号アリ。

其信号ハ電報ナリト思フ。

之ハ空襲、且具最中ナリ。

副長病氣、為、私ハ技術科ニ

モ副長援助ノ立場ニナル、私ハ

戦斗、事ハヨウワカラス。

日本軍隊デハ敵上陸アルト判

断セバ停戦ノ處分ス(要イ事

ナリ)。

名前知ラス唯トナリ停戦ノ處

分、知アリ、私ハ處分シテイカ

クアラ~~ス~~不~~レ~~田根據地隊司令部

部へ電話ヲ掛ケ「捕虜ハドウシ

スヤ」處分シヨウカト問ヘリ。

司令部ヨリ「オウ」ト太イ聲ニテ
返答アリ。

軍隊ニ於テ「オウ」ノ解~~は~~ヤリ
ヨシイ。承知、実行セヨ。此ノ場
合處分セヨ、意味ナリ。

「オウ」ト返答アリタルニ依リ。

田中司令ニ「處分シヨウカト南
ケリ。(司令部承知)。田中司令
頭サゲテ「オウ」又ハ「オウ」處
分ト云フ様ニ思フ。

早(塙)備隊士官。右記。檀^し高^し
ク切^しリ。

右記^しカラ命令受ケタルヤ
知ラザレモ「切^し」又ハ「切^し」ト
云フテ切^しタ様ニ思フ。

右陣速書ハ眞実ナル事ヲ據^ス。

昭和二年十一月四日。

海軍少佐

事件当時駐露儀隊員石井祐治郎

Subscribed and sworn to before me
this 4th day of November 1946

Maurice E. Cairns
Lt. Comdr. USNR

Samu Ueda
Witness

STATEMENT OF IISHI YUJIRO

During the first air raid on Truk (February) by the American Forces, there was a signal from headquarters saying: "Possibility of an enemy landing is great". There was also a signal that enemy cruisers and destroyers were heading for the South Pass. This I think came from a lookout post and not from headquarters. I think that the signal was a despatch. This all happened in the middle of an air raid.

I am of the engineering department, but as the executive officer was sick I helped out as the executive officer. I do not know things concerning battle well.

In the Japanese military service, if it is judged that there is going to be an enemy landing prisoners are disposed of. (This is not good).

I do not know the names and by no one in particular but there was talk about what to do about the prisoners. As I did not know whether to dispose of the prisoners or not, I telephoned headquarters and asked "What shall we do with the prisoners, shall we dispose of them?" A thick voice from headquarters answered (おおう). In the service (おおう) is taken as All right, Approval, or carry it out, in this case it is to the meaning, dispose of them. As there was an answer to the effect of おおう (headquarters approval), I asked the C. O. TANAKA, shall we dispose of them. C.O. TANAKA nodded his head and I think answered おおう or おおう dispose of them.

Officers of the 41st Naval garrison Unit Yoshinuma and Danzaki executed them. I do not know from whom Yoshinuma received orders, but I think he said "I will cut" "I am going cut" and executed them.

I swear that the above statement is the truth.

4th November 1946

Attached at the time of the incident to the 41st garrison.

IISHI, Yujiro
Lieut. Comdr., IJN

Subscribed and sworn to before me this 4th day of November 1946.

Maurice E. Currie
Maurice E. CURRIE
Lieut. Comdr., USNR.

Witness:

UEDA, Isamu

Witness:

SAVORY, Fred

The above is a true and correct translation to the best of my knowledge.

Isamu Ueda
SAM UEDA
Interpreter.

"EXHIBIT (2)"

0115

(1)

昭和十九年二月十七日米機動部隊がトラックス島に本營大空襲
アリタリ午後三時頃一少尉(多分捕虜、掛リテ居タ
エト思ヒマス)が私ノ家ニ直接来リ「捕虜ヲ預リ居リテハ甚
ダコソに故處命シテモライ度イト陳述シマシタ 此ハ直ニ
ソソコトワ私ノ採量デデヤルコトカ司令部ニ聞ケルト
云ヒマシタ コレハ私ニ如何ニ困難ナコトガ出来テモ行ツテハ
ナラナイコトデアリシカシ宜大空襲中ニ起リタコトデス
カ一應司令部ニ報告シテ御示指ヲアオガナケレバナラ
イトトト思ヒソ一少尉ヲシカリ付ケタ言葉デアリアス
此少尉が私ニ云ヒレコトヲ副長代官石井大尉ニ報告シタト
見エマシタ 石井大尉が問ヒナリ私ノ家ニ来リ司令部ニ聞
テ見マシヨウカト云ヒマシタカラ一少尉聞イテ見ヨト答
ヒシタ 其後石井大尉ヨリ司令部ヨリ「命令セヨト」
命令ガアリマシタト報告シマシタカラ私ニ司令部
命令ガアリタノカト急々押シマシタ 石井大尉「確ニア
リタト答ヘマシタソレニ私ニ司令部「命令ナラバ
ヒッ得ナイト云ヒマシタ 石井大尉「コノ命令ヲ捕虜掛
一少尉ニ伝ヘタエト思ヒマス 又石井大尉が私ノ家ニ来
タニテ石井大尉ニ頼シマシヨウカト申出マシタカラ
様様大尉ニ頼ノト申シマシタ
カリシ少尉ニ依頼

"EXHIBIT (6) 6

Handwritten text in Chinese, likely a preface or introduction, mentioning the purpose of the book and the author's intentions.

元日/新編海軍大綱

大綱海軍大綱

中華民國三十四年十月二十五日

Subscribed & sworn to before me this
day October 25, 1946.

Maurice E. Curran

St. Louis, Missouri

Witness

Frederick Arthur Gearty

To Lieutenant Commander Currie:

On 17 February 1944 an American task force made a large air raid and attack on Truk Islands. About three o'clock in the afternoon of the same day an ensign, (I think he was the man in charge of prisoners) came directly to my place.

He stated, "As it is a very great problem to keep prisoners in custody, I would like to have them disposed of."

I immediately said, "Do you think I can do such a thing acting upon my own judgment. Ask headquarters!" These were the words with which I scolded the ensign.

I thought that this was something that must not be done no matter how difficult the situation, however as this occurred when we were in the middle of a very important operation, I would report it to headquarters first and ask for directions.

It seems that the ensign reported what he said to me to Lieutenant Ishii, acting executive officer. Lieutenant Ishii came to my place at once and said, "Shall we ask headquarters?" I answered, "Yes, let us ask headquarters."

Then as it was reported by Lieutenant Ishii that he had received an order from headquarters saying, "Dispose of the prisoners", I checked with him as to whether there was an order from headquarters and Lieutenant Ishii replied that there was. Then I said that as it is an order from headquarters, there is no other alternative. I think Lieutenant Ishii passed this order on to the ensign in charge of prisoners. Lieutenant Ishii came again to my place and asked if we should request Lieutenant Danzaki to do it, and I said, "Ask Lieutenant Danzaki to do it."

Later I heard a conversation going on outside my room. One person said, "I do not want to do it," and the other answered, "But it is an order from headquarters."

The order was carried out under the command of Lieutenant Danzaki and in the evening I received a report from Lieutenant Danzaki, "We have disposed of them." Although I think a report was made to headquarters by telephone at that time, to make sure, when I went to headquarters that night I made an oral report to the chief staff officer (Commander Higuchi). (These three persons very well know the thing which was carried out under order of the Fourth Base Force Headquarters.)

Although I did start out to supervise at the scene of execution, I felt extremely sorry for both parties and finally gave up the idea on the way.

Lieutenant Ishii is an elderly person who rose from the ranks to be a Lieutenant Commander (Engineer) and is a careful man who does not fail to carry out things to the minutest detail. He was so thorough in his work he reported this order on his own initiative to the executive officer,

Lieutenant Commander Nakase, who was sick in bed at the time.

Lieutenant Danzaki is also elderly and is a wise and fine person. He also rose from the ranks to be a Lieutenant Commander. He was mild and calm in nature. He was courageous and a true warrior, and therefore I trusted him and requested him to dispose of the prisoners.

11 September 1946.

This is a true statement.

Then 41st Guard Unit Commanding Officer.

Tanaka, Masaharu,
Captain, IJN.

25 October 1946.

I have reread the above statement and there are no errors.

Tanaka, Masaharu,
Former Captain, IJN.
Commanding Officer,
41st Guard Unit.

The above is a true and complete translation to the best of my knowledge.

Eugene E. Kerrick Jr.
EUGENE E. KERRICK, JR.
Lieutenant, USNR.
Interpreter.

Subscribed and sworn to before me this day October 25, 1946.

Maurice E. Currie
Maurice E. Currie.
Lieutenant Commander, USNR.

Witness:

Frederick Arthur Savory
Frederick Arthur Savory.

"EXHIBIT 4"

0120

走音 權 嶠 留 乙

"EXHIBIT (5)" (1)

0121

〇〇 〇 〇
「ア、父、氣が付三四歩エド、サ、構ト
シ、タカ、お、カ、手傳、ミ、突、ト、言、甘、父、再
シ、お、恨、居、方、行、キ、マ、リ、
五、既、お、恨、要、求、利、の、人、無、お、方、マ、リ、如、何、
タ、ラ、見、タ、お、方、三、ホ、ホ、リ、預、シ、マ、リ、
六、お、其、儘、お、室、向、其、際、お、司、令、田、中、が、
「リ、タ、」ニ、立、ミ、居、ミ、お、別、司、令、田、中、
直接、命、令、ミ、タ、ミ、タ、ミ、カ、司、令、田、中、
何等、伏、洗、ミ、事、お、ミ、お、室、ミ、ミ、刀、重
ミ、お、戦、斗、部、署、就、キ、マ、リ、
七、當日、敵、國、ト、リ、敵、が、ミ、ミ、定、龍、ミ、ミ、
ミ、其、日、終、ミ、ミ、お、恨、ト、當日、何、事、一、般
ミ、其、お、教、ミ、タ、セ、ミ、
八、十八、日、前、お、恨、向、前、日、お、思、慮、就、お、相、談、

"EXHIBIT (5)" 〇

0122

ラ 紋ニミヤ。

（ハ）此ノ希望ニミヤ。

警備隊前山ノ通者ノ場所、埋没ノ墓
標ヲ建シ置、タラ如何ト申シタ所、イヤ。
其ノ必要ハ無イト事ヲ其ノ儘ニナリタリ
アリス。

（ハ）十八日午前十時其ノ場所ニミヤ置ルミヤ、
此ノ其ノ場ヲミシ度々大罪ヲ犯シタリカ。
ナリ何所ト無ク埋没者ノ恩福ヲ祈リ居
ツタノデアリス。

十、實ニ前山ニ墓標ヲ建シ永ク榮ルベキ此
ノ戦争ノ如何ナル見通ニカミズ其ノ敗
戦ノ場合ハ、軍事利ハナ直ニ此ノトナリニ
来ニタロカ其ノ際ハ、津ヨリ憲兵隊ニ
向ニ見候ニタリ心ニ思フテ居ルミヤ。

十、當時司令田中ノ病室ヲナリタカトオキ

"EXHIBIT (5)" (3)

- 一、^不アリマシタガ別ニ所業ヲ人無ト答ニシ、
 一、^一衣冠、^一ス、^一ナ申上ニモ若何人物自常
 勤格特ニ精勵上ニ良下ニ良、優劣
 ナル人物ヲ今回ノ事件、命令ナシテ實
 行スル事ナト、絶対、無ト思ヒマス。
 一、^三煙没付近ノ部、其ノ所、^一ニ國程度ト
 思ヒマス敵機ノ空襲ヲ受ケ又四月三日、
 爆弾ヲ戦死者(日本人)ナシ五ノ遺骸、
 又此ノ部、^一ナリトモナリマス。
 一、^四地獄其附近ノ概観、隊員ヲ檢ニ集
 メテ概ニ思ヒマス其ノ外、^一何ニ解ナ
 示ラセシ。
 一、^五私^前ノ正直ニ申上ル所記ヲ教ヘテ私會。又

眾「犯」之「利」：「利」之「利」
待「人」

在「在」：「在」之「在」之「在」

在「在」

在「在」

Subscribed + Sworn to before me this
day October 25, 1946.

Maurice E. Currie
Lt. Comdr. USNR

Witness Frederick Arthur Givony

"EXHIBIT (5)" (5)

0125

STATEMENT OF DANZAKI TOMEROKU

To: Lieutenant Commander Currie: September 11, 1946.

1. At seven o'clock in the morning on February 17, 1944, I met Ensign YOSHINUMA, who was leading seven Americans, on the turning circle in front of the Administration Building.
2. At that time, on my way to my quarters, when I asked YOSHINUMA about the orders, he said that he had definitely received them, and because the enemy was coming to land, he asked me to help him.
3. I didn't have my Japanese sword with me at the time so I was about to go to my room and left YOSHINUMA. When I came to the Administration Building veranda, the commanding officer TANAKA was there but I did not say anything to him. I went to my room, took the sword and once more passed in front of the commanding officer, TANAKA.
4. I went to the veranda and started in the direction of YOSHINUMA, but I started thinking. The thought occurred that committing such a great crime was not the way for man, so I returned three or four steps and stopped, but I acquiesced to YOSHINUMA'S plea of "Please help me", and once again went over to where YOSHINUMA was.
5. I saw that YOSHINUMA had already lined up the Americans and started beheading from the right, so I beheaded three from the left end.
6. I went towards my room as I was; on that occasion also the commanding officer, TANAKA was standing on the veranda. As I had not received any direct orders from the commanding officer, I went to my room without saying anything of the circumstances to the commanding officer, TANAKA. I put away my sword and took my battle station.
7. On that day, we received numerous air-attacks by enemy "Grunnans", so during that day I did not talk with YOSHINUMA.
8. On the morning of the 18th I went to see YOSHINUMA and conferred with him about the method of disposition of the previous day. My wishes were: What about burying them on the hill in front of the Guard Unit and erecting markers. When I said this, the reply was no, that there was no necessity for that. They were left that way.
9. On the morning of the 18th at 8 o'clock I placed soil on the spot. Every time I passed the spot the thought came that I had committed a great crime and I was always praying for the heavenly peace of the buried ones.
10. The truth was that I would have constructed markers on the hill and enshrined them forever. Without being able to foresee how the war would come out I thought with firm resolve in my heart then, that if we should lose the war, since the Americans would probably come to Truk soon, I would on that occasion manfully present myself to the military police.
11. I was asked if the commanding officer TANAKA was not sick at that time; I replied that he was not sick.

12. I shall say a few words on YOSHINUMA. This person carried out his daily duties with particular diligence, and was liked by his superiors as well as his subordinates. I believe that it is absolutely impossible that such a superior character should have carried out such an act without having received orders to do it.

13. I believe the area of the burial was bombed by enemy planes once or twice the following month, and also was hit by a bomb on April 30th, at a place where thirteen war fatalities (Japanese) were laid out and they were all blown up.

14. I believe that the remains buried in that area were gathered up after the end of the war but I do not know what was done with them.

15. I apologize for not telling the truth before and will await your disposition of me stalwartly.

It is as I have stated.

DANZAKI, TOMEROKU

25 October 1946.

I have reread the above statement and there are no errors.

DANZAKI, TOMEROKU

The above is a true and complete translation to the best of my knowledge.

Eugene E. Kerrick, Jr.
EUGENE E. KERRICK, JR.
Lieutenant, USNR,
Interpreter.

Subscribed and sworn to before me this day October 25, 1946.

Maurice E. Currie
Maurice E. Currie,
Lieutenant Commander, USNR.

Witness:

Frederick Arthur Savory
Frederick Arthur Savory.

"EXHIBIT 6(2)"

0127

田中大佐：対る人格証明す

一、現役時代：於て田中大佐と同一節操付たりしは、小へんを極ノ純朴ニシテ

小事ト云ふを不最善良志士官ト認メセリ

二、當現役後：年と共に現役時代異なり

名古居藩部長時代：既、其、在在ソ疑ヒタムコトアリ

三、衣下セリシ第四十一旅之師團司令トシテ著信セシハ其ハ沈黙ハ極メテ

氣、善カシク思ヒセリ果シテ其ノ他諸事ニ付ハ其ノヤリ覺念セリ

即チ人身共ニ老齡ト共、衰退シタヤ、感シタニ一而ニ純情ニシテ遠ハ而

目ヤリシ思ハフ知悉シタリテ大退ナク退シ得ニエト信ジタリ

今回ノ事件ニ付シテ思ヒタリテ其ノヤリザンニト信ズ

何事ノ利ノ權ヲ以テソドリヤ知セシラ思ヒタズ

一九四六年十一月四日

海軍中將

若林信作

謝 願 書

海軍大臣田中政治家氏：日清戦役＝生き延び
 人デアルと思つて居り、又、困るに處＝依り、
 救済者デアルカ、其々部下＝訓示せし場
 合常々人觀望ラ「モット」ト云ふて居り
 思ふ＝彼、前半生：平和、愛ト云ふ事ヲ信
 トシ、来りて事ト懐疑シ居りマス
 吾々、接る期間ハ三月程度デアルコトが過厚馬鹿
 實ニ田中、人デアルコト又彼：極メテ曲折シ、
 思ふト其情實ニ傷ム人デアルコト
 故ニ吾々：人信信賴シ参りマス
 今日吾々：願ふ所：何トカ彼ヲ救ヒタイ氣持
 アリマス何卒、何分、御座る願上マス

第一平仲隊

宮川 宣五

田中海軍大佐 贈る人 松田明書

田中大佐、小官、中尉時代、一九〇〇年、海軍艦隊司令官、分隊長として、佐（シ）トアリ、性、篤実、短小、温厚、シシ、其、至、目、下、ト、記憶、シ、タ、リ、故、意、志、的、意、志、的、補、佐、ヲ、長、官、ト、シ、ト、アリ、久、昇、バ、カ、ラ、ラ、サ、ン、タ、ト、思、考、ス

何年、寛大、御、是、思、ハ、如、望、ス

一七四六年

十月、四、日

海軍中尉

小 木 仁

昭和 年 月 日

嘆願書

裁判長閣下
 竊、裁判官御一同様。謹デ嘆願申シ上ゲマス
 父、田中政治ハ、温和ニシテ、慈惠心強ク、生
 来、生物ヲ愛シ、一生、希望ハ平和ナル田園
 生活ニアリマシタ
 父ハ、貧農ハ、次男トシテ、生、獨立ノ生計ヲ営ム
 為、止ムヲ得ズ、身ヲ海軍ニ投ジタタメ、生来、
 性格ト希望トニ余リニモ、奔馳セル軍隊生活
 ニ、耐ヘラレズ、昭和三年（一九一四年）自ラ願フテ
 軍人ヲ辭シ、善良ナル一市民ニ復歸致シ
 マシタ
 爾来、父ハ一生、念願タル平和ナル
 生活ニ入り、社會奉仕、希望ヲ以ツテ、農耕
 ニ養鶏ニ、意ヲ注ギ、子供等、生長ヲ唯、

昭和 年 月 日

樂ミトシテ 慈愛深ク 子供等ヲ 教導シ自己
 ノ信念ト経験トヨリシテ 子供ヲ 軍人ニスルヲ
 好マズ 男子三人ニ対シ 夫々 経済 法律
 工學 知識ヲ 習得セシメ 人類ノ 文化 生活ニ
 貢獻 スルヲ心カラ 望ンダリデアリマシタ
 昭和十六年九月（一九四一年） 召集ヲ 受ケ
 今時太平洋戦争ニ赴イタノモ 常ニ一刻も早ク
 戦争終結シ 平和回復セシ 郷ニ 歸ルヲ 希望シ
 テ居リマシタ
 一方老境ニ入り 健康勝レサル父ハ 再度、軍人
 生活ニ全ク 奮然シッノ任ニ耐ヘサル様ニ 見エ共
 一同ニ 哀心ヨリ 憂ニ 存ジタ次第デアリマス
 戦地勤務 僅カニ三月ニシテ 其ノ任ニ 耐ヘズ 歸國
 シ以来 療養ニ 努メ 終戦五ヶ月前 召集解除

トナルヤ再ハ一外ノ市民ニ度リ食糧不足ニ
 ナヤム周圍ノ状況ヨリ進シテ農耕ニ従事シ
 世事ヲ離レテ南望ニ努カヲイタレ居リマシタ
 貴國ノ平和招来ノ意ニ基キ戦争終結スルヤ
 父ハ双年ヲエケテ人類ノ幸福ヲ為ス哀心ヨリ
 歡喜致シテ居リマシタ
 私共ニ父歸ル日ヲ心ニ画キ相携ヘテ偉大ニ
 貴國ノ指導下ニ平和日本建設ニ従事セン
 事ヲ心ヨリ希望致シテ居リマス
 茲ニ父田中政治ノ平生ノ生活ト素志ヲ
 述べ裁判長閣下ニ御覽容ニ御判快ヲ切
 御願ヒ奉リ失禮ヲ願ヒ及テ次第ニ
 アリマス

昭和三十一年十月一日

No. 4

昭和
年
月
日

田中政治

子妻

禮政政政
子孝忠英

"7e" (4)

0135

AFFIDAVIT FOR THE CHARACTER OF CAPTAIN TANAKA, Masayoshi:

Captain TANAKA is a mild, honest, sincere and very good man. He is my senior by five years as a graduate of Naval Academy and has worked hard in the Japanese Navy for a long time.

After retiring from active service he served as a harbor-master of Nagoya for more than ten years and had a good reputation. During the Pacific War, he was called again to active service.

I beg your kind consideration on what I have just mentioned and that you deal leniently with him.

Vice Admiral HARA Chuicki.

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

Frederick F. Tremayne
FREDERICK F. TREMAYNE,
Lieutenant (jg), USNR.
Interpreter.

AFFIDAVIT FOR THE CHARACTER OF CAPTAIN TANAKA:

1. When he was on active service at the same place as I was, I thought that though he was cautious he was pure-minded and careful, and a good officer.
2. After he retired from active service as he grew older his character became a little different. When he was the harbor-master of Nagoya he was so mild and quiet that I hardly knew he existed.
3. When he was appointed as commanding officer of the 41st Naval Guard Unit I felt very sorry for him because he was old and I was worried as to whether or not he would be equal to his task. Though he seemed to us to be quite senile, he was pure-minded and honest. And I believed that he would do well because of his good experience in the past.
4. I believe that he held no malice in this incident.
I hope you will deal leniently with him.

Vice Admiral,
WAKABAYASHI, Seisaku.

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

Frederick F. Tremayne
FREDERICK F. TREMAYNE,
Lieutenant (jg), USNR.
Interpreter.

PETITION FOR CAPTAIN TANAKA:

I believe Captain TANAKA, Masaharu is a religious person. From what I hear he may be a Christian.

When ever he made a speech to his subordinates his motto was "Love of Humanity," I think his principle for the first part of his life was to love peacefully. The period during which we have known him is but two months. He is a person who is affable, gentle and sincere. He is a person who dislikes wrong things and has consideration for others. That is why we believe in him so much. The thing that concerns us the most today is to help him in some way. Please take this into your consideration.

41st Guard Unit,
MIYAKAWA, Takashi

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

Frederick F. Tremayne
FREDERICK F. TREMAINE,
Lieutenant, (jg), USNR.
Interpreter.

4 November, 1946.

AFFIDAVIT FOR THE CHARACTER OF CAPTAIN TANAKA, IJN:

TANAKA was the division officer when he and I, then a Lt. (jg), were aboard the warship Kurama in 1917, and I remember that he was a mild and honest person. Therefore, I cannot believe that he executed prisoners wilfully and feloniously.

I hope you will deal leniently with him.

Vice Admiral, ASHI
KOBAYASHI, MASUMI.

JJS

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

Frederick F. Tremayne
FREDERICK F. TREMAYNE,
Lieutenant (jg), USNR.
Interpreter.

THE LETTER OF PETITION

The Chief Judge
and Judges

Dear Sirs:

We would like to entreat you about our father as follows:

Our father is obedient, benevolent, fond of animals, and his desire through all his life was to spend his peaceful life in rural fields.

Our father, born as the second son of a poor farmer, was obliged to go to Navy in order to live independently. Therefore, he could not endure the life of Navy which was so far apart from his character and expectation, and retired voluntarily from Navy, and became a good civilian in 1930. After this, he entered on the peaceful life which he had desired through his life and with the hope of serving society, devoting himself to agriculture and raising poultry.

With the only pressure to bring up his children, he educated them generously. Disliking his sons to become soldiers as a result of his faith and experience, he made them study to master economics, laws, and technicals.

Thus he desired only to work for a cultural life and for mankind. On September 1945, he was called back by the Navy. He engaged in this war but he always expected to return as early as possible at the closing of the war.

On the other hand, our unhealthy father, with old age became emaciated and by this second entry into the Navy, it looked entirely as if he could not endure his duty. We really thought him pitiful looking physically.

The duty in the front for only three months made him unable to serve any more and he came back to Japan. Since then, he has worked to recover his health and as soon as he was released from the duty, which was five (5) months before the end of the war, he became a common civilian and engaged willingly in agriculture in order to give some help for society in the food shortage.

Thus apart from worldly affairs, he devoted himself to cultivation.

When the war ended by the great will of your nation for peace, my father was overjoyed for humankind.

We, also, in expectation was of gladness of the day when our dear father will come back, shall engage in the construction of peaceful Japan under the leadership of your nation.

We hereby end this description of our father, Masaji Tanaka, and dare to hope that our generous Judge will decide our father's case magnanimously.

Yours respectfully,

FUMI TANAKA
REIKO TANAKA

MASAHIDE TANAKA
MASATADA TANAKA
MASATAKA TANAKA

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

嘆願書

海軍少佐 檀崎留六

彼「凡そ此方面から極大なる救へ人間に
マシキ特ニ慈父、如く過客親切で安ん
人間檀崎ト称之得ル人デス
彼ヲ知ツタ店ル者、皆彼ヲ尊敬シ或ハ慕
ツタ店リマス
彼ガ毅然容疑者トシテ連行サレルヲ聞キ
涙ヲ以テ同情ニテ次答アリマス
彼「立派ト止シテ人間アリマス
我々全部ハ敬慕スル人物アリマス
別紙嘆願書ハ我々中、有志者ガ個
人的ニ書イテモ、彼一人ヲ詳細ニ説
明シテアリマス
人間檀崎ノ為ニ特別ノ配慮ヲ嘆願
スル次第アリマス

昭和五年十一月五日

檀崎海軍少佐、

旧部下等ニ縁故者一同連名

後沖 藤原 良雄
 藤原 庫治
 眼 佐藤 友喜
 眼 部 兼雄
 白 熊 喜一
 大 下 清次郎
 大 関 口 茂次郎
 如 吉 小 地 貞一
 杉 木 都 夫
 青 木 都 夫
 平 田 精三
 竹 中 重二
 小 野 重寛

藤原 廣光
 小 野 田 又十
 上 杉 孝
 滝澤 光男
 常 松 浩視
 大 宮 敷治
 吉 田 勝夫
 伊 藤 常雄
 大 場 静家
 板 倉 君平
 大 塚 内 民義
 鈴 木 萬作
 菊 池 友三
 本 藤 哲雄
 花 田 幸明
 名 尾 崎 田 勝郎

鈴木 三郎 健太郎
鈴木 忠 三郎
鈴木 葉 三郎
川川 一 郎
川川 吾 郎
木 作 二
望 月 光 雄
阿 部 恭 治
石 取 嘉 男
三 枝 紀 念
鷺 谷 七 郎
佐 々 木 德 雄
内 山 英 一
宮 川 望 王

杉 千 代 幸 平 二
杉 松 金
千 代 幸 平 一
高 瀬 典 一
北 澤 淳 吾
北 田 福 壽
松 尾 求 人
松 上 田 政 廣
天 盛 碩 尊 男
戸 中 藤 榮 志
関 根 秀 介
森 谷 謙 藏
種 田 郎

奧並向齊今山
山隆道敬司
本後木道
泉榮吉
本芳雄
高橋喜代一
橋本良作
加納政雄
山梨辰次
當根崇四郎
鈴邊不序天
渡邊不序天
草野俊幸
小西

石佐近田佐鈴丹有垣塚清永良則
井野藤中照田男
璋又雄
明又司
井璋又雄
野藤又雄
中照田男
佐近田佐鈴丹有垣塚清永良則
鈴邊不序天
渡邊不序天
草野俊幸
小西

夫

*92(6)

馬國榮 昭黑武阿本 柴
 場谷 榮太之田 部 文哲 丈二之
 次政 俊弘 義一 其五 雄
 男 雄 破信 晴 善
 鷹 尾 茂 光
 網 屋 求 武
 真 鍋 公 正
 宮 本 意 平
 田 祈 敏 壁

東小 賀 銀 木 西 忠 武 雄 久 一
 川 鳴 賀 實 武 男 雄 久 一
 純 次 男
 下 柳 田 芳 彦 男
 津 村 義 勝
 赤 崎 兼 三
 坂 田 孝 男
 今 野 造 之 吉

子葉
細谷源三郎
下佐藤新
下城俊則
多情野虎雄

比村白位司
時谷敏
須藤幸定
鳥羽富士雄
田中文吉
佐々木文三郎
佐藤忠男
筭井廣
山田一郎
高橋要次郎
山崎力造

須藤梅三郎
山口房次郎
山口康夫
鈴木不周藏
山内平清吉

三 蘇 飛 松 下 中 吉 野 原 小 宮 水 宮
 橋 山 田 中 野 協 正 壽 一
 清 龜 武 春 友 次 作 儀 三 郎
 二 重 男 男 喜 和 助 郎

丹 小 望 梯 梯 木 山 信 藤 安 峰 松 夏 館
 木 野 林 月 谷 四 下 下 田 本 松 松 本 原 田 石 藏
 八 憲 八 宮 印 虎 常 史 利 榮 次 雄 太 郎
 郎 男 郎 好 一 男 夫 傳 郎 光 作

歎願書

上は對しては絶対服従下には又こ
の上下なく親にも勝る慈しみを以て
御指導下されたる檀君少佐は日々
書道にて精神修養良き人なり人
に即するに常に温厚篤實を以て

なされしこと

尚徳神の如き檀君少佐なり

我れに多しなりとも有りならず
二こと歎願するは次第であります

第四、警備隊中 村榮作

"9b"

一 今隊長は我部下に對し一々尊敬する人

有るに其の例を上げ

一 私は舟艇員に有るが我艇の故障して修理に先づ命令
今隊長自身であつて、一目から先を立ってあられと
指示をして我々の職務遂行に助力して下さる
實に見上げると人格者である

二 終戦後、今隊長と、一は我々合隊員も
常に集合せし以前の気持と今後我々が、

以て進み、先道を相違、一は我々合隊員も
今日、敵の手に何遭ふべく調せん、一は
今隊長の感化による事全く大である

終

関の政次

只就書

海軍少佐 檀島 昭三

如所・困難・状況・在りては、

過客ヲ失ハシタタ少佐 如所・激シ

空襲下ニモ最後ニハ必ス隊内ヲ周

ルタ少佐、少佐、機ヤカト人格カ

減食時代、戦戦ト打撃ク悲境ニ

如シテ行カタクハナラシ我々一同ニ如所ニ

影響ヲ及ボシタニカ計リ得タイ

私ニ此ノ父ノ様ト少佐ノ上ニ特別、

親屬アラハラ心カラ新ニモナシ

竹中 重己

1942

○

○

○

○

東に於てモ

○ 科課長として警務局長に於て我等。分隊長
として日頃々日上生活に在いて部下を安
慰等に毎日を楽しく暮らせて居た。

一 士官として一審年長者であつたが

おかげで作業に精進し、も従事し、我々
と苦樂をともにして居た。

一 念、僅危気なる所は

と思ひ下さるゝ。今、此等が三つして

ムスカートにてえきに動いて居るも

る。水計課業の玉柄と思ひます。

七分隊 斎藤

私・今隊長

私・植樹の修了部下として作業中

戦國に從事致して居る。一だ。

昭和二十年一月今隊長が連行され、
身に開いた私等金更に難入として涙

を落した人の中有りません。一だ。

終戦後私・今隊長の命にたいして無能

般に集結して作業中やりません。實に

肉親同様私等も慰め受ける。一だ

或時無能が機械が無く航海不可能

な時、この私等も一生に復旧に從事
して呉れよう。一だ。

私等も事お色々といふ。一だ。身体わびで

有か。一だ。一だ。一だ。

今・今隊長は開いた。一だ。一だ。一だ。

一だ。一だ。一だ。一だ。一だ。

今隊長

天下消滅

卷之六

卷一 卷二 卷三 卷四 卷五 卷六 卷七 卷八 卷九 卷十 卷十一 卷十二 卷十三 卷十四 卷十五 卷十六 卷十七 卷十八 卷十九 卷二十 卷二十一 卷二十二 卷二十三 卷二十四 卷二十五 卷二十六 卷二十七 卷二十八 卷二十九 卷三十 卷三十一 卷三十二 卷三十三 卷三十四 卷三十五 卷三十六 卷三十七 卷三十八 卷三十九 卷四十 卷四十一 卷四十二 卷四十三 卷四十四 卷四十五 卷四十六 卷四十七 卷四十八 卷四十九 卷五十 卷五十一 卷五十二 卷五十三 卷五十四 卷五十五 卷五十六 卷五十七 卷五十八 卷五十九 卷六十 卷六十一 卷六十二 卷六十三 卷六十四 卷六十五 卷六十六 卷六十七 卷六十八 卷六十九 卷七十 卷七十一 卷七十二 卷七十三 卷七十四 卷七十五 卷七十六 卷七十七 卷七十八 卷七十九 卷八十 卷八十一 卷八十二 卷八十三 卷八十四 卷八十五 卷八十六 卷八十七 卷八十八 卷八十九 卷九十 卷九十一 卷九十二 卷九十三 卷九十四 卷九十五 卷九十六 卷九十七 卷九十八 卷九十九 卷一百

此圖之繪法一上為一十、一十。

回答11件—1回、読者の声から15点、計

bet. = $\frac{1}{2} \pi$ 与 $\frac{3}{2} \pi$ 就何故：第 1 个 \rightarrow 与 $\frac{1}{2} \pi$

[illegible]

參閱前卷已見與此例同之缺誤

答: 鉄箭 $\rightarrow \frac{1}{2}mv^2 = \frac{1}{2} \times 1.6 \times 10^{-27} \times (1.5 \times 10^6)^2 = 1.8 \times 10^{-14} \text{ J}$

此書正統己亥年正月

成程王其新の墓所の所入を記す

ト其ノ己方ニ對シテ、
其ノ己方ニ對シテ、

— 424 —

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

$$K_2 = \frac{1}{2} \left(\frac{1}{K_1} + \frac{1}{K_2} \right) \rightarrow \frac{1}{K_2} = \frac{1}{K_1} + \frac{1}{K_2}$$

大正三年

我部自陽長九年十二月
 市部下元月十二日
 增修之費一萬九千
 作者恒在作非市
 欲作書來此合際
 五年十二月二十日
 勾書空讀一萬
 長不本之觀一萬
 收在檢視之此更組
 七部一之此勾
 收除一二月一勾
 增修之費

一
 常
 視

此處の分隊長檀崎少佐は非常に愛
護をうけた。毎日の風につれ、力不足で
し度も思ふ。ある時の食物も、分下さ
ま。また煙草等も下さ。ま。ま。
此の様な親密な関係は、意愛深し。又
實大に示す下生を。ま。ま。
分隊長檀崎少佐は、元來おれ有
る事も、指さるる事。大いなる感
謝をうけた。有る事。

○ 中隊隊長所長

我分隊長

私、煙草少部、都下で成ツタ六、昭和八年、初頭
にこの店を初メ、キコエテ工ノ深ガタ、ク私ニシ、
乗リ廻ミシ船ヲサナト陸上生涯ノ時デ有レ。
當時トシク我ハ減食ノド底ニ盡キ私等、ウカザル
諸作業ヲ強ル事モナク増産作業ハ略、(高イナル
田一畝)海岸ノ埋立エヲデアツタ、
埋立ハ岩盤所定壕ノ堀出シ、碎石ヲ長ク(石)運搬業
埋土地ト運搬場主テ行フデアルガ千坪以上有リ
五六十、上〇〇(日平均)七八、運搬人ハ幾デバナ
船ヲサナトシ船員ガ運搬ハ二機ノ作業ハ亦運搬
モ余ノ職ハ隊長ハ其ノ長トシテ置タ。
人ヲサナト及ボニ父親ガ我が後子ニ切スル如ク
前線ハナク第二人ニ救済温存セヨラ作業員ニ
アムハ實ニ我が成長煙草少部ニ罪ズバア、
度々作業ヲ成ストガナクモ一ト云ヘ録

或日、又言アツタ人、山が碎石ヲ足
 回シテ、野ツモ、過クツセ、作業ヲ續クデキ
 ノコニ、此の隊長ハ非常ニ驚キ、山本ト云フ
 足ハ大丈夫カ、血ガ出テイルデハ、ナイカト山中ヲ呼
 自、カラ山ヤノ足ヲ取り、海水ガ洗ヒ、自、ノヤ
 ツサヤ山ヤヲイタル
 シト山ヤ、此ノ靴ヲ履ケ、自、ノヤ新
 シヤ靴ヲス、イデ山ヤニ、アツタ人、山ヤ、直ニ登ル

行進中ニテ来テナイ人書葉ヲ残シ自
分ニテ平気ナ様子ヲ邪惡極メト行キ余ハ
ナイカ、嗚呼我が隊ヲ無ケレバ此ノ隊長
ノ不成立バトニテ操作作業モアヘテイトイハセ
トナリ初メ有テ見化人ハ強ク心ニナ
シ多量実ガツマス

茲ニ秋極盛ニ成リ人問人問極盛ト
高言シテモアヘテ取テ全者ニ行ケル
必ガ者ニテ人問人問極盛ト
我ハ極盛ニ成リ人問人問極盛ト
言ニテモアヘテ取テ全者ニ行ケル

鈴木万作
鈴木万作

佐々木良長

増城守左、人格と忠義一に添言方

質、實剛運、人意愛、人とはまこと哉、
令隊長と指して他にあらず。

和の二年、長三問丹腹、目、勤務、
居、為、解、除、す、時、間、も、定、ま、ず、夜、七、時、八、時
に、文、一、の、達、し、時、十、二、時、を、過、ぎ、す、時、も、あ、り、
あ、り、左、の、必、ず、我、等、歸、り、と、夜、下、に、待、つ、
い、つ、永、に、二、年、の、間、一、度、と、い、て、鉄、丸、一、事、に、
つ、か、ま、つ、歸、る、時、亦、相、文、武、の、文、の、如、く、其、
方、と、わ、ら、う、と、し、ら、う、時、の、嬌、一、之、此、の、人、の、是、ら、ら、
く、時、身、の、擔、こ、も、長、い、と、思、ふ、
我、等、の、方、と、わ、ら、う、と、し、ら、う、時、^(豊後)少、佐、の、顔、を、出、す、目、
一、生、に、三、回、い、つ、も、念、ふ、事、は、本、来、の、心、
多、敷、の、部、下、の、中、の、三、四、名、の、外、に、對、し、て、は、何、時、の、
か、か、如、く、は、職、の、感、念、を、し、ら、う、と、愛、の、心、で、導、く、
哉、と。

増城守左、實蹟、と、見、し、衆、人、と、い、て、敬、焉、
と、い、ふ、に、し、あ、り、所、定、壕、の、所、被、堤、め、裁、橋、
何、の、と、い、て、我、の、令、隊長、の、手、の、つ、か、つ、に、仁、事、が、
あ、つ、た、我、等、に、此、の、爲、め、に、何、程、の、便、利、と、感、じ、
る、事、と、い、う、先、の、身、に、物、と、も、せ、ず、あ、れ、な、し、仁、事、
と、い、し、遂、に、そ、の、剛、運、の、人、と、な、り、て、何、で、本、来、の、
故、こ、下、の、我、等、の、令、隊長、と、

Handwritten text in a cursive script, likely a historical document or manuscript. The text is written in a dark ink on a light-colored paper. The script is dense and flowing, with many characters that are difficult to decipher without specialized knowledge of the language. The text is arranged in several lines, with some lines starting with a large, stylized initial character. The overall appearance is that of a personal or official record from a past era.

POW POST EXCHANGE
15 April - 30 May
Non Transferrable

P.O.W. ANNEX No.1

\$ 0.05

POW POST EXCHANGE
15 April - 30 May
Non Transferrable

POW POST EXCHANGE
15 April - 30 May
Non Transferrable

P.O.W. ANNEX No.1

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15 April - 30 May
Non Transferrable

P.O.W. ANNEX No.1

\$ 0.05

POW POST EXCHANGE
15 April - 30 May
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0162

人、檀崎留六郎に就いて
は我々の親ゆゑな人である。
一度自分の思ふ事をやると思
へば自由な心から進みやり
又我々を使ふにこそ、これをやれ
と言へばどうもできやうと友
に働いて来る人である。
総裁館に、一々来て、一々米
軍がト云々に機嫌が来ると
又我々は内火艇にて作業行つた
といふ我々の内火艇はながく
工二日の死くなる時に、米軍
作業に供力してくれな人。
我々が夜ふそくまで働いて工二日
の死くなる時に、ふ前夜、今夜
夜業をなす。明日の米軍の
作業に供力出来るふとやれと
言つて我々と夜三時か、一々事
何ん、ながあなかわからず、

16

常根

〇〇
令隊長

〇〇 非常時

私、令隊長は非常に敬し思ひてお
りしに、此口野ノ警備隊にて升進
非、監視隊にありましたが、陸上にて
の場々が隊員にて令隊長に會つ
た折には何れでも外との様々一息に
ても、美談で「お、どうも元氣な船は良
か」と言葉も掛り、思ふままに升進に居る
関係上、日常陸上にて火門中頭と
見て居るが、此の言は、驚かして外は
良、令隊長との通感しました。
又、令隊長は、上には相當に敬し、事
のふり、下にも決してやめしとする人では
なかつた。日常作業には何れも作業員
と一語にやり取り、作業員の氣持を思ひ
くする様な事はなかつた。

修國文

○植崎少佐を救ひ度い

何故なれば分隊長たる植崎少佐は私の
軍隊生活中で一番好きな分隊長であつた。
父様の様にいつくしんでくれた。

年を取つて居るおれでござる事にまで
氣を配がられた。雨降り等利用されて
講話をやられた。敬神愛国、博愛

94 (0) (1)

○修徳等 其の中で分隊長は書道によつて

○自分を通じいて行くと云われた。

○此で私室をおとづれると軽し
おう答された。

① 内の少佐は、この部を占められ、又
お苦勞と、少佐の燃費をわらうつて下った。
② 隊長は牧師が居る。
私の父は宗教家だ、いい父だ。隊長も
好い義父だ、二人の父を得た。白合は
たわしく、軍部から、~~は~~は、げんで居た。
やがて終戦前の、げん合時、~~は~~とうてい
得られぬエネルギー、~~も~~に拵一つで
切ぬりと云はれた。
③ 隊長は、口先さでのみ云われず
毎日行われた。

"(0) (2)"

○會された芽や島民
柳子「丁、等まで分りあへられし
最後まで切ぬかれた
たる目下を悩まされるのみで悲し
工官につくされる事工官の命は工
佛一人の命をいかに重宝作された
工にも下にも罪過を悔み静養の念に
ぬえた分隊長を神様はかたがず救つ
て下さるだらう
人間檀崎の佐も救ひ度い。

ね松鉦

"9" (o) (3)

第三集

二金松村

0169

檀島總（ふ）に就いて

今のように滞在する時は私を隊長でいた
 今の日常は非常の強要な人で且非常の
 部下思いである老年の身にも拘はらず
 辛勞して事に当たる人で一日中仕事に追
 はれつ時と言へども休む暇が無く見えて
 くる氣の毒な程である日頃習字が好きで
 食事後の一時は勿論午睡の時間等も
 他人が極に怠る時等も隊長は休む
 事無く夜も達く迄其の日の作業の疲れ
 をよめに筆を手にするのを好んであった
 よく私達も講話の時等世の中に出るに
 就いての心の修養が精神に開ける
 講話をしては私達を導いてくれる
 前記述べる部下思いである事、他の人
 以上で何處で合しても元氣が体の方は
 何とも無いか等と頼笑の下にやがて言葉
 は私達の掛けてくれる
 減食の時部下は食糧難で日々瘦
 せて行くのを目の前にしては頭を悩まし
 自らの離島より當てぬいし米物等自分
 一口も口にせず私達部下の許へ持つて
 来てくれる事も数知れぬ程ある

A.

"9p" (1)

13. 四

断つてくれな部下も亦自ら達の親と思つて
金力を盡しな

部下のこの心である故他のどの人にも部下
以上の世話をしてゐる事は言ふ迄の事
人々が隊長の事をいつて配してゐる

最近に於て隊長は昨年十月来軍ト云ふ
雨が降る日も風が吹く日も我々の部下
を指揮し若し我々の一語も持て作業
を始め色々な方面に於て金力を費せし
来軍の作業に協力した事を
書き添へておたす

何年此の様な裁判の判決が少くとも軽く
なる事を望願中と云ふ所

B.

信 司

父の恩より高く母の恩より深しとか甘き人より古くといふ

名取嘉男

第十三合錄

名取嘉男

0173

○ 薩長に南へ ○ ○

合隊長が部下に一年同働を其の間
自らの實際に思ふ事は

一、非常な部下に遠く官舎より自合連
兵舎迄通し病人を又病人を兼め其の人
の胸を病氣を患へて死なせし親を子とす
ざる言ふをわけて見せし一年の勤を其に
九日もあらず部下の心を其の如く受れし

二、私用の事は自合より公用の事は人使自合
迄んて命を盡し人使に
又更に非常な此の戦場には自合の
兵舎より官舎へ非常な
はるばる又又働かざるに任事する

三、終戦後たる米軍の非に自合が
火撃に米軍を撃ちし概
自合隊受自合より戦成りより
一語も聞かぬ人

合隊長が米軍兵隊より来た南へあつた人が
皆な兵隊に驚かす人

小野田又十

元軍警備隊付橋崎留 大海軍少佐受ん

歎 願 書

元軍警備隊付の二首 阿部右衛門

少佐、壯士、ヤ實一温厚ニシテ吾人等ハ常ニ其佐ヲ目シテ又ト、
林呼ヲ以テシタリ。少佐ハ常ニ温顔ヲ以テ吾人ニ接シ、又、島民
ト雖モ接スルニ吾人等ハ其クハタリ、吾人等ハ常ニ目撃セル所ナリ
少佐ハ終戦後、トシテノ島清掃作業ニ全カヲ以テ盡リシタリ。
隊内糧彈、穴埋メ、島内外道路修理ニ、不問舟楫、度々又、兵
隊分、何等ノ支障ナリ、過リ得んハ實ニ少佐ノ追フ所大ナリ。
少佐ノ日頃、温厚ニ接シタリシ事等、今度、法廷ニ於テ裁
ト申キ。志、一端ヲ記シテ、歎願ス。次第アリマス
願ハクハ米軍當局ニ於カレシテハ、吾人等ノ父タシ橋崎少
佐ニ寛大ニ御處置ヲ下シ給ハニト、切ニ切ニ御願
申上ルン次第デアリマス。

米軍法廷當局 御中

家令三
何部
卷一

我今隊長... 元來十一號南陽
 檀前少佐... 不父分醫
 名書漢書

此二致二二九、昭和九年四月八日
 不日十一號南陽附... 命せし檀前少佐
 一令隊長... 上二致... 日誌... 親子同極
 一身同体... 職務... 予... 続... 不...
 其... 令隊長... 同... 付... 付... 付... 付...
 私部... 下... 事... 願... 權... 事... 有...
 此... 願... 會... 度... 由... オイ体...
 充... 本... 海... 計... 算... 一... 云...
 越... 要... 求... 此... 言... 其... 時... 私... 急... 戦... 願...
 方... 甚... 大... 思... 之... 来... 一... 其... 之...
 戦... 地... の... 令隊長... 上... 二... 有... 一... 感... 之...
 高... 作... 業... 此... の... 令隊長... 自... の... 食... 物...
 令... 下... 一... 二... の... 令隊長... 之... 如...
 一... 真... 越... 要... 求... 戦... 場... 父... 子...
 一... 令隊長... 之... 真... 同... 正... 何...

(我軍隊 = 令隊長... 上... 二... 云...)
 我令隊長 = 親... 令隊長... 上...

嘆願書

海軍少佐増岡留六

増岡少佐、高徳と眞人、概者、ミ
日頃我々、是れに教誨に、温情、兼
ミテ親、子、弟、妹、一、モ、テ、一、我々、敬慕
的、ヲ、シ、ル、ニ
亦、少佐、ハ、神、ミ、信、ミ、常、ニ、我々、ニ、対、シ、ミ、
神、ミ、出、候、ト、何、事、モ、誠、ヲ、以、テ、ミ、出、ス、テ、敬、ヘ、シ、
ミ、テ、同、僚、ナ、リ、村、主、ヲ、シ、ル、ニ
ミ、増岡少佐、ガ、我々、ニ、ト、ハ、一、過、キ、ミ、日
一、厚、キ、温情、ヲ、以、テ、我々、ノ、眼、ニ、ハ、ト、ナ、リ、
涙、一、出、ス、テ、我々、ノ、事、モ、我々、ノ、心、
常、ニ、神、ミ、信、ミ、彼、ノ、ミ、バ、シ、ラ、ス、コ、ノ、誠、心、誠、意、
一、者、ガ、悲、シ、ミ、テ、流、ス、涙、ニ、シ、テ、一、悲、ニ、シ、テ、ミ、
ミ、ヲ、シ、テ、ミ、ト、モ、我々、ノ、心、ニ、シ、ル、ニ、

長谷川三郎

我等の方隊長として非常に部下
想いの入りが多かった
常に責任觀念の強い人として、私し
等の出来ない事でも出来るまでよく
教へ下さり、その作業等も部下と
一所に作業に出で、一と艤部に従
時一と居られた。又作業の休み時間
などお自分等の爲に優へて下さり
ました。

其の様な人ですから、私し等んちが
ら、好い様に扱はられん事お祈
願致します。

一言 藤原 廣光

[illegible]

張國英/ 附錄

12

古田耕集

我々が今承けたものは、
先人の魂が託したものである。
我々がこれを承けたのは、
先人の魂が託したものである。

我々が今承けたものは、
先人の魂が託したものである。
我々がこれを承けたのは、
先人の魂が託したものである。

"10a"

〇〇 留 子 〇〇

氏は「ト」より身にて我等の令隊長として
おられました。令隊長として居られる当時
は令隊長と見えて、又令隊長は令隊長を
親の如く慕ひ、良き令隊長でした。
又此の日常は規律正しく、朝は早く、
かゝる機嫌などに於ては、機嫌の状況など
見なう、又舟修など見られ、細い所
まで氣の付く人でした。
又夜は夜で、書は、命令精神を張
られ、良き人でした。

鈴木 周 蔵

檀荷分家 吳公恩 復誅^{“Too” (5)} 月果一方

榎村隊長、相手、立場、出来、
了解、意思、下、態度、顔、

[illegible]

此を我に書上するに「謝書下すに
 小父サト云フ氣持」將之ヲサト
 云フ方がヨリ當ニサレカト受ヒス
 サレ云々人柄、金隊長「ドリ」ニクカラ
 人「裁カレタハサ」又「サ」サト「我に
 思」(サト「又」リ「サ」バ「」に決「サ
 ア、人柄カラ「考」(サト「サ」サ「サ」
 俗ニ云フ「應」ガ「サ」ト云ハ「サ」

歎願書

元東海上警備隊
海軍少佐三枝紀念

戦争終結後、平木朝日、如く
訪、来、生等、敗者トシ、法廷、居
「植崎」少佐、歎願ヲス、
少佐、東海上警備隊、水警科長トシ、
家、分隊、生等、親トシ、師トシ、
拜、人物、老、年、在、壯、エ、後、グ、休、カ、ド
精神、カラ、保持、シ、生等、失、頭、立、入
可、ラ、戦、ラ、不、タリ、身、人、精神、勉、勵、又、人、
情、重、厚、少、佐、其、人、無、シ、タ、リ、生等、軍
隊、入、リ、古、ノ、年、歳、同、ク、過、シ、戦、多、介
隊長、之、指導、力、カ、シ、之、家、一、今、腦、衰、
浮、一、唯、一、人、少、佐、之、石、参、考、ト、シ、重、厚、ト、シ、
少、佐、一、端、ヲ、記、ス、
故、戦、直、前、一、九、四、五、年、一、月、二、日、ト、シ、諸
島、東、東、大、機、未、曾、有、大、爆、撃、
有、時、少、佐、上、下、之、衛、隊、之、少、佐、當、時
當、中、損、船、安、否、我、カ、子、如、ク、気、遣、
之、戦、多、危、険、冒、シ、家、前、外、出、テ、損
船、帰、リ、来、リ、待、シ、重、有、リ、又、我、離、島

相宜當行之時少不獲船，事故若干項
 時一被浪非學強之航行，困難，多有
 食之也，安否之氣，是之時，宜也
 居之，幸有，歸來之時，安堵，有樣
 金外，自如，猶裏，明之
 在如，少，從，是，是，人情，厚，是
 不，定，得，心，人，有，天，之，力
 檀，奇，少，在，想，時，人情，人，乃，不，大，將
 之，聚，想，之，人，清，關，考，之，時，少，依，之
 想，之，出，也，者，本，人，之，之，之
 宜，數，之，定，是，之，米，軍，當，局，如，裁，斷
 之，之，願，之，之，之

終裁斷

第十三卷
二枝記

0189

懷原書

海軍少佐 檀崎留六

一、温厚實直を旨として官職に全力を捧げられた人乎

二、圓満性、人から

長肉の生活に人々事なり、事を出さず、事は
見受け、人々事なり

三、親切で

部下を見、事兄弟を愛する如く、自命、親、接し、
氣利と

四、色々な方面を通じて部下と、自命、親、接し、
種々な人格、所謂者とした

右様な善い人、人々事なり、事を出さず、
寛大なる徳を、人々事なり

四、終、理、致、手

大内民我

命は、
 隊の長は、
 下川、
 自分、
 海、
 三橋、
 寝、
 下、
 仕事、
 休、
 人、

滝沢元男

寝

"10"

0191

嘆

海軍中尉

檀

留

氏資性温厚篤実謹言、
マテハ極大テ忠實、
難事ニ當リ、
彼又力人、
シ他人、
修養、
部下ニ、
マテ僅リナリト雖、
ナ神カ佛カト思ハル、
父、
尊敬ト崇拝、
檀、
右、
度、

海軍中尉

平

田

椿

三

係官殿

"10g"

0192

願書

海軍少佐檀崎留吉氏に、實に生涯を通じて誠意
篤行の人であつたと言へやう。吾等が彼と接する期間
に、少佐は少佐隊に於いて二年有餘であつたが、誰か彼
の全生涯を現に知れば、難からう。

上は誠實、下は温情溢るゝが如く、其の性格に於て
將又言行に於て一貫、作事も彼であつた。且つ吾々
が「檀崎留吉」を又思ふに、敬慕するに彼こそ人間
其のまゝ、道徳と誠實と、事柄に於ては、所以といふ
べきであらう。

戦争中、戦斗準備作業、終戦後復旧作
業、何、隨意に、誠心誠意部下を督む
つて精勵し、また彼こそ文字通り誠意篤行、
人であつた。終戦後、於ては、島内海、
掃海作業、並文紙、努力に、たゞたゞ、
偉大に、彼、業績、何故、いふ事、共に、般

國出来がや

願ふ人間檀崎留吉氏に、何れ、御配慮
下さいませ。

海軍少佐隊

宮

川

宣王

一 分隊長として分隊員の指導に非常「熱心」
あった

二 性質は温厚にして慈悲眼の人であった

三 各減食時代において水警科長として
私達を栄養食調から助けるが為軍隊と
作り急須等の栄養食をあたへて頂いた
又理立工事として食料増産に運動進んだ

四 仕事熱心にして各舟艇の面倒を
見て頂いた

五 終戦後春島作業にして各舟艇が
船作が故障故障で歸るとつて一夜で復旧
して春島作業に遅延させた人物です

六 之を持ちまして壇崎様の罪「輕」
んすも切に御願ひ致します

文の研書

千九百二十年

思ふに此は終戦後犯罪人として捕ら
に捕はるる事なり

我々として人當り又終戦を以て
各隊を以てした事は、運命なり

各隊を以て捕はるる事、その時、私一人

各隊を以て捕はるる事、その時、私一人

空はとも見、や、さうして、さうして

私一人は、逆高の足跡、真一、さうして

本番、さうして、さうして、さうして

過船は、戦後、さうして、さうして

には、さうして、さうして、さうして

た、さうして、さうして、さうして

"103" (1)

0199

破書

○ ○ 干支 辛酉

思ふに、此後、必敗後、必罪人、一、未、則
に捕はる、早や、辛酉

我々、ト、人、當、又、東、終、戦、を、良、き、
各、隊、を、も、ぬ、いた、事、は、何、の、運、命、下、ち、
各、隊、を、捕、は、り、た、も、の、時、れ、し、る、
各、隊、^有、^ら、に、な、り、た、は、神、に、
の、解、め、ら、る、か、い、下、あ、う、し、

定、ま、る、と、風、^や、^せ、と、決、下、雲、こ、ん
は、い、た、

私、一、は、^遊、^高、の、見、張、員、と、一、^取、^め、^た、
本、部、の、^約、^四、^里、^離、^カ、^有、^る、^面、^積、^の、
為、形、は、^航、^空、^機、^が、^出、^来、^た、^か、^ら、^い、^た、^夜、^間、
に、は、^さ、^ら、^う、^ず、^船、^員、^も、^な、^ら、^な、^か、^つ、^て、^死、
た、^あ、^る、^時、^見、^張、^員、^に、^事、^下、^又、
重、傷、一、人、^{その}、^時、^空、^襲、^の、^花、^々、^が、^り、
一、^機、^は、^ぬ、^れ、^た、^頂、^受、^事、^斬、^の、
九、^特、^選、^を、^て、^自、^害、^計、^は、^も、^一、^駭、^目、
を、^と、^あ、^せ、^う、^め、^た、

"10j" (1)

〇〇

ちに電信も送信した。ながれ下
船ひきこみはなことを思ふ。
ナは返信がきた。荷も一箱だけ
とて電報下つた。指間は立、ど
いもな。全身軟傷である。
頂受渡すに時が来た。我々持て、
船下な。こころ、不中、合隊長
すに、分付、傷は、いふと、作を
や、うが、に、一、次、え、私、一、と、一
は、親、に、^{まき}親、も、見、え、ら、死、え、え
うと、思、え、人、民、一、つ、ら、は、毎、日
の、様、に、見、え、ら、に、来、一、次、え、え。
い、に、思、え、人、物、不、な、つ、ら、は、人、物
を、死、一、つ、ら、な、つ、ら、思、う。
こ、う、が、改、め、一、つ、ら、だ、~~~~~~~~~

~~~~~~~~~

00

Handwritten text, possibly a signature or name, written in a cursive script.

Handwritten text, possibly a date or time, written in a cursive script.

0198





5/11  
5/11

0200

② 〇〇

その上より、郵務中、~~10月11日~~ 10月12日の午後  
東京（品）に現貨の~~10月11日~~ 10月12日の午後  
模範を示し、~~10月11日~~ 10月12日の午後  
現貨の~~10月11日~~ 10月12日の午後  
東京指合の~~10月11日~~ 10月12日の午後  
東京指合の~~10月11日~~ 10月12日の午後  
東京指合の~~10月11日~~ 10月12日の午後  
東京指合の~~10月11日~~ 10月12日の午後

郵務中



第十三卷

武井正郎

0202

判長閣下

海軍少佐壇崎留六、日本海軍砲術界に於て其人物技倆共ニ拔群ニシテ砲術  
関係者中誰一人トシテ彼ヲ賞讃セザル者ナク、且一度其上官タリ又部下タリト者  
ニシテ右事言テ立証セザル者ナキ程、人物ナリ、小官ニ昭和三年砲術界ニ入リシ以来夙  
々其名高ク聞キ及ビ、尚昭和十三年次海軍砲術<sup>學校</sup>畢業ニ於テ暫ク同入ト同時ニ勤務  
其人物技倆、名高ニ違ハサルヲ確認ス、斯ノ如ク優秀ニ能力ヲ有シ正直ニシテ温順、  
且申分ナキ性格ヲ有スル壇崎少佐ニ對シ寛大ナル処置ヲ乞フ次第ナリ

一九四六年十一月四日

海軍大佐

井上憲一

檀崎の如くある人格証明書

同僚ハトウフクノ榮華一帯係属、佐藤シタニ始メテ知リタルモ同僚が如クヨリ  
出身シタル吾海軍ニ於テ砲術界ノ至寶トシテ扱カセラルヘシトハ既ニ知悉セリ  
而シテ同僚が著仁徳ニ於テ勲勞ヲ見ルハ實ニ至誠献身ノミシテ何事モセテ遂ニ  
セザレバモザル意ニ於テ尤モ優良トシテ見テトウフクシ各島々上ノ電探所  
ニ至テ道路ノ建設ノ如キ難コサヲ極メテ短時日ニ完成セタルハ實ニ其ノ例ナリ  
今更ニ事件ノ由ニ至ルモ之レ決シテ同僚ノ莫大ノ功ノ一トナレズ  
何事輕クモ所セザレニコトヲ知テ此ノ如ク見マス

一九四六年十一月四日

海軍中將

若林梧作







元海軍少佐 榎崎留之  
石氏の戦中南洋群島トシク島  
ニ有リ建文なる精神。持主ニ  
情ある良文将ニハ亦良き戦時。  
分隊長としてありき  
然るに近日ハ。判決トナル由  
利用一対戦兵ハ。判決。戦況  
事を見極め  
尚又ハ。家族。ハ中絶一ハ  
如何にハ人ハ  
何卒情を以て一ハ最ハハハ  
輕判決をトハ批人事も嘆願  
事上候也

以上

榎井 雅夫



梅子

00

0208

懷願書

因風而飛、飛たるを隊長を救ひ  
 身を耐へつ、机の上に面をかく、一時頂  
 上と見せ、体をおろす、指、返せば、い  
 尖利で立っている、今隊長、何事か、様  
 今隊長の手を付けて、なから、君が、合点と  
 した、一皿の糧、あり、何難い、と、  
 思はず、腹、膨らむ、と、感ず、為事、  
 五、六、糧、を、一日、満ち、糧、會、  
 無、かつ、た、な、あ、つ、た、な、に、それ、を、に、更、  
 は、合、点、と、して、隊長、に、出、る、親、心  
 同様、なる、今隊長、何、事、に、對、し、  
 〆、と、續、く、と、い、て、ある、  
 〆、神、なる、身、の、難、か、い、様、  
 戦、争、死、罪、人、と、な、う、い、は、な、い、  
 願、ひ、は、此、の、一、事、に、な、り、て、終、り、  
 出来、得、ん、ば、死、な、ら、う、と、其、が、今隊長  
 を、救、へ、下、さ、う

"10"

望日光破

第三分隊  
望月支隊

0210



00

0

0

我愛你

我愛你 我愛你 我愛你

我愛你 我愛你 我愛你

我愛你 我愛你 我愛你

我愛你 我愛你 我愛你

我愛你 我愛你 我愛你

我愛你 我愛你 我愛你

我愛你 我愛你 我愛你

我愛你 我愛你 我愛你

我愛你



檀越小佐間先生人格証言書

入道ト相ヒ知り合シハトニツクニ於テ人良糧切廻ノ昭和十九年ノ秋頃ト  
思ヒマス。人ニ官ハリ美<sup>ロ</sup>關係ノ主幹ヲシテ居ツタト思ヒマス。ツデ<sup>ロ</sup>魚類ノ  
取り方ニ就テ指導ヲ受ニテ参リマシメ所ガ初將軍私ニ對シテ懇切可  
寧ニ亦モ目今自身ニモ是ニ於テ業シタル道具迄提供シテ呉レバシ  
松ハ<sup>ロ</sup>有リ難クシ院患者迄ガ人ニ官ノ熱情ニヨリ沢山ノ魚類ガ  
取レマシラバ如何程喜ブコトカト病院一同ノ代表ニニ感謝シテ程  
テアリマス。

尔来シニ官トハ相ヒ知リマシテソノ人ト成リニ接シマスルニ温厚篤實ナルニシ  
人情田ヤヤノトシテニ稀レイ人柄ト確信シテ居リマス。甚々備



隊事件ノ内容全ク知ラマセンガ 江上中述バミタ如ク悪意ヲ  
シテ四郎ヲ犯ス人トイ絶對ニ信ツラマセン。

何卒、ノ立派ナ人柄ニ對シテ寛大ナル中裁判アラコトヲ哀シ  
ヨリ中願ヒ申ス

一九四六年十一月四日

海軍軍法大佐

岩波

浩

大塚富男

水計課長

201  
トラウマ 第四十一 警備隊に於て貴殿は水計課長として又  
我等の分隊長として勤務致し居られまうたは誠に我等  
の採る最も良き人柄だ有つた事を中心より何と言てお  
禮の言葉を述べてよいが譯うまい程良人柄であつた其の事を  
述べん

彼の分隊長は分隊員も我の子の様より變がて良人達であつ  
たといふと、先づ最初におつた減食仕事も有つても自分腹  
が減る居ても先づ分隊員はグーグーと分隊に食料を與へて  
分隊員中復さるる見て自分嬉しく喜んでいた

又彼腹減るゝも分隊員は被服使用不可能又は被服無  
く非常困難な居る者有つた其の時分は自分も餘分な  
無き被服の品を取出し分隊員に與へるのになつた分隊員  
も分隊長の對して何んと言つてお禮の言葉を述べてよいが

104.

皆らず佳況と喜ぶも持つてお禮を拂ひた。我等は此んは、  
皆そ合隊長を持ち何より幸福だと念は思ふなりであつた。  
又或は作業の事で譯し又合隊長は悪を考へて居場所を  
其の處は強さ此の事要く心より其の考へなく得する様と  
言聞せて了つた。またい、述べた数一とす。合隊長は慢慢に人情  
深き人格者なり。此の日本人が有るから合隊長は合隊長  
を平者の親と云ふ又神。神はまゝ言ひたい様であつた。  
此度由地歸郷後復員の後には一度は此の合隊長の氣遣ひ行つて  
家内の人を安心させると同時に、日も早く合隊長の復員の様と云  
ふ事を聞き、自分も様々、アツた、おれも此の所を待つて居る  
ので、此の合隊長、同様に人残りが全部同感なる事を  
確信致すなり。

"10u" (2)







茅王令家

佐三木 徳 雄

0219



$$11.0 \times 10^{-2} \times 10^{-2} = 1.1 \times 10^{-4}$$

"LOW"

0220

律( ) 書( ) 目( ) 方( ) 人( )  
 往( ) 事( ) 亦( ) 時( ) 間( ) 之( ) 費( ) 修( ) 修( )  
 可( ) 得( ) 人( ) 口( ) 所( ) 在( ) 地( )  
 我( ) 等( ) 各( ) 隊( ) 長( ) 均( )  
 概( ) 不( ) 下( ) 同( ) 也( )  
 以( ) 前( ) 日( ) 下( ) 午( ) 十( ) 分( ) 以( )  
 上( ) 事( ) 實( ) 為( ) 據( )

D 方 隊  
 如 此 亦 可  
 "102"



AMERICAN RED CROSS

FORM 558A

0222



Petition for Clemency of Lieutenant Commander DANZAKI, TOMEROKU.

He was a very fine man in every respect. He was especially mild and kind as if he were our father. He is really a humane person.

Everyone who knows him well admires and loves him.

We shed tears of sympathy when we heard that he was accused as a war criminal.

He is a fine, upright man. He is the one man whom we all admire.

The petitions written on the other papers are written by our volunteers who describe well what kind of man he is.

I beg your special consideration for this humane person.

5 November 1946.

Subordinates and acquaintances of  
Lieutenant Commander DANZAKI.

Ono, Shigehiro.  
Yoshida, Katsuo.  
Fujiwara, Hirimitsu.  
Uchiyama, Eiichi.  
Sagitani, Shichiro.  
Natori, Yoshio.  
Mochizuke, Mitsuo.  
Takei, Goro.  
Sagawa, Kunio.  
Aihara, Ken  
Suzuki, Chuzaburo.  
Moriya, Kenzo.  
Nakamura, Eisaku.  
Tojima, Shoichi.  
Amaguchi, Hideo.  
Matsuo, Sueto.  
Kitazawa, Jungo.  
Chiba, Kohei.  
Konishi, Kohei.  
Watanabe, Hiroshi.  
Ishii, Shomei.  
Mizuno, Masaichi.  
Oda, Motosuke.  
Harada, Chujiro.  
Yoshida, Jisaku.  
Matsushita, Haruo.  
Moriyama, Kameshige.  
Tateda, Ishizo.  
Matsumoto, Shigeo.  
Yasumatsu, Eisaku.  
Natsuhara, Kotaro.  
Minematsu, Ichiji.  
Fujimoto, Riko.  
Nobuta, Shiro.  
Kinoshita, Tsuneo.  
Masuya, Uichi.  
Kobayashi, Hachiro.  
Oiki, Hachiro.  
Nagasawa, Ukyo.

Otsuka, Tomio.  
Tsunematsu, Hiroshi.  
Itakura, Kimihei.  
Ito, Tsuneo.  
Omiya, Kyuji.  
Takizawa, Mitsuo.  
Onoda, Mataju.  
Miyakawa, Takeshi.  
Sasaki, Tokuo.  
Mie, Kinen.  
Abe, Kyoji.  
Aoki, Sakuji.  
Yonekawa, Ichiro.  
Hayashi, Saburo.  
Chiba, Iwao.  
Yanagi, Taneshiro.  
Sekine, Hidesuke.  
Ito, Eikichi.  
Morimitsu, Shigeo.  
Veda, Masahiro.  
Yamanashi, Tatsuji.  
Kano, Masao.  
Takahashi, Kiyotahi.  
Imazumi, Eikichi.  
Kogu, Keishi.  
Okuyama, Ryuzo.  
Okino, Seiji.  
Yokoi, Takao.  
Tsukada, Ryoichi.  
Ariga, Koji.  
Nagata, Shigetsugu.  
Hoshino, Sen.  
Sato, Yoshimi.  
Azuma, Isamu.  
Hirano, Shigeo.  
Kikuchi, Kesakichi.  
Koga, Michio.  
Koike, Ryoho.  
Taira, Kaneyoshi.

Oba, Shizue.  
Uesugi, Takashi.  
Kitada, Fukuhisa.  
Takase, Yoichi.  
Muramatsu, Shoji.  
Kusano, Toshio.  
Suzuki, Fusao.  
Sone, Yoshiro.  
Yokoi, Masao.  
Hashimoto, Ryosaku.  
Yamamoto, Yoshio.  
Saito, Ryoji.  
Namiki, Doji.  
Eto, Shigekatsu.  
Kawai, Kinsaku.  
Shimizu, Ryosoku.  
Horiuchi, Kimio.  
Tansho, Haru.  
Shibuya, Yotsuo.  
Kondo, Mataemon.  
Suzuki, Tomijiro.  
Tanaka, Teruo.  
Sano, Sokichi.  
Miyawaki, Hisaichi.  
Miyadera, Gisaburo.  
Daita, Shigekazu.  
Abe, Shuichiro.  
Ishii, Tomoki.  
Tobita, Takeo.  
Mitsuhashi, Seiji.  
Miyake, Ichiro.  
Oguriyama, Shigeru.  
Ito, Akira.  
Kuroda, Kazuyoshi.  
Tsuya, Kenji.  
Suzuki, Akira.  
Tanabe, Kihachi.  
Maeda, Masao.  
Yamashita, Hiroshi.

Sakurada, Torao.  
 Mochizuki, Tomiyoshi.  
 Tanno, Norio.  
 Kenbara, Toshimasa.  
 Yamada, Hajime.  
 Sugano, Seikichi.  
 Yamada, Toshikatsu.  
 Hirose, Noboru.  
 Tejima, Hiroshi.  
 Oda, Teiichi.  
 Ando, Tadaji.  
 Kanegae, Teruhisa.  
 Matsumoto, Takeo.  
 Nishikawa, Goro.  
 Hayashimoto, Tasuo.  
 Shimoyamada, Toshio.  
 Murakami, Tomeo.  
 Wakamatsu, Kenji.  
 Takahashi, Kazuo.  
 Matsumoto, Rokuo.  
 Omi, Suemaru.  
 Yori, Hisashi.  
 Onizuka, Hiroshi.  
 Sanegane, Mitsuo.  
 Kiyo, Takeyoshi.  
 Sato, Tatsu.  
 Kotani, Kiichi.  
 Abe, Hatsuo.  
 Horigoshi, Kinzo.  
 Izume, Shigemasa.  
 Minemura, Hidemi.  
 Amano, Hajime.  
 Shimojo, Toshinori.  
 Suga, Hideo.  
 Ogawa, Jun.  
 Hosoya, Genzaburo.  
 Midorikawa, Sannosuke.

Tamabe, Shohachi.  
 Hida, Yoshio.  
 Horiguchi, Masao.  
 Yano, Yoshihiko.  
 Oishi, Sasao.  
 Tadokoro, Toshio.  
 Manabe, Kimimasa.  
 Takao, Shigemitsu.  
 Shibasaki, Kyoshi.  
 Honda, Tetsuo.  
 Takeda, Masanao.  
 Funade, Yoshiharu.  
 Shinohara, Toshio.  
 Kokubu, Masaaki.  
 Tanaka, Michito.  
 Tominaga, Tamotsu.  
 Sano, Kenji.  
 Tsukimori, Toshio.  
 Tsuchida, Kazuo.  
 Murata, Akio.  
 Nakamura, Yorikatsu.  
 Funatsu, Toshio.  
 Kuzano, Kameo.  
 Ishiguro, Tomio.  
 Sato, Kunio.  
 Kami, Tsunehide.  
 Hasegawa, Saburo.  
 Shintani, Mikio.  
 Miyamoto, Hirohei.  
 Amiya, Suetake.  
 Takahashi, Kiyoshi.  
 Tanimura, Seiichi.  
 Tada, Kazushi.  
 Toba, Fujio.  
 Sasaki, Bunzaburo.  
 Uchihiro, Seikichi.

Abe, Fumio.  
 Kuroda, Kazuyoshi.  
 Kuroki, Hironobu.  
 Metam, Masao.  
 Baba, Tsugio.  
 Hotta, Hideo.  
 Tsumura, Yoshikaku.  
 Shimoyamada, Toshio.  
 Kikuchi, Sakio.  
 Kobota, Shigeyuki.  
 Matsuo, Takehisa.  
 Suzuki, Takeo.  
 Kojima, Keiji.  
 Chiba, Kiyoshi.  
 Sato, Shin.  
 Jone, Torao.  
 Takemura, Shimaiji.  
 Sudo, Yukisada.  
 Tanaka, Bunkichi.  
 Sato, Tadao.  
 Yamada, Sukeichiro.  
 Yamazaki, Rikizo.  
 Yamaguchi, Fusajiro.  
 Suzuki, Shuzo.  
 Yamaguchi, Yasuo.  
 Konno, Zonokichi.  
 Akazaki, Kenzo.  
 Heida, Yoshifusa.  
 Kajiwara, Hajime.  
 Abiko, Ginnosuke.  
 Takaka, Kaichi.  
 Kasai, Tadao.  
 Tokiya, Bin.  
 Tsutsui, Hiroshi.  
 Takahashi, Yojiro.  
 Sudo, Umegoro.

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

*Frederick F. Tremayne*  
 FREDERICK F. TREMAYNE,  
 Lieutenant (jg), USNR.  
 Interpreter.

PETITION

Lt. Commander DANZAKI was obedient to his superiors, and kind to his men as if he had been our parents. He trained his mind every day in Japanese calligraphy. He was always mild and sincere in his relations to everyone.

I beg your kind considerations for Lieutenant Commander DANZAKI who possessed Godlike virtue.

41st Naval Guard Unit,  
NAKANURA, Eisaku.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.



AFFIDAVIT FOR THE CHARACTER OF LIEUTENANT COMMANDER DANZAKI:

Lieutenant Commander DANZAKI was very much admired by us, his subordinates. I will give you some good examples of this.

1. I was one of the crew of a small boat. When the engines were out of order and had to be repaired he was always the first to come out and help us carry out our duties, by giving us various directions though it was unnecessary for him, a division officer, to do so. Truly he was a man of admirable character.

2. After the termination of the war he often assembled us and taught us how we should conduct ourselves from now on as compared with how we felt before. The fact that we have been able to get on without serious mistakes is due to the influence of our division officer.

SEKIGUCHI, SHIGEJI

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAINE,  
Lieutenant (jg), USNR.  
Interpreter.

"11c"

0226

Petition for Clemency for Lieutenant Commander DANZAKI, Imperial Japanese Navy.

He never lost his amiable countenance even in the most pressing situation. During any intense air-raid, he always made his rounds inspecting his unit. While our rations were short and during our miserable circumstances after our defeat, his mild temperament gave us courage.

I ask your special consideration for this lieutenant-commander whom we loved as if he had been our father.

TAKENAKA, Juzo.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant, (jg), USNR.  
Interpreter.

"11d"

0227

AFFIDAVIT FOR THE CHARACTER OF LIEUTENANT COMMANDER DANZAKI:

1. As the head of the Sea Patrol Unit, as the member of the Naval Guard Unit or as our division officer, he was always kind to his subordinates in his daily life, so that we spent every day very happily.
2. Though he was the eldest among the officers he shared many hardships with us while we were engaged in difficult operations.
3. When our rations became short he worried about our health. I think we owe high morale at the Guam stockade to his kindness.

SAITO  
Seventh Division.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.



AFFIDAVIT FOR THE CHARACTER OF LIEUTENANT COMMANDER DANZAKI:

I engaged in battles and work under the command of Lieutenant Commander DANZAKI.

When we heard that he, our division officer, was arrested in January, 1945, we all shed tears.

After the termination of war we worked in a launch under the direction of our division officer. At that time, he encouraged us as kindly as if he had been our father. Once, when our launch was out of order, he shared hardships with us in repairing it. He also looked after our health very kindly.

KINOSHITA SOIJI,  
7TH DIVISION.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

PETITION FOR LIEUTENANT COMMANDER DANZAKI:

Our division officer is an old man, he always looked after his men as if they were his own children. Lieutenant Commander DANZAKI was a person with a very strong sense of responsibility. This division officer always took the lead in what ever work their was to be done. If there was anything we did not know he would take us in hand and teach us. As soon as an air raid was over he would come over to the boats to inspect and bolster the morale of the crew. He was a very good division officer so please save Lieutenant Commander DANZAKI.

TSUNEMATSU, HIROSHI

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

"11g"

0230

Affidavit for the Character of Lieutenant Commander DANZAKI.

Lieutenant Commander DANZAKI, our division officer, was a very benevolent man. Rain or shine, he was always with his subordinates. He often shared his food or cigarettes with his men. Thus, he was a s kind and generous as if he had been our father.

I think he is truly a humane person, and I feel very grateful to him.

O Company  
SUZUKI, Fusao.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.



AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI:

It was the beginning of 1943 that I became the subordinate of Lt. Comdr. DANZAKI. I was especially intimate with him when I served ashore after I lost my ship in the battle.

Japanese troops on Truk suffered at that time from short rations. Besides, we had hard work to do. The special work of which the 41st Naval Guard Unit took charge was the reclamation work on the north coast. Our work was to carry the dug-out rocks from the caves by trucks on rails to the reclamation place which was far away from the caves. We used only seven to eight trucks a day, and sailors who lost their ship engaged in the work, while hungry and without boots. So that the work did not progress. Then my division officer took charge as leader.

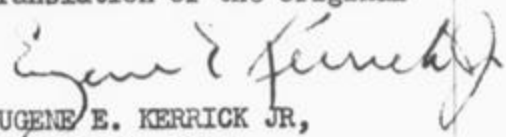
When he commanded his men he was benevolent toward them as if he had been their father. He always gave them a benevolent smile and he had a warm attitude toward them. I think no other man than Lt. Commander DANZAKI could carry out this work.

One day, a man named YAMAMOTO had his foot injured by a rock, but he continued his duty crippled but without losing his courage. Our division officer, noticing his wound, was very surprised and said, "Hey, YAMAMOTO! What's the matter with your foot? It's bleeding. Then he called him, washed his foot in salt water and bandaged it with his towel. "Now, YAMAMOTO you wear these boots." So saying, he took off his new boots and gave them to YAMAMOTO. After saying "Go to the hospital and have it treated." He, with bare feet went back to his work. I thought that I was willing to do any hard work for this division officer, not only I but also anyone at the scene thought so.

I think I can say that Lt. Comdr. DANZAKI is truly humane.

7th Division,  
SUZUKI, Mansaku.

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.

AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI:

I would like to say some words about the personality of Lt. Comdr. DANZAKI.

No division officer had ever been so honest, manly and benevolent as DANZAKI, our division officer.

I served for two years at Truk on the Patrol Boats. Owing to the nature of my duty, we could not return to our unit at a fixed time. We usually went back at seven or eight p.m., and when we were busy it was often later than midnight. But, at any time, he waited for us without sleeping. He never failed to do so during my service of two years. He thanked us for our effort as kindly as if he had been our father and we were willing to offer our lives for the sake of this division officer.

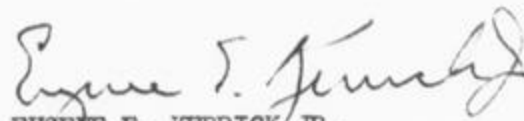
We shall never forget his face throughout our lives. When he thanked us for our efforts, even the few soldiers among his many subordinates he met with a warm heart. E.K.

When they see what Lieutenant COMMANDER DANZAKI did, everyone will be surprised. Air raid shelters, break-waters, piers, etc, were all done by him.

Was there anything on Truk done without his effort? Owing to his efforts we had many advantages. No one will ever be able to carry out so many works, E.K. if he is not as manly as DANZAKI, in spite of his age. Please deal leniently with our division officer.

SATO Tomoki.

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

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

PETITION FOR DANZAKI


When I was on my way to the telephone room and came to the front of the officers quarters, I heard a voice calling out my name, Sagitani! I stopped and looked in the direction from which the voice came, the division officer was standing in the doorway with a smile on his face. He was in charge of two other divisions besides ours. Moreover he was head of the sea patrol unit which kept him very busy. It was very rarely that we met, and that he should know my name seemed very strange. He said to me, "Sagitani you have lost weight, you are not sick, are you"? IEK

At that time during the war the air raids were frequent and every night we could not get any sleep. Communications with Japan were cut off, leaving Truk with very little food. Many people suffered from malnutrition. During the day we had to farm the land to sustain our health. One by one my friends died of malnutrition. Naturally we became savages going after rats and lizards and roasting and eating them.

I noticed that the division officer had some sweet potatoes which he was offering me. I can not express how thankful I was for those sweet potatoes. IEK

SAGITANI, HICHIRO

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.

"11k"

0234




AFFIDAVIT FOR THE CHARACTER OF LIEUTENANT COMMANDER DANZAKI:

He was as benevolent as if he had been our father. He willingly did anything that he once determined to do. When he ordered us to do anything, he required us to do it thoroughly, and worked with us.

He was also kind after the termination of the war. When the American Army inspected Truk Atoll, we worked in the launch. When the engine of our launch got out of order he encouraged us to repair it all through the night so that we could help the work of the U.S. Army.

SONE

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.

AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI:


DANZAKI, our division officer, was very kind to his subordinates.

I was one of the personnel on a patrol boat of the boat unit of the 41st Naval Guard Unit. Whenever we met our division officer in our unit, he never forgot to smile even to humblest private like me saying, "How are you and how are your boats?" Since I was on a boat, I rarely was ashore and had only a few chances to meet him. When I heard his kind words, I found he was a good division officer.

Though he was sometimes strict, he never beat us. He was always with us when we were at work, so that no one spoke ill of him.

ITO Taneo.

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.

"11m"

0236

PETITION FOR CLEMENCY OF LT. COMDR. DANZAKI:

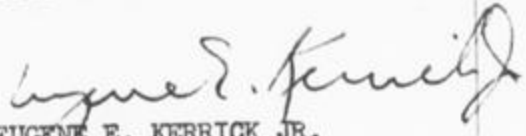
Those who believe in God must believe in Lt. Comdr. DANZAKI. It is really lamentable to hear that he is now being tried as a war-criminal. He was mild and sincere. When we were on duty, he guided us as kindly as if he had been our father.

I think no one will never forget the kindness of Lieutenant Commander DANZAKI, though he was old, he discharged his duty without taking account of his own health. He is more noble a benefactor for us than God. 22/8

He is a man whom we must save even at the risk of our lives. Though my statement is poor, I petition you to find him not guilty.

Naval Guard Unit  
SAGAWA Kunio.

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

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



PETITION FOR LIEUTENANT COMMANDER DANZAKI:

I wish to save Lieutenant Commander DANZAKI!

The reason for this is that during my time in the service, he was the division officer that I liked the most. He looked after us like real parents would have. As he was an old person, he was very meticulous in his work. Using the rainy days to advantage, he would give us talks on reverence, loyalty, and benevolence to cultivate moral character. The division officer believed in teaching oneself through the writing of Japanese characters. If you went to his quarters on official business he would answer you kindly. After listening to what you had to say he would thank you for coming. I wondered if the division officer wasn't a priest. My father is a religious man and he was a good father. My division officer was a good step father. I who had these two fathers was able to work happily during my time in the service. He always said whenever energy is lacking for work, do it by your spirit. The division officer was not a person who just said things but practiced them. 28k

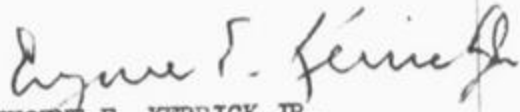
Sweet potatoes on which he was rationed and coconuts and bananas which were given him by the natives, he divided with us and saw us through. Not only did he love his subordinates, but he respected his superiors. He considered the orders of his superior officer and the orders of Emperor himself, and executed the orders immediately. 28k

God shall save this division officer who loved his subordinates, believed in his superiors and burned with the love of humanity.

I wish to save Lieutenant Commander DANZAKI!!

MURAMATSU, KINJI.

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.

AFFIDAVIT FOR THE CHARACTER OF DANZAKI, Tomeroku:

He was my division officer at Truk. He was always very mild and kind to his men. Though he was old, he took the initiative when we did anything. Therefore, he seemed to be very busy all day and to have no time to rest. We sometimes were very sorry for him.

He liked calligraphy. After the meal, at the time for the midday nap or when others were at rest, he was always restless. Late in the evening when he was tired from his work, he used to practice calligraphy.

When he lectured to us, he taught us about our mental attitude as we make our way through the world or gave some other spiritual instructions.

His affection toward his subordinates which I mentioned above was deeper than that of any other officers. He used to ask us with a smile, "How are you?" or "How is your health?"

In the days of short rations, his subordinates grew thinner day by day on account of the food crisis. He was always anxious about our health. At that time he was given some fruits from the solitary island. Often he did not eat even a bit of them, and gave them to his subordinates!

Thus he loved us as if we had been his sons, and we also admired him as if he had been our father. 274


He was not only kind to his men but also to any one else. Those who had once known him are always anxious about him.

The U. S. Forces came to occupy Truk in November 1945. Though he was old, he did his best to co-operate with their work with his subordinates rain or shine in repairing piers etc.

I beg that you will deal leniently with him.

WATANABE 274

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.

"11p"

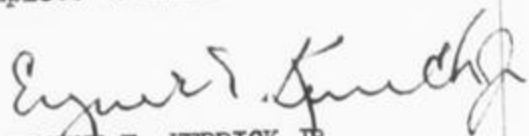
0239

PETITION FOR LT. COMDR. DANZAKI:

It has been said from old times that the obligation to your father is higher than a mountain and the obligation to your mother is deeper than the sea. Whether a man is old or young, when he is far away from home it is natural that he think of his parents. I have met the commander many times when I was on watch. I gazed upon his whitening head and watched the smile on his face, when I did this I could not help but think of my parents at home. Can it be called the compassion of a soldier when the parental feeling was greater than toward the parents? Even at his age, he was a person who liked to practice character writing, I have seen many of his writings hanging on the walls of his room. As a soldier and as the division officer there could be no fault found with him. I could not but shed tears when he was taken into custody at the end of the war. I can but pray to God to save him.

WATORI, Yoshio.

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.

"llq"

0240




PETITION FOR LT. COMDR. DANZAKI:

In the air-raid shelter the light was poor. With the continuous 24 hour work we were tired to the bone mentally and physically. It was at a time when the food rations were the shortest. Hunger was gnawing at us, even if we tried to work, our bodies would not move. Everybody was standing in a daze. Who had brought it we did not know but there was a bucket full of sweet potatoes, at that time a very precious item. Everyone gave a shout of joy and started to eat, we did not know when he came but there was the division officer Lt. Comdr. DANZAKI. Every one was surprised when he said with a smile on his face, "If you eat those raw unwashed sweet potatoes you will get sick". "Eguchi, you said you had a headache yesterday. How are you today? Are you all right?" Eguchi answered that he was all right. He looked at the work and said, "You've made good progress today. As a reward here are some cigarettes." At that time an item that was precious, second only to our lives, were the sweet potatoes. With out asking he could see that they had been stolen but he did not scold us. With gentleness and warmth he worried about us. As the person responsible for the night workers he would make the rounds 2 and 3 times a night. We always wondered how such an old man could do so much work. We were grateful and were able to work every day at ease. He is a person who did not get angry, a person who looked after every one of his, a person who talked to you with affection. In performing his duties, he was sincere from beginning to end. In every thing he did he was of exceptional character. We who are but average men can not show even one ten thousandth of the character of division officer DANZAKI.

MATSUTORI, Kanoo.

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.

AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI:

I served under the command of Division Officer DANZAKI for a year. I will give you some examples which show his good character.

1. He was very kind to his subordinates as if he had been our father. He used to come to our barracks from the distant officers' room to ask about our health or to tell the patients to take care of themselves. Though he was old, he looked after us very calmly.
2. He conducted his private affairs himself, and took the initiative in his official business. He blamed us when we were wrong, and when we were good he praised us. Those who were praised by him worked hard, and our work progressed.
3. After the termination of the war he worked hard for the American Forces. When our launch got out of order, he worked with us to repair it at the repair shop.

Everyone shed tears when we heard he was arrested by the U. S. Forces.

ONODA Mataju

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.*  
EUGENE E. KERRICK JR.,  
Lieutenant, USNR.  
Interpreter.

PETITION FOR LIEUTENANT COMMANDER DANZAKI:

During my time in the service I have come in contact with many division officers but there is no one I remember as well as division officer DANZAKI. I was taught in the navy that the division officer was to be considered as your father and the other officers of the division as your mothers. This division officer was a person who looked after his subordinates well and being very kind in his actions, he always talked with as informally. We had great respect for him.

When he was taken into custody. I could not help but shed tears. I think all of the men who were in his division felt the same way. As he is a very old man I am praying that he will be set free as soon as possible.

OISHI, SADAQ.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

"11t"

0243



AFFIDAVIT FOR THE CHARACTER OF LIEUTENANT COMMANDER DANZAKI:

Since I was attached to the Patrol Boat Unit, I don't know him well.

But whenever we were off duty and went to have a bath at the Naval Guard Unit, or whenever we met him when we were on the way to our farm, he used to encourage us with a smile saying "Thank you for your trouble." Therefore, whenever I saw him. I was in high spirit.

He was good at calligraphy, and on Sunday he taught us about it.

When my comrade was killed by an explosion of dynamite, he looked after his remains very kindly. Then we asked him about his exploit, he explained kindly to us so that we might understand it.

I am very sorry for him when I think of his kindness. I am very glad if this humble petition serves for clemency in his behalf. I beg you will deal leniently with him.

GOTO KURAJI.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant, (jg), USNR.  
Interpreter.

"llu"

0244

PETITION FOR LIEUTENANT COMMANDER DANZAKI, TOMEROKU:

The commander's character is gentle. We usually called the commander "father". The commander was always gentle in dealing with us. We have seen him act kindly with the natives in his dealings with them. At the end of the war the commander concentrated all his efforts in policing the Truk Islands. We conducted without mishap the filling of the bomb crater in the area of our unit, the repair work on the roads in and around our unit, the disposal of damaged boats and the disposal of ordnance. This was due to the efforts of the commander. We who have known the commander and have heard that he is to be tried in court are presenting this petition.

We request that the American authorities act kindly and generously with Lieutenant Commander DANZAKI who is our father.

ABE, KYOJI,  
41st Guard Unit,  
Formerly attached to:

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR,  
Interpreter.

AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI:

I cannot forget this. Since I arrived at Truk in April, 1944 and was attached to the 41st Naval Guard Unit, I discharged my duty till the day of our surrender under the command of Lt. Comdr. DANZAKI whom we admired as if he had been our father. Rain or shine, he was always anxious about us. When ever we met him he said, "How are you? Be careful of your health so that you can work hard." How often did I shed tears upon hearing this benevolent word! And I felt that I had a mother for a division officer at the front. When we were at work, he often gave us his ration. I can sum up his character as follows:

1. As kind as if he had been our father at the front.
2. He was truly a humane person.
3. Among the many division officers in our Navy no one is as fine as he.

41st Naval Guard Unit,  
7th Division  
NAKUMO, Kiyokatsu.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.



PETITION FOR CLEMENCY IN THE CASE OF LIEUTENANT COMMANDER DANZAKI:

Lieutenant Commander DANZAKI was virtuous and a man of noble character. He was always warmhearted and very kind to us just as if he had been our father, and we all admired him.

He believed in God. He always taught us to believe in God, and that no matter what we did we should have faith. He had a very noble heart.

We can not believe that he is now accused. When we recall his warm affection in the past, we can not help shedding tears.

Since he was always pious, I believe God will have mercy on him when he sees hundreds of us shedding tears of sorrow for Lieutenant Commander DANZAKI.

HASEGAWA, Saburo.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

"11x"

0247

PETITION

Lieutenant Commander DANZAKI, our division officer, was very kind to his subordinates. He was always very responsible. If there was anything which we could not do, he taught us kindly till we were able to do it. He went out to work with his subordinates and worked hard, and, in between working hours, he taught us kindly.

Since he is such a noble man, I beg that you will deal leniently with him.

FUJIWARA, Hiromitsu,  
Petty Officer 1/c

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

"11y"

0248

PETITION

Oh why was Lieutenant Commander DANZAKI accused as a war-criminal?

When he was at the Naval Guard Unit he was as kind as if he had been our father. There is a saying: "Those who ~~bring~~ <sup>brought</sup> me up are dearer to me than those who only brought me forth!" He brought us up as kindly as in the saying, so that we have all come to rely upon him heavily. JH

Is he a man who would commit a war-crime? Absolutely not! Since we are not Gods, we can not know what he did. But we believe in Providence.

I beg your kind consideration for him who is as warm-hearted as God.

41st Naval Guard Unit  
YONEKAWA Ichiro

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.



PETITION

He was very benevolent and had a strong sense of responsibility. As the division officer or as the head of the Sea Patrol Unit, he was as kind as one's own parents. Therefore, we can not forget him even now. He was a most reliable person.

In civilian life he is also an indispensable person. He is necessary for the reconstruction of new Japan.

We, his subordinates and his juniors in civilian life, beg you will save him.

YOSHIDA, KOKI

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAINE,  
Lieutenant (jg), USNR,  
Interpreter.

DANZAKI, Tomeroku

He was the officer in charge of our division. When he was serving in our division, he was so kind to us that he was loved as if he had been our father.

He had regular habits. He used to get up early in the morning, go to the pier to see how the pier and the boats were. He was a very careful man.

In the evening he used to practice calligraphy as a means of mental training.

SUZUKI, Shuzo.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

"12b"

0251

PETITION FORGIVENESS FOR LT. COMDR. DANZAKI:

Division officer DANZAKI was a prudent, benevolent man. We knew well that he tried to be as sympathetic with us as possible considering our situation. Therefore, we regarded him as a kind uncle rather than as our superior.

He was a division officer of very good character. We can not think that there were any mistakes in the acts for which he has been accused. It is an unhappy turn of fate, a so-called temptation of the devil which seldom appears in our lives, and we can not understand that he who has shown a fine character should do such a thing.

If we are asked to tell of a man who has a fine reputation, the first man we would mention is DANZAKI.

Division officer DANZAKI will long remain in our memories as a man of good character whom we shall never forget.

C Company Paymaster (Lieutenant)  
ONO Shigehiro.

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

*Frederick F. Tremaine*  
FREDERICK F. TREMAINE,  
Lieutenant (jg), USNR,  
Interpreter.



PETITION

The war is over and peace has come.

I now humbly submit this petition for Lt. Comdr. DANZAKI who is now being tried as a defeated man. When he was the head of the Sea Patrol Unit and the 13th Division officer, we all admired him as if he had been our father or teacher. Though he was old, he had much more physical and mental strength than the younger generations. He took the initiative in everything, and showed us the example of military spirit. No one was ever so humane as he. I served in the navy for six years and under the command of various division officers. But I recall him before all other officers. I will give you some examples which show his mild character.

Soon before the termination of the war, on 7 August, 1945, we had the most intense air-raid we had ever had. Then we took shelter with him. But he was so anxious about the members of the fishing boat which was then out, just as if they had been his own sons, that he ventured out from the shelter and waited for the ships to come back.

Also when we went on a little fishing boat to Aioi Shima, our ship got out of order. As it became stormy at noon, we found it difficult to make progress. Then he stood alone on a pier in terrible rainy weather without having his meal worrying about it till 8 in the evening. We can recall well how delighted he was when we got back.

Can anyone deny his human kindness only because he is old. It is natural for an old man to be humane.

When we think of Lt. Comdr. DANZAKI we recall General NOGI, a true humane person, and when we think of humanity we recall Lt. Comdr. DANZAKI.

I beg the commission to deal leniently with him.

41st Naval Guard Unit  
Superior Petty Officer.  
SAEGUSA, Kinenx

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

PETITION FOR CLEMENCY FOR LT. COMDR. DANZAKI:

1. He was mild and honest, and did his best in discharging his duty.
2. He was a man of great integrity. During his long life he had never quarreled or interfered with others.
3. He was kind. He loved us as if we had been his brothers, and we admired him as if he had been our father.
4. He was as noble as our parents or God in every point.

I hope you will deal leniently with him because he is such a good person.

OUCHI, Tamiyoshi

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI:

Our division officer, DANZAKI, was very careful in anything even if it was a trifling matter. He was loved and admired both by his superiors and by his subordinates. He did not care about himself and tried to help his subordinates. He was known for his knowledge of the sea. It was said that there was no person who knew more than he did. He looked after his men so that whenever the sea became rough he would go out to the pier to wait for the boats to come home. Whenever he did a job he did a good job and he was always up in front setting an example. He was a person who was true to his word.

TAKIZAWA, MITSUO

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.



TO YOUR HONOR THE PRESIDENT OF THE COMMISSION, PETITION FOR CLEMENCY FOR LT.  
COMDR. DANZAKI, IJN.

He was mild, sincere, solemn and noble in character, faithful to his duty and took the initiative in any difficult situation though he had reached the advanced age of 59. It was his joy and delight to see others happy. It worried him to see others in distress. He was a man of very noble character and full of self-sacrificing spirit.

He was kind and affectionate to us as if he had been our father. He hated to see or hear about even minor evil-deeds.

He was a man of such a good, noble character that he was admired by his men as if he had been their father. He was admired and respected, not only by his subordinates but also by everyone. I believe that DANZAKI is a man who has god like virtues.

I beg your kind consideration in the case of Lt. Comdr. DANZAKI.

Lt. (jg) HIRAZA, Seizo

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR  
Interpreter.

PETITION

Lt. Comdr. DANZAKI has been a faithful, sincere man throughout his life. Though we have known him for two and a half years at the 41st Naval Guard Unit, anyone can guess what his character must have been throughout his life.

He was obedient to his superiors, kind to his men and there were no faults in his character or behavior. We used to admire and love him by calling him "Old Mr. DANZAKI" or "My benevolent father." I believe he is really a moral, faithful man.

He faithfully and honestly urged and encouraged his men in the preparations for battle during time of war and in the reconstruction operations after the termination of the war. How admirable his contribution was! But why can he not go home with us?

I beg your kind consideration in the case of the benevolent Mr. DANZAKI.

MIYAKAWA Takashi,  
41st Naval Guard Unit.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

PETITION FOR LT. COMDR. DANZAKI:

1. He was very earnest in leading his men as a division officer.
2. He was mild and benevolent in nature.
3. In the days of short-rations, he, the leader of the Sea Patrol Unit, organized a fishing party in order to relieve our malnutrition, and gave me many fish for nourishment. Also, he did a lot of work reclaiming land and made noble endeavors in the production of food.
4. He was earnest in his duty and took good care of ships.
5. After the termination of the war, ships were at work at Moen. When some of them came back on account of damages, he worked repairing them all night in order to speed up the operation.
6. I beg your kind consideration concerning what I have just mentioned and that you will deal leniently with him.

UESUGI, Takashi.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.



PETITION

One year has already passed since he was accused as a war-criminal. It seems to me somewhat an irony of fate as he was a good division officer from the time of my arrival on Truk till the day of our surrender. Even the Gods would not know how sorrowful we were when he was taken captive. The sky would be cloudy with our tears.


I served as a look-out on a solitary island, which was about 16 kilometers away from our Headquarters. At the time of the air-raid our communications were cut off because ships could not move under such conditions. Even in such cases, he used to persuade the sailors and always sent a ship to us. One day about 9 a.m., when we were on duty, three men were seriously injured. Since the air-raid was intense no ships could come for our rescue. We gave it up in despair. We sent for the ship, but no one thought it would come. Soon we received a dispatch, "Take courage!" Time passed on, but no one seemed to come. The injured were suffering from burns on every part of their body. EIK

It was about midnight when the ship for which we were waiting came. As soon as it reached the shore, my division officer hurried to us and asked about our injuries. We saw a man who was such more benevolent than our own parents, and felt that we had nothing to regret if we were dead. Even after we entered hospital, he visited on us every day. You will understand how good his character is when you see him yourself. EIK

I beg that you will save him.

CHIBA, Kohai  
13th Division

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

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

PETITION

I beg you to find Lt. Comdr. DANZAKI who was as affectionate toward us as if he had been our father during my military service of the past seven years, not guilty.

I had been a member of his division since November 1943. I would like to tell you of some good examples which show his good character.

When we had short rations at Truk, our food staple was only three sweet-potatoes a meal. He gave us his ration, saying, "I am an old man and do not eat much. But you will be hungry on short rations, because you are young. We were so grateful that we shed tears. Even our parents could not be as kind as he.

When I was at Truk, I met him every day. He used to practice calligraphy earnestly in his private room. But, whenever I visited him on duty, he laid aside his business without a grimace, and listened to me and said, "Do your best." After that he recommenced his calligraphy. When he gave me a lecture, he used to say "Practice is better than words."

During our service at Truk, it was really difficult to practice though it was easy to say. But he practiced first, and taught us how to do things.

I don't know why he was arrested by the direction of the U. S. Army after the termination of the war. But I beg you will find him not guilty. He was so kind to us for the past two or three years.

TAKEI Goro.

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

*Eugene E. Kerrick Jr.*  
EUGENE E. KERRICK JR.  
Lieutenant, USNR.  
Interpreter.

4 November, 1946.

To Your Honor, The President of the Military Commission:

Lt. Comdr. DANZAKI, Tomeroku, IJN, is famous in the Japanese gunnery world for his noble character and eminent ability, and everybody praises him. Anyone who has once been his superior or his subordinate must say that he is such a fine man.

Since I entered the field of Japanese gunnery in 1930 I had often heard of his reputation. I realized that he is far superior in character and ability than even reputed when I entered the Naval Gunnery School in or about 1937 and served with him.

I hope you will deal leniently with Lt. Comdr. DANZAKI who has such an outstanding ability and such an honest and mild character.

Captain INOUE, 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, USNR.  
Interpreter.



3 November, 1946

AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI:

I met him for the first time when he was assigned to the 41st Naval Guard Unit. But I had already known him by name, because he was admired as an authority of gunnery in Japan. He rose from an enlisted man.


During his service at Truk, I saw that he was sincere and self-sacrificing, and had a strong will in fulfilling his duty. He was a very fine officer. As a good example to show his superiority he accomplished in a few days the difficult construction of roads leading to radar installations at Truk Atoll.

In regard to the execution, I believe that he had no malice.

I hope you will deal leniently with him.

Vice Admiral WAKABAYASHI,  
Seisaku.

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.

3 November, 1946

AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI, TOMEROKU:

Lt. Comdr. DANZAKI is most obedient and benevolent, besides being mild and sincere. He never did what was unjust. Perhaps, he has the least malice among human beings. And I believe that he is not a man who kills others wilfully or feloniously. If he has any connection with the affair of U.S. prisoners of war, I think he would carry out the act with a belief that it was quite right.

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His two sons one of whom graduated from the Tokyo Technical College and the other from the Tokyo Commercial College are noble men. I think it is his good character that made them noble.

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I request you will give your kind consideration to what I have just mentioned and that you deal leniently with him.

Vice Admiral HARA, Chuichi.

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.

4 November, 1946.

To the President of the War Crimes Commission:

I have known Lt. Comdr. Danzaki Tomeroku for more than 35 years. In 1908 he served with me aboard the Asaki of the 1st Fleet as an enlisted gunner.

During his long and honorable service in the Japanese Navy he has always been faithful, honest and a hard worker. He was promoted to commissioned officer rank because of these qualities and because of his outstanding ability.

I ask your consideration and pray you will be lenient with this very fine officer.

Kobayashi, Masah<sup>shi</sup>,  
Vice Admiral, IJN.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

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PETITION FOR CLEMENCY FOR FORMER LT. COMDR. DANZAKI, Tomeroku.

Lt. Comdr. DANZAKI served in the Navy during the battle on Truk and in the South Sea Islands, and had a sound mind. He was a good benevolent, officer, as well as a good leader for our division.

However, I hear that he will soon receive judgement. I only hope he will receive a lenient sentence.

How unhappy his family must be!

I plead that you will deal with him as leniently as possible.

YOKOI Masao.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

PETITION

I wish to save Lt. Comdr. DANZAKI, our division officer from punishment.

One stormy night I was working at my desk suppressing my hunger, during an air raid. About eleven I heard foot-steps and looked around. It was our division officer standing there with a smile "Many thanks for your trouble" he said, "I will give you this food which I did not eat." So saying, he gave me a plate of meal. I was so thankful that I was moved to tears. At that time we never had satisfactory meals. In spite of that, he gave his ration to his without eating himself. He was such a benevolent person, and we often had such experiences.

Since we are not Gods, who can believe that he has been accused. I hope this humble petition will serve to save our aged division officer from guilt.

MOCHIZUKI, Mitsuo.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

My Division Officer.

I served under the command of Lt. Comdr. DANZAKI since 1943.

He was so kind to us that he was admired by everybody, and loved as if he had been our father. I also regarded him as my father.

Since he was very kind to his men, he was always more anxious about them than about himself. He always gave his men what they wanted even at inconvenience to himself. He shared hardships with his men in any difficult work. He did anything he could for the good of others even at the risk of his life.

KOIKE Sadayuki

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.



AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI:

A subordinate of Lt. Comdr. DANZAKI and I were crew members of the patrol boat Koseimaru attached to the 41st Naval Guard Unit. After leaving port on our patrol duty, we had little hope of living to return again. But we were glad to go on duty saying "good-bye" to our division officer's benevolent smiling face. I vowed in my heart to do my best and suffer any hardships for the sake of our division officer, Lt. Comdr. DANZAKI, who was as kind as if he had been our father. JH

Chief Stocker 2c  
ITAKURA Kimihii.

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

4 November, 1946.

Affidavit for the character of Lt. Comdr. DANZAKI:

I met him for the first time in the Autumn of 1944 when our provisions on Truk Atoll had become short. I remember then he took charge of fishing at the time. The first time we met he very kindly taught me about fishing and even gave me some implements which he designed himself. I was very thankful to him for I could give the patients of my hospital plenty of fish as a result of his kindness.

As I came to be well acquainted with him, I found that he had a mild honest and benevolent character. Though I know nothing at all about the incident of the Naval Guard Unit, I believe that he is a man who holds no malice and would never commit a crime.

I hope you will deal leniently with the man who has such a noble character.

Captain (Surgeon)  
IWANAMI, Hiroshi

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

*Frederick F. Tremayne*  
FREDERICK F. TREMAYNE,  
Lieutenant (jg), USNR.  
Interpreter.

AFFIDAVIT FOR THE CHARACTER OF LT. COMDR. DANZAKI:

Lt. Comdr. DANZAKI served at the 41st Naval Guard Unit, Truk Atoll, as a leader of the Sea Patrol Unit, and also our division officer.

He was really a very good person to us, so that we don't know how to express our gratitude toward him. I'll tell you some examples showing his good character.

He was as affectionate toward us, his subordinates, as if we had been his sons, and taught us to be good men. In the days of short rations, he tried to give to his men what little food he had, though he was hungry, and was delighted to see us eat heartily.

When he saw our clothing worn out or in poor condition he gave us his own clothing when he had only a few. We really did not know how to express our gratitude toward him and shed tears of joy.

We felt from the bottom of our hearts that we were happy to have such a good division officer.


One day, when we were at work some one of us made a mistake. He did not roundly scold him but warned him kindly so that he might understand his fault.

Many pages would be necessary to show his noble character. He was really a mild, human person. He was such a good person that any man under his command admired him as if he had been Father, God or Budha. 75K

When I am repatriated and demobilized, I will visit his family to set them at ease, and will look forward to the demobilization of our division officer. I am sure that every man in his division will think the same, because even I, the humblest soldier, think as above.

OTSUKA Tomio.

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

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



PETITION FOR CLEMENCY OF LT. COMDR. DANZAKI:

Lt. Comdr. DANZAKI served as the loading officer of the 31st Division from the time he was transferred to the 41st Naval Guard Unit till the termination of the war. He was always very obedient to his superiors and affectionate and benevolent to his subordinates. He was really a mild division officer.

I will tell you of some good examples which show his character.

Toward the termination of the war we were on short-rations (generally potatoes.) He often had only two meals a day and the rest of his ration he gave to the duty soldiers (on telephone or wireless) at Headquarters.

We had a digging project in the air-raid shelter of the hill in the rear to make an anti-air-raid telephone room, and worked till late in the evening. We often were tired out from this hard work on account of the short rations. He came to thank us for our trouble, and often gave me a coconut which had been sent to him from the solitary island. Though he was old, he sometimes took a pick and did the work himself.

When we met him he always asked, "How are you?" Thus he looked after the health of his men without any regard to his own.

At the time of short rations, he was very anxious about his men's health which was apt to be weakened. He encouraged his men to catch fish. He went out from early in the morning till late in the evening in the rough water of the open sea and exerted himself in keeping health of his men. We were all moved to tears when we thought of his kindness.

Not only his direct subordinates but also every man in the Guard Unit called him a "fine division officer" or "a fine man". He was loved as if he had been their father. Though my service in the Unit was short, I respectfully attest to his good character.

I hear that he has now been accused as a war criminal suspect, I hope that this poor statement will tend to present some mitigation for him.

41st Naval Guard Unit Petty Officer:

SASAKI, Tokuo.

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.*  
EUGENE E. KERRICK JR.,  
Lieutenant, USNR.  
Interpreter.

PETITION

Lt. Comdr. DANZAKI was a man of very fine character. Besides he was also admired in civilian life.

I have known him since I entered the Navy and I was his subordinate.

He loved his men as if they had been his sons. When one of his men fell ill, he would visit him at his sick bed without thinking of his business.

If we have noble Lt. Comdr. DANZAKI in our society, we can live in peace under any conditions.

I beg you will deal leniently with him.

KIKUCHI Tomozo.

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.*  
EUGENE E. KERRICK JR.,  
Lieutenant, USNR.  
Interpreter.


PETITION FOR DANZAKI:

1. He was very kind to his subordinates.
2. He was faithful to his duty and full of a sense of responsibility.
3. I beg you will save our division officer.

Since I am poor in speech, I can describe nothing more.

KATO SABURO  
P COMPANY.

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

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



TO THE PRESIDENT, WAR CRIMES COMMISSION, COMMANDER MARIANAS AREA.

It has come to my attention that Tomeroku Danzaki, formerly a lieutenant commander, IJN, is undergoing trial before your commission for alleged war crimes committed on Truk Atoll, Caroline Islands. At the request of Commander Martin E. Carlson, U. S. Naval Reserve, counsel for the accused, I am writing this statement, in the hope that in casting light on the character of Danzaki, the ends of justice will be better served.

As a member of the original Occupation Forces, Truk and Central Carolines, I was assigned additional duties in January, 1946, as Officer in Charge of the Brig, Moen Island, Truk Atoll. I continued in these duties until November 1946. During the entire period of Danzaki's imprisonment at Truk, a period of approximately six months, he was constantly under my observation and supervision.

During this period of time, I was particularly impressed with the conduct of Danzaki, his soldierly bearing, his demeanor, and his instant and willing obedience to any and all orders. At all times his conduct was that of a fine soldier, one who had spent the greater part of his life in the military service. Some qualities are common to military men in any nation, possibly the most obvious of which is discipline. It is a quality which, when manifested either by enemy or ally to the extent evident in the actions of Danzaki, cannot help but demand respect.

I was not alone in these observations: Brigadier General Robert Blake, U. S. Marine Corps, the Commanding General, Occupation Forces, Truk and Central Carolines, Lieutenant Colonel Cyril E. Emrich, U. S. Marine Corps, operations officer, Occupation Forces, Truk and Central Carolines both have remarked during frequent inspections of the brig, concerning the fine soldierly bearing of Danzaki. These qualities were so obvious as to admit of universal observation.

*Frederick B. Logan*  
FREDERICK B. LOGAN,  
Captain, U. S. Marine Corps.

嘆 願 書

吉江少尉、誰ニ對シテモ日頃眞ニ良キ思遣  
深イ方隊士デアリマシタ

、吉江少尉ガ裁カレルト聞キ驚キ悲シムニ  
居マシタセン

如何ナル事情ニナツテナルカハ知リマセシガ彼、親切  
ナ思遣リ深イ心ニ高ク評價シテヤツテ胸キ度イト  
切ニ御願ヒ致シマス

今此意ニハ彼ニ按シテ者ガ多ク、按ツニサセシガ  
彼ニ按シタコト、アル者ハ必ラズ我ニト同ジ思ヒ  
抱キ同ジ願ヒヲ持ツデアリマセン  
トカハ達、願ヒヲ御取リトゲ下サイ。

昭和三年十月一日

三又同請ニ 相馬重徳 熊田五藏

萩山 龜田宮間俊衛 高野政男

飯田止勝 渡辺正奇 金原常吉

日高廣見 小田元助 眞保誠治

野田國司 小野重寛 平田精三

吾兄義忠ニ對スル人格證言書

私カ吾兄ヲ知リスニタノ、昭和十九年二月二十日  
第四上陸軍備隊司令トシテ著任後同年七月十  
一日空襲ニ依リ彼ガ負傷シ内地ニ送還サレテ、  
期間ニ過ギマセシガ私、知ル範圍デハ比較的卒直  
デ服從ハニ宜ニ忠實過長ナ人物ト思ヒマス  
彼ハ目下裁判ヲ受ケテ居ルトノコトデスガ右ニホ  
シタ様ナ人格カラ見テ悪意ヲ持ツ様ナ者トハ考  
ヘラセシ

彼ノ家族ハ妻ト七人ノ多勢ノ子供ヲ抱ヘ財産モ何モ  
無イトノコトデ私ハ同情ニ堪エナイ次第デス  
右ノ様ナ事情ニ御同情下ツレ寛大ナル御處置  
ヲ切望シマス

一九四六年十一月十日

海軍少將 淺野新平



PETITION

Ensign YOSHINUMA was always a kind division officer to anyone. We are really surprised and sorry that he is now being tried as a war-criminal.

Though we don't know why he has been accused, we hope you will highly appreciate his kind character.

There are but few persons here who know him, but we believe that anyone who once known him will feel and desire as we do now.

I beg you will give your kind consideration to what we now petition.

4 November 1946

MITSHHASHI, Seiji

TATEDA, Ishizo

MIYAMA, Sonoe

IIDA, Masakatsu

IMAIZUMI, Eikichi

ODA, Motosuke

NODA, Kuniiji

KIRATA, Seizo

la SOMA, Shigenori

MORIYAMA, Kameshige

TAKANO, Masao

WATANABE, Masamori

HIDAKA, Hiromi

SHIMPO, Seiji

ONO, Shigehiro

27k

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.*  
EUGENE E. KERRICK JR.,  
Lieutenant, USNR.  
Interpreter.

AFFIDAVIT FOR THE CHARACTER OF YOSHINUMA, YOSHIHARU:

I have known YOSHINUMA only from the time I was appointed as commanding officer of the 41st Naval Guard Unit on 21 February 1944 until he was injured on 10 July 1944 in an air raid and was repatriated. But so far as I knew, he was a comparatively frank, obedient, faithful and mild person. 716

I hear that he is now being tried as a war criminal, but I cannot imagine that he, a man of the above mentioned character, should have malice.

He has a wife and seven children but no property. I am very sorry for him. 717

I hope for your kind consideration about what I have just mentioned and I also hope you will deal leniently with him.

10 November, 1946.

Rear Admiral, IJN  
ASANO Shimpei.

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.*  
EUGENE E. KERRICK JR.  
Lieutenant, USNR.  
Interpreter.