

INTERNATIONAL PROSECUTION SECTION

Doc. No. 1697

28 May 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Record of Trial before Military Commission, USAF, China, "U.S.A.Vs., Toru MIKI."

Date: Feb. 1946 Original () Copy () Language: English

Has it been translated? Yes () No (x)

Has it been photostated? Yes () No (x)

LOCATION OF ORIGINAL (also WITNESS if applicable)

USAF, China Theater

SOURCE OF ORIGINAL: See above.

PERSONS IMPLICATED: MIKI, Toru, commanding officer and jurisprudence officer, KWANTUNG Army.

CRIMES TO WHICH DOCUMENT APPLICABLE: Violation PoW Convention

SUMMARY OF RELEVANT POINTS (with page references):

Includes statement that present at one execution at PoW camp, Chief of Jurisprudence Dept KWANTUNG Army was present, and that "Commander KWANTUNG Army" presided at a trial of PoW's sentenced to death after escape and recapture July, 1942 (p. 107).

Analyst: W. H. Wagner

Doc. No. 1697

1697

GENERAL HEADQUARTERS, SUPREME COMMAND ALLIED POWERS
INTERNATIONAL PROSECUTION SECTION

Document No. _____ 1946

CERTIFICATE

I, _____, hereby certify
th
that I am associated with the International Prosecution
Section, General Headquarters, Supreme Command Allied Powers,
and that the attached document, consisting of _____ pages
and described as follows: _____

and dated _____, was obtained by me on the
date above set forth in my above capacity and in the conduct
of my official business and in the following manner, to wit:
(place and from whom obtained, including specific Japanese
archives, records and files involved, if any) _____

NAME

RANK OR CAPACITY

ASN

BEFORE THE
MILITARY COMMISSION
CONVENED BY THE
COMMANDING GENERAL
UNITED STATES ARMY FORCES,
CHINA THEATER

UNITED STATES OF AMERICA

-vs-

TORU MIKI

PUBLIC TRIAL

SHANGHAI, CHINA.

DATE _____

PROCEEDINGS BEFORE A MILITARY COMMISSION

which convened at Shanghai, China, pursuant to Paragraph 4, Special Orders Number 30, Headquarters, United States Forces, China Theater, dated 2 February 1946.

The court met pursuant to the foregoing order on 7 February 1946 at 0945 hours at the Court Room in the Ward Road Jail, Shanghai, China.

COLONEL MIDDLETON: The Commission is in session and ready to hear any matter to be brought before it.

PROSECUTOR: The prosecution is ready to proceed with the trial of the United States of America against Toru Miki. The accused is present together with Assistant Defense Counsel appointed by the convening authority. The prosecution is ready to proceed.

COLONEL MIDDLETON: You may proceed.

PROSECUTOR: The reporter will be sworn.

(Whereupon Lillyan R. Moyle was sworn as reporter to the Commission.)

PROSECUTOR: The interpreter will be sworn.

(Whereupon Technical Sergeant John Morozumi was sworn as interpreter.)

PROSECUTOR: Is the defense ready to proceed in the absence of Captain James Monroe, one of the defense counsel?

LIEUTENANT TURNER: Defense is ready.

PROSECUTOR: The following members of the Commission appointed by paragraph 4, Special Orders Number 30, Headquarters, United States Forces, China Theater, dated 2 February 1946, are present:

Colonel John W. Middleton, President
Colonel Allen R. Springer
Colonel Edward F. Hector
Colonel Antonio L. Gado
Lieutenant Colonel Harry M. Manser.

(It will be noted that Brigadier General John W. Middleton and Colonel John W. Middleton are one and the same person, the change in grade occurring subsequent to the date of the Special Orders.)

No members are absent.

The prosecution submits for incorporation into the record of these proceedings the following documents:

Paragraph 4, Special Orders Number 30, Headquarters United States Forces, China Theater, dated 2 February 1946.

Letter of Transmittal from Edward H. Young, Colonel, Theater Judge Advocate, to the Commanding General, United States Forces, China Theater, dated 4 February 1946, and First indorsement thereon from Brigadier General Paul W. Caraway to Colonel Edward H. Young, referring the case for trial.

Letter dated 21 January 1946, setting forth the regulations governing the trial of war criminals, said letter being from Headquarters, United States Forces, China Theater.

I ask that these documents be received as Transcript Exhibits Numbered 1, 2, 3 and 4, for the Prosecution.

COLONEL MIDDLETON: There being no objection, the documents will be received and incorporated into the record of these proceedings as Prosecution's Transcript Exhibits 1, 2, 3 and 4, respectively.

(Prosecution's Transcript Exhibits 1,2,3 and 4 received in evidence.)

COLONEL MIDDLETON: I would like at this time to ask if the accused understands what has transpired thus far.

INTERPRETER: (after consulting with accused) The accused understands.

COLONEL MIDDLETON: I would also like to have counsel explain to the accused that if, at any time, he does not understand what is taking place that he ask you and have you explain it to him.

DEFENSE: (after advising accused) Yes sir.

PROSECUTOR: At this time I will read Prosecution's Transcript Exhibits 1, 2, 3 and 4.

Prosecution's Transcript Exhibit Number 1.

"HEADQUARTERS
UNITED STATES FORCES
CHINA THEATER

SPECIAL ORDERS) Shanghai, China
: 2 February 1946
NUMBER.....30) E-X-T-R-A-C-T
* * * * *

4. Appointment of a Military Commission. Pursuant to authority contained in War Department Radio 93455 from Joint Chiefs of Staff to Commanding General, China Theater, dated 18 January 1946, the following officers are hereby appointed as a Military Commission for the trial of persons, units and organizations accused as War Criminals in this theater:

Brig General	JOHN W. MIDDLETON	012135	USA	President
Colonel	ALLEN R. SPRINGER	017027	AC	
Colonel	EDWARD F. RECTOR	0 889016	AC	
Colonel	ANTONIO L. GADO	0 181252	GSC	
Lt Col	HARRY H. HANCOCK	0 178694	AGD	

The prosecution shall be conducted by Capt LYNN J. GILLIARD 02052532 JAGD as Prosecutor and 1st Lt RAYMOND J. OSBORN 01799358 CMP as Asst Prosecutor. The defense counsel shall be Capt JAMES O. MONROE JR. 01846485 AC and 1st Lt RAYMOND E. TURNER 01327061 Inf.

The Commission shall meet in the city of Shanghai, Republic of China, at the call of the President thereof.

The Commission is authorized to employ or appoint such interpreters, stenographic reporters, and other assistants as it shall deem advisable.

The Commission shall follow the provisions of letter order AG 000.5 (21 Jan 46), Headquarters, United States Forces, China Theater, subject: "Regulations Governing the Trial of War Criminals," and have power to and shall, as occasion requires, make such rules for the conduct of the proceedings as it shall deem

necessary for a full and fair trial of the person or persons, units or organizations before it. Such evidence shall be admitted as would in the opinion of the President of the Commission, have probative value to a reasonable man and is relevant and material to the charges before the Commission. The concurrence of at least two-thirds of the members of the Commission present shall be necessary for a conviction or sentence. The record of trial, including any judgment or sentence, shall be transmitted directly to this headquarters for action by the appointing authority.

* * * * *
BY COMMAND OF LIEUTENANT GENERAL WEDDEMEYER:

OFFICIAL: PAUL W. CARRAWAY
Brigadier General, GSC
Acting Chief of Staff
/s/ Cheney L. Bertholf
/t/ CHENEY L. BERTHOLF
Colonel AGD
Adjutant General."

Prosecution's Transcript Exhibit No. 2.

HEADQUARTERS
UNITED STATES FORCES
CHINA THEATER
Office of Theater Judge Advocate

APO 971
4 February 1946

SUBJECT: Trial of Japanese War Criminal.
TO : Commanding General, U.S. Forces, China Theater.
IN RE : United States of America

vs

Toru Miki

Transmitted herewith are charges against the above named Japanese War Criminal accused of violation of the laws and customs of war in the China Theater. The charges have been duly investigated and the case is now in order for reference to trial by a United States Military Commission appointed for the trial of war criminals.

/s/ Edward H. Young
/t/ EDWARD H. YOUNG
Colonel, JAGD
Theater Judge Advocate

1 Incl:
Charges against Jap War Criminal."

Prosecution's Transcript Exhibit No. 3

"1st Ind.

Hq, United States Forces, China Theater, Shanghai, China, 4 February 1946.

IN RE: United States of America

vs

Toru Miki

The attached charges against the accused Japanese war criminal above named are herewith referred for trial to Captain Lynn J. Gillard, Hq. USF, CT, prosecutor of the United States Military Commission appointed by paragraph 4 of Special Orders No. 30, Hq, United States Forces, China Theater, dated 2 February 1946.

BY COMMAND OF LIEUTENANT GENERAL WEDEMEYER:

/s/ Paul W. Caraway
/t/ PAUL W. CARAWAY
Brig. Gen., U. S. Army
Acting Chief of Staff."

Prosecution's Transcript Exhibit No. 4.

" R E S T R I C T E D "

HEADQUARTERS
UNITED STATES ARMY FORCES, CHINA THEATER

AG 000.5 (21 Jan 46) JA

APO 971
21 January 1946

SUBJECT: Regulations Governing the Trial of War Criminals.

The following rules and regulations will govern the trials of persons, units, and organizations accused as War Criminals in this theater:

ESTABLISHMENT OF MILITARY COMMISSIONS

1. GENERAL. Trial of persons, units, and organizations accused as War Criminals will be by military commissions to be convened by the Commanding General, United States Army Forces, China Theater.

2. NUMBER AND TYPES. The number and types of commissions to be established will depend upon the number and nature of the offenses involved and of the offenders to be tried. Such commissions may include members of any one branch or of several branches of the armed services, to try cases involving offenses against any one or more of such service branches, or any other offenses.

JURISDICTION

3. OVER TERRITORY. The military commissions established hereunder shall have jurisdictions over all of China, co-extensive with the China Theater of Operations, and territory now or formerly belonging to China, including Formosa, Manchuria, and Hainan Island, and other areas wherein the armed forces commanded by the Commanding General, United States Army Forces, China Theater, are or have been stationed.

(Ltr., AG 000.5 (21 Jan 46) JA, cont'd)

4. OVER PERSONS.- a. The military commissions established hereunder shall have jurisdiction over all persons, units or organizations within China Theater of Operations including Formosa, Manchuria and Hainan Island and other areas wherein the armed forces, commanded by the Commanding General, United States Army Forces, China Theater are or have been stationed.

b. Any military or naval unit or any official or unofficial group or organizations, whether or not still in existence, may be charged with criminal acts or complicity therein and tried by a military commission.

c. The convening authority may specify particular offenders to be tried before any commission appointed by him.

5. OVER OFFENSES.- a. The military commissions established hereunder shall have jurisdiction over the following offenses: Violations of the laws or customs of war, including but not limited to murder, torture or ill-treatment of prisoners of war or persons on the seas; killing or ill-treatment of hostages; murder, torture or ill-treatment, or deportation to slave labor or for any other illegal purposes, of civilians of, or in, occupied territory; plunder of public or private property; wanton, destruction of cities, towns or villages; devastation, destruction or damage of public or private property not justified by military necessity; murder, extermination, enslavement, deportation or other inhumane acts committed against any civilian population, or persecution on political, racial, national or religious grounds, in execution of or connection with any offense within the jurisdiction of the commission, whether or not in violation of the domestic law of the country where perpetrated; and all other offenses against the laws or customs of war; participation in a common plan or conspiracy to accomplish any of the foregoing. Leaders, organizers, instigators, accessories and accomplices participating in the formulation or execution of any such common plan or conspiracy will be held responsible for all acts performed by any person in execution of that plan or conspiracy.

b. Persons whose offenses have a particular geographical location outside the China Theater of Operations may be returned to the scene of their crimes for trial by competent military or civil tribunals of local jurisdiction. In the event a person is requested for trial in two (2) or more countries, the Commanding General, United States Army Forces, China Theater, will determine the place of trial on the basis of the relative gravity of the respective charges and other relevant circumstances.

MEMBERSHIP OF COMMISSION

6. APPOINTMENT. The members of each military commission will be appointed by the Commanding General, United States Army Forces, China Theater, or under authority delegated by him. The appointment may be made in the order convening the commission or in a separate order. Alternates may be appointed by the convening authority. Such alternates shall attend all sessions of the commission and in case of illness or other incapacity of any principal member an alternate shall take the place of that member. Any vacancy among the members or alternates occurring after a trial has begun may be filled by the convening authority, but the substance of all proceedings had and evidence taken in that case shall be made known to that new member or alternate in open court before the trial proceeds.

(Ltr., AG 000.5 (21 Jan 46) JA, cont'd)

7. NUMBER OF MEMBERS. Each commission shall consist of not less than three (3) members.

8. QUALIFICATIONS. The convening authority shall appoint to the commission persons whom he determines to be competent to perform the duties involved and not disqualified by personal interest or prejudice; provided, that no person shall be appointed to hear a case which he personally investigated, nor if he is required as a witness in that case. A commission may consist of Army and other service personnel, or of both service personnel and civilians. If feasible, one or more members of a commission should have had legal training.

9. QUORUM AND VOTING. A quorum shall consist of two-thirds (2/3) of the members of the commission, or alternates (if any) acting as members, but in no event less than three (3) members. All decisions of the commission shall be by majority vote of the members present when the vote is taken, which shall be a quorum, except that conviction and sentence shall be by the affirmative votes of not less than two thirds (2/3) of the members of the quorum. In case of a tie vote, the vote of the presiding member will determine.

10. PRESIDING MEMBER. In the event the convening authority does not name one of the members as the presiding member, the senior officer among the members of the commission present shall preside, or such other member as the senior officer may designate.

PROSECUTORS

11. APPOINTMENT. The convening authority shall designate one or more persons to conduct the prosecution before each commission.

12. DUTIES. The duties of the prosecutors are:

a. To determine the offenses and the offenders to be tried before the commission in addition to those specifically ordered by the convening authority.

b. To prepare and present to the commission charges and specifications.

c. To prepare cases for trial and to conduct the prosecution of each case before the commission.

POWERS AND PROCEDURE OF COMMISSIONS

13. CONDUCT OF THE TRIAL. A commission shall:

a. Confine each trial strictly to a fair, expeditious hearing on the issues raised by the charges, excluding irrelevant issues or evidence and preventing any unnecessary delay or interference.

b. Deal summarily with any contumacy or contempt, imposing any appropriate punishment therefor.

c. Sessions of a commission shall be public except when otherwise directed by the commission.

d. A commission shall hold each session at such time and place as it shall determine or as may be directed by the convening authority.

(Ltr., AG 000.5 (21 Jan 46) JA, cont'd)

14. RIGHTS OF THE ACCUSED. The accused shall be entitled:
- a. To have in advance of trial a copy of the charges and specifications, so worded as clearly to apprise the accused of each offense charged.
 - b. To be represented prior to and during trial by counsel of his own choice, or to conduct his own defense. If the accused fails to designate his counsel, the commission shall appoint competent counsel to represent or advise the accused.
 - c. To have his counsel present relevant evidence at the trial in support of his defense, and cross-examine each adverse witness who personally appears before the commission.
 - d. To have the charges and specifications, the proceedings and any documentary evidence translated when he is unable otherwise to understand them.

15. WITNESSES. The commission shall have power:
- a. To summon witnesses and require their attendance and testimony under penalty; to administer oaths or affirmations to witnesses and other persons, and to question witnesses.
 - b. To require the production of documents and other evidentiary material.
 - c. To have evidence taken by a special commissioner appointed by the commission.

16. EVIDENCE.- a. The commission shall admit such evidence as in its opinion would be of assistance in proving or disproving the charge, or such as in the commission's opinion would have probative value in the mind of a reasonable man. In particular, and without limiting in any way the scope of the foregoing general rules, the following evidence may be admitted:

- (1) Any document which appears to the commission to have been signed or issued officially by any officer, department, agency, or member of the armed forces of any government, without proof of the signature or of the issuance of the document.
- (2) Any report which appears to the Commission to have been signed or issued by the International Red Cross or a member thereof, or by a medical doctor or any medical service personnel, or by an investigator or intelligence officer, or by any other person whom the commission finds to have been acting in the course of his duty when making the report.
- (3) Affidavits, depositions, or other statements taken by an officer detailed for that purpose by military authority.
- (4) Any diary, letter or other document appearing to the commission to contain information relating to the charge.
- (5) A copy of any document or other secondary evidence of its contents.
- (6) Hearsay evidence.

(Ltr., AG 000.5 (21 Jan 46) JA, cont'd)

b. The commission shall take judicial notice of facts of common knowledge, official government documents of any nation, and the proceedings, records and findings of military or other agencies of any of the United Nations.

c. A commission may require the prosecution and the defense to make a preliminary offer of proof, whereupon the commission may rule in advance on the admissibility of such evidence.

d. If the accused is charged with an offense involving concerted criminal action upon the part of a military or naval unit, or any group or organization, evidence which has been given previously at a trial of any other member of that unit, group or organization, relative to that concerted offense, may be received as prima-facie evidence that the accused likewise is guilty of that offense.

e. The findings and judgment of a commission in any trial of a unit, group or organization with respect to the criminal character, purpose or activities thereof shall be given full faith and credit in any subsequent trial by that or any other commission of an individual person charged with criminal responsibility through membership in that unit, group or organization. Upon proof of membership in such unit, group or organization convicted by a commission, the burden of proof shall shift to the accused to establish any mitigating circumstances relating to his membership or participation therein.

f. The official position of the accused shall not absolve him from responsibility, nor be considered in mitigation or punishment. Further, action pursuant to order of the accused's superior, or of his government, shall not constitute a defense, but may be considered in mitigation of punishment if the commission determines that justice so requires.

17. TRIAL PROCEDURE. The proceedings at each trial will be conducted substantially as follows, unless modified by the commission to suit the particular circumstances:

a. Each charge and specification will be read, or its substance stated, in open court.

b. The presiding member shall ask each accused whether he pleads "Guilty" or "Not Guilty".

c. The prosecution shall make its opening statement.

d. The presiding member may, at this or any other time, require the prosecutor to state what evidence he proposes to submit to the commission, and the commission thereupon may rule upon the admissibility of such evidence.

e. The Commission may put any question to any witness and to any accused at any time. The prosecution and the defense may then further examine and/or cross-examine any such witness or accused.

(Ltr., AG 000.5 (21 Jan 46) JA, cont'd)

f. The witnesses and other evidence for the prosecution shall be heard or presented. At the close of the case for the prosecution, the Commission may, on motion of the defense for a finding of not guilty, consider and rule whether the evidence before the commission supports the charges against the accused. The commission may defer action on any such motion and permit or require the prosecution to reopen its case and produce any further available evidence.

g. The defense may make an opening statement prior to presenting its case. The presiding member may, at this or any other time, require the defense to state what evidence they propose to submit to the commission, whereupon the commission may rule upon the admissibility of such evidence.

h. The witnesses and other evidence for the defense shall be heard and presented. Thereafter, the prosecution and defense may introduce such evidence in rebuttal as the commission may rule admissible.

i. The defense, and thereafter the prosecution, shall address the commission.

j. The commission shall consider the case in closed session and thereafter in open court deliver its judgment, and in the event of a conviction shall pronounce sentence.

18. RECORD OF PROCEEDINGS. Each commission shall make a separate record of its proceedings in the trial of each case brought before it. The record shall be prepared by the prosecutor under the direction of the commission and submitted to the defense counsel. The commission shall be responsible for its accuracy. Such record, certified by the presiding member or the commission or his successor, shall be delivered to the convening authority as soon as possible after the trial.

JUDGMENT AND SENTENCE

19. JUDGMENT. The judgment of a commission as to guilt or acquittal shall be delivered in open court. It may state the reasons on which based.

20. SENTENCE. The commission may sentence an accused, upon conviction, to death by hanging or shooting, imprisonment for life or for any less term, fine, or such other punishment as the commission shall determine to be proper. The commission may also order confiscation of any property of a convicted accused, deprive that accused of any stolen property, or order its delivery to the Commanding General, United States Forces, China Theater, for disposition as he shall find to be proper, or may order restitution with appropriate penalty in cases of default.

21. APPROVAL OF SENTENCE. No sentence, including the death sentence, of a military commission shall be carried into effect until approved by the Commanding General, United States Army Forces, China Theater, or his successor. He shall have authority to approve, mitigate, remit, commute, suspend, reduce or otherwise alter the

(Ltr., AG 000.5 (21 Jan 46) et., cont'd)

sentence imposed, or (without prejudice to accused, remand the case for rehearing before a new military commission; but he shall not have authority to increase the severity of the sentence. Except as herein provided, the judgment and sentence and interlocutory rulings of a commission shall be final and not subject to review. No appeal may be taken from the judgment and/or sentence of a commission to any civil court or higher military authority.

RULE MAKING POWER

22. SUPPLEMENTARY RULES AND FORMS. Each commission shall adopt rules and forms to govern its procedure, not inconsistent with the provisions hereof or such rules and forms as may be prescribed by the convening authority to-wit, the Commanding General, United States Army Forces, China Theater.

By command of Lieutenant General WEDEMEYER:

/s/ Paul ... Caraway
/t/ PAUL W. CARAWAY
Brigadier General, GSC
Acting Chief of Staff

CERTIFIED
TRUE COPY:

/s/ Cheney L. Bertholf
/t/ CHENEY L. BERTHOLF
Colonel, AGD
Adjutant General."

COLONEL MIDDLETON: Does the Prosecution desire to challenge any member of the Commission for cause?

PROSECUTOR: The prosecution has no challenges.

COLONEL MIDDLETON: Does the defense desire to challenge any member of the Commission for cause?

DEFENSE: May I have just a moment with the accused before we answer that?

COLONEL MIDDLETON: Yes.

DEFENSE: (after consulting with accused, The defense has no challenges for cause.

COLONEL MIDDLETON: The Commission will be sworn,

(Whereupon all members of the Commission were sworn.)

COLONEL MIDDLETON: The prosecution will be sworn.

(Whereupon the personnel of the prosecution were sworn.)

LIEUTENANT TURNER: The charge and specifications were served upon the accused by the prosecution and he understands his rights as set forth in the Regulations Governing the Trial of War Criminals which has been introduced into the record.

PROSECUTOR: Whom does the accused desire to introduce as defense counsel?

DEFENSE: The accused is satisfied with the regularly appointed defense counsel and assistant defense counsel.

COLONEL MIDDLETON: The charge and specifications will be read to the accused.

(Whereupon the prosecutor read the charge and specifications together with the affidavit and certificate of service.)

DEFENSE: Will you wait just a moment? (Accused and counsel then conferred.)

COLONEL MIDDLETON: The accused understands the proceedings to this point, does he?

DEFENSE: Yes, he does.

PROSECUTOR: With the permission of the Commission, the prosecution introduces the charge and specifications, together with the affidavit and certificate for incorporation into the record as Prosecution's Exhibit No. 5.

COLONEL MIDDLETON: There being no objection, the charge and specifications, affidavit and certificate of service are received and will be incorporated into the record as Prosecution's Exhibit No. 5.

(Prosecution's Exhibit No. 5 received in evidence and incorporated in record.)

"HEADQUARTERS
UNITED STATES FORCES
CHINA THEATER

BEFORE A MILITARY COMMISSION
CONVENED BY AUTHORITY OF THE
COMMANDING GENERAL UNITED
STATES FORCES, CHINA THEATER

UNITED STATES OF AMERICA

VS

TORU MIKI

CHARGE

That between November 1942 and December 1943, Toru Miki, then a Lieutenant in the Japanese Imperial Army, while Japan was at war with the United States of America and its Allies, did, at Camp Hoten, Mukden, Manchuria, willfully and unlawfully commit cruel, inhuman and brutal atrocities and other offenses against certain American Prisoners of War in violation of the Laws and Customs of War.

SPECIFICATIONS

1. That in the month of November 1943, at Camp Hoten, Mukden, Manchuria, Toru Miki, did willfully and unlawfully kill William B. Jones, an American Prisoner of War, by repeatedly beating him across the head and body with a wooden club, bayonet, rifle butt, and saber, and by confining him in an unheated guardhouse in sub-zero weather without adequate food, clothing, or medical attention, said treatment causing death of said William B. Jones on 20 November 1943.

2. That in or about July 1943 at Camp Hoten, Mukden, Manchuria, Toru Miki, did willfully and unlawfully brutally beat Edward Coley, Douglas Haron, and John Doe Schroeder, American Prisoners of War, by striking them across the head and body with a wooden club, and did willfully and unlawfully confine the said Edward Coley, Douglas Haron, and John Doe Schroeder in the guardhouse without trial.

3. That in or about June 1943, at Camp Hoten, Mukden, Manchuria, Toru Miki, did willfully and unlawfully brutally beat John Doe Majewski, an American Prisoner of War, by striking him across the head and body with a wooden club.

4. That in or about May 1943, at Camp Hoten, Mukden, Manchuria, Toru Miki, did willfully and unlawfully brutally beat John Doe Gordon, an American Prisoner of War, by striking him across the head and body with a wooden club.

5. That in or about October 1943, at Camp Hoten, Mukden, Manchuria, Toru Miki, did willfully and unlawfully brutally beat William N. Harris, an American Prisoner of War, by striking him about the head with a wooden club.

6. That in or about November 1943, at Camp Hoten, Mukden, Manchuria, Toru Miki, did willfully and unlawfully brutally beat Claud O. Stom, an American Prisoner of War, by striking him with a bamboo pole and by kicking him in the face.

7. That in or about June 1943, at Camp Hoten, Mukden, Manchuria, Toru Miki, did willfully and unlawfully brutally beat and cut Charlie Walker, an American Prisoner of War, by striking him with a saber.

8. That in or about June 1943, at Camp Hoten, Mukden, Manchuria, Toru Miki, did willfully and unlawfully beat John Doe White, an American Prisoner of War, by striking him across the head with a wooden club.

9. That during the period from November 1942 to December 1943, at Camp Hoten, Mukden, Manchuria, Toru Miki, did willfully and unlawfully brutally beat numerous American Prisoners of War by striking them across the head and body with a wooden club.

Dated 4 February 1946

/s/ John L. Bates
/t/ JOHN L. BATES
1st Lt, Inf.
United States Army.

AFFIDAVIT

Before me personally appeared the above named accuser this 4th day of February 1946, and made oath that he is a person subject to military law and that he personally signed the foregoing charge and specifications and further that he has investigated the matters set forth in the charge and specifications and that the same are true in fact, to the best of his knowledge and belief.

/s/ Willis A. West
/t/ Name

/s/ Lt Col. JAGD
/t/ rank"

"HEADQUARTERS
UNITED STATES FORCES
CHINA THEATER

BEFORE A MILITARY COMMISSION
CONVENED BY AUTHORITY OF THE
COMMANDING GENERAL, UNITED
STATES FORCES, CHINA THEATER

UNITED STATES OF AMERICA

VS

TORU MIKI

CERTIFICATE OF SERVICE

I, Lynn J. Gillard, prosecutor in the above entitled case, as designated by paragraph 4, Special Orders No. 30, Headquarters, United States Forces, China Theater, dated 2 February 1946, do hereby certify that on this 5th day of February 1946 I personally served upon the accused, Toru Miki, a true and correct copy of the charges and specifications in the above entitled case.

/s/ Lynn J. Gillard
/t/ LYNN J. GILLARD
Capt., JAGD
Prosecutor."

COLONEL MIDDLETON: Are there any special pleas?

DEFENSE: If it please the Commission, inasmuch as the charge and specifications were not served on the accused until about forty-eight hours prior to the meeting of the Commission this morning, and also due to the fact that Captain Monroe has not arrived in Shanghai, we request a continuance of two weeks at this time in order to prepare our defense. We would like to consult with the prosecutor and the President of the Commission later to set a date.

COLONEL MIDDLETON: Is there any objection by the prosecution?

PROSECUTOR: We have no objection.

COLONEL MIDDLETON: Commission is adjourned and will meet again at my call.

(Whereupon at 1000 hours, 7 February 1946, the Commission adjourned to reconvene at the call of the President.)

MORNING SESSION

... Pursuant to adjournment, the Commission reconvened at 0900 hours, 11 March 1946 ...

COLONEL MIDDLETON: The Commission is in session.

PROSECUTOR: The prosecution is ready to proceed with the case of the United States of America versus Toru Miki. The interpreter present this morning has not been sworn in this case. Captain Hahn will you stand and be sworn.

(Whereupon Captain Ryong C. Hahn was sworn as interpreter.)

PROSECUTOR: The prosecution submits for incorporation into the record at this time Paragraph No. 7 of Special Orders Number 44, dated February 19, 1946, which reads as follows:

"HEADQUARTERS
UNITED STATES FORCES
CHINA THEATER

SPECIAL ORDERS)
:
NUMBER 44)

Shanghai, China
19 February 1946

E-X-T-R-A-C-T

* * * * *
7. Maj MAURICE LEVIN O1 292 547 Inf this Hq is dtld as one of Defense Counsel for War Crimes Commission aptd pp 4 SO 30 this Hq cs vice Capt JAMES O MONROE Jr O1 846 485 AC.

* * * * *
BY COMMAND OF LIEUTENANT GENERAL WEDDEMEYER:

RAY T MADDOCKS
Maj Gen USA
Chief of Staff

OFFICIAL:

/s/ E C Raulin
/t/ E. C. RAULIN
Maj AGD
Asst Adj Gen"

COLONEL MIDDLETON: I will ask the accused at this time if the regularly appointed defense counsels are satisfactory?

ACCUSED: Satisfactory.

PROSECUTOR: The prosecution also submits for incorporation into the record, paragraph 10, Special Orders Number 51, Headquarters, United States Forces, China Theater, dated February 28, 1946, which reads as follows:

"HEADQUARTERS
UNITED STATES FORCES
CHINA THEATER

SPECIAL ORDERS)
:
NUMBER.....51)

Shanghai, China
28 February 1946

E-X-T-R-A-C-T

* * * * *
10. Lt Col GEORGE S SWANSON O 301 519 AGD this Hq is

dtld as mbr of Mil Commission aptd pp 4 SO 30 this Hq cs
vice Col ANTONIO L GADO O 181 252 GSC.

* * * * *

BY COMMAND OF LIEUTENANT GENERAL WEDEMEYER:

OFFICIAL:

RAY T MADDOCKS
Maj Gen USA
Chief of Staff

/s/ E C Raulin
/t/ E. C. RAULIN
Maj AGD
Asst Adj Gen"

PROSECUTOR: And paragraph 1, Special Order Number 53, Headquarters
United States Forces, China Theater, dated March 2, 1946, which reads as
follows:

"HEADQUARTERS
UNITED STATES FORCES
CHINA THEATER

SPECIAL ORDERS) Shanghai, China
: 2 March 1946
NUMBER53) E-X-T-R-A-C-T

1. Col JAMES L JACKSON O17 892 AC this Hq is dtld as
mbr of Mil Commission aptd pp 4 SO 30 this Hq cs vice Col
ALLEN R SPRINGER O17 027 AC.

* * * * *

BY COMMAND OF LIEUTENANT GENERAL WEDEMEYER:

OFFICIAL:

RAY T MADDOCKS
Maj Gen USA
Chief of Staff

/s/ E C Raulin
/t/ E.C.RAULIN
Maj AGD
Asst Adj Gen"

PROSECUTOR: I would like the record to show that the accused is
present in court, all the Members of the Commission, counsel for the
prosecution and defense, the interpreters and the reporter are all
present in court at the reconvening of the Commission.

COLONEL MIDDLETON: Does the prosecution desire to challenge either
of the two new members of this Commission?

PROSECUTOR: The prosecution has no challenge.

COLONEL MIDDLETON: Does the defense have any challenge?

DEFENSE: The defense has no challenge.

PROSECUTOR: If the Commission, please, the prosecution would like
to have these documents which I have just read incorporated into the
record. We would like a ruling on that.

COLONEL MIDDLETON: The Special Orders read by the prosecution will be incorporated into the record of these proceedings.

(Documents received and incorporated into the record.)

COLONEL MIDDLETON: The new members will be sworn.

(Whereupon Col James L Jackson and Lieutenant Col George S Swanson were sworn as members of the Commission, succeeding Col Allen R Springer and Col Antonio L Gado.)

PROSECUTOR: Is the defense ready to proceed to trial?

DEFENSE: Defense is ready.

PROSECUTOR: For the benefit of the new members of the Commission, I would like to summarize the proceedings which have taken place before a previous session of the Commission which convened on 7 February 1946 at 0945 hours.

(Whereupon the Prosecutor summarized the proceedings held in this case on 7 February 1946.)

COLONEL MIDDLETON: Under the proceedings to date, the charge and specifications have been read to the accused. I will ask the defense at this time if they have any special pleas to enter.

DEFENSE: The defense has no special pleas to make but in going over the various documents in this case I found that whereas the charge and specifications refer to a Camp Hoten, Mukden, Manchuria, that in fact there were three camps named Hoten, Camp No. 1, Camp No. 2 and Camp No. 3. I was going to ask for a Bill of Particulars at this time so that the prosecution would specifically set forth which camp is involved in each one of these specifications, that is, Camp 1, 2 or 3, but rather than take the time to do that and delay this matter, I would like to request that before each specification is gone into, the prosecution be required to state whether Camp 1, Camp 2 or Camp 3 is involved. Otherwise there would probably be a half hour or an hour delay to prepare a Bill of Particulars.

PROSECUTOR: If the Commission please, as far as this Camp Hoten is concerned, all of these camps were known as Camp Hoten. They had one Commander and he was in charge but what they did have was various branch camps of the main camp. The main camp, as they refer to it, is located in a large factory. They had others working in a sawmill and still others in a leather factory but these were just small camps and branches of the main camp. It is really misrepresentation when they say there were several camps. As far as what we are talking about in the specifications, I think I shouldn't designate what camp. I think the evidence itself will show that.

COLONEL MIDDLETON: These subdivisions 1, 2 and 3, did they have to do with different industries or were there three camps where the prisoners lived--three different groups?

PROSECUTOR: There were three groups where the men lived. We are talking about the main camp. That had a Colonel in charge and they built these small camps out and had a subordinate, probably a Lieutenant, in charge.

COLONEL MIDDLETON: Anything further?

DEFENSE: Yes sir. The very fact that there was a Lieutenant in charge of each one of these camps is very important. You see, this case is going to be attempted to be tried by affidavits. There are going to be no live witnesses except an expert who wasn't up there at all. I think it is important unless there are specific representations as to which camp was involved. Some of these affidavits do not even refer to Camp Hoten. They just say a prisoner of war camp in Mukden, Manchuria and there were other camps besides Camp Hoten. Now this is a criminal case -- a criminal charge, and it has always been a rule in criminal cases that the defendant should be thoroughly advised, and in view of the fact that this is going to be tried by affidavit and the accused is going to have no opportunity to cross-examine, I am asking for this Bill of Particulars in order to give him at least a minimum of what he could have gotten if he had the opportunity to cross-examine. There has been an admission that there were three camps and it is quite possible that there was a confusion of names. I don't say there was. The name "Miki" is quite common in Japan just as Jones or Smith in America. There may have been four or five camps in Mukden and a possibility of someone by the name of Miki in more than one of them, and therefore I think the prosecution should be limited and bound to show just where these acts are supposed to have occurred and say "now this occurred in Camp No. 1," or "this occurred in Camp No. 2" and "our evidence will show that is so." I think it is very important as the case develops and this is brought out.

COLONEL MIDDLETON: Has the prosecution anything further?

PROSECUTOR: Yes sir. At this time all that is before the court is whether or not the charge and specifications on their face present a proper charge and whether or not the defendant has been advised with what charge has been placed against him. That is true in all law. The indictment on its face shows just what particular charge has been placed against him and any distinction as to just what particular branch camp is involved is not sufficient to ask for additional particulars. As far as these camps are concerned, there isn't any question about Miki being involved in them and there isn't any question about the fact that this particular person in each of these affidavits is mentioned. We are not trying the camp. I think the affidavits should speak for themselves and if it is not clear from the affidavits as to whether or not this person is the one involved, then it is up to the Commission to disregard them but I think the objection at this time is out of place.

COLONEL MIDDLETON: The motion of the defense is denied. Are there other motions or pleas by the defense?

DEFENSE: No sir. The accused is ready to plead to the charge and specifications.

COLONEL MIDDLETON: Have the accused rise.

(Whereupon the accused, Toru Miki, stood before the court.)

I will ask the accused how he pleads to each of the specifications and to the charge, that is, whether he is guilty or not guilty.

Toru Miki, how do you plead to Specification 1?

ACCUSED: Not guilty.

COLONEL MIDDLETON: To specification 2?

ACCUSED: Not guilty.

COLONEL MIDDLETON: And 3?

ACCUSED: Not guilty.

COLONEL MIDDLETON: To specification 4?

ACCUSED: Not guilty.

COLONEL MIDDLETON: To specification 5?

ACCUSED: Not guilty

COLONEL MIDDLETON: And 6?

ACCUSED: Not guilty.

COLONEL MIDDLETON: How do you plead to specification 7?

ACCUSED: Not guilty.

COLONEL MIDDLETON: To specification 8?

ACCUSED: Not guilty.

COLONEL MIDDLETON: And to specification 9?

ACCUSED: Not guilty.

COLONEL MIDDLETON: And to the charge?

ACCUSED: Not guilty.

COLONEL MIDDLETON: Does the prosecution desire to make an opening statement?

PROSECUTOR: Yes, briefly, the evidence in this case will show that the accused was the Superintendent Officer in Camp Hoten, Mukden, Manchuria from December 1942 until approximately December 1943. It will show that as Superintendent Officer, he exercised direct control over the American Prisoners of War at that camp. He was charged with their discipline, their work and their punishment. It will show that he took upon himself to discipline the American Prisoners of War by arming himself with a club which he used to strike the prisoners over the head or shoulders when he considered they had violated some rule of the Camp. In some instances these beatings were quite violent and resulted in injuries to the prisoners. All this was culminated in 1943 when Miki beat an American prisoner of war by the name of William B. Jones and then placed him in one of the guardhouses at the camp and from this treatment the evidence shows that the prisoner died several days later. In presenting this evidence, most of it will be by affidavit. This is made

possible by paragraph 16 of the Rules and Regulations which has been made a part of this record. Some of these affidavits were made about October of last year and some have been made recently so that they represent the opinion of these prisoners right after they were released from custody and as they feel now. In presenting this evidence we will try, as nearly as possible, to present them in the order in which the specifications appears. By that I mean all the affidavits pertaining to specification 1 will be put in evidence before we go on to specification 2 and we will try to segregate them in that manner so that the order of proof will go in, in an orderly manner.

At this time I desire that the Commission will take judicial notice of the fact that the Japanese Imperial Government agreed to abide by the Geneva Conference with regard to her treatment of prisoners of war. This document was presented before this Commission on a previous trial and I do not believe it is necessary to produce that again, but I desire that the Commission take judicial notice of it.

COLONEL MIDDLETON: The Commission does take judicial notice of the fact that the Japanese Imperial Government agreed to abide by the Geneva Convention as it pertains to the treatment of prisoners of war.

PROSECUTOR: At this time I request that this document be marked as Prosecution's Exhibit No. 1 for the purpose of identification.

(Document so marked.)

COLONEL MIDDLETON: I would like to ask at this time, do you have plenty of copies of those exhibits and has the defendant been provided with copies:

PROSECUTOR: The defense has been provided with copies, prior to trial.

DEFENSE: We have had them in advance so we have had a chance to go over them.

PROSECUTOR: I offer into evidence at this time an affidavit of Thomas Edward Smallwood, dated 11 February 1946 at San Francisco, California, which has been marked for identification as Prosecution's Exhibit No. 1.

COLONEL MIDDLETON: Does the defense have any objection?

DEFENSE: Yes. We object to the introduction of this affidavit on the ground that it is immaterial and irrelevant. In the first place the accused has not been identified and therefore by introducing this affidavit at this time we do not know that it applies to him at all. In the second place the specification to which it pertains, Specification 1, states that in the month of November 1943, so and so was beaten and that he died on November 20, 1943. The affidavit states that the beating took place in October and he died on the 1st of November, therefore there is a fatal variance of proof and obviously does not apply so I have two reasons: - first of all, the prosecution has not shown that the accused here is the person about whom this affidavit is written and in the second place, the affidavit in referring to Specification 1 does not have the dates which are shown in Specification 1 and therefore is irrelevant and for both of those reasons I object to its introduction.

PROSECUTOR: In this specification -- in the affidavit, it says "about" in each instance. It doesn't fix any particular date and Major Levin will agree, I believe, that this is the practice in legal proceedings. We say, "on or about". As far as the accused is concerned,

he will be identified in this affidavit and there will be no doubt that he is the person involved. I think the objection is out of order because, before any proof is submitted, he wants it established that the accused is the person involved and I therefore request that the affidavit be received.

DEFENSE: I think the prosecutor is reading some words in here. Let me read the charge - it says, "between November 1942 and December 1943", and the specification 1 says "in the month of November 1943." It does not say "about". I concede it was carelessly drawn but it is that way and in the end it says, "causing death of said William B. Jones on 20 November 1943." There is nothing there that says "about". Now he is trying to identify this man by affidavit. He may, therefore, be able to identify him and just throw a lot of these affidavits in here. I am going to show he can't. I think first of all he should be forced to identify him and in the second place this affidavit is irrelevant because it says "October 1943" and the date in the charge itself says November 1943 and furthermore the affidavit says the man died on about 1 November and the specification says 20 November and there is no about in the specification. Obviously this is irrelevant and if he is going to put in a lot of evidence in this manner it will be absolutely disregarding all rules of criminal procedure. If this charge and specifications were carelessly drawn, that is their fault. It should have been drawn more carefully. The laws are liberal enough in favor of the prosecution so that when the accused comes into this court he has about two and nine-tenths strikes against him before he even begins. I may seem to be technical but if he has any rights I am going to see that he gets them. First of all this says October and the specification says November, and this fixes the date of death as 1 November and the specification states 20 November. I can't cross-examine. The accused has got to have some protection. I don't think we are going to be unfair, but we must object to this for the reasons stated.

COLONEL MIDDLETON: Has the prosecution anything further?

PROSECUTOR: As far as the first specification is concerned, when we speak of November 20, 1943, in due course we will show that this man Jones actually died on that day but we will have to take it in an orderly manner and eventually get that before the Commission. As far as these affidavits are concerned, in fixing dates in any legal document they always say "on" or "about" and any document which comes within a reasonable time, the Commission can concede as being proper evidence. The court must be reasonable and consider just how far they can go here. We are speaking in the specification of November and the affidavit says October. I ask you if it isn't possible for fellows to make a mistake of a month concerning an event which took place three years ago and after they have been in captivity for three years.

COLONEL MIDDLETON: The Commission will be closed.

(Whereupon at 0940 hours the Commission went into closed session, reconvening in public session at 0952 hours, at which time all members of the Commission, the accused, personnel of the prosecution and defense, interpreting staff and official reporter resumed their seats in the court room.)

COLONEL MIDDLETON: The Commission is in session. The motion of the defense is denied and objection over-ruled. The prosecution will proceed.

DEFENSE: May I ask if the prosecution is going to put in all of these affidavits without even identifying the accused?

PROSECUTOR: In due course we will identify the accused. We have the accused's own signed statement in which he admits that he was in charge of the Camp and that he is the person involved.

DEFENSE: That statement, sir, is the thing I am going to object to very strenuously because it was taken in English against the will of the accused. Now this Commission may admit it but this man does not speak English well enough to be forced to give a statement in English. This whole proceeding, gentlemen, I know that people who committed war crimes should be punished for them, but I see no reason whatsoever why the prosecution can't get one live person to come into court to identify this man. He has been in custody for quite some time. All we have here are affidavits and we don't even have one live man to testify or to identify him. We are going to be subjected to a lot of criticism for this sort of procedure and I think we ought to go into this matter of the signed statement by the accused right away. If the Commission is going to accept it, then all right, he will be identified but if the Commission doesn't accept it, then we will be wasting a lot of time here. I am not trying to tell the prosecution how to try its case but I know enough about the background that I don't think it is right for this man to have -- for this statement to have been taken from the accused in English and I think it is unfair.

COLONEL MIDDLETON: May I ask the prosecution what steps have been taken to secure witnesses who can identify the accused or who could identify the accused?

PROSECUTOR: We have made no steps to bring anybody back from America and that is what it would involve. We would have to bring people back from America because there is no one around who could identify him. It so happens that he left the Camp in 1943. All the other members of the Camp are in the hands of the Russians either in Siberia or in Russia and we have made efforts to bring them to Shanghai but without success. In many instances these American soldiers are still being hospitalized, as you will notice since many of these statements are taken in hospitals. As far as the accused's statement is concerned, the defense is arguing whether or not it is admissible before it has been offered into evidence. The time it is offered into evidence, I believe, would be the proper time for us to consider whether or not it should be received.

COLONEL MIDDLETON: Just what steps were taken to contact the Russians?

PROSECUTOR: We sent two or three radios to the Military Attache in Moscow, asking him to make arrangements and that we would have an airplane fly in to Mukden or Korea and have these fellows brought back to Shanghai but I met with no success. Recently we contacted the American Military Attache who was in Shanghai about a month ago, and I also contacted one of the War Correspondents who said he would take it up with the Russians but he met with no success. He tells me the Japs were taken out of Mukden and moved to Manchuria or Siberia and that our efforts to get them back would be nil. Even after they told us that, we still made efforts to get them back here, but we haven't had any success.

COLONEL MIDDLETON: The Commission directs that the prosecution proceed with these affidavits to be introduced in evidence and, after they have been presented, at that time the Commission will give each

such weight as it is entitled to

DEFENSE: You mean they will be admitted subject to the identification of the accused?

COLONEL MIDDLETON: Yes, and each document or bit of evidence in there will be given such weight as is warranted and the Commission will decide whether or not it should be given any weight as evidence.

DEFENSE: Is it all right if I make specific objections to each affidavit? I don't want to appear contentious but I think it is only right when there are certain points in these affidavits which are not relevant or which should be brought to the attention of the Commission that I do it, each time they are offered in evidence.

COLONEL MIDDLETON: As each document is offered in evidence, the defense counsel will make such objection as he has to the affidavit or to such parts of the affidavit.

PROSECUTOR: May we now have a ruling on the affidavit of Thomas Edward Smallwood, an affidavit which has been marked as Exhibit No. 1 for the Prosecution?

COLONEL MIDDLETON: Prosecution's Exhibit No. 1 will be received in evidence.

(Prosecution's Exhibit No. 1 for Identification was received in evidence.)

(Whereupon the prosecutor read Prosecution's Exhibit No. 1 in evidence.)

"9SC-WC-2812

AFFIDAVIT

STATE OF CALIFORNIA :
 : SS.
City and County of San Francisco :

THOMAS EDWARD SMALLWOOD, Chief Storekeeper, NSN 3807191, who resides at 219 Cornwall Street, San Francisco, California, being first duly sworn, deposes and says:

When the war broke out, I was stationed in Manila with the U.S. Navy under command of the U.S. Army, in the Harbor Defense Unit. I was captured by the Japanese on Corregidor on 6 May 1942. I was held at Old Bilibid Prison, and Cabanatuan Camp No. 2 until 7 October 1942, when I was transferred, via Fusan, Korea, to Hoten Camp, Mukden, Manchuria. I remained at Hoten Camp until I was liberated on 16 August 1945.

At Hoten Camp, about the end of October, 1943, Seaman 1/c William B. Jones was brutally beaten by the Japanese authorities, as a result of which he died in the camp hospital on about 1 November 1943. Jones had been detailed to work at a local factory and machine shop and, while there, one of the Chinese workmen gave him some cigarettes. This was a violation of the rigid rules the Japs had laid down. Jones tried to bring the cigarettes into camp with him, but, at the regular search the Japs always conducted at the gate, the cigarettes were discovered. This was at about 5 p.m. Jones was taken to the office of the Superintendent Officer, Lt. Miki, and he remained there until about 9:30 p.m. that night. I saw

him on his way to the office. Jones was big and husky and, at that time, he was in good health, had no marks on him, and seemed to be in much better condition than most of the prisoners. Camp rumor had it that Jones was beaten for four hours that night, then was thrown into the brig, a bitterly cold, bare building. The following morning, at about 11 a.m., my duties as "honcho" or barracks leader required that I go to the Superintendent's office. The rear part of the office was separated from the front by a thin, semi-transparent screen. Because I was close to the screen I could see through it easily, but apparently I was not clearly visible from the inside, because I stood there for about ten minutes before I was noticed. In the office was Lt. Miki, Sgt. Noda and Seaman Jones. Miki and Noda were in their shirt sleeves. Noda had a "kondo" stick, and Miki was armed with a specially prepared club he usually carried with him, a heavy thing, about 3½ feet long, 3 inches wide, and about 1 inch thick, with a handle big enough for a two-handed grip. It had sharp, square corners. Jones was cowering against the wall, almost falling. His face was a mass of bruises and cuts, badly swollen and discolored. He was bleeding from the nose, mouth and from several cuts. While I was there, I saw both Miki and Noda hit Jones several times with their weapons. They would hit him, then scream, "You tell the truth. You tell the truth." They tried to make him tell who gave him the cigarettes. Jones would only moan a little, or make no answer at all, then they would hit him again. I watched this scene for about ten minutes, then Lt. Miki noticed that I was there. He screamed at me and I thought for a second that I was going to be beaten. They told me to get out of there, and I left.

For the next two days I received reports around the camp that Jones was taken to Lt. Miki's office for a beating each day, then thrown back into the brig at night. Then, on the third day after I had seen him beaten, I learned that he was transferred to the hospital. This report came to me through regular channels, for as "honcho" I received reports on where the men in my barracks were assigned. On the following day I visited the hospital, in an attempt to talk with Jones, but, though I saw him, I could not get him to talk. He was in a semi-conscious state, and he looked terrible. His face was puffed out almost beyond recognition, and was covered with ugly looking cuts. He seemed to have difficulty in breathing. About 32 hours after he was admitted to the hospital, and just a few hours after I last saw him, Jones died. The Japanese gave the cause of death as "Pneumonia".

Lt. Toru Miki, the Superintendent Officer at Camp Hoten, second in command under Colonel Matsuda, the Camp Commandant, arrived at the camp about January, 1943, and remained there until he was mustered out of the army early in 1945. I heard that after he left the army he was employed by a steamship company in Shanghai. Miki was in his late twenties or early thirties. He was about 5 feet 5 inches in height, weighed about 120 pounds. He was unusually swarthy. His teeth were regular, he wore no glasses, and he spoke English fluently, although with a guttural, German-sounding accent. Around the camp many of the men thought he was a drug addict. He had violent extremes of temper; sometimes he was almost pleasant, then he would go off into nearly insane rages. His eyes sometimes had a glazed look, with tiny pupils, and while he was at the camp he seemed to keep getting thinner and thinner. Miki nearly always carried with him the club that I described before, and in his worst moods he seemed to delight in hitting someone with it. At one time or another almost everyone in camp got hit by him. On one occasion I, as barracks leader, was

showing him through the barracks on an inspection and, because he found a small amount of dirt on the floor, he swung the club on me with both hands. I received only a glancing blow, but it hurt. Generally he would try to hit with the sharp edge of the club, and would leave a welt and a bad cut with even a light blow. Frequently at evening roll call, Miki would call for all of the day's offenders against the petty restrictions to line up in front of him, and before the assembled camp, he would, one by one, knock them down with his club.

T. Noda the other Jap who was beating Jones when I saw them, was a three star private when I arrived at the camp, and had worked his way up to a two star sergeant when he was transferred out of the camp in May or June of 1945. He wore a bayonet insignia, which I believe indicated the Finance Corps. Noda spoke perfect English, had no accent, and knew all the American slang. One of the men in the camp said that he recognized Noda as a former student at Berkeley High School, Berkely, California, and I believe this, because Noda knew as much about the San Francisco Bay area as I do, and I live in that area. I believe his mother and father were in an internment center in the United States. He was about 28 years of age, about 5 feet 9 inches in height, weighed approximately 140 pounds. He was better built and better looking than most of the Japs. Noda usually carried his "kendo" stick with him, and used it freely, but he did not cause as serious injuries with it as Miki did with his club.

Colonel Matsuda, the Camp Commander, was an old man, too weak to beat anyone himself, and, while I was never present when he witnessed a beating, the conduct of the Japanese guards towards the prisoners was so regularly brutal that I am sure that it must have been with the approval, or certainly with the knowledge of Colonel Matsuda.

The above statements cover all the details I can supply concerning the incident I have described.

/s/ Thomas Edward Smallwood.
/t/ THOMAS EDWARD SMALLWOOD

Subscribed and sworn to before me this 11 day of February 1946, at San Francisco, California.

/s/ Albert A. Lee
/t/ ALBERT A. LEE
CAPT. SIGNAL CORPS,
SUMMARY COURT

Interviewed by: Robert H. Schnacke, Agent, SIC, NSC"

PROSECUTOR: At this time I request that this document be marked Prosecution's Exhibit No. 2 for Identification.

(Document so marked.)

PROSECUTOR: Prosecution offers in evidence Prosecution's Exhibit No 2, which is an affidavit of Roy Holman Markham, Corporal, United States Marine Corps, dated 22 October 1945, at Oakland, California.

COLONEL MIDDLETON: Does the defense counsel have objection?

DEFENSE: Sir, I don't believe we have a copy of this one. May we have just a few moments.

(After glancing through Prosecution's Exhibit No. 2, defense counsel continued)

I object to the introduction of this affidavit. Each time I will not go into the objection on the ground that he has not been identified, but I would like to have the record show our continuous objection on that point. I object to this on two other grounds. First, that it does not show that this happened in Hoten Camp, and as the prosecution has said, the evidence will show that there are more camps than this Hoten Camp in Mukden, Manchuria. In the second place, this says "In about January 1944" and I don't think that by any stretch of imagination the Commission will say that January 1944 is so close to November 1943 that it doesn't matter, and further the prosecution's evidence will show that the man, Miki, he accuses was not even in Hoten Camp in 1944. I submit this affidavit is absolutely irrelevant.

I just want to say now, this is the third case I have handled and sometimes I feel like a small voice crying in the wilderness, but I just want to say now, we are going too fast on some of these cases and while at the present time the world may cheer and say these men should be convicted, still people are going to review these records fifteen or twenty years from now when all this passion is dead. In some cases they will see that men are convicted without the proper amount of proof required in our courts but these men will be convicted, and I am asking this court not to let that happen here but to go slow in admitting these affidavits, particularly on one like I have spoken of before where the events are so at variance that the only way they can seem to be relevant will be in the light of other documents which might be brought in as later evidence in the case. Naturally I cannot tell you what to do and you will rule on them and accept them or not as you see fit but I just want to point out that this sort of thing is going to bounce back.

I specifically object to this affidavit for the two grounds I have mentioned,-- first, it doesn't specify Hoten Camp, and secondly it refers to January 1944. In all of our criminal cases the indictment must be followed. If the indictment in a criminal case says November 10th, you cannot bring in proof in October. It cannot be admitted. This court is saying, "Well, bring it in anyway. We will look at it and decide." In a court in the States that cannot be done because if a matter is irrelevant, it is not brought before the jury or if it is, they are cautioned to disregard it or the case can be thrown out. Even if they are cautioned to disregard it, the damage has been done. The same is true here--if you take these things and go into them and say we will consider them and see if any weight is to be given them, I say you are incorrectly influenced, and although after considering it you may say "This one doesn't make any difference, still the damage would have been done.

COLONEL MIDDLETON: Anything by the prosecution?

PROSECUTOR: It seems the defense is worried about the policy. I submit, we aren't making the policy and we are not making the rules and regulations but we are merely trying the men under that policy and under those rules and regulations. As far as his argument that we must set forth in great detail and exactness the information in the charge and specifications, we find that more and more even in our law at home,

mistakes as to form or mistakes as to pleadings are not being considered as sufficient to have evidence not brought into the trial. More and more the court is allowing evidence to be brought in so that they can find out what happened. This idea of picking up some small mistakes in pleading or form is quickly being denied by our courts at home.

I also submit that this court is a fact-finding body and they should have all the facts before it and if they feel that it should not be considered, then it is up to them to disregard it.

As far as Camp Hoten is concerned, each and every affidavit doesn't have to go into a description of Hoten Camp. We are not fixing a venue, we are simply fixing the place as Mukden, Manchuria, and in this case we are identifying Miki and one of his co-workers, an interpreter named Noda. When you consider January 1944, that isn't so far removed from November 1943, and I say once again that these fellows who have been in captivity for over three years surely can make a mistake in the matter of one or two months.

DEFENSE: Sir, I would just like to clear up one point. I concede that it is true in civil cases but absolutely not true in criminal cases charging murder, that greater leniency is being shown in mistakes in pleading or form. This specification charges murder. A man has to have some protection. This man is accused of murder and he knows he is accused but we say there is some limit to the kind of evidence that can be introduced here. According to the prosecution he might introduce a copy of Stars and Stripes and say: "The court is a fact-finding body. They might find something in there that applies." I say that the rule -- you are not a policy body, that is true. The rules set down are merely guides for you. I submit that in the interest of fair play we are going to give this man a fair trial. We must call a stop at a certain point. As I said before, an accused comes before one of these Commissions with over two strikes against him. You cannot question these people; the defense cannot cross-examine affidavits. The prosecutor says: "Sure, these men have forgotten a lot of things." How do we know that any of this is correct? Maybe they are remembering only what they want to remember. Maybe none of it is correct. I say when there is a variance like this, it shouldn't be admitted. Why even have a trial if we are not going to draw the line somewhere?

COLONEL MIDDLETON: The motion by the defense is denied. I mean the objection is denied. Prosecution's Exhibit No. 2 will be received in evidence.

(Prosecution's Exhibit No. 2 for Identification was received in evidence.)

PROSECUTOR: I will read Prosecution's Exhibit No. 2.

(Whereupon the prosecutor read Prosecution's Exhibit No. 2 for the record.)

"AFFIDAVIT OF ROY HOLMAN MARKHAM, CPL. U.S.M.C."

STATE OF CALIFORNIA :
 : SS
County of Alameda :

Roy Holman MARKHAM, being duly sworn, deposes and says:

My permanent home address is Petersburg, Tennessee. I am 28 years of age and enlisted in the Marine Corps 6 November 1940. I

was taken prisoner by the Japanese at Corregidor on 6 May 1942.

I was held in the Philippine Islands until October 1942 and was then interned at Mukden, Manchuria from 11 November 1942 until 17 August 1945.

While at the Mukden camp I saw Lieutenant Miki (phonetic), who was camp superintendent until about August 1944, line up four or five prisoners, names unknown, and beat them across the face with a two inch pole until they became unconscious. This incident occurred in about June 1943 and the reason for the beatings was that they were smoking in the factory area where they were employed. In about January 1944 MIKI stripped JONES, first name unknown, a Navy enlisted man, in about 20 or 30 degrees below zero temperature and beat him until unconscious. JONES died of pneumonia in the guard house a few days later. JONES was in his early twenties and came, I believe, from Oceanside, California.

22 October 1945

/s/ Roy Holman Markham

Subscribed and sworn to before me this 22nd day of October 1945 at Oakland, California, U.S.A.

/s/ R B Curtiss
/t/ Lieutenant, U.S.N.R.

PROSECUTOR: I would like to have this document marked at this time as Prosecution's Exhibit No. 3 for identification.

(Document so marked.)

PROSECUTOR: I would like to offer into evidence at this time, the affidavit of William Adrian Diemert, dated 20 October 1945, County of Alameda, State of California, which has been marked as Prosecution's Exhibit No. 3 for identification.

COLONEL RIDDLETON: Has the defense any objection?

DEFENSE: Yes. I object to the affidavit on the ground that it does not specifically refer to the Camp Hoten in Mukden, Manchuria, and secondly on the ground that it is hearsay within hearsay. Now these affidavits are all hearsay evidence but there is one statement here that says a certain Lieutenant was a doctor and he told me what the cause of death was. I object to it. I don't know how far you are going to go. Frankly I don't know what I can say. I will have to just go on making these objections.

PROSECUTOR: Counsel for the defense hasn't read this very carefully because in this affidavit it gives the conversation that this particular affiant had with the deceased.

DEFENSE: That is also hearsay. When somebody says to me something happened and I repeat it, that is also hearsay. I am particularly referring to a statement with the doctor. I hope there is a statement from the doctor, himself.

PROSECUTOR: Yes, there will be a statement from the doctor. There are many exceptions to the hearsay rule and one of them, in some instances is to statements made by a deceased prior to his death.

DEFENSE: That is a dying declaration made when a man is dying and he knows he is going to die. My Lord, if the prosecution is going to make statements like that to the Commission, well -- I know the rule of dying

declarations that when a man is on his death bed he makes certain statements which are admissible. They figure a man will not lie when he is about to go to his Maker. This statement of Jones' was made just after he was beaten and at that time he was not ill and was not in the hospital. He certainly wasn't making a dying declaration.

There have been a lot of half statements -- half truths. We have gotten these affidavits which are all hearsay. I will sit here and as long as the court will permit me to object to them, I will object to them because I do not believe they are entirely fair.

PROSECUTOR: If the Commission please, all hearsay is admissible under the Rules and Regulations which have previously been introduced into this case. Furthermore I would like to bring out that statements by a deceased might be admitted on occasion and to show that even under our rules of evidence at home when the deceased is not present to testify, himself, you must have the testimony of someone else to identify the man who committed such an act. Undoubtedly, the best testimony would be that of Jones, but Jones isn't here to testify so that the next best is the testimony of fellows who had conversation with Jones.

COLONEL MIDDLETON: At this time the Commission will take a fifteen minute recess. (1038 hours)

(Whereupon the Commission recessed until 1053 hours at which time the Members of the Commission, the accused, the personnel of the prosecution and defense, the interpreting staff and the official reporter resumed their seats in the court room.)

COLONEL MIDDLETON: The Commission is in session. The objection by the defense is not sustained. Prosecution's Exhibit No. 3 will be received in evidence.

(Whereupon the Prosecutor read Prosecution's Exhibit No. 3 for the record.)

(Prosecution's Exhibit No. 3 for Identification was received in evidence.)

"AFFIDAVIT OF WILLIAM ADRIAN DIEMERT, Pfc, U.S. MARINE CORPS

STATE OF CALIFORNIA:

SS.

County of Alameda :

William Adrian DIEMERT, being duly sworn, deposes and says:

My home is in Seattle, Washington. I had completed high school prior to entering the Marine Corps. I was captured by the Japanese on Corregidor May 6, 1942 and was imprisoned in the Philippines until October 1942. I was confined at the prison camp in Mukden, Manchuria, from November 11, 1942 until the end of the war.

About November 6, 1943, William B. JONES, Sfc, U.S.N., was caught by the Japanese guards at Mukden with fifteen packages of cigarettes on his person. He had been working in the tool factory outside the prison, had purchased the cigarettes from a Chinese workman at the factory, and was picked up by the guards when returning from work in the evening.

JONES was put in the guard house that evening and remained there for ten days. Following this period he was released to the barracks for one night. He was so weakened by the beatings which he suffered while in the guard house that he was placed in the hospital the day following his return to the barracks. He died two days after being placed in the hospital.

Although I did not witness any of the beatings, I know that they must have been exceptionally severe since JONES's body was covered with bruises and swollen welts and his face was cut and swollen. JONES had the reputation of being one of the strongest and healthiest men in the camp, and his weakness and general bad condition following his release from the guard house were indications of the severe punishment which he received. JONES told me that KASHIHA (phonetic), the camp interpreter and First Lieutenant MIKI (phonetic), the camp superintendent, beat him every day he was in the guard house. JONES said that they used clubs and would beat him until he was unconscious. They would then revive him and beat him again. The temperature at this time was around zero and JONES suffered a great deal from the cold since he was permitted only one blanket in the guard house. Lieutenant MOSEMAN, U.S.A., was the camp doctor for the prisoners. He told me that JONES died of pneumonia brought on by exposure and a general weakened condition.

The Lieutenant MIKI, mentioned above, was exceptionally cruel in his treatment of the prisoners and I have seen him on many occasions beat men with a short, heavy club across the forehead for minor infractions of prison rules. Lieutenant MIKI left the camp in the spring of 1944. He visited the camp several months later and said that he had been discharged from the Army and was living in Shanghai as a civilian.

The interpreter, KASHIHA, was in the custody of the Russian troops at the time of our departure from Mukden.

20 October 1945.

/s/ William A. Diemert

Subscribed and sworn to before me this 20th day of October 1945 at Oakland, California, U.S.A.

/s/ James ... Reynolds
/t/ Lieutenant, U.S.M.R.

PROSECUTOR: At this time I would like to have this document marked as Prosecution's Exhibit No. 4 for identification.

(Document so marked.)

PROSECUTOR: At this time I would like to offer in evidence the affidavit of Raymond Charles Adams, dated 15 October 1945, at County of Alameda, State of California, which has been identified as Prosecution's Exhibit No. 4.

COLONEL MIDDLETON: Has the defense counsel any objection to the introduction of that document in evidence?

DEFENSE: Yes sir. I object to this document first on the ground that it doesn't specifically mention Camp Hoten. Secondly on the ground that with respect to Specification 1, it places the date as the fall of 1944. Now even if you say "on or about" that does not place the date any where near it. Furthermore, there is a statement here as to three prisoners who were trying to escape which has nothing to do with this case and has no bearing on it whatever. This is going further than the

other one.

There is also a second affidavit attached to this. There is also a second affidavit on my copy or a second part of this affidavit. The way I have it, it looks like that affidavit is two separate statements and in the second it refers to a beating by somebody called the "Bull" and there is no indication that that refers to the accused. I don't believe the prosecution claims that refers to Miki at all, and I think that should be eliminated. I believe the way this affidavit is prepared that is on a second sheet and should be left out entirely but I do object on the ground that it doesn't specify Moten; that it states the fall of 1944, and this part about the three prisoners trying to escape. And, of course, that part about the "Bull" is entirely irrelevant.

COLONEL MIDDLETON: May I ask the prosecution if the beating in the fall of 1944 pertains to a particular individual?

PROSECUTOR: Yes.

COLONEL MIDDLETON: What is the name?

PROSECUTOR: Jones.

COLONEL MIDDLETON: Does it give his first name?

PROSECUTOR: It says "one Jones of the U.S. Navy." At this time I would like to suggest that when we object to the statements that the Commission be furnished with a copy so they can follow it.

DEFENSE: That is the whole thing. If the court isn't going to receive it in evidence, why should they receive a copy because they are going to color their opinion if they read it.

PROSECUTOR: In civilian life the Judge wouldn't think about passing on a signed statement or any document unless he saw it. I am not offering it as evidence or that they should consider it as evidence against the accused. I meant they should have it only so that they can follow it. If they decide it should not be admitted in evidence, they entirely disregard it; just as a gesture to aid the court. I assure you no court in the States would pass on a matter like that unless they saw the document.

DEFENSE: Of course, where you have a jury that is true. It doesn't matter whether the Judge sees it or not, but where you have a Judge alone he doesn't read the whole thing. He just looks to see if it is properly signed and so forth, he doesn't read it because once he has read it, it colors his thinking. To place these affidavits before the Commission and object to portions of them, the Commission would have to refer to them and in doing so, read at least a portion of the affidavit. This is bound to have an effect on their opinions.

COLONEL MIDDLETON: The Commission will follow the method that we have followed so far and receive them only after they have been accepted in evidence. Does the prosecution have any argument to make concerning the two parts of the exhibit that are objectionable?

PROSECUTOR: As far as the paragraphs which defense counsel speaks of which do not pertain to the defendant, I am perfectly agreeable that they be eliminated or that the document be received in its entirety and the commission instruct itself to disregard that portion.

As far as this date is concerned, it seems the defense counsel is making a great deal of to do about it. In all these matters it is not a question of date so much as it is the facts. As reasonable men, the Commission itself, for instance, if they were asked to go back and search their minds for what happened on a particular date say in the Hankow case, even at this short interval, you know yourself, and I know, they might say it happened in the fall of '42 whereas it might have happened in the fall of '41. I say that is not important but I say what is important in this case is, Does this tie up with the defendant? I say this affiant could have made a mistake in the dates, but did he make a mistake as to the facts? The affidavit speaks for itself.

DEFENSE: This is the first time I ever heard that a date is not a fact. In any case the date on which something happened is just as important as anything else in the case or any other fact in the case. Is this man being accused of killing a man by the name of Jones in 1943 or a Jones in 1944? We don't know which Jones it is. The prosecutor is just throwing in a lot of affidavits, and doesn't care what the date is so long as it is something. That might bear out its point and say, you decide. What can the Commission do when you rely on the good faith of the prosecution and the prosecution says, "Take my word for it, all these affidavits refer to the specification." One says October '44, one says November '44, one says October '43 and one says January '44. Maybe there were four Joneses.

COLONEL MIDDLETON: Does the prosecution have further argument?

PROSECUTOR: Yes. Before a Military Commission like this, I think that is just what the prosecution is trying to do. This Commission is a fact finding body. It is not bound by any strict laws or rules of evidence and as far as this prosecution is concerned, we are not trying to use any high-handed methods. I am trying to get the affidavits we have in this matter for the consideration of the Commission. If they meet with your approval and there is any item in there that should be taken into your consideration, it is for you then to decide, not me. I am only trying to present the evidence that is here. I repeat this is a fact finding body and not bound by any strict rules of evidence.

COLONEL MIDDLETON: Prosecution's Exhibit No. 4 will be received in evidence, but the two paragraphs or parts objected to by the defense will not be received. They will be excepted and will not be read.

(Prosecution's Exhibit No. 4 for Identification received in evidence with the exceptions noted.)

PROSECUTOR: I did not understand. Do you want them read, sir?

COLONEL MIDDLETON: No, those portions will not be read.

(Whereupon the prosecution read Prosecution's Exhibit No. 4 for the record, except for the portions noted.)

"AFFIDAVIT OF RAYMOND CHARLES ADAMS, PFC, U.S.M.C.

State of California :
 : SS
County of Alameda :

Raymond Charles ADAMS, being duly sworn, deposes and says:

My name is Raymond Charles ADAMS, private first class, U.S. Marine Corps, Serial No. 276750. My permanent home address is Pomona, Kansas. I was born 6 December 1918 at Miles City, Montana, and have had seven and one-half years of schooling.

I enlisted in the U.S. Marine Corps, 6 November 1939, was assigned to "B" Company, Fourth Marines at Shanghai, China, 14 November 1940, was transferred to Olongapo, Philippine Islands, on 2 December 1941 and subsequently to Corregidor on 29 December 1941. I was taken prisoner of war by the Japanese on 6 May 1942.

I was held prisoner on Corregidor until 27 May 1942 and was then transferred via Bilibid to Cabanatuan Camp No. 3 where I remained until 5 September 1942. We were transferred by ship to Fusan Hospital, Fusan, Korea, arriving there 8 October 1942 and remaining until 15 December 1942, after which we were transferred to Mukden Prison Camp, Mukden, Manchuria, where we remained until we were liberated in August 1945.

The Commanding Officer of the Mukden Camp was Colonel MATSUDA of the Japanese Army. While he did not participate in any of the beatings or mistreatment he was present at the camp most of the time and was well aware of what was going on. MATSUDA was in the custody of the Russians when I left Manchuria. His adjutant was known to the prisoners as the "Bull" and was a captain in the Japanese Army. He left the camp about December 1944. Allegedly he had been wounded in the hip; both his upper and lower teeth were extremely "bucked." Lieutenant MARADA (phonetic) of the Japanese Army was in charge of Red Cross supplies. He was also in custody of the Russians when last heard of. Lieutenant MIKI (phonetic) of the Japanese Army was another official at the camp who participated in a number of the beatings. He left the camp in the latter part of 1944. Another official was Corporal NODO who was born in Berkeley, California. He also left the camp in December 1944 or January 1945. Another official was Land Corporal KASHIMA who was born in the Territory of Hawaii and who allegedly has two brothers in the U.S. Army. He was in custody of the Russians when I left the country." * * * * *

"In the fall of 1944, one JONES of the U.S. Navy, whose identity is known to Major HANKINS, U.S. Army, another prisoner in the camp, was severely beaten by Lieutenant MIKI. I did not witness the beating but two days later saw JONES in the brig when I took him his chow. His face was very badly swollen and bruised and there was dried blood around his ear and on his face. He was extremely weak. Subsequently he was removed from the brig to the hospital where he died. The Japanese stated that his death was caused by pneumonia but it was the belief of the American prisoners that he died as the result of the beating. The beating was said to have been administered with a saber and with a club, one to two-inches in diameter and three to four-feet long."

* * * *

15 October 1945 *

/s/ Raymond Charles Adams

Subscribed and sworn to before me this 15th day of October 1945
at Oakland, California, U.S.A.

/s/ H B Kehoe
/s/ Lieut. Comdr. U.S.N.R."

PROSECUTOR: At this time I would like to have this document marked
as Prosecution's Exhibit No. 5 for identification.

(Document so marked.)

PROSECUTOR: At this time I would like to offer in evidence the
affidavit of Charles Courtney Shelton, dated 29 November 1945, at
County of Adams, State of Colorado, which has been identified as Prosecu-
tion's Exhibit No. 5.

COLONEL MIDDLETON: Does the defense have objection to Prosecution's
Exhibit No. 5?

DEFENSE: I object to this affidavit on the ground it refers to
the winter of 1944 while the specification reads "November 1943". So
far I think the Commission will notice that most of the affidavits state
it happened in 1944, and only one, as I recall, stated it happened in
1943. I,--I,-- well, I just make that objection.

COLONEL MIDDLETON: Is there argument by the Prosecutor?

PROSECUTOR: No.

COLONEL MIDDLETON: The objection by the defense is not sustained.
Prosecution's Exhibit No. 5 will be received in evidence.

(Prosecution's Exhibit No. 5 for Identifi-
fication was received in evidence.)

(Whereupon the Prosecutor read Prosecution's Exhibit No. 5 for the
record.)

"FOR THE WAR CRIMES OFFICE
Judge Advocate General's Department -- War Department
United States of America

In the matter of the illegal mis-
treatment of a Prisoner of War named
Jones, USN by the Japanese at Hoten #1,
Prisoner of War Camp, Mukden, Manchuria
in the winter of 1944, resulting in the
death of such prisoner.

Perpetuation of Testimony
of Charles Courtney
Shelton, Pvt, ASN
18017448.

Taken at: Fitzsimons General Hospital, Denver, Colorado
Date: November 14, 1945
In the presence of: Harlan F. Hagen, Agent, SIC, 71SC, Denver, Colorado
Reporter: Harlan F. Hagen, Agent, SIC, 71SC, Denver, Colorado
Questions by: Harlan F. Hagen, Agent, SIC, 71SC, Denver, Colorado

- Q. State your name and permanent home address.
- A. Charles Courtney Shelton, Route 10, Box 907, Phoenix, Arizona.
- Q. State your citizenship, data on your birth, and the extent of education, specifying particularly training or experience or lack of same in medicine.
- A. United States citizen, born in United States in 1921. I have an eighth grade education and have no medical experience.
- Q. If you are in the Army of the United States of America, state your rank and serial number and date of entrance.
- A. I have been in the U.S. Army continuously since September 1940. I hold the rank of Private, and have serial number 18017448.
- Q. Have you recently returned to the United States from overseas?
- A. Yes, I arrived in the United States from the Far East in September 1945 following my liberation from a Japanese Prisoner of War Camp at Mukden, Manchuria.
- Q. You have indicated that you were a prisoner of war. State first the total period that you were a prisoner, the circumstances of your capture, and the dates and places where you were held thereafter.
- A. I was continuously a Prisoner of War from May 6, 1942, to liberation on August 20, 1945. I surrendered on Corregidor while serving with "I" Battery, of the 60th Coast Artillery Corps, U.S. Army. I was held on Corregidor by the Japanese until on or about May 27, 1942, and via Bilibid was moved to Camp #3, Cabanatuan, Luzon, arriving there in the first week of June 1942. I was continuously a prisoner of the Japanese at Camp #3 until just prior to being loaded on a boat at Manila on October 8, 1942. With other prisoners I was moved on this boat to Fusan, Korea, arriving there November 8, 1942, and then moved by the Japanese to Mukden, arriving there November 11, 1942. I was prisoner in a camp at Mukden associated with a Tool and Dye Factory until July 29, 1943 when I was moved to the Camp Hoten, Prisoner of War Camp #1, at Mukden. I was here until May 1944 when I was sent out on a work detail at Branch Camp designated Camp #1, where I remained until November 8, 1944. I was then moved back to the main Camp Hoten #1, and put in a TB ward where I remained until I was liberated August 20, 1945.
- Q. While you were a Prisoner of War of the Japanese, did you witness any illegal treatment of prisoners resulting in death?
- A. Yes, at Hoten, Prisoner of War Camp #1 at Mukden, Manchuria in the winter of 1944. The victim was a prisoner named Jones who was a member of the U.S. Navy.
- Q. Describe the circumstances of such incident, stating first your own personal observation thereof.
- A. We were returning from work at the NKK Tool and Die Factory, and were stopped at the camp and searched by Japanese guards. I saw a guard shake-down Jones and find some contraband cigarettes on his person. I then saw them lead Jones into Japanese Headquarters. The next time I saw Jones, was several days later in the camp when I saw him entering the camp hospital. About two hours later, I went into the hospital

and talked to him while he was lying in bed. At the time, he said that he had pneumonia, and that the Japanese had "beaten the hell out of him" trying to make him tell who he had gotten the cigarettes from. He said that Lieutenant Miki had beaten him and told him, during the beating, that he intended to kill him. Other guards participated besides Miki. He said that he was knocked down several times. He also said that for a period of several days following his arrest, he was kept in the guardhouse of the camp and was given no food and no bedding with the exception of one blanket, and that there was no heat in the guardhouse. He said that it was so cold that he froze. I recall that the temperature about this time would average 20 degrees below zero at night. At the time, I saw numerous welts and black and blue marks on the face and head of Jones. Inasmuch as Jones was somewhat of a friend of mine, I visited him every night thereafter at the hospital upon returning from work. A few days after his entrance into the hospital, I called there one evening and learned that Jones had died. I saw his corpse being fixed up by American medics for removal. At the time that I saw Jones in the hospital, he wore only a pair of Japanese pants, and a shirt and blouse, plus socks. He had no shoes on and he told me that the Japanese had taken away his underclothing while he was in the guardhouse.

- Q. Can you further identify Japanese associated with this incident?
A. Colonel Matsuda was the Japanese Commanding Officer of the camp. Lieutenant Miki, who participated in the beating, was Camp Superintendent at the time under Colonel Matsuda. Miki spoke fair English. He was a narcotic addict. I have seen marks of the needle on his arms. He is about 5 feet, 5 inches tall, very thin, and the color of a mulatto negro. Before our liberation, he was relieved from duty at Hoten #1, and it was reported that he went to work as a shipping clerk and had once thereafter returned to visit the camp dressed in civilian clothes.
- Q. Can you identify any other witnesses to this incident?
A. No.

/s/ Charles C. Shelton
/t/ CHARLES COURTNEY SHELTON
Pvt, U.S. Army

STATE OF COLORADO)
) SS
COUNTY OF ADAMS)

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

/s/ Charles C. Shelton
/t/ CHARLES COURTNEY SHELTON, U.S. Army

Subscribed and sworn to before me this 29th day of November 1945.

/s/ Al L. Graham
/t/ AL L. GRAHAM, 1st Lt, AUS
Asst Adj., Hq, Dist #6, 71SC

CERTIFICATE

I, HARLAN F. HAGEN, Agent, SIC, Seventh Service Command, certify that CHARLES COURTNEY SHELTON, Pvt., ASN 18017448 personally appeared before me on 14 November, 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Denver, Colorado
Date: 29 November, 1945

/s/ Harlan F. Hagen
/t/ Signature
HARLAN F. HAGEN, AGENT, SIC.
Agent, SIC, Dist #6, 7th SC
rank and organization"

PROSECUTOR: At this time I would like to have this document marked as Prosecution's Exhibit No. 6 for identification.

(Document so marked.)

PROSECUTOR: I offer in evidence the affidavit of Earl Orlo Hedemark dated 8 October 1945, at Oakland, California, which has been marked as Prosecution's Exhibit No. 6 for identification.

COLONEL MIDDLETON: Is there objection by the defense?

DEFENSE: The only objection is that it doesn't state at which one of the Camps Hoten, or that it was at Hoten Camp.

COLONEL MIDDLETON: Does the document specify Mukden, Manchuria?

DEFENSE: It says, Mukden, Manchuria.

PROSECUTOR: Yes sir.

COLONEL MIDDLETON: The objection by the defense is not sustained. Prosecution's Exhibit No. 6 will be received in evidence.

(Prosecution's Exhibit No. 6 for Identification received in evidence.)

(Whereupon the Prosecutor read Prosecution's Exhibit No. 6 for the record.)

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

A. My name is Earl Orlo HEDEMARK, I am a Sergeant in the U.S. Marine Corps, serial number 270045. My home address is Box 280, Walnut Creek, California. I finished the first year of college.

Q. State briefly the circumstances connected with your capture and list the prisoner of war camps in which you were confined and when.

A. I was stationed at Corregidor with the Fourth Marines and was captured May 6, 1942. I was confined at Cabanatuan following

capture until November 1942; at Mukden, Manchuria from November 1942 until May 1944; and at Kamioka, Japan from May 1944 until liberated.

- Q. Describe briefly any incidents of mistreatment of prisoners of war which you witnessed while confined at Mukden.
- A. About November 10, 1943 W.B. JONES, an inlisted man in the U.S. Navy was caught by Japanese guards while carrying cigarettes from the factory where we worked into the prison camp. This was a violation of the prison rules and as punishment therefor, JONES was severely beaten.

The beating started about 4:00 P.M. of the day on which he was apprehended carrying the cigarettes and lasted until about 7:00 P.M. There were three Japanese who were the main participants in this beating although several of the Japanese struck Jones once or twice. The beatings started in the prison compound where Jones was beaten with the flat side of bayonets and with rifle butts. When he was beaten to the ground the guards dragged him inside the administration office and there worked him over with "judo sticks" - wooden poles about five feet long and two inches in diameter. The office had windows and I was therefore able to witness this beating inside as well as outside in the prison compound. Jones was taken to the brig about 7:00 P.M. and was left there for several days with no blankets, no medical care and no food. About November 18 he was put under the care of an American doctor at the camp. Jones died November 20th. The doctor told me that Jones died of double pneumonia contracted as a result of his weakened condition and exposure. The weather at that time was extremely cold and the temperature was approximately 20 to 30 degrees below zero.

Lieutenant MIKI (phonetic) Captain ICHIKAWA (phonetic) and Sergeant NODA (phonetic) were the three Japanese guards who beat Jones. I understand that Sergeant NODA was a graduate of the University of California at Berkeley.

I can recall nothing further concerning these incidents which would be of value to the War Crimes Office and I do not have any other information favorable or unfavorable which I consider of sufficient importance to report.

/s/ Earl O Hedemark

STATE OF CALIFORNIA :
:
County of ALAMEDA :

I, Earl Orlo HEDEMARK of lawful age, being duly sworn, state that I have read the foregoing transcription of my interrogation, consisting of 2 pages, and that all answers contained therein are true to the best of my knowledge and belief.

/s/ Earl O Hedemark

Subscribed and sworn to before me this 8th day of October, 1945, at Oakland, California.

/s/ James L. Reynolds
(Rank) Lt. U S N R

STATE OF :
County of :

I, Lt. James W. Reynolds, USNR certify that
(Name) Earl Orlo HEDEMARK, (Rank) Sergeant USMC (ASN) 270045,
personally appeared before me on the 8th day of October, 1945,
and testified concerning war crimes; and that the foregoing is
an accurate transcription of the answers given by (him) (her)
to the several questions set forth.

Place: Oakland, California
Date: 8 October 1945 /s/ James W. Reynolds

Page 2 of 2 pages."

PROSECUTOR: At this time I would like to have this document marked
as Prosecution's Exhibit No. 7 for identification.

(Document so marked.)

PROSECUTOR: I offer into evidence at this time the affidavit of
Francis Stuckey dated 26 October 1945 at Orlean Parish, Louisiana and
which has been marked as Prosecution's Exhibit No. 7 for purpose of
identification.

COLONEL MIDDLETON: Does the defense have any objection to that
document?

DEFENSE: I object to this affidavit on two grounds. In the first
place it says that the incidents related therein took place at a Camp
Hotien. There is no indication that Camp Hotien is the same as Camp Hoten.
As I said before there are a number of other camps in this area. Further-
more, the man referred to in this affidavit is O.C.Jones. The specification
refers to William B. Jones, therefore I say that O.C.Jones is not the man
mentioned in the specification and therefore I object to this affidavit
on both of those grounds. I know what is going to be said,-- that other
evidence will be brought out by this affidavit to show that O.C.Jones is
not O.C.Jones but William B. Jones. Again we have only the prosecution's
word for it.

PROSECUTOR: So far as Hoten is concerned, I understand that Hoten
is merely the Japanese for Mukden. We have already stated that there were
several Camps Hoten but actually it was a main Camp Hoten with several
branches.

As far as this name is concerned, the facts will bear out that they
are talking about the same fellow. It is the same set of facts. Once
again I say the first name is unimportant. It is something that has been
added to someone and it wouldn't make any difference if he was called
John Doe Jones.

DEFENSE: You see, sir, my objection is that on the face of it
unless you know everything that is in the affidavits, they are absolute-
ly irrelevant and this stuff is coming in and he says in the specifica-
tion "William B. Jones" but the affidavit says "O.C.Jones" and he tells
you it is the same thing. It is very confusing. It may or may not be
the same. The Commission is being prejudiced. When I say prejudiced

I don't mean that in an incorrect way. I think we are being entirely too loose,-- too lax here. The prosecutor says here are the specifications, and here are the facts. He has collected affidavits from all over the country, and he says this affidavit does refer to this man but they called him something else. This happened in 1943. This affidavit says it happened in 1944 but you may take my word for it, it actually was 1943. I say it was 1943 and that is what it should be. We can't even cross-examine these people. We have just the statements, we don't have one single person to question.

COLONEL MIDDLETON: The Commission will adjourn at this time and will render a decision on this objection at the opening of court this afternoon. Commission adjourns until 2 P.M.

(Whereupon, at 1200 hours, the Commission adjourned to reconvene at 1400 hours, 11 March 1946.)

###

AFTERNOON SESSION

... Pursuant to adjournment, the Commission reconvened at 1400 hours on 11 March 1946. All the members of the Commission, counsel for the prosecution and defense, the interpreting staff, the official reporter, and the accused were present ...

COLONEL MIDDLETON: The Commission is in session.

PROSECUTOR: The new reporter will be sworn.

(Whereupon Marshall H. Zeman was sworn as reporter.)

COLONEL MIDDLETON: The motion by the defense counsel is denied. Prosecution's Exhibit No. 7 will be received in evidence.

(Prosecution Exhibit No. 7 for Identification was received in evidence.)

PROSECUTOR: I will now read Prosecution Exhibit No. 7 for the record.

"CONFIDENTIAL

WAR DEPARTMENT

Judge Advocate General's Department

United States of America

IN THE MATTER OF THE BEATING OF)
O.C. JONES BY LT. MICKI AND CPL. NODA) Deposition of FRANCIS STUCKEY
AT CAMP HO TIEN IN MUYDEN, MANCHURIA) T/Sgt ASN 6397192

Taken at : Letterman General Hospital
Presidio of San Francisco, California.

Date : 29 September 1945

In the Presence of : George D. Hinson, Jr.
Agent, SIC, CD, NSC

Questions by : George D. Hinson, Jr.
Agent, SIC, CD, NSC

Q . What is your name, age, rank and serial number, and permanent home address?
A Francis Stuckey, twenty-nine years of age, T/Sgt ASN 6397192, and 107 - 22d Avenue, Meridian, Mississippi.

Q On what dates were you inducted, sent overseas, and returned from overseas?
A I enlisted 29 November 1936, was shipped overseas October 1941 and returned to the United States from overseas 25 September 1945.

Q Were you ever a PW of any of the Axis powers?
A Yes, I was a prisoner of war of the Japanese.

Q State the organization with which you were serving at the time of your capture, and when, where, and by whom you were taken into custody, or otherwise made a PW or an internee.
A I was detached from the 7th Materiel Squadron to Corregidor and captured 6 May 1942 at Corregidor by the Japanese.

Q Where you kept and what were your movements while you were in such custody?
A I stayed on Corregidor for ten days in a Navy parking area after I was

captured. I then went to Manila to Bilibid for three or four days; from there I went to Cabanatuan No. 3 where I stayed for five months, and then I went to Mukden, Manchuria, to Camp Ho Tien, in Mukden, a camp which had just been completed.

Q Were you an eye-witness to any illegal conduct, either by way of omission or commission, on the part of Axis nationals or soldiers which resulted in the death or serious injury of any American national?

A No, I was not an eye-witness to the beating of O.C. Jones, a navy enlisted man, by Lt. Micki and Cpl. Noda; but Jones told me that they beat him and also told me how they beat him.

Q Describe in detail the conduct which you believe to be illegal, giving particulars as to the nature thereof, the name and identification of the victim and of the accused.

A Jones was bringing in contraband cigarettes a Chinaman had given him and was caught while bringing them through the searching lines. They search you three times going out and three times coming back each day going to and from the camp. They search you once at the camp and twice at the factory. The Chinaman, while in the factory, gave Jones between five and ten packages of Manchurian cigarettes. He was searched twice at the factory and each time they overlooked the cigarettes, but he was detected in the search at the camp. It was between 5 and 6 o'clock in the evening in the winter time after we had just returned from work. Major S. H. Hankins, of the Signal Corps, whose address is in care of J. E. Hankins, Frankfort, Kentucky, kept the camp records and turned them over to Col. Donovan when we were liberated. He kept all the records of what the Japs had done to us. After Jones was detected bringing in the cigarettes, he was taken to headquarters and questioned by the Japanese officials who wanted to know what the name of the Chinaman was that had given him the cigarettes. He refused to disclose the Chinaman's name and was thereafter beaten with the Japanese saber still in the scabbard, which is standard equipment for use in beatings around the camp. They also used a bamboo pole about four feet long and about two and a half to three inches in diameter, and it had been split several times and blocks of wood inserted inside the bamboo pole and tied in. They beat him about the face, head, shoulders, legs, and when they would knock him out, they would throw cold water on him to bring him to; then they throw him in the guard house. When he returned from the guard house, he was very dazed and was out of the guard house for about one day and was then admitted to the hospital which was run by a Japanese doctor by the name of Capt. Kawajima, who had three American doctors working under him, a Lt. Mozeman, a Capt. Herbst, and a Lt. Shabart who lives at 1653 West Division Street, Chicago, Illinois. Jones was in the hospital for just a few days, approximately a week, and then I heard he died of pneumonia. He was in the guard house about ten days immediately following the beating and if it was cold enough for freezing while he was in the guard house, they would sprinkle water on the cement floor and freeze it. While in the guardhouse for two days Jones would be given bread and water and on the third day he would get full rations and blankets.

Guard house rations under normal conditions were as follows: One bun of bread a meal and a canteen of water a day for two days, and on the third day they would give you one-half canteen cup of mush for breakfast and one-half canteen cup of vegetable soup for lunch and the same for supper. The soup was made from milo maize, which was used to feed cattle, a grain that was used to feed cattle in the part of the country, and also made from rotten potatoes and carrots.

Full rations and blankets were given only every third day - I don't know whether he got blankets or not at all. I talked to him after he was beaten and also just after he got out of the guard house, and he told me what all they had done to him.

#2-3 z 3/11 PM

Q Do you know the name of or can you describe any distinguishing characteristics of the commanding officer of the camp, or other officers or official responsible for the actions of the person guilty of such conduct?

A Col Matsuda was camp commander at the time of this incident. Some high Japanese officer came down and inspected the camp every three months and oftener at times. I heard from the boys later that Col. Matsuda was turned over to the Russians. Col. Matsuda was a veteran of the Russo-Japanese war and was over fifty years of age, weights approximately 150 pounds, is less than five feet in height, and was commonly referred to as "Pickleface" or "Mat."

Lt. Micki was the Intendent Officer of the camp and was thought to be a hop-head. He was unusually tall for a Japanese and had the appearance of a high yellow negro and was commonly referred to as "Micki, the Rat."

Cpl. Noda was born and raised near San Francisco, and he had been educated at the University of California in Berkeley, California. The thing I remember most about the Corporal Noda was that when he was beating you, he would always hit you twice and as he struck you the second time, he would always say, "That is for my family back in Frisco." Noda was from five feet, eight inches to six feet in height and was unusually nice looking for a Japanese.

Q Do you have, or know the location of any physical evidence, such as photographs, relating to this incident?

A No.

Q Do you know the name of or can you identify any other eye-witnesses to this incident?

A There was no eye-witness to this except the Japanese themselves who beat him.

Q Does the testimony you have given herein cover all the pertinent details of this incident which you are able to remember?

A Yes, I was section leader of the 8-ball section and the men in this section were given all the rough detail assignments and Jones had been placed in this section. Jones's character as an American was above reproach.

s/ Francis Stuckey, T/Sgt
t/ FRANCIS STUCKEY
T/Sgt ASN 6397192

STATE OF LOUISIANA :
 : SS
Orleans Parish :

I, Francis Stuckey, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of 6 pages, including this and the title page, and that all answers contained therein are true to the best of my knowledge and belief.

s/ Francis Stuckey, T/Sgt
t/ Francis Stuckey

Subscribed and sworn to before me this 26th day of October, 1945, at Intelligence Office, LaGarde General Hospital, New Orleans, La.

s/ Jesse K. Morrison, Capt. MAC
Asst Adj.

STATE OF CALIFORNIA :
City and : SS
County of San Francisco :

I, George D. Hinson, Jr., certify that (Name) Francis

#2-4 z 3/11 PM

Stuckey, (Rank) T/Sgt, (ASN) 6397192, personally appeared before me on the 29 day of September, 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by (him) to the several questions set forth.

Place: San Francisco, California s/ George D. Hinson, Jr.
Date: 29 September 1945 t/ GEORGE D. HINSON, JR.
Agent, SIC, CD, NSC

Page 6 of 6 pages.

CONFIDENTIAL

PROSECUTOR: For the purposes of identification I request this document be marked as Prosecution's Exhibit No. 8.

(Document so marked.)

PROSECUTOR: I offer into evidence at this time the affidavit of William D. Mosiman, dated 6 February 1946, County of Cook, City of Chicago, Illinois which has been marked Prosecution's Exhibit No. 8 for Identification.

COLONEL MIDDLETON: Does the defense counsel have any objection to the introduction of Prosecution's Exhibit No. 8?

DEFENSE: No, sir. I understand, however, that there are parts which he is not going to read for the record because they have no connection. Of course you will have them in case you want to look at them.

PROSECUTOR: That is correct.

COLONEL MIDDLETON: Prosecution's Exhibit No. 8 will be received in evidence.

(Prosecution Exhibit No. 8 for Identification was received in evidence.)

PROSECUTOR: I will now read Prosecution Exhibit No. 8 for the record.

"RESTRICTED

For the War Crimes Office
Judge Advocate General's Department - War Department

United States of America

* * * * *

In the matter of the death of Seaman * Perpetuation of testimony of
William Beecher Jones, at Mukden, * Capt. William D. Mosiman, M.C.,
Manchuria, on or about 20 November 1943 * O-418459, U.S.A.

* * * * *

Taken at: Headquarters Sixth Service Command,
Chicago 6, Illinois.

Date: 5 February 1946.

In the Presence of: Walter A. Williams, Major, JAGD,
Asst SvC Judge Advocate, Hq 6th SvC,
Chicago 6, Illinois.

Questions by: Walter A. Williams, Major, JAGD.

#2-5 z 3/11 PM

- Q State your name, rank, serial number and permanent home address.
A William Dillon Mosiman, Captain, AUS, O-418459, 201 N. Main St., Morton, Illinois.
- Q When and where were you born?
A May 7, 1913, at Morton, Illinois.
- Q State your education.
A I graduated from the Morton Township High School, Morton, Illinois, in 1931. I attended the University of Illinois, Urbana, Illinois, for five semesters, during the years of 1931 to 1935 inclusive. I attended the Medical School of the University of Illinois at Chicago, Illinois, from 1935 to 1940, graduating in June 1940, with the degree of Bachelor of Medicine. After one year as an intern at the Illinois Central Hospital in Chicago, Illinois, I received, in June 1941, the degree of Doctor of Medicine from the Medical School of the University of Illinois, Chicago, Illinois.
- Q After receiving the degree of Doctor of Medicine in June of 1941 did you engage in any civilian medical practice?
A No. I was at home for two weeks and then I went in the Army.
- Q While in the Medical School of the University of Illinois did you specialize in any particular branch of medicine?
A I did not.
- Q While you were an intern at the Illinois Central Hospital, Chicago, Illinois, did you specialize in any particular branch of medicine?
A No. I was doing a rotating internship to fulfill the requirements of the Medical School and to be able to take the Illinois State Medical Board examinations.
- Q Have you taken the Illinois State Medical Board examination?
A Yes, sir.
- Q When did you take such examination?
A In June, 1941.
- Q Did you pass that examination?
A Yes, sir.
- Q After you graduated from the University of Illinois Medical School did you obtain a commission in the Organized Reserve Corps in the Army of the United States?
A I did, in the spring of 1941.
- Q In what rank was your commission and in what branch of the service?
A First Lieutenant, Medical Corps.
- Q When were you ordered to active duty as a reserve Medical Corps officer?
A July 15, 1941.
- Q Who was the senior American officer among the American prisoners of war in the prisoner of war camp which you were at in or near Mukden, Manchuria?
A Major Stanley H. Hankins.
- Q Is Major Hankins a medical officer?
A No, sir.
- Q Who was the senior medical officer at the prisoner of war camp you were in at Mukden, Manchuria?
A Captain (now Major) Mark G. Herbst.

- Q In addition to Capt. Herbst and yourself, were there other medical officers at that camp?
- A Yes, sir.
- Q How many?
- A There was one other American medical officer and one Australian.
- Q How long were you in this Japanese prisoner of war camp at Mukden, Manchuria?
- A From 18 December 1942 until September of 1945.
- Q As a medical officer who was a prisoner of war at a Japanese prisoner of war camp at Mukden, Manchuria, between 18 December 1942 and September of 1945, did you at any time give medical care and attention to a Seaman William Beecher Jones?
- A Yes, sir.
- Q Was the Japanese prisoner of war camp that you were in at Mukden, Manchuria, called Camp Hoten?
- A The Japs called it the Hoten Prisoner of War Camp.
- Q Did you at that Japanese prisoner of war camp, Camp Hoten, give medical treatment to Seaman William Beecher Jones on or about 20 November 1943?
- A Yes, sir.
- Q When do you first remember seeing Seaman William Beecher Jones?
- A When he was admitted to my ward suffering from pneumonia.
- Q Were you the American medical officer in charge of such ward?
- A Yes, sir.
- Q Did such ward have any American prisoners of war as patients?
- A Yes, sir.
- Q You stated that you treated Seaman William Beecher Jones for pneumonia?
- A Yes, sir.
- Q When Seaman William Beecher Jones entered your ward as a patient, what was his condition?
- A I considered him to be a serious case of pneumonia.
- Q After he entered your ward, how long was he a patient in that ward for pneumonia?
- A He was a patient until his death a few days later of pneumonia.
- Q Were you present at the time of his death?
- A Yes, sir.
- Q Did you examine him physically at the time he was a patient in your ward?
- A Yes, sir.
- Q Are you in a position to state what the contributing causes were to Seaman Jones' pneumonia?
- A When he came in my ward he was in a serious condition and I did not determine by talking to him or by examining him what the exact causes were for his pneumonia.
- Q Do you know anything of his treatment at that prisoner of war camp prior to his coming to your ward as a patient?
- A I did not at the time of his admission, but later I heard that he had been beaten by the Japanese.

- Q Do you know in what part of the Japanese prisoner of war camp Seaman Jones had been kept shortly prior to being admitted to your ward as a patient?
- A I heard from some of the men in camp that he had been taken to the Japanese side of the camp and while there had been beaten.
- Q As a medical officer who had as a patient Seaman William Beecher Jones for several days, up to and including the time of his death, can you state an opinion as to whether the treatment received by him from the Japanese prior to his admission to your ward as a patient contributed to his death?
- A If he was beaten by the Japanese and exposed to rough treatment and cold, such things would be recognized as a contributing cause to pneumonia.
- Q Do you know whether Seaman William Beecher Jones had been kept in a guardhouse at the Japanese prisoner of war camp at Mukden, Manchuria, for a period of time immediately prior to being admitted as a patient to your ward?
- A I do not know of my own knowledge that he was kept in the guardhouse prior to being admitted to my ward.
- Q When you first examined Seaman William Beecher Jones on admission to your ward, did you attribute his condition to misconduct by the Japanese?
- A No. At that time I was not aware that he had been beaten.
- Q As the medical officer who attended Seaman William Beecher Jones in his last illness, are you in a position to state whether the lack of proper food and the lack of proper clothing and the lack of medical attention prior to his admission to your ward were contributing causes to his pneumonia?
- A While I am not in a position to state that Seaman William Beecher Jones was without proper food and without proper clothing and without proper medical attention prior to his admission to my ward, if he had been, prior to his admission to the hospital, without proper food and without proper clothing and without proper medical care, then they would be a contributing cause to his pneumonia.
- Q Do you know whether Seaman William Beecher Jones had been placed in an unheated guardhouse by the Japanese, without proper food, clothing or medical attention prior to his admission to your ward?
- A I had no personal knowledge in that regard.
- Q Was Seaman William Beecher Jones an American?
- A To the best of my knowledge, he was.
- Q Was Seaman William Beecher Jones in the United States Navy prior to and at the time of his death?
- A To the best of my knowledge, he was.

s/ William D. Mosiman
t/ WILLIAM D. MOSIMAN, Capt., MC, 0-418459
AUS

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, William D. Mosiman, Captain, 0-418459, AUS, of lawful age, being duly sworn, on oath, state that I have read the foregoing transcription of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

s/ William D. Mosiman
t/ WILLIAM D. MOSIMAN, Capt, MC, 0-418459
AUS

#2-8 z 3/11 PM

Subscribed and sworn to before me this 6th day of February 1946 at the City of Chicago, County of Cook, State of Illinois.

(SEAL)

s/ Lora Fulton
t/ (Notary Public)

My commission expires May 19, 1948.

C E R T I F I C A T E

I, WALTER A. WILLIAMS, Major, JAGD, O-235693, Assistant Service Command Judge Advocate, Headquarters, Sixth Service Command, Chicago 6, Illinois, certify that William D. Mosiman, Captain, Medical Corps, O-418459, AUS, personally appeared before me on 5 February 1946 and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

s/ Walter A. Williams
t/ Walter A. Williams, Major, JAGD, -
O-235693 Assistant Service Command
Judge Advocate Headquarters Sixth
Service Command Chicago 6, Illinois

Place: Chicago, Illinois
Date: 6 February 1946

RESTRICTED"

PROSECUTOR: Request that this document be marked Prosecution's Exhibit No. 9 for Identification.

(Document so marked.)

PROSECUTOR: I offer into evidence at this time this Japanese document which has been identified as Exhibit No. 9 for Identification.

DEFENSE: It's only page 155 that you are introducing in evidence?

PROSECUTOR: That is right.

DEFENSE: No objection to that - just the one page.

COLONEL MIDDLETON: Let me ask the prosecution if the cover sheet carries any additional information.

PROSECUTOR: Yes, it carries Japanese characters which I understand deal with the death records at Mukden Prisoner of War Camp.

COLONEL MIDDLETON: Will page 155 carry all the necessary information?

PROSECUTOR: Together with the title page. Captain Hahn is going to make an English translation of just that page and we will submit it.

COLONEL MIDDLETON: And the title page.

PROSECUTOR: Yes. At this time I make a motion that Captain Hahn, the official interpreter make a translation of that title page and 155 and submit that translation to the court.

DEFENSE: Right now he can just read it.

COLONEL MIDDLETON: Are there any objections by the defense?

DEFENSE: That is all right.

COLONEL MIDDLETON: Prosecution's Exhibit No. 9 will be received in evidence.

(Prosecution Exhibit No. 9 for Identification was received in evidence.)

CAPTAIN HAHM: (Reading from Prosecution Exhibit No. 9.)
A Compilation of Burial Certificates from the Mukden Prison Camp from
Jan. 1943 to Nov. 1943

Number 137: Cause of Death: Acute pneumonia
Domicile: 2325 Ocean Front, Santa Monica City, Calif., U.S.A.
Unit: Canopus, U. S. Navy
Rank and name: Seaman First-Class U. S. Navy; Jones, William B.
Date of Birth: May 21, 1921
Place of Death: Mukden Prisoner of War Camp
Date of Death: 1730 hours Nov. 20, 1943
Date of Burial: 1100 hours Nov. 21, 1943
Place of Burial: Mukden Military Cemetery
The above burial has been certified: Commander of Mukden POW Camp
Nov. 21, 1943 Genji Matsuda, Colonel

JOE H. JEWITT

called as a witness on behalf of the prosecution, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

- Q (By Lt Osborne) What is your full name?
A Joe H. Jewitt.
- Q What is your rank and branch of service?
A Captain, Medical Corps, AUS.
- Q Will you tell the Commission briefly your education?
A Graduate of Carmel High School, Carmel, Indiana, 1935. A.B. in chemistry, Indiana University, 1939. M.D. Indiana University 1942. Internship, Indiana hospitals, 1942 to 1943.
- Q Did you do any private practice, Captain?
A June 1943.
- Q Will you relate for the commission your medical experience in the United States army?
A I have been a medical officer, general duty in the United States Army in July 1943 to the present date.
- Q Have you engaged in any specialty during that time?
A No.
- Q What has been the nature of your duties since you have been in the army?
A From July, 1943 to August 1943 I was medical officer in the eye, ear, nose and throat department, General Hospital, Santa Barbara, California. From 2 August 1943 to 8 July 1944 I was assistant chief of the Urology Section, Torney General Hospital, Camp Springs, California. From 8 July 1944 to the 9th of October 1944 I was the gastroenterologist at Camp Cook Station Hospital, Camp Cook, California. 9th of October I was assigned to the 172nd General Hospital Medical Service and have been with them since.
- Q Will you describe for the Commission the nature of pneumonia?

DEFENSE: Before you ask him any more, can I cross examine him? I understand he is going to be asked a hypothetical question as an expert

witness and I'd like to ask him some questions on cross examination to see whether or not he will qualify as such expert witness, if that is agreeable with the prosecution.

PROSECUTOR: Yes, that is agreeable.

CROSS EXAMINATION

Q (By Major Levin) What has been the nature of your duties with the 172nd General Hospital, Captain?

A I have been a ward officer on the Medical Service.

Q What sort of work does that consist of?

A I am in charge with the treatment and care of patients who are admitted to my ward and these are patients who have medical diagnosis in contradiction to surgical diseases.

Q What sort of medical diseases?

A Well, any kind that is admitted to my ward. I can't say.

Q Chicken pox?

A Yes, sir.

Q Measles?

A Yes, sir.

Q Well now, you think of a couple.

A Typhoid, small pox, pneumonia.

Q What, in detail, is the nature of your work as a ward officer?

A Diagnosis and treatment of all cases admitted to the Service.

Q What do you mean by diagnosis?

A The determination of the nature of the illness which the patient has.

Q When they came to the hospital they came to you and you diagnosed their case, is that right?

A Yes, sir.

Q Don't they have another system there at the hospital where they send them into some place first before they go to the ward?

A They are admitted through an admitting office.

Q Aren't they diagnosed at the admitting office?

A The admitting officer accepts the diagnosis which is placed on the emergency medical tag by the dispensary and as a rule no patients are admitted directly to a general hospital. The general hospital receives only those patients which are transferred to it by other medical installations.

Q Did you have many cases of pneumonia in the hospital while you were there?

A I can't give a definite figure but we have had several cases of pneumonia.

Q Let me try to help you - one case?

A No, sir, I think it would be something like 30 cases this past month.

Q Did you diagnose all these cases yourself?

A I did not.

Q About how many would you say you diagnosed?

A Probably about fifteen.

Q How many other officers are there working with you?
A That has varied from time to time. At the present time there are six other officers on the Medical Service.

Q You diagnosed fifteen of those thirty cases and they all divided up the other ones, or would you say you diagnosed less than fifteen?
A Well, one of the officers is a neuropsychiatrist and he wouldn't receive any of the pneumonia cases in his ward. Another officer is a dermatologist and he wouldn't receive any of the cases in his ward. Another officer is the chief of service who has no ward.

Q How did you get them in ear, nose and throat, urologist, gastroenterologist?
A I think I stated I was not a specialist in the beginning.

Q I see, then these specialties you were dealing in were something you happened to be doing at that time, you were assigned, is that right?
A That is right.

Q You are not a specialist in pneumonia, are you?
A As far as I know, there isn't a specialist in pneumonia.

Q I didn't ask you that.

PROSECUTOR: I object to that remark. The question is responsive.

DEFENSE: He responded to my question.

PROSECUTOR: And it was embarrassing to the defense so he came back with another remark.

COLONEL MIDDLETON: The defense will continue.

DEFENSE: Sir, I wasn't embarrassed, really.

Q I am asking you if you are an expert on pneumonia.
A No, sir.

Q Do you know how many types of pneumonia there are?
A They can be classified in a great many ways--pathologically, according to the etiology.

Q How about pathologically - how many types of pneumonia are there?
A Pathologically they are classified in two different types principally--bronchial and lobar.

Q From the etiological standpoint, how many types are there?
A That is limited only by the number of organisms which might evade the lung.

Q They recognize six or seven types so far?
A They recognize 33 types of pneumococci so far.

Q Any one of which might cause pneumonia?
A Any one of which might cause pneumonia.

Q Isn't it true that various types of pneumonia caused by these pneumococci might be caused under varying circumstances?
A That is true.

Q So that in order to give an opinion upon death from a particular type of pneumonia you would have to know which pneumococci caused it, isn't that right?
A I don't believe I understand the question.

Q Well, let me put it this way. Various types of pneumonia are caused by various types of pneumococci, is that correct?

A That is true.

Q And let us assume you have one type of pneumococcus which causes pneumonia; take one case or two cases of two different types. The outside circumstances which would give you pneumonia if that pneumococcus were present might be different, or the outside circumstances required to give you pneumonia from that pneumococcus is present if the outside circumstances were required to give you pneumonia if the other pneumococcus is present, is that correct?

A Might be, yes, but not necessarily so.

Q I don't say necessarily, but it might be so, that is correct?

PROSECUTOR: The question was answered once. He received a responsive answer to his question.

DEFENSE: I am just trying to get a little information here so the court can reach a decision. I am not trying to harrass the witness.

COLONEL MIDDLETON: Is that in the form of an objection by the prosecution?

PROSECUTOR: Yes, sir.

COLONEL MIDDLETON: The objection by the prosecution is not sustained. The answer will remain in the record. Read back the last question.

(The reporter then read back the last question.)

A That is correct.

Q So that unless you knew what pneumococci caused the particular pneumonia, you couldn't give an opinion as to whether or not certain facts led to pneumonia, is that correct?

A That is not correct.

Q What is the answer to that?

A I gave the answer to that. It is not correct.

Q Would you explain that? I said that various types of pneumonia are caused by various types of circumstances.

A Various types of pneumonia, if you type them according to etiology, that is the causative factor. The pathogenic organisms are caused by various organisms but the contributing causes are the same as the organisms that produces them.

Q You didn't say that before.

A You never asked me that before.

DEFENSE: I move that last answer be stricken from the record in view of the fact that prosecution objected because he said I was asking him too many times.

COLONEL MIDDLETON: The last answer will stand in the record. I'd like to caution both defense and prosecution to be a little more careful and little more sedate in their conduct of this case.

DEFENSE: No further questions.

RE-DIRECT EXAMINATION

Q (By Lt. Osborne) Will you describe to the court the nature of pneumonia?

A Pneumonia is an acute infectuous disease which involves primarily the

lungs, producing infiltration of the lung tissue by leucocytic cells and thereby partially or completely excluding air from the involved tissue. It produces fever, chills, cough, pain in the chest, increased leucocytic elements of the blood, principally in the gramophilic leucocytic components. It is a disease which, as a rule, terminates suddenly in from five to nine days but which may subside gradually taking as long as 14 to 21 days provided that there are no complications.

Q Will you describe to the court what causes pneumonia?

A The direct cause of pneumonia is either a pathogenic bacterial organism or a virus.

Q Does a person's physical condition in any way effect this?

A A person's physical condition will effect any disease.

Q If the person is in a run-down condition, will it make him more liable to this virus of pneumonia?

DEFENSE: I object to that question because there is no indication here that Jones was in what you might call a run-down condition. I think he ought to specify more clearly what he means by run-down condition. Right now, any of us might be in a run-down condition.

PROSECUTOR: I will reframe the question.

Q If a person is beaten, placed in a guard house in sub-zero weather without proper clothing, food, or medical attention, would it contribute towards that person contracting pneumonia?

A I know of no controled scientific experiments which have demonstrated that chilling, malnutrition do contribute to the cause of pneumonia, but it is a fact long accepted by both profession and layity that chilling, physical trauma, malnutrition, alchoholism all contribute to pneumonia.

PROSECUTOR: No further questions.

RE-CROSS EXAMINATION

Q (By Major Levin) When you say that there has been no controlled experiments on the subject, but that it is a fact well accepted, just what do you mean by that? You mean it is just something that people have concluded?

A No, sir. There is a great difference between scientifically controlled experiments and a preponderance of weight in favor of a conclusion. There is a preponderance of weight of evidence in favor of the conclusion that pneumonia has as contributory causes, chilling, physical trauma and the other items which I mentioned.

Q Captain, you gave a long definition of pneumonia at the beginning. Do you remember that definition?

A Probably no verbatim.

Q Do you know definitions of all diseases in that great detail? Can I ask you the definition of any disease right now and can you give it to me in that great detail?

A Not of any disease, no.

Q Did you happen to bone up on a book before you came here to get that definition?

A No.

Q Beg pardon?

A No, sir.

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Q You knew that one cold, like that.
A That is not a particularly good definition of pneumonia.

Q It is not a good definition of pneumonia?
A Not a particularly good definition.

DEFENSE: No further questions.

PROSECUTOR: No further questions.

COLONEL MIDDLETON: Any questions by the Commission? There appear to be none. The witness is excused.

(Witness excused.)

PROSECUTOR: At this time I request that this document be marked as Prosecution's Exhibit No. 10 for Identification.

(Document so marked.)

PROSECUTOR: At this time I'd like to offer into evidence the affidavit of Charles Frank Mayes, dated 19 November 1945, City and County of San Francisco, State of California, which has been identified as Prosecution's Exhibit No. 10.

COLONEL MIDDLETON: Are there any objections on the part of the defense to the introduction of that document?

DEFENSE: No.

COLONEL MIDDLETON: Prosecution's Exhibit No. 10 will be received in evidence by the Commission.

(Prosecution Exhibit No. 10 for Identification was received in evidence.)

DEFENSE: That includes the photograph?

PROSECUTOR: Yes.

I will now read Prosecution Exhibit No. 10.

"CONFIDENTIAL

STATE OF CALIFORNIA :
: ss
City and County of San Francisco :

CHARLES FRANK MAYES, being duly sworn, deposes and says:

I am a Corporal, ASN 19050129, Medical Department Number Two, United States Army, I am 25 years of age and I permanently reside at Route 2, Gadsden, Alabama. I have completed the eighth grade in school.

I entered the military service of the United States on 28 October 1940 at Fort McArthur, California, was sent overseas in June 1941 and returned from overseas 6 October 1945. I was captured on Bataan, P.I., 9 April 1942, while serving in the Medical Department and was held in custody as a prisoner of war by the Imperial Japanese Government from 9 April 1942 to 6 September 1945 at the following places: Camp O'Donnell, P.I., 25 April 1942 to 30 May 1942; Cabanatuan, P.I., from 1 June 1942 to 5 October 1942; en route from Cabanatuan, P.I. to Mukden, Manchuria from 5 October 1942 to 11 November 1942; Hoten Prison Camp, Mukden, 11 November 1942 to May 1944 and at Kamioka, Japan from May 1944 to 6 September 1945.

I know two Japanese who were in authority at Hoten, Mukden, Manchuria. Lieutenant T. Miki was called the Camp Superintendent by the Japanese at Hoten; his position would correspond to that of Adjutant or Executive Officer in the United States Army. I have identified the attached photograph, marked "Exhibit 1" as a picture of Lieutenant T. Miki. Sergeant Noda was an interpreter at Hoten and reported to American prisoners that he was born and educated in Berkeley, California. I believe he attended the University of California. Both Miki and Noda mistreated American prisoners and would often strike them with their fists or clubs on the slightest provocation. There were no outstanding incidents in this connection, but they occurred almost daily. Nearly all of the American prisoners suffered at the hands of Miki and Noda.

I did not hold any special office or position at any of my places of imprisonment, but worked in the camp hospitals at both Mukden (Hoten) and Kamioka camps. We had few medical supplies at Hoten and very little medicine was furnished by the Japanese. What little they would give us was usually of inferior quality. We had a fair supply of surgical instruments and plenty of medical personnel. There was one hospital at Hoten which would accommodate 150 or 200 patients and we had approximately 1200 American prisoners and 100 British and Australian prisoners in the camp. Heating facilities were inadequate at the start, however, later on the heating situation improved. We were not given any Red Cross medical supplies up until the time I left Mukden in May 1942."

PROSECUTOR: If the Commission please, I think the rest of the statement has no connection with Hoten Camp and I make a motion it be not considered in this case.

COLONEL MIDDLETON: The remainder of Prosecution Exhibit No. 10 will not be made a part of the record of this trial.

(The prosecutor continued reading from the statement.)

s/ Charles F. Mayes
t/ CHARLES FRANK MAYES
Corporal, ASN 19050129

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

s/ John F. Strauss
t/ JOHN F. STRAUSS
1st Lt. MAC
Summary Court Officer
s/ Battey General Hospital

CONFIDENTIAL"

PROSECUTOR: Request that this document be marked as Prosecution's Exhibit No. 11 for Identification.

(Document so marked.)

PROSECUTOR: Request at this time the affidavit of Edward S. Coley, which has been marked as Prosecution's Exhibit No. 11 for Identification, be admitted into evidence.

COLONEL MIDDLETON: Any objection by the defense?

DEFENSE: No, sir.

COLONEL MIDDLETON: Prosecution Exhibit No. 11 will be received in evidence.

(Prosecution Exhibit No. 11 for Identification was received in evidence.)

PROSECUTOR: I will now read Prosecution Exhibit No. 11.

"CONFIDENTIAL

For the War Crimes Office

Judge Advocate General's Department - War Department

United States of America

In the matter of the beating and imprisonment in guardhouse of Edward S. Coley, Sgt., 14039223, by Japanese Lt. T. Miki, at Camp Hoten, Mukden, Manchuria, in the summer of 1943. * Perpetuation of Testimony of Edward S. Coley, Sgt. 14039223. * * * * *

Taken at: 218 S. Haywood St., Raleigh, N.C.
Date: 12 February 1946.
In the Presence of: Samuel R. Leager, Spec Agt SIC, 4th Service Command.
Reporter: Samuel R. Leager, Spec Agt SIC, 4th Service Command.
Questions by: Samuel R. Leager, Spec Agt SIC, 4th Service Command.

- Q State your name, rank, serial number and permanent home address.
A Edward S. Coley, Sgt., 14039223, 218 S. Haywood St., Raleigh, N.C.
- Q Have you recently been returned to the United States from overseas?
A Yes. I arrived in the United States 28 October 1945.
- Q Were you a prisoner of war?
A Yes, of the Japanese.
- Q Were you held at Camp Hoten, Mukden, Manchuria?
A Yes. I was held there from 11 November 1942 to 20 August 1945.
- Q What was your rank during this imprisonment?
A I was a corporal. I made sergeant 20 August 1945.
- Q Did you experience any mistreatment while at this camp, Camp Hoten?
A Yes. I experienced a beating, followed by confinement in the guardhouse, at the hands of Japanese Lt. T. Miki, in the summer of 1943.
- Q Was the Japanese lieutenant's name Toru Mike?
A I don't know. All I know is that he signed it T. Miki.
- Q What was his position at the camp?
A He was executive officer. He was not the commandant. He was at the camp when I arrived and left some time in October or November of 1943.
- Q What was the date of this beating?
A 7 July 1943.
- Q What were the circumstances leading up to it?
A Some men had escaped from the camp, and the Japanese put up a rope outside the barracks about four feet from the walkway. No one was allowed to go over or beyond the rope or hang anything on it. I had some blankets to air and I laid them down between the walkway and the rope for airing, and one of the other boys hung one of his blankets on

the rope. The Japanese sergeant of the guard came along and saw the blankets there and threw them all over the rope into the area we were not supposed to go into. The Japanese Officer of the Day came along and found them there and reported it to Lt. Miki. Lt. Miki called us up to the office, and without asking any questions took us out of the office in front of the barracks and got up on a bank about four feet high and stood me in a ditch at attention in front of him and took a 2" by 2" board, about four feet long, and started working me over with it. He beat me until I became unconscious. He did not hit me anywhere below the shoulders---just alongside the head and on the ears, and busted my eye open. Some of the boys said that after I fell down unconscious he jumped off the bank and continued to beat me. I don't know anything about that. He hit me somewhere between fifteen or twenty licks before I went down, and then he had one of our boys throw a canteen of water on me and that brought me to and he had me walk to the guardhouse.

Q How hard did he hit you?

A He swung hard enough to knock me back a couple of steps every time he would hit me. I think he put all his weight into every swing. He swung the club all the way every time.

Q What was the extent of your injuries as a result of this beating?

A I had a busted eye -- it was split open right across the eyebrow. That was my right eye. I had bad bruises, mostly on the left side of my head and neck. The bruises stayed with me three or four weeks. I also had a badly skinned place on the left side of the top of my head, where he swung at me and the blow glanced across my head and peeled the skin.

Q What treatment was given you for these injuries?

A None at all by the Japanese. Before going in the guardhouse some of the Americans put some mercurochrome on my open cuts and wounds. I received no treatment whatsoever for the bruises. The Japanese did nothing at all for me either before, while, or after I was in the guardhouse, toward treating my injuries.

Q How long were you in the guardhouse?

A I stayed there thirty-one days, beginning right after the beating, and then I was taken with appendicitis in there and stayed there three days with appendix trouble, and they finally bursted on me and they brought me out and operated on me.

Q How were you fed while in the guardhouse?

A I got the regular ration, which consisted of a small bowl of corn meal mush for breakfast, and about a half a soup bowl of soy beans for lunch and a half a soup bowl of soy beans for supper. I got nothing else, and there was no variation. The first forty-eight hours I got no water, and when I asked the guard for some water on the second day I sort of cursed him or at him and he called Lt. Miki, who threatened to beat me again if I said anything else in there. I got food during the first forty-eight hours.

Q What was your living conditions in the guardhouse?

A I had two blankets to sleep with -- no cot to sleep on -- just had to sleep on the floor. The building was wooden and had a wooden floor. There was no heat, but it was not cold, so I didn't need it. There were plenty of fleas and mosquitoes, though. I was not able to wash at all, because I didn't have enough water. They brought me drinking water, but that was only enough to drink. I got three canteens of water a day, and that was all. No exercise was permitted. The cell was about ten feet by eight feet. I was the only one in it, and I was not able to talk to any other prisoners, since that was against the rules.

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- Q Were you given any trial before the beating or before being confined in the guardhouse?
A None at all. No questions were asked by anyone before the beating or before I was put in the guardhouse.
- Q On whose orders were you confined in the guardhouse?
A It was on the orders of Lt. Miki. I was locked up by the sergeant of the guard, but Lt. Miki followed me right to the cell.
- Q Could you describe Lt. Miki?
A He was about five feet, eight inches tall, round faced, weighed somewhere about 155 lbs., is about thirty-three to thirty-five years old. He kept his head shaved all the time. I think he was a dope fiend, too.
- Q Do you have anything further to state concerning this incident?
A No.

s/ Edward S. Coley
t/ Edward S. Coley, Sgt., 14039223

State of:)
) SS
County of:)

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

s/ Edward S. Coley
t/ Edward S. Coley, Sgt., 14039223

Subscribed and sworn to before me this 12th day of February 1946.

s/ Josephine G. Gorham
t/ (Notary Public) (SEAL)

My commission expires: May 5, 1947

C E R T I F I C A T E

I, Samuel R. Leager, Special Agent, SIC, 4th Service Command, certify that Edward S. Coley, Sgt., 14039223, personally appeared before me on 12 February 1946 and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Raleigh, N.C.

s/ Samuel R. Leager
t/ (signature)

Date: 12 February 1946

Special Agent, SIC, 4th SvC
(rank and organization)

CONFIDENTIAL

COLONEL MIDDLETON: The Commission will take a ten minute recess at this time.

(Whereupon the Commission recessed at 1525 hours.)

COLONEL MIDDLETON: The Commission is in recess. (1545 hours.)

PROSECUTOR: Request that this document be marked as Prosecution's Exhibit No. 12 for Identification.

(Document so marked.)

PROSECUTOR: At this time I'd like to offer into evidence the affidavit of John Darrrl Rynerson, dated 9 November 1945 at the City of Galesburg, Illinois, which has been marked as Prosecution's Exhibit No. 12 for Identification.

COLONEL MIDDLETON: Any objections by the defense to the introduction of that exhibit?

DEFENSE: Yes, sir. The affidavit at the end of this affidavit which he said, I so and so state I have read this, is obviously not the truth because it says "deposition of John Darrrl Rynerson." He is asked his name in the first question, John Darrrl Rynerson. At the end, the name John Darrrl Rynerson is typed in and he signs it John Paul Rynerson. Up here he says, "I, John Darrrl Rynerson, being sworn..." and he signs it John Paul Rynerson. The name John Darrrl Rynerson appears on this affidavit six times and he signed it John Paul Rynerson. Here is another one of these instances where we have an affidavit. In many of these cases when you read the affidavits through you can see leading questions were asked. Here we have one where the man says he read the affidavit, his name is wrong in six different places. Certainly that is one of the first things a man catches when he reads an affidavit, whether or not his name is right. I object to it on the grounds that on the face of the affidavit it wasn't read, it wasn't sworn to and therefore should not be accepted in this court.

PROSECUTOR: If the Commission please, that discrepancy does appear on the affidavit. This discrepancy exists in the middle name. It is typed in Darrrl, and he signs his name Paul. I can't account for that discrepancy but I think it is merely one of form. It doesn't go to the substance of this affidavit or it doesn't go to the fact of this affidavit. This man signed his name twice on this thing in his own handwriting. It is not a question of the fact; it is merely a question of form and many a person has a proper name of Darrrl and on his own he has changed it to Paul.

COLONEL MIDDLETON: Is that affidavit signed before a notary public or other person having power to administer an oath?

PROSECUTOR: Yes, sir, it is in entirely proper form outside of that discrepancy.

DEFENSE: The special agent who took the statement, "I, James R. Owen, certify that John Darrrl Rynerson...appeared before me.." and it is signed John Paul.

PROSECUTOR: Over here where he signed it he signs it in his own handwriting John Paul Rynerson and underneath it they have typed John Darrrl Rynerson. I say, I can't account for that discrepancy but to my mind it is just a question of form. It in no way deals with the fact in this matter and I think in reading the affidavit you will readily see that this coincides with previous facts in this matter.

COLONEL MIDDLETON: The objection by the defense is not sustained. Prosecution's Exhibit No. 12 will be received in evidence.

(Prosecution Exhibit No. 12 for Identification was received in evidence.)

PROSECUTOR: I will now read Prosecution Exhibit No. 12.

"CONFIDENTIAL"

WAR DEPARTMENT

Judge Advocate General's Department

United States of America

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about 2¹/₂ months and was released to have an operation because of a bursted appendix, and Haron and Schroeder were kept in the guardhouse for 3 months. The reason they were beaten and confined to the guardhouse was because they hung their blankets on the inner fence of the compound which was 50 or 60 meters from the outside fence. We had been instructed that anyone going through the inner fence would be shot but no orders had been given not to go near the fence or to hang anything on it.

Q Do you know the name of, or can you describe any distinguishing characteristics of commanding officer of the camp, or other officer or official responsible for the actions of the person guilty of such conduct?

A The name of the one responsible is Lt. Miki.

Q Do you have, or know the location of, any physical evidence, such as photographs, relating to this incident?

A No.

Q Do you know the name of or can you identify any other eye-witnesses to this incident?

A No.

Q Does the testimony you have given herein cover all the pertinent details of this incident which you are able to remember?

A Yes.

s/ John Paul Rynerson
t/ JOHN DARRE RYNERSON
Cpl., ASN 6574831

STATE OF ILLINOIS :

CITY GALESBURG : SS.

County of KNOX :

I, JOHN DARRE RYNERSON, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of 4 pages, including this and the title page, and that all answers contained therein are true to the best of my knowledge and belief.

s/ John Paul Rynerson
t/ JOHN DARRE RYNERSON, CPL.

Subscribed and sworn to before me this 9th day of November 1945, at Galesburg, Illinois.

(SEAL)

s/ Florence Johnson

STATE OF CALIFORNIA :
City and : SS.
County of San Francisco :

I, James R. Owen, certify that (Name) JOHN DARRE RYNERSON, (Rank) Cpl. (ASN) 6574831, personally appeared before me on the 29th day of September 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by (him) to the several questions set forth.

Place: San Francisco, California s/ James R. Owen
Date: 29 September 1945 t/ JAMES R. OWEN
Special Agent, SIC, CD, NSC

Page 4 of 4 pages.

CONFIDENTIAL

PROSECUTOR: Request at this time that this document be marked as Prosecution's Exhibit No. 13 for Identification.

(Document so marked.)

PROSECUTOR: I will offer into evidence at this time the affidavit of Joseph Majewski, Jr. dated 12 February 1946 at the County of Jackson, State of Michigan, which has been marked for identification as Prosecution's Exhibit No. 13.

COLONEL MIDDLETON: Does the defense have any objection to the introduction of Prosecution's Exhibit No. 13?

DEFENSE: Yes, sir. I object to it on the ground that it is irrelevant. Specification 3 to which this refers alleges that in or about June 1943 certain events occurred. The affidavit of a person who was alleged to have been beaten states that it was in July of 1943. So there is a fatal variance between the proof offered and the specification, and therefore it is not relevant and I object to its admission.

COLONEL MIDDLETON: The objection of the defense counsel is not sustained. Prosecution's Exhibit No. 13 will be received in evidence.

(Prosecution Exhibit No. 13 for Identification was received in evidence.)

PROSECUTOR: I will now read Prosecution's Exhibit No. 13.

"CONFIDENTIAL

For the War Crimes Office

Judge Advocate General's Department - War Department

United States of America

In the matter of the beating of	*	Perpetuation of Testimony
JOSEPH MAJEWSKI, Jr., MM 2/c,	*	of JOSEPH MAJEWSKI, Jr.,
311-48-42, at Camp Hoten, Mukden,	*	MM 2/c, 311-48-42.
Manchuria, in July, 1943	*	

* * * * *

Taken at: 251 Griswold Street, Jackson, Michigan

Date: 12 February 1946

In the Presence of: Monroe Kroll, Special Agent SIC, 6th SC.

Questions by: Monroe Kroll, Special Agent SIC, 6th SC.

Q State your name, rank, serial number and permanent home address.
A Joseph Majewski, Jr., MM 2/c, U.S.N., 311-48-42, 425 Ingham Street, Jackson, Michigan.

Q When and where were you born?
A October 3d, 1921, in Jackson, Michigan.

Q State your education and civilian experience.
A I was entering my third year in Jackson High School, Jackson, Michigan, when I enlisted in the United States Navy.

Q When did you enlist?

A July 20th, 1940.

Q Were you a prisoner of war?

A Yes.

Q At what places were you held and state the approximate dates.

A I was captured on Corregidor on May 8th or 9th, 1942. I remained on Corregidor until about May 23d, 1942. I then went to Bilibid Prison Camp where I remained for two days, until about May 26th, 1942. I was then sent to Cabanatuan Prison Camp No. 3, where I stayed until October 5th, 1942. I was next sent to Manila, and on about October 8th, 1942, I boarded the SS Totura Maru. We stopped in Formosa for about a week and also stopped at some islands for a few days. I do not recall the name of the islands. We landed at Fusan, Korea, on November 11, 1942, Armistice Day.

Q How long did you stay at Fusan?

A I remained in a Japanese military hospital in Fusan until about February 14th, 1943.

Q What was the matter with you?

A I had diarrhea and dysentery.

Q Where did you go when you were release from the hospital?

A On about February 14, 1943, I boarded a train for Mukden, Manchuria. I reached Camp Hoten in Mukden on about February 18th, 1943. I remained at Camp Hoten until I was liberated by the Russians on about August 12th, 1945.

Q Of what organization were you a member at the time of your capture?

A I was a member of the crew of the U.S.S. Wahoo, a river gunboat which was sunk near Corregidor. I swam to Corregidor.

Q Did you witness any atrocities or mistreatment of American citizens at any time?

A Yes. In July, 1943, I was beaten by a Japanese officer named Toru Miki.

Q Where did this incident occur?

A At Camp Hoten, Mukden, Manchuria.

Q Do you know Toru Miki's rank?

A Yes. He was a First Lieutenant in the Japanese Army.

Q How do you remember when this incident occurred?

A It happened about one week after three escaped American prisoners were caught. They were caught on the 4th of July, 1943.

Q State what you know of your own knowledge about that incident.

A In July, 1943, I was working at a steel mill in Mukden. I worked at forging and heat treating. About a week after the three Americans were re-captured, I was caught smoking by a Japanese guard named Kano. I am not sure of the spelling of his name. He was a Kanosan, a disabled war veteran.

Q Describe Kano further.

A He was about four feet, four inches tall. One of the shortest Japanese I ever saw.

Q Do you recall what time of day this Kanosan caught you smoking?

A Yes. It was about 10 A.M.

Q How do you know that?

A There was a clock on the wall near where I was working.

- Q When Kano caught you smoking what did he do?
A He ran up to me and knocked the cigarette out of my mouth. Then he gave me about four kicks in the shins. He hollered at me in Japanese and took my prison number which he wrote in a small notebook he carried.
- Q What was your prison number?
A. 1489.
- Q Then what did Kano do?
A He told me to go back to work.
- Q What language did Kano use?
A Japanese.
- Q Did you understand him?
A Yes.
- Q Was there a Japanese regulation concerning smoking?
A Yes.
- Q What was it?
A We were not to smoke during working hours. We were allowed to smoke during a daily ten minute rest period at three o'clock.
- Q When did you find out about this rule?
A The first time I went to work in the steel mill, we were told by the factory president never to smoke during working hours.
- Q Do you recall the name of the factory president?
A No.
- Q Do you know the name of the mill?
A I believe the Japanese called it M.K.K.
- Q Prior to the time you were caught smoking, were you ever told what the punishment would be for anyone caught smoking?
A No.
- Q Did anything further happen as a result of the time Kano caught you smoking?
A Yes.
- Q State what happened of your own knowledge.
A Three days after I was caught smoking, all the prisoners who worked at the mill marched into the camp stockade early in the evening. It was about 6:15 P.M. The camp superintendent was waiting for us inside the gates. We lined up inside and roll call was taken.
- Q Who took the roll call?
A Each of the guards counted off 100 men.
- Q Then what happened?
A An interpreter named Kashima called the numbers of three Americans and ordered them to step out in front. The first number was mine. Kashima made a short speech in which he said in English that the three of us were going to be punished for smoking cigarettes during working hours.
- Q Identify Kashima further.
A I know he was a nisei. He was born in Honolulu. He was five feet nine or ten inches tall and weighed about 160 pounds.

Q What happened after Kashima finished his speech?
A He again called out my number and ordered me to step up in front of a platform on which the camp superintendent was standing.

Q Do you know the name of the man who stood on the platform you have mentioned?
A Yes. He was Lieutenant Toru Miki of the Japanese Army.

Q Describe Lt. Miki.
A He was about five feet four inches tall. He had no distinguishing characteristics. None that I can recall at least.

Q How did you know that the man standing on the platform was superintendent of the camp and that his name was Lt. Toru Miki?
A When we were at Fusan, Korea, waiting to go to Mukden, this officer introduced himself to us. He told us his name and rank and that he was superintendent of the camp and that he would be in charge of us.

Q What language did he speak?
A He spoke broken English.

Q Was the officer standing on the platform in Camp Hoten at the time you have mentioned the same officer who introduced himself to you as Lt. Toru Miki, superintendent of the camp?
A Yes.

Q What happened after you approached the platform?
A I saluted Lt. Miki and then he asked me whether I was ready for my punishment. I said that I was.

Q Describe the platform on which Lt. Miki was standing.
A It was made of brick. It was about eight feet square and about three feet high.

Q How far from the platform were you standing?
A One foot.

Q How were you facing with relation to Lt. Miki?
A I was facing him. He was looking right down at me.

Q How tall are you?
A About five feet, ten inches tall.

Q Was Lt. Miki armed as he faced you?
A Yes. He wore a Samurai sword buckled to his side. He also carried a club in his hands.

Q Did you say hands?
A Yes. He held the club in both hands, something like a golfer or baseball player.

Q Describe the club.
A The club was made from from a two by four. It was about four feet long. It had a shaped handle and the rest of it was shaped like a baseball bat. This club was made by an American soldier who was a prisoner at the camp. I was told that Lt. Miki ordered the American to make the club, but I do not recall the name of the man who made it.

Q What happened after you told Lt. Miki you were ready for your punishment?
A I saw Lt. Miki raise the club over his head and he then brought it down on my head.

Q What happened to you?
A I believe I passed out.

- Q What do you next remember after the club hit you?
A I found myself being carried by the shoulders by American prisoners. They were MM 1/c Herbert Wayne Grizzard and MM 2/c Morris Denver Swisher of Ponca City, Oklahoma.
- Q Where are they now?
A Grizzard was killed in action. Swisher is at home, I believe.
- Q Where did they take you?
A They took me to the officer's barrack in which Lt. Sharbert, an American officer in charge of surgery lived.
- Q What did he do for you?
A He wiped off three wounds which I had on my head. He stopped the blood coming from those wounds.
- Q Describe your condition when Lt. Sharbert examined you.
A I had at least three open wounds on my head which were bleeding. Blood was running down my face. I took my clothes off down to my waist. I had black and blue marks all over my shoulders and back. I had no open cuts on my body, only on my head. My head was full of lumps, and my face was bruised. The bruise on my face was full of cinders.
- Q Do you know how you got the wounds you have mentioned?
A Yes. While the doctor was treating me, the men who brought me in and Lt. Sharbert, who had seen the entire incident through the window of his barrack, discussed what had happened to me. They said that the first blow knocked me out and that I fell on my face. I bruised my face in the cinders on the ground. They said that after I passed out from the first blow which opened a bleeding wound on my head, Lt. Miki jumped off the platform and straddled me and hit me about the head and shoulders at least twenty times. He also hit me on the back.
- Q How often did you see Lt. Sharber thereafter?
A Once each day for a week after the first time.
- Q Did you have any permanent injuries as a result of the beating given you by Lt. Miki?
A I have no visible scars. Sometime before I was captured I suffered a concussion and from then on I had severe headaches. For at least two months after Lt. Miki beat me, I suffered more severe and more frequent headaches.
- Q Do you know whether the beating you received from Lt. Miki contributed to your headaches?
A That is hard for me to say. I think they did for a while.
- Q Did Lt. Sharbert say anything about that?
A He said that the beating may have contributed to my severe headaches which I had after the beating. He could not say for certain that it did but he believed that they did.
- Q When Lt. Miki beat you, did he know of your headaches?
A No.
- Q Do you still suffer headaches?
A Yes.
- Q Do you know the cause?
A I am not certain. What I said in my previous answers still holds true.

- Q When did you next see Lt. Miki?
 A The morning after the beating, at 7 A.M. roll call, I went up to Lt. Miki and told him that I had had a sleepless night, that my head hurt and that I could not work. He said that I could remain in my barrack, that I did not have to work.
- Q When did you next see Lt. Miki?
 A I went to roll call the next morning thereafter and he was there, but he did not talk to me. On the third evening after the beating he came to my barrack and asked me if I was ready to go to work. I said that I was. He then asked me whether I deserved my punishment and I said no. He then told me to go to work the next day and he mumbled "American buta," and then he left.
- Q How many days did Lt. Miki allow you not to work?
 A Three.
- Q You have testified that you were beaten for smoking in the M.K.K. Steel Mill during working hours. Did your smoking in any way interfere with your work?
 A No. I continued working while smoking. I was then stoking the fire, which was an open coke fire.
- Q Who was the commandant of the Hoten Camp?
 A Colonel Matsuda, Japanese Army.
- Q Was he present when you were beaten?
 A No. Lt. Miki was the only Japanese officer present.

s/ Joseph Majewski Jr.
 t/ Joseph Majewski, Jr., MM 2/c, USN

State of Michigan)
) SS:
 County of Jackson)

I, Joseph Majewski, Jr., of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of five (5) pages, and all answers contained therein are true to the best of my knowledge and belief.

s/ Joseph Majewski Jr.
 t/ Joseph Majewski, Jr., MM 2/c, USN

Subscribed and sworn to before me this 12th day of February 1946.

s/ Carl W. Wyckoff
 t/ (Notary Public) (SEAL)

My commission expires:

September 9th, 1949

C E R T I F I C A T E

I, Monroe Kroll, Special Agent, SIC, 6th SC, certify that Joseph Majewski, Jr. MM 2/c, USN 311-48-42, personally appeared before me on 12 February 1946 and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Chicago, Illinois

s/ Monroe Kroll
 t/ MONROE KROLL, Special Agent, SIC
 6th SC

Date: 13 February 1946

CONFIDENTIAL"

PROSECUTOR: At this time I desire that this document be marked as Prosecution's Exhibit No. 14 for Identification.

(Document so marked.)

PROSECUTOR: I wish to offer at this time the affidavit of Joseph J. Stanko, dated 29 September 1945, city of San Francisco, State of California, marked as Prosecution's Exhibit No. 14 for Identification.

DEFENSE: No objection.

COLONEL MIDDLETON: There being no objection by the defense, Prosecution's Exhibit No. 14 will be received in evidence.

(Prosecution Exhibit No. 14 for Identification was received in evidence.)

PROSECUTOR: I will read Prosecution Exhibit No. 14 for the record.

"CONFIDENTIAL

WAR DEPARTMENT

Judge Advocate General's Department

United States of America

* * * * *

IN THE MATTER OF THE BEATING OF U.S. SAILOR)
MAJEUSKY AND TWO OTHER UNKNOWN AMERICANS BY : Deposition of JOSEPH J.
LT. MIKI AT MUKDEN, MANCHURIA, IN THE SPRING) STANKO S/SGT. ASN 6949809
OF 1943. :

* * * * *

Taken at : Letterman General Hospital
Presidio of San Francisco, Calif.

Date : 29 September 1945.

In the Presence of : Edward D. Sykes,
Agent, SIC, CD, NSC.

Questions by : Edward D. Sykes,
Agent, SIC, CD, NSC

Q What is your name, age, rank, serial number and permanent address?
A Joseph K. Stanko, age 24, rank: Staff Sergeant; serial number 6949809,
and permanent address 440 Sixth Street, Donora, Pa.

Q On what dates were you inducted, sent overseas, and returned from
overseas?
A Inducted 14 July 1939, sent overseas September 1939 and returned 28
September 1945.

Q Were you ever a prisoner of war of any of the Axis powers?
A Yes.

Q State the organization with which you were serving at the time of your
capture, and when, where and by whom you were taken into custody, or
otherwise made a prisoner or an internee.
A 14th Bomb. Squadron, 19th group. I was captured on Bataan 9 April
1942 by the Japanese.

- Q Where were you kept and what were your movements while you were in such custody?
- A Camp O'Donnell from about 18 April 1942 to about 27 April 1942; at Cabanatuan from 31 July 1942 to 8 October 1942; and at Mukden, Manchuria, from 18 December 1942 to 20 August 1945 at which time I was liberated.
- Q Were you an eye-witness to any illegal conduct, either by way of omission or commission, on the part of Axis nationals or soldiers which resulted in the death or serious injury of any American national?
- A Yes.
- Q Describe in detail the conduct which you believe to be illegal, giving particulars as to the nature thereof, the name and identification of the victim and of the accused.
- A In the spring of 1943 while I was stationed at Mukden, Manchuria, I was working on a Japanese work detail. One evening at about 5:30 p.m. when we marched into the camp we were stopped by the Japanese and ordered to count off. There was a Japanese Lieutenant by the name of Miki standing off to the side of our detail holding a club about 1- $\frac{1}{2}$ to 2" in diameter and about 3 feet long. After we had counted off Lt. Miki had an interpreter call the numbers of three men, one of whom was a U.S. Sailor named Majeusky and two other men whose names are unknown to me. Lt. Miki told them through the interpreter that they had violated some minor prison regulation and immediately started striking one of the men with the club he was carrying. He struck this man until he was unconscious and then after the man fell to the ground he struck him several more times. He then followed the same procedure with each of the other two men. The rest of us in the work detail were then dismissed and returned to our barracks. I heard that the three men who had been beaten by Lt. Miki were taken to the dispensary, given medical treatment and several days later I noticed that they had returned to work on the work detail.
- Q Do you know the name of, or can you describe any distinguishing characteristics of commanding officer of the camp, or other officer or official responsible for the actions of the person guilty of such conduct?
- A Commanding officer of the camp was Colonel Matsuda. He is a man about 5'5 $\frac{1}{2}$ " tall, weight 140- 145 pounds, 60 to 65 years of age, with close cut gray hair, clean shaven, and wore glasses. It is believed that he speaks English. He walked with a noticeable limp and oftentimes used a cane. I do not remember which leg was injured. Lt. Miki acted as superintendent officer, is 5'8" tall, weighed about 150 pounds, was clean shaven and at the time he was stationed at my camp he was learning to speak English. He was 25 to 30 years of age and has very thick lips, resembling those of a negro.
- Q Do you have, or know the location of, any physical evidence, such as photographs, relating to this incident?
- A No.
- Q Do you know the name of or can you identify any other eye-witnesses to this incident?
- A No. However, the whole work detail saw the incident but I do not remember any specific names at this time.
- Q Does the testimony you have given herein cover all the pertinent detail of this incident which you are able to remember?
- A Yes.

s/ Joseph J. Stanko
t/ JOSEPH J. STANKO
S/SGT. ASN 6949809

#2-30 z 3/11 PM

STATE OF CALIFORNIA :
City and : SS
County of SAN FRANCISCO :

I, Joseph J. Stanko, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of 4 pages, including this and the title page, and that all answers contained therein are true to the best of my knowledge and belief.

s/ Joseph J. Stanko
t/ JOSEPH J. STANKO

Subscribed and sworn to before me this 2 day of October, 1945, at San Francisco, Calif.

s/ Victor M. Trask
(stamped) VICTOR M. TRASK
Major Infantry
Summary Court

STATE OF CALIFORNIA :
City and : SS
County of SAN FRANCISCO :

I, EDWARD D. SYKES, certify that (Name) JOSEPH J. STANKO, (Rank) S/Sgt, (ASN) 6949809, personally appeared before me on the 29th day of September, 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by (him) (her) to the several questions set forth.

Place: San Francisco, California s/ Edward D. Sykes
t/ EDWARD D. SYKES
Date: 29 September 1945 Agent, SIS, CD, NSO.

Page 4 of 4 pages.

CONFIDENTIAL"

PROSECUTOR: Request at this time that this document be marked as Prosecution's Exhibit No. 15 for Identification.

(Document so marked.)

PROSECUTOR: At this time I'd like to offer in evidence the affidavit of Marcus E. Gordon, dated 15 February 1946 at Cansan, Indiana, which has been marked as Prosecution's Exhibit No. 15 for Identification purposes.

COLONEL MIDDLETON: Does the defense counsel see any objection to the introduction of this exhibit in evidence?

DEFENSE: Yes, sir. This exhibit refers to the fourth specification. The fourth specification says that the event occurred in May 1943. Here is an affidavit by Marcus E. Gordon who is referred to in the specification, I presume, as John Doe Gordon. The affidavit states that the beating spoken of occurred in April 1943, therefore I object to receiving this exhibit in evidence because it is irrelevant due to the fact the beating referred to in the affidavit is not the beating which has been charged in the specification.

COLONEL MIDDLETON: What is the date of that affidavit?

PROSECUTOR: It was taken on February 15, 1946. In this particular case, the specification says that in or about May 1943. This affidavit says it was April of 1943, the next month. I don't think there is any stretching of any bounds in that particular case.

DEFENSE: Sir, the only point I have been making in this series of objections has been this: We are here involved in a criminal case and in criminal cases, courts will lean over backwards to protect the rights of the accused - not because they want to protect him if he is guilty, but so that he will not be convicted unless the proof is adequate. Wherever there has been such a variance in the proof and the indictment, the evidence is inadmissible because if the indictment charges something happened on or about the 10 of May, let us say, they can pretty generally prove it was the 10th of May. The reason for saying on or about is to give them a day or so leeway and that is all right, but here the thing is alleged to have happened in May; the proof shows it happened in April. Not only that, but the affidavit is from a man who is alleged to have been beaten. Those are the things to which I have been trying to call the attention of the Commission all day long and it shows one of the dangers in hearing testimony by affidavit.

COLONEL MIDDLETON: Any argument by prosecution?

PROSECUTOR: He refers to an indictment in a civil court as fixing a particular day and then he says it is confined to the day before or day afterwards. That is not true. When they say on or about a particular date, any evidence going in within any reasonable time around that particular date is considered as having bearing on the issue involved and in this particular case we didn't allege any particular date; we alleged the month. We said in or about May 1943. Here we have April of 1943.

COLONEL MIDDLETON: The objection of the defense counsel is denied. Prosecution's Exhibit No. 15 will be received in evidence.

(Prosecution Exhibit No. 15 for Identification was received in evidence.)

PROSECUTOR: I will read Prosecution Exhibit No. 15 for the record.

"For the WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

In the Matter of the beating	*	Perpetuation of Testimony of
of Pvt. Marcus E. Gordon and	*	Corporal Marcus E. Gordon, ASN
two other American prisoners	*	15065865.
at Camp Hoten in Mukden,	*	
Manchuria by Lt. Miki, Camp	*	
Superintendent in April 1943	*	

* * * * *

Taken at:	Canaan, Indiana
Date:	14 February 1946
In the Presence of:	Robert L. Jones, Special Agent, SIC.
Reporter:	Robert L. Jones, Special Agent, SIC.
Questions by:	Robert L. Jones, Special Agent, SIC

* * * * *

Q State your name, rank, serial number and permanent home address.
A Marcus E. Gordon, Corporal, ASN 15065865, Route 4, Madison, Indiana.

#2-32 z 3/11 PM

Q When did you enlist in the Army and did you have overseas experience?
A I enlisted in the Army in February 1941 and was sent to the Phillipine Islands in June 1941.

Q Were you a prisoner of war?
A Yes, I was a prisoner of the Japanese.

Q Will you give the names of the places you were held prisoner?
A I was captured on Bataan on 9 April 1942 while serving with the Signal Corps and was held in Camp O'Donald and Cabanatuan No.1 before I was taken to Camp Hoten, Mukden, Manchuria, 11 November 1942 where I was held until liberated in August 1945.

Q Did you ever receive any beatings while you were a prisoner of war? If so elaborate.
A Yes. I was beaten in April 1943 by Lt. Miki at Camp Hoten, Mukden, Manchuria. In April 1943 another prisoner, a sailor and I were smoking cigarette butts and were caught by a Japanese guard who reported the incident to Lt. Miki. We were given certain periods in which to smoke and on this date we were caught smoking after this period. There were approximately 300 prisoners at this camp including Americans and British and approximately 4 days after the Japanese guard had caught us smoking the entire group of prisoners were in formation in the camp area and Lt. Miki approached the formation and through his interpreter called the sailor and me out of ranks in front of the formation. He asked if we had been caught smoking and when we answered in the affirmative he picked up a club and began beating the sailor. He hit the sailor on the forehead with the club and after the sailor was on the ground he hit him approximately three more times. He then turned to me and hit me with the same club on the head in the back of my ear and knocked me to the ground. While I was on the ground he hit me once in the back and once on my hip. The club was approximately 1 1/2" x 2" and approximately the length of a baseball bat. Miki swung the club using all of his weight and in the manner of swinging a baseball bat. I received no broken bones and the skin was not broken although I was badly bruised and a small knot was raised on my head where I had been hit by the club. I was dazed by the blows but was not completely unconscious. The sailor, whose name I do not know, had a few stitches taken in his forehead as a result of the blow. Another prisoner, whose name I do not know, was also called out of the ranks on this date and was beaten by Lt. Miki. I do not know for what reason nor do I know how badly he was beaten. We were ordered back into the ranks and to my knowledge none of us received any serious injuries.

Q Can you name any other persons who would have knowledge of this incident?
A Yes, there were approximately 300 prisoners who witnessed the beatings, among those being Pfc. Earl Fowler, Sgt. Arthur Kress, Marine Corps, and Pfc. Glen Robinson

Q Have you any further knowledge or information regarding these conditions or the person responsible for them?
A No, I have not.

/s/ Marcus E. Gordon
/t/ Marcus E. Gordon, Corporal

State of Indiana)
) SS
County of: Jefferson)

I, MARCUS E. GORDON, of lawful age, being duly sworn on oath, state that I have read the foregoing transcriptions of my interrogation and all answers contained therein are true to the best of my knowledge and belief.

/s/ Marcus E. Gordon

#2-33 z 3/11 PM

Subscribed and sworn to before me this 15th day of February 1945.

(SEAL)

s/ William J. Kremer
(stamped) (Notary Public)

(stamped) My commission expires October 22, 1946

C E R T I F I C A T E

I, ROBERT L. JONES, certify that MARCUS E. GORDON, personally appeared before me on 15 February 1946 and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Canaan, Indiana

s/ Robert L. Jones

Date: 15 February 1946

t/ Spec. Sgt., Sec. & Intelligence Div."

COLONEL MIDDLETON: The Commission will adjourn at this time and meet at nine o'clock A.M. tomorrow morning.

(Whereupon the Commission adjourned at 1645 hours on 11 March 1946 to reconvene at 0900 hours on 12 March 1946.)

###

3/1 m 12/3/46

MORNING SESSION

... Pursuant to adjournment the Commission reconvened at 0900 hours, 12 March 1946, at which time all members of the Commission, the accused, counsel for prosecution and defense, the interpreter and the official reporter were present in the court room...

COLONEL MIDDLETON: The Commission is in session. At this time I would like to ask the accused if he understands all of the proceedings to date? Are the arrangements with the interpreter, Captain Hahm, satisfactory?

DEFENSE: Yes it is satisfactory and the accused understands what has transpired up to this point.

PROSECUTOR: I request that this document be marked as Prosecution's Exhibit No. 16 for identification.

(Document so marked.)

PROSECUTOR: At this time I would like to offer into evidence the affidavit of George Walter Robinson, dated the 8th day of November 1945 in the City and County of Denver, State of Colorado, and which has been marked as Prosecution's Exhibit No. 16 for identification.

COLONEL MIDDLETON: Does the defense have any objection to the introduction of that document?

DEFENSE: Yes sir, I believe I have. I would like to check it just a moment. This affidavit being offered refers to specification No. 4. According to the affidavit the events which occurred, occurred at a camp known as Splinter Camp and in the affidavit itself the affiant says that in June 1943 he moved to a new camp which was known as Camp No. 1, Hoten, Prisoner of War. The act allegedly occurred in May 1943 and therefore I say that this affidavit is irrelevant and the evidence which it is attempting to offer does not conform with the specification because the specification says this occurred in Camp Hoten, Mukden, Manchuria, whereas the affidavit itself says it happened at Splinter Camp.

PROSECUTOR: He refers in this affidavit to the Prisoner of War Camp at Mukden. Like I said in the beginning, there are several camps growing out of one camp. These are branch camps. The prisoners referred to this camp where they were cutting lumber as the Splinter Camp. As far as the affidavit it says, with reference to the date, about May 1943, exactly as it is set forth in the specification. In another part he says in the spring of 1943. If that isn't around May, 1943, I don't know what it would be.

DEFENSE: The thing I am specifically referring to is this. "I was taken to Mukden, Manchuria, arriving there 11 November 1942. Then the Japanese put us temporarily in a temporary prison camp. I was held there as prisoner until June 1943, when I was moved to a new camp which was known as Camp #1, Hoten, Prisoner of War." Then later he says "At the Splinter Camp at Mukden on or about May 1943." The specification says it happened at Camp Hoten. The affidavit says it is Splinter Camp. The prosecutor says Splinter Camp is the same as Hoten Camp. The only statement we have is the prosecutors. He was never up there. He doesn't know. The only evidence we have or he has, is from these affidavits.

3/2 m 12/8/46

COLONEL MIDDLETON: The objection by the defense is not sustained. Prosecution's Exhibit No. 16 will be received in evidence.

(Prosecution's Exhibit No. 16 for Identification received in evidence.)

"FOR THE WAR CRIMES OFFICE
Judge Advocate General's Department -- War Department
United States of America

In the matter of the severe beating of three United States citizen prisoners of war, including a Private Gordon by a Japanese Army Lieutenant at a prisoner of war camp in the vicinity of Mukden, Manchuria in the Spring of 1943.

Perpetuation of testimony of George Walter Robinson, Sergeant, ASN 19056343.

Taken at: Fitzsimons General Hospital, Denver, Colo.
Date: 31 October 1945.
In the presence of: Harlan F. Hagen, Agent, SIC, 71SC, Dvr.
Reporter: Harlan F. Hagen, Agent, SIC, 71SC, Dvr.
Questions by: Harlan F. Hagen, Agent, SIC, 71SC, Dvr.

- Q. State your name, permanent home address and, if presently in the Army of the United State of America, your rank and serial number.
- A. George Walter Robinson, 1708 Nicholas Street, Omaha, Nebraska, Sergeant, ASN 19056343.
- Q. State your citizenship, date and place of birth, period of service in the Armed Forces of the United States and extent of education, particularly training or lack of training in medical theory and practice.
- A. I am a United States citizen. I was born in Iowa on 3 November 1917. I entered the Armed Forces of the U.S. in February 1941 and have been a member thereof continuously to date. I have only a grade school education and no training or experience in the practice of medicine.
- Q. Have you recently returned to the United States from overseas?
- A. Yes, in September 1945, I arrived at Miami, Florida from overseas after having been released from confinement in Manchuria as a prisoner of war of the Japanese.
- Q. State the total period that you were held a prisoner of war of the Japanese, specifying the circumstances of your capture and the places and dates where and when you were held.
- A. I was a prisoner from capture on 6 May 1942 until liberation by the Russians on or about 20 August 1945. I was captured on Corregidor on 6 May 1942 while serving as a member of H Battery Antiaircraft, of the 60th Coast Artillery, U.S.A. I was held on Corregidor for two or three weeks, and then moved by the Japanese to Bilibid Prison Camp where I was held for one or two days. I was then moved to Camp #3, Cabanatuan, Luzon, arriving there in the first week of June 1942 and remaining there until on or about 5 October 1942. I was then transferred

to Manila where I was loaded on a boat on or about 8 October 1942. I was on this boat enroute to Korea continuously until we landed there on 8 November 1942. From the place of docking, together with other prisoners, I was taken to Mukden, Manchuria, arriving there 11 November 1942. Then the Japanese put us temporarily in a temporary prison camp in the immediate vicinity of Mukden near an airport. I was held there as prisoner until June 1943, when I was moved to a new camp which was known as Camp #1, Hoten, Prisoner of War. I was there until June 1944 when I was moved to a sub-prisoner of War Camp known as Annex #2, which was directly associated with a work detail at a textile mill. I was prisoner here until 16 August 1945, when I was moved back to #1, Hoten, where I remained until liberated on 20 August 1945.

- Q. While you were a prisoner of war, did you witness any severe beatings of prisoners by the Japanese?
- A. At the Splinter Camp at Mukden on or about May 1943. At this time, I witnessed a Japanese Army Lieutenant severely beat three U.S. citizens who were prisoners, including a Private Gordon, U.S. Army. One of the other fellows beaten was a sailor in the U.S. Navy, and the other was either a U.S. Marine or a U.S. Army soldier.
- Q. Describe the circumstances of such beating.
- A. While we were at this Splinter Camp, prior to the time that we were removed to Camp #1, Hoten, Prisoner of War, we were working in a Tool and Die Factory. On this particular occasion, we returned from work and were lined up in the Camp Compound in ranks about 6:00 P.M. while it was still daylight. A Lieutenant Michi, possibly spelled Mickey, came out and stood on a brick platform which was inside the camp immediately in front of where we were assembled. Through an interpreter he called out the numbers of three of the prisoners. The three men I have mentioned, stepped forward in front of Mickey. This in our presence, through the interpreter who translated it into English and the prisoner's replies into Japanese, Lt. Mickey questioned them about their activities in the factory that day. Then one of the men was called forward from the other two and he stood at attention in front of Mickey who hit him on the head with a club which was about 2 inches square and 18 inches long. The blow knocked the man down and rendered him unconscious. Then, in order, Mickey called forward the other two men and gave them the same treatment, knocking both of them down. Then Mickey addressed us through the interpreter, stating that anyone else who violated any rules or regulations at the factory would be treated in the same manner. Right after this, we were dismissed. While we were still in ranks, the second two men, whom Mickey struck, got up from the ground and were dismissed from formation. The first man that Mickey had struck was still laying on the ground, and when I started to leave the area, I saw some other prisoners pick him up and carry him away. He was apparently unconscious. I saw this man, who was the sailor, the next day in camp, and he had a bandage around his head.
- Q. Did you witness the entire incident personally?
- A. Yes.

3/4 m 12/3/46

Q. Can you identify Lieutenant Michi in any detail?

A. He was the Camp Superintendent; he was about 5 feet, 10 inches tall and very slender. He had a very dark complexion and almost negroid features, including very thick lips. He was about thirty years of age. Together with Colonel Matsuda, the Commanding Officer of this camp at this time, he accompanied us to Camp #1, Hoten, but in the Spring of 1944, Michi was discharged from the Japanese Army. Following his discharge, I saw him again at Hoten #1 on one occasion in civilian clothes. Michi had all the marks of being a narcotic addict, and was guilty of frequent minor acts of sadism with respect to prisoners under his command.

Q. Can you recall the names of other witnesses to this incident?

A. I cannot recall the names of any witnesses; however, all or most of the prisoners at the camp witnessed the beating. Among the prisoners at the camp at this time were:

Earl W. Guye	S/Sgt	3805882	CAC
Herman L. Gallaway	T/4	6578908	CAC
Phillip Milardovich	Pfc	18043778	CAC
Robert B. Rosson	Pfc	14037710	INF
Henry L. Thomas	Pfc	18050003	CAC
John Y. Begaye	Pvt	38012002	CAC
James N. Bowden	Pvt	19002217	CAC
Leon A. Elliott	Pvt	20900705	Tnk C
Robert C. Nolan	Pvt	15065709	CAC
Herman R. Ross	Pvt	18042346	CAC
Charles C. Shelton	Pvt	18017448	CAC
Mervin H. Suttle	Pvt	18036248	CAC

/s/ George W. Robinson
/t/ GEORGE WALTER ROBINSON
Sergeant, U.S. Army

STATE OF COLORADO)
)
CITY & COUNTY OF DENVER)

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

/s/ George W. Robinson

Subscribed and sworn to before me this 8th day of November 1945.

/s/ Walter C. Hotaling
/t/ WALTER C. HOTALING, Capt., Inf.,
Summary Court and Officer detailed
to conduct War Crimes Investiga-
tions Hq, Dist#6, 7th SVC

C E R T I F I C A T E

I, HARLAN F. HAGEN, Agent, SIC, Seventh Service Command, certify that GEORGE WALTER ROBINSON, Sgt, ASN 19056343 personally appeared before me on October 31, 1945, and testified

3/3 12/3/46

concerning war crimes; and that the foregoing is an accurate transcription of the answers given by him to the several questions set forth.

Place: Denver, Colorado

Date: November 8, 1945

/s/ Harlan F. Hagen
/t/ Signature
Agent, SIC, Dist #6, 7th SC
rank and organization."

PROSECUTOR: I request at this time that this document be marked as Prosecution's Exhibit No. 17 for identification.

(Document so marked.)

PROSECUTOR: At this time I would like to offer into evidence the affidavit of Herman Hall, dated 5 October 1945 at San Francisco, California, which has been marked Prosecution's Exhibit No. 17 for identification.

COLONEL MIDDLETON: Does the defense have any objection?

DEFENSE: No objection.

COLONEL MIDDLETON: Prosecution's Exhibit No. 17 will be received in evidence.

(Prosecution's Exhibit No. 17 for Identification was received in evidence.)

(Whereupon the prosecution read Prosecution's Exhibit No. 17 for the record.)

"WAR DEPARTMENT
Judge Advocate General's Department
United States of America

IN THE MATTER OF THE BEATING OF THREE)
AMERICAN PRISONERS OF WAR BY LIEUTENANT; Deposition by HERMAN HALL
MIKI AT CAMP HOTEN, MUKDEN, MANCHURIA) Corporal ASN 13035003
IN THE SPRING OF 1943)

Taken at : Letterman General Hospital
San Francisco, California
Date : 2 October 1945
In the Presence of : Edward D. Sykes
Agent, SIC, CD, NSC
Questions by : Edward D. Sykes
Agent, SIC, CD, NSC

- Q. What is your name, age, rank, serial number and permanent address?
A. My name is Herman Hall, age 26, Corporal, ASN 13035003 and my permanent address is Democrat, Kentucky.
Q. On what dates were you inducted, sent overseas, and returned from overseas?

3/6 m 12/3/46

- A. I enlisted 18 June 1941, went overseas 4 October 1941, returned 29 September 1945.
- Q. Were you ever a prisoner of war of any of the axis powers?
- A. Yes.
- Q. State the organization with which you were serving at the time of your capture, and when, where and by whom you were taken into custody, or otherwise made a prisoner of war.
- A. Headquarters Squadron, 19th Bombardment Group, U.S. Army Air Force. I was captured 6 May 1942 by the Japanese at Corregidor.
- Q. Where were you kept and what were your movements while you were in such custody?
- A. Cabanatuan #3 from 6 June 1942 to October 1942; Hoten Camp, Mukden, Manchuria, November 1942 to August 1945.
- Q. Were you an eye-witness to any illegal conduct, either by way of omission or commission, the part of Axis nationals or soldiers which resulted in the death or serious injury of any American national?
- A. Yes.
- Q. Describe in detail the conduct which you believe to be illegal, giving particulars as to the nature thereof, the name and identification of the victim and of the accused.
- A. In the spring (exact date unknown) 1943, I was in a work detail that had just returned in the evening to the prison compound and called off as was our custom. After we had counted off, the Japanese Lieutenant Miki, through an interpreter, ordered three American soldiers to step out of ranks. One of these men was a soldier named Gordon of the U.S. Signal Corps and whose home I believe was in Indiana. The two others names are unknown to me. Each of the three men were then called up in front of Lieutenant Miki who was standing in front of us on a platform built of brick and about two feet high. He asked each man one at a time if he had been smoking near a hog pen where we worked. I was unable to understand the men's answers but after asking the question, Lieutenant Miki would begin to beat on each man with a club about two inches thick, four inches wide, four feet long and trimmed down on the end to make a handle. While beating the man Lieutenant Miki would hold the club with both hands. Lieutenant Miki beat each man one at a time until he fell to the ground unconscious and then would continue to strike him several more times. After the beating Lieutenant Miki told the rest of us, through the interpreter, that we would receive the same treatment if we were caught smoking. He then ordered us to our barracks and about thirty minutes later I saw Gordon in our barracks.
- Q. Do you know the name of, or can you describe any distinguishing characteristics of commanding officer of the camp, or other officer or official responsible for the actions of the person guilty of such conduct?
- A. Yes. Colonel Matsuda (phonetic) was about 5'5" tall, weighed about 150 to 155 pounds, age 55 to 60 years, was clean shaven and wore glasses. He had a very noticeable limp and I believe it was in his right leg. He sometimes walked with a cane.

Japanese Army Lieutenant Miki was about 5'7" tall, weighed 135 to 140 pounds, age 25 to 30 years, clean shaven and close-cut black hair. He spoke some English. Lt. Miki is distinguished by very thick negro-type lips. He walks in a somewhat stooped position as though he were slightly hunch-back. I understand that he was discharged from the army after three years service.

Q. Do you have, or know the location of, any physical evidence, such as photographs, relating to this incident?

A. No.

Q. Do you know the name of or can you identify any other eye-witnesses to this incident?

A. S/Sgt. Fred Templeton, U.S.A F, 19th Bomb Group.

Q. Does the testimony you have given herein cover all the pertinent details of this incident which you are able to remember?

A. Yes.

/s/ Herman Hall
/t/ HERMAN HALL, Corporal ASN 13035003

STATE OF CALIFORNIA :
City & :
County of San Francisco:

I, HERMAN HALL, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of 4 pages, including this and the title page, and that all answers contained therein are true to the best of my knowledge and belief.

/s/ Herman Hall
/t/ HERMAN HALL

Subscribed and sworn to before me this 5 day of October, 1945, at San Francisco, California.

/s/ Harryman Dorsey
/t/ Harryman Dorsey
1st Lt. JAGD
Summary Court

STATE OF CALIFORNIA :
City & :SS.
County of San Francisco :

I, EDWARD D. SYKES, certify that (Name) HERMAN HALL (Rank) Corporal, (ASN) 13035003, personally appeared before me on the 2 day of October, 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by (him) to the several questions set forth.

Place: San Francisco, California /s/ Edward D. Sykes
Date: 2 October 1945 /t/ EDWARD D. SYKES
Agent, SIC, CD, NSC

Page 4 of 4 pages."

PROSECUTOR: At this time I request that this document be marked Prosecution's Exhibit No. 18 for identification.

(Document so marked.)

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PROSECUTOR: I offer into evidence the affidavit of William Newton Harris, dated the 3rd day of October 1945, at Oakland, California, which has been identified as Prosecution's Exhibit No. 18.

COLONEL MIDDLETON: Are there objections by the defense?

DEFENSE: Yes sir, I object on the ground that it does not state the event took place in Camp Hoten and on the further ground it relates to a Lieutenant J. Miki and there is no Lieutenant J. Miki on trial at the present time and therefore I objection to the admission of this document.

COLONEL MIDDLETON: Is there any argument by the prosecution on that?

PROSECUTOR: Yes. The affidavit refers to the Prisoner of War Camp at Mukden and although it does have the first name of Miki as the initial J., that is a reasonable error because this is going back three years and a fellow might easily have made a mistake in the first names. Besides, there are a number of other names in the affidavit that we have heard in the case and with which we are familiar here. I don't believe there is any doubt that he refers to this accused.

COLONEL MIDDLETON: Has that document any descriptive matter concerning Miki?

PROSECUTOR: No sir.

COLONEL MIDDLETON: Does it identify his position?

PROSECUTOR: Yes sir, it does identify his position.

COLONEL MIDDLETON: Objection by the defense counsel is not sustained. Prosecution's Exhibit No. 18 will be received in evidence.

PROSECUTOR: At this time I would like to suggest that paragraph 5 be omitted from this affidavit because it is immaterial to this case. It doesn't have anything to do with the issues of this case.

DEFENSE: That is all right, sir. I refers to something that happened at another camp.

PROSECUTOR: Yes, it happened in Japan.

COLONEL MIDDLETON: Paragraph 5 of Prosecution's Exhibit 18 will not be made a part of the record of this trial, it being immaterial. The balance of the Exhibit is received in evidence and will be made a part of the record.

PROSECUTOR: I will read into evidence Prosecution's Exhibit No.18.

(Prosecution's Exhibit No. 18 for Identification was received in evidence.)

(Whereupon the Prosecutor read Prosecution's Exhibit No. 18 into evidence, omitting paragraph 5.)

"Q. Please state your name, permanent address, rate, and enemy camps in which you were confined.

A. My name is William Newton HARRIS, age 24, Corporal, US Marine Corps, Serial number 274608, permanent home address Box 92, St. Louis, Oklahoma. I enlisted in the Marine Corps 16 September 1939 and I was captured at Corrigedor on 6 May 1942. I was removed from Cabanataun Camp #3 on 5 October 1942 with a large group and we were taken to Mukden, Manchuria, arriving there 11 November 1942 and remaining until 24 May 1944. 150 of us were then removed to Nagoya #1 at Kamioka, where we were liberated 6 September 1945.

Q. Please relate what atrocities and beatings you personally witnessed or were a victim of while a Japanese prisoner.

A. At Mukden, Manchuria, Sergeant E. NOTA, whose family were in Berkeley, California, an interpreter, was particularly vicious and administered numerous beatings every time he was in authority. He especially singled out Corporal M. A. TRUPIANO and Pfc. CARDAMON. He would strike with his hands or with any article he happened to have in them and had no apparent cause to administer the beatings. At this camp the superintendent was Lieutenant J. MIKI, who appeared to be a sadist at all times. For several weeks he carried a piece of metal or rock in his hand and would administer random beatings about the head on the men as they stood in ranks. I personally suffered with this on two occasions. He also used clubs, sticks, and his saber to beat prisoners whom he accused of minor violations of rules which he made himself on the spur of the moment. In July 1943 MIKI called three prisoners out of ranks because he claimed they had some contraband or were in some trouble at the M.K.K. factory. He had a stick about 5 feet long and he struck the men one by one about the head until they fell and then jumped on them and beat them, two of them into unconsciousness. One of these victims was a Navy enlisted man nicknamed "Ski", who I was informed suffered a fractured skull in the incident. On 30 October 1943 I had in my possession 12 cigarettes which I had bought from a Japanese worker in the M.K.K. Factory. I was confined to the guard house for 8 days and when MIKI took me in there he beat me about the head with a piece of lumber 1 1/2" x 1 1/2" and about 5 feet long, giving me 20 licks, and my left ear is still tender from this beating. Our camp commander, Lieutenant Colonel MATSUDA, always stayed out of the way during these beatings and was never present to my knowledge. 236 prisoners died of malnutrition at this camp.

STATE OF CALIFORNIA:

County of Alameda :

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

/s/ William N. Harris

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

/s/ Garner G. Talboy

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STATE OF Washington)
County of Pierce) ss -

I, Claud O. Stom, Jr., of lawful age, being duly sworn on oath depose and say:

I am Corporal Claud O. Stom, Jr. ASN 18038675. My permanent address is Route 3, Box 9, Bowie, Texas. I was captured on 6 May 1942 at Corregidor, P.I. At that time I was in 60th Coast Artillery, Battery G. I arrived at Matsuda Camp, Mukden, Manchuria on 11 Nov. 1942 and remained there until 6 Sept. 1945 at which time I was liberated by the arrival of American troops.

In November of 1943 I was kicked, beaten, and tortured for no reason and without justification.

Col. Matsuda was in charge of the camp during the time of the incident described herein. He was about five feet 10 inches in height, and 150 pounds in weight. He wore glasses and was about 55 years of age. His entire face was scarred and pitted and he was bow legged. He had gray hair.

Lt. T. Miki, camp adjutant took part in the incident described herein. He was five feet 10 inches in height and 140 pounds in weight. He had negroid features with large lips. He was about 25 years of age.

In November of 1943, I was working in the camp yard shoveling coal, and one of the guards accused me of not laboring hard enough. I was taken into the office, and Miki told me to do push-ups. As I started to do the push ups, I was beaten with bamboo canes. I did as many push ups as I was able, then I just lay on the ground, and Lt. Miki and civilian guards beat me with bamboo poles. Lt. Miki kicked me in the face with his boots. I was in the office for about three hours during which time I received the beating and kicking as described herein. When I was told to leave I was unable to walk and had to crawl from the office. I was in pain for a week, was unable to eat food for almost a week, and had bruises and contusions covering my body for the following week.

I was in the office at the time of the beating, and there was no other fellow prisoners in the room at the time, who saw the beating. I can give no further description of the persons responsible for the incident which I have described, and I can state no further details concerning the matters described in this affidavit.

/s/ Claud O. Stom Jr. _____

/s/ Melvin D Lurie
/t/ Melvin D. Lurie witness.

Subscribed and sworn to before me
this 15 day of October, 1945, at
Fort Lewis, Washington.

/s/ Julian S. Egge
Capt. J.A.C.D.
C-568007"

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PROSECUTOR: I request that this document be marked as Prosecution's Exhibit # 20 for identification.

(Document so marked.)

PROSECUTOR: At this time I offer into evidence the affidavit of Leo John Maselli, dated the 5th day of October, 1945, at Oakland, California, and which has been marked as Prosecution's Exhibit No. 20 for identification.

COLONEL MIDDLETON: Is there objection by the defense on the introduction of this exhibit?

DEFENSE: I object to the introduction of this affidavit on the ground that in the first place it does not specifically state that the events took place in Camp Hoten and in the second place this affidavit refers to Specification 7, which alleges that something happened to a Charlie Walker on or about June 1943. The affidavit says during the month of January 1943. As a result, there is a variance and for those two reasons I believe the affidavit is irrelevant and should not be admitted.

PROSECUTOR: This affidavit refers to Mukden. It doesn't mention the particular camp involved, but it refers to the Mukden Prisoner of War Camp. Like the others, there are a lot of familiar names and there is no doubt that the person referred to is Miki. As far as the discrepancy in date, I move that there be an amendment so that the specification set forth the date shown in the affidavit.

DEFENSE: If the prosecution is going to move that the date in the specification be changed to conform with the dates shown in the affidavit, I am going to move that the same thing be done with reference to other documents. The prosecution has had a long time to prepare all of his evidence,--ever since the end of the war, and he has had the benefit of investigators here and in the States. After all, he has had all this time to study these affidavits and to draw the proper charges. I am really amazed to see the errors that there are in these specifications in view of the fact that he has had all these affidavits and the benefit of research and investigation. It is absolutely amazing, and now, we get all these affidavits in here and he comes in and asks to have the specification amended. In many instances we have affidavits which show two or three different dates. One says the man was beaten in October and another November, 1943; one says he was beaten in November '44 and another the fall of '44. Now to which date are you going to amend that specification? The prosecutor realizes now that these affidavits which he has been introducing do not conform and they should not have been admitted, but they have been admitted and now he is trying to correct something which should have been corrected before the case started.

PROSECUTOR: I don't go along with the defense in his thinking. I have no idea whatsoever that the previous affidavits and specifications should be amended, that is, that the specifications should be amended to the affidavits. As far as this one is concerned, I don't think counsel for the defense is cognizant of the facts as to how we received these affidavits. Some of them have been received as recently as the past few days. In drawing the specifications we had to work on what knowledge we had in our files at that time. That is why there are some small discrepancies. Counsel states we have had since the end of the war. I believe if he will look at the dates on these affidavits it will be obvious that some of them are quite recent. If we had a chance to talk to these

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fellows after getting some of the facts together, it would be possible to refresh their memories and fix dates but we have to depend on the affidavits coming in from the United States, gathered by various sources and there is no opportunity to make any comparison. We might get one stating in June and another July. We can't go and get those two fellows and compare the dates and refresh their memories to get the stories lined up. As far as a date is concerned, it is a fact we can all make mistakes about. The facts in this particular affidavit, I am sure, will leave no question but that the affidavit refers to the person and place in the specification.

COLONEL MIDDLETON: What is the date of that exhibit? When was it signed?

PROSECUTOR: October 5, 1945.

COLONEL MIDDLETON: Have you any information there as to when it was received in the China Theater Headquarters?

PROSECUTOR: There is nothing on here to indicate when it was received.

COLONEL MIDDLETON: Where was the document executed?

PROSECUTOR: Oakland, California.

COLONEL MIDDLETON: The Commission will be closed. (1000 hours.)

(Whereupon the member of the Commission adjourned from the court room to hold closed session, returning to the court room at 1023 hours at which time all member of the Commission, the accused, counsel for prosecution and defense, the interpreter and the official reporter resumed their seats in the court room.)

COLONEL MIDDLETON: The commission is in session. The motion by the Prosecution is sustained. The Commission directs that Specification No. 7 be amended so that the offense charged took place in or about January 1943. Is the prosecution ready to proceed?

(Specification No. 7 amended.)

PROSECUTOR: Yes sir, at this time I would like to ask the defense if they are ready to proceed and regard that specification as amended.

DEFENSE: Yes.

(Whereupon the prosecutor started to distribute copies of Prosecution's Exhibit No. 20 to the commission.)

DEFENSE: This Exhibit has not been received in evidence as yet.

COLONEL MIDDLETON: Will the reporter read the remarks which the defense made at the time this exhibit was offered?

(Whereupon the reporter read the objections by the defense to the offer of Prosecution's Exhibit No. 20.)

PROSECUTION: We request at this time that the Exhibit No. 20 be admitted into evidence, if the Commission, please.

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COLONEL MIDDLETON: Prosecution's Exhibit No. 20 will be received in evidence by the Commission.

(Prosecution's Exhibit No. 20 for Identification was received in evidence.)

- "Q. What is your name, rank, serial number, branch of service, and permanent home address?
- A. Corporal Leo John MASELLI, United States Marine Corps, Serial No. 276212. My home address is 385 North Thirteenth Street, San Jose California.
- Q. Please state the date you entered the military service of the United States, the date you were sent overseas and the date you returned from overseas.
- A. I entered the military service of the United States on 20 October 1939, was sent overseas on 27 March 1940 and returned from overseas on 2 October 1945.
- Q. Were you ever held as a prisoner of war by the Imperial Japanese Government or any of its allies?
- A. I was held in custody as a prisoner of war by the Imperial Japanese Government from 6 May 1942 until 25 August 1945.
- Q. State the organization with which you were serving at the time of your capture and your assignment therein.
- A. At the time of my capture I was serving with Company "E", Fourth Marines on Corregidor and I was assigned to Beach Defense.
- Q. What were your major places of imprisonment while you were a prisoner?
- A. I was at Cabanatuan, Philippine Islands, from May 1942 until October 1942; at Mukden, Manchuria, from November 1942 until May 1944; and at Kamioka, Japan, from May 1944 until August 1945.
- Q. Can you name or identify any of the enemy officers or persons in authority at your places of imprisonment?
- A. At Mukden, Lieutenant MIKIE was a camp staff officer, and Sergeant NODA was the camp interpreter.
- Q. Were you an eye witness to any wrongful conduct on the part of the Japanese which was harmful to an American prisoner of war?
- A. Yes. At Mukden, where I was a prisoner of war between the period of November 1942 until May 1944, I saw Lieutenant MIKIE beat a marine by the name of SCHRODER with a club until he was unconscious. I also saw him repeatedly beat other men. At the time I was imprisoned at Mukden I worked in a tool and dye factory. When we returned from work, we were forced to stand at attention before Lieutenant MIKIE who stood on a platform approximately three feet high in front of the prisoners of war. He would call prisoners out of the line and have them advance to the platform on which he was standing which would place him several feet about their heads. He would take one of his many clubs that he always had with him, and beat men over the head and shoulders with them until they dropped to the ground. He would then have a Japanese guard throw water on them and when they were able to regain their feet he would continue the beating. I have also seen him get down off the platform when a man

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was on the ground in an unconscious condition and kick and stomp him causing severe bruises and lacerations.

During the month of January 1943 I saw Lieutenant MIKIE beat and cut Charlie WALKER, United States Army, with a saber, for failure to salute. Sergeant NODA, the interpreter at Mukden, would assist Lieutenant MIKIE in the beatings administered to American prisoners of war. I have repeatedly seen Sergeant NODA between the period of November 1942 and May 1944 beat and punish American prisoners of war with a club until they would lose consciousness. Sergeant NODA was born in Berkeley, California. Upon leaving the tool and dye factory and upon entry into camp my entire group, which consisted of 100 men, would be searched. If the Japanese guards found any article which they considered contraband, they would order the entire group to line up and strip themselves of all clothing. We would stand naked for one to three hours out in the open. This practice was conducted during the winter months and I have been forced through this method of search when the temperature was many degrees below freezing. Many men suffered from pneumonia and other diseases due to this practice.

- Q. Was any reason for, or explanation or justification of this incident ever given to you by any enemy national?
A. Sometimes the officer would try to justify the incident by giving some flimsy excuse but on most occasions no justification was given.
- Q. Can you name or identify any enemy high official who was present at this incident or who knew or must have known of it?
A. Only the camp commander whose name was Colonel MATSUDA.

I can recall nothing further concerning these incidents which would be of value to the War Crimes Office, and I do not have any other information, favorable or unfavorable, which I consider of sufficient importance to report.

/s/ Cpl. Leo John Maselli.

STATE OF CALIFORNIA :
 : SS
County of Alameda :

I, Leo John MASELLI of lawful age, being duly sworn, state that I have read the foregoing transcription of my interrogation, consisting of three pages, and that all answers contained therein are true to the best of my knowledge and belief.

 /s/ Cpl. Leon John Maselli
Subscribed and sworn to before me this fifth day of October, 1945, at Oakland, California.

/s/ James G. Gullett
/t/ (Rank) Lieutenant, U.S.N.R.

STATE OF CALIFORNIA :
 : SS
County of Alameda :

I, Lieut. James G. GULLETT, U.S.N.R., certify that (Name) Leo John MASELLI, (Rank) Corporal, U.S.A.C., (ASN) 276212,

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personally appeared before me on the fifth day of October, 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by (him)(her) to the several questions set forth.

Place: Oakland, California
Date: 5 October 1945 /s/ James G. Gullett

Page 3 of 3 pages."

PROSECUTOR: I request at this time that this document be marked Prosecution's Exhibit No. 21 for identification.

(Document so marked.)

PROSECUTOR: I offer in evidence at this time the affidavit of Carlos Alvin Dees, dated the 13th day of October, 1945, at Fort Lewis, Washington, and which has been marked Prosecution's Exhibit No. 21 for identification.

COLONEL MIDDLETON: Does the defense have any objection to that offer?

DEFENSE: No objection.

COLONEL MIDDLETON: Prosecution's Exhibit No. 21 will be received in evidence.

(Prosecution's Exhibit No. 21 for Identification was received in evidence.)

(Whereupon the prosecutor read Prosecution's Exhibit No. 21 for the record.)

"State of Washington }
County of Pierce } ss

I, Carlos Alvin Dees of lawful age, being duly sworn, on oath depose and say:

I am Corporal Carlos Alvin Dees, ASN 18043754. My permanent home address is A.R.#1 Corning, California. I was captured on 6 May 1942 on Corregidor. At the time I was captured I was with the 60th Coast Artillery Regiment. I was imprisoned on the Phillipine Islands until 5 Oct. 1942 when I was transferred to Prisoner of War Camp #3, Mukden Manchuria, where I was interned from 11 November 1942 to 24 May 1944. From 29 May 1944 until my liberation on 6 Sept. 1945 I was in Nagoya Camp #1, Kamioka, Japan.

The prisoners of war at Camp #3 Mukden, Manchuria were subject to torture, beatings and other cruelties.

In June of 1943 five American prisoners were beaten by Lieutenant Miki who was the camp superintendant at this time. This incident occurred after returning from working in the machine tool factory. While we were out working a search of our barracks was made by the Japanese. They found several pieces of equipment taken from the

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factory in which they worked. I do not know if this equipment was actually taken by the men or whether it was placed in the barracks as an excuse for a beating. Upon our return to the camp that night the five men who were supposed to have taken the equipment from the factory were called out of formation for punishment by Lt. Miki. Lt. Miki was standing on a platform which placed him above these five men. I do not know the name of all these five men but one of these men was "Red" White of Phoenix Arizona. They told white that they had found a piece of Emory cloth in his bed. Lt. Miki then hit White with a two by four across the side of the face. This blow knocked White to the ground. He was coming upon to resume the position of attention when Lt. Miki again struck him on the side of the face. This was typical of the beatings given to the other four men although some of them were beaten a few more times than White. This incident took place in front of the whole camp so that everyone could witness it.

Lt. Miki was about 5'9" tall and weighed about 160 pounds. He occasionally wore glasses. He was noticeably feminine in his actions. He was a very neat dresser, wearing silk shirts.

I can give no further descriptions of the persons responsible for this incident which I have described and I can state no further details concerning the matters described in this affidavit.

/s/ Carlos A. Dees Cpl. 18043754
/t/ Signature, name, rank, serial number

Subscribed and sworn to before me this
13th day of October 1945, at Fort Lewis
Washington.

Witness:
/s/ Donald A. VanderHorn
Agent SIC, 9SC

/s/ Arthur G. Bouley
/t/ ARTHUR G. BOULEY
C.O., USA
Asst Adjutant General
ASFTC Fort Lewis, Wash."

PROSECUTOR: At this time I request that this document be marked as Prosecution's Exhibit No. 22 for identification.

(Document so marked.)

PROSECUTOR: At this time I offer into evidence the affidavit of Orville Welch, dated 15 October 1945 at the City of San Francisco, California, which has been marked as Prosecution's Exhibit No. 22 for identification.

COLONEL MIDDLETON: Is there objection by the defense to the introduction of that exhibit?

DEFENSE: Yes sir. I object to this affidavit on the ground that it definitely shows that it does not refer to the Hoten Camp. He states in one sentence, "We left Manila on 6 October 1942 for Manchuria where I was imprisoned in the Mukden and Hoten camps until my liberation." He then goes on "During March, 1943 while I was imprisoned at the Mukden camp,". There is a variance here and it should not be admitted.

PROSECUTOR: From what I have been told, I repeat again, that in Japanese Mukden and Hoten are the same thing. Hoten is the Japanese

word for "Mukden".

DEFENSE: Well, now, here is a man who was up there and he says there was a Mukden Camp and a Hoten Camp. He ought to know better than the prosecutor. There were several camps in the area. These affidavits are all at variance. In one he is referred to as a superintendent and in one he was referred to as the camp adjutant. If you will look at the descriptions, they have him all the way from 5 feet 4 inches to six feet. These two, one says 5'4" and one says 5'10". Look at the pictures they make. They do not identify him as being at that Camp at that time. Here is an example: " I know two Japs who were in authority at Hoten" but it doesn't say when. They might have been in authority six years before. This is all just throwing a lot of papers together and saying I have specifications here and here are a lot of affidavits, just put them together.

COLONEL MIDDLETON: Does that exhibit name any of the men who were important in the camp?

PROSECUTOR: It lists Lieutenant Miki.

DEFENSE: Carrying it a little further it also says "Physically, he was at least six feet tall" which does not conform to the facts in evidence or that you have brought in.

PROSECUTOR: Well, this isn't in evidence and you are speaking of it.

DEFENSE: I am saying it shouldn't be in evidence. It doesn't describe this man. He is not six feet tall.

COLONEL MIDDLETON: The objection by the defense counsel is not sustained. Prosecution's Exhibit No. 22 will be received in evidence.

(Prosecution's Exhibit No. 22 for identification was received in evidence.)

(Whereupon the prosecutor read Prosecution's Exhibit No. 22 for the record.)

"STATE OF CALIFORNIA :
:ss
City and County of San Francisco:

ORVIL WELCH, Sergeant, ASN 6864494, Clarksville, Texas, being first duly sworn, deposes and says:

I enlisted in the United States Army on ⁵4 November 1937, was sent overseas on 16 January 1940, and was returned to this country on 8 October 1945. After my capture by the Japanese Army on Corregidor, 6 May 1942 I was imprisoned at Camp Cabanatuan, P.I. We left Manila on 6 October 1942 for Manchuria where I was imprisoned in the Mukden and Hoten camps until my liberation.

During March, 1943 while I was imprisoned at the Mukden camp, I was beaten by a Lt. Micki of the Japanese Army for having money on my possession. Prior to my beating, this officer had issued orders that Prisoners of War were not to carry money. I attempted to get 77 yen out of camp in order to buy medicine from some Chinese. I was buying this medicine for several prisoners. However,

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I was caught. In the beating that followed, I was knocked unconscious by the first blow, and so it is impossible for me to say just how long I was beaten. I do know that Lt. Micki beat me with a wooden rifle. My head and eye were badly swollen, and my shoulders were very sore thereafter. As far as I am able to tell, I have suffered no permanent ill effects from this mistreatment.

Some time thereafter, Lt. Micki was given his discharge from the Japanese army. He came back to camp one day, and stated that he was going to Shanghai to get a job as a shipping clerk. Physically, he was at least six feet tall, slender, and clean cut. This is all I know concerning the incident I have just described.

/s/ Orvil Welch
/t/ ORVIL WELCH
Sgt, ASN 6864494

Subscribed and sworn to before me this 15 day of October 1945.

/s/ Charles E. Taylor
Capt, J A G D

Interviewed by William F. Laird, Special Agent, SIC"

DEFENSE: If it please the Commission, I am afraid I read this affidavit a bit too hastily. Now, I would like to have it stricken on the ground that the specification states the man was beaten with a wooden club and this affidavit says they were beaten with a wooden rifle. I am afraid that is a fatal variance and therefore it should be stricken from the record.

COLONEL MIDDLETON: Has the prosecution any argument on the present motion by the defense?

PROSECUTOR: No argument.

COLONEL MIDDLETON: The motion by the defense counsel is not sustained. Prosecution's Exhibit No. 22 will remain a part of the record in this case.

(Prosecution's Exhibit No. 22 to remain in evidence.)

PROSECUTOR: I request that this document be marked as Prosecution's Exhibit No. 23 for the purpose of identification.

(Document so marked.)

PROSECUTOR: At this time I would like to offer into evidence the affidavit of John Paul Wilson, dated the 2nd day of October 1945, at San Francisco, California, which has been identified as Prosecution's Exhibit No. 23.

COLONEL MIDDLETON: Is there objection by the defense counsel to that document?

DEFENSE: No objection.

COLONEL MIDDLETON: Prosecution's Exhibit No. 23 will be received in evidence and made a part of the record of this case.

(Prosecution's Exhibit No. 23 for Identification received in evidence.)

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(Whereupon the prosecutor read Prosecution's Exhibit No. 23 for the record.)

"WAR DEPARTMENT
Judge Advocate General's Department
United States of America

IN THE MATTER OF THE BEATING AND)
MISTREATMENT OF AMERICAN PRISONERS :
OF WAR AT CA P #1, MUKDEN, JAPAN,)
IN APRIL 1943, BY LT. MIKI." :

DEFENSE: Just a minute. May I object to this affidavit on the ground that apparently there was a prisoner of war camp in Japan called Mukden and naturally this is irrelevant because we are dealing with Mukden, Manchuria.

PROSECUTOR: That is the title page, please.

DEFENSE: And over here on page 2, the last Answer, it reads "Mukden, Japan."

PROSECUTOR: And in the middle of the page it says "Mukden, Manchuria."

DEFENSE: But this is apparently while he was in Mukden, Japan.

PROSECUTOR: In the middle of the page you will note these dates are given: "and at Camps #1 and #2, Mukden, Manchuria, from 11 November 1942 to 20 August 1945." That includes April 1943.

COLONEL MIDDLETON: Has defense completed his argument?

DEFENSE: Yes sir.

COLONEL MIDDLETON: Has prosecution completed his argument?

PROSECUTOR: Yes, if the Commission, please.

COLONEL MIDDLETON: The objection by defense counsel is not sustained. Prosecution's Exhibit No. 23 will continue in evidence.

(Prosecution's Exhibit No. 23 continues in evidence.)

PROSECUTOR: I will continue with the reading where I left off, if the Commission, please.

(Whereupon the prosecutor continued to read Prosecution's Exhibit No. 23 into the record.)

"Deposition of John Paul Wilson, M/Sgt., ASN 6379075

Taken at : Letterman General Hospital, Presidio of
S.F., San Francisco, California.
Date : 29 September 1945
In the Presence of : George L. Lewis, Agent, SIC, CD, NSC
Questions by : George L. Lewis, Agent, SIC, CD, NSC

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- Q. What is your name, age, rank, serial number, and permanent address?
- A. John Paul Wilson, 33, M/Sgt., ASN 6379075. My permanent address is Camilla, Georgia.
- Q. On what dates were you inducted, sent overseas, and returned from overseas?
- A. I enlisted 2 October 1939; shipped out 24 January 1941; was liberated 20 August 1945 and returned to the United States on 27 August 1945.
- Q. Were you ever a prisoner of war of any of the Axis powers?
- A. Yes, the Japanese Army.
- Q. State the organization with which you were serving at the time of your capture, and when, where, by whom you were taken into custody, or otherwise made a prisoner of war.
- A. 28th Squadron, 19th Group, Clark Field, Philippine Islands; captured on 9 April 1942 at Bataan, Philippine Islands.
- Q. Where were you kept and what were your movements while you were in such custody?
- A. I was imprisoned at: Camp O'Donnell, Philippine Islands, from 21 April 1942 to 5 May 1942; at Gapan, Philippine Islands, from May 1942 to 29 June 1942; Cabanatuan Camp #1, Philippine Islands from July 1942 to 5 October 1942; and at Camps #1 and #2, Mukden, Manchuria, from 11 November 1942 to 20 August 1945.
- Q. Were you an eye-witness to any illegal conduct, either by way of omission or commission, on the part of Japanese nationals or soldiers which resulted in the death or serious injury of any American national?
- A. Yes, I was.
- Q. Describe in detail the conduct which you believe to be illegal, giving particulars as to the nature thereof, the name and identification of the victim and of the accused.
- A. While I was at Camp #1, Mukden, Japan in April 1943, I witnessed the following incident: Lt. Miki, the camp superintendent, beat and kicked a prisoner of war who was just returning to camp from the hospital. The prisoner was returning after an appendectomy about 24 hours previous, and as he alighted from the truck, Lt. Miki, for no reason whatsoever, began to hit the prisoner with a 2" X 2" stick about two feet long. Miki struck the prisoner about the face and head until he staggered, then hit him on the back until he fell to the ground unconscious. Miki then kicked him about three or four times in the ribs and stomach. Then Miki had the prisoner taken to the barracks and then to the hospital for several days. I don't believe the prisoner was severely injured. Miki frequently beat prisoners for no reason whatsoever. He acted as though he was a "hop-head" and when he was apparently drunk or under the influence of dope, he would abuse and mistreat the prisoners. The Japanese commanding officer was named Colonel Matsuda (phonetic); Captain Ishikawa (phonetic) was the Adjutant; and Lt. Fugiada (Phonetic) was an office worker. These men were aware of Miki's activities and were present during several of the beatings. In fact, all three of these men were guilty of some type of mistreatment of American prisoners of war. A Sgt. Noda (phonetic) camp interpreter,

would misinterpret our communications to the Japanese, and also would often mistreat us by hitting us with whatever was at hand. I know of no specific incident. Major B.S.Hankins, American camp commander, Captain Grow (phonetic), and Captain Herbz (phonetic), medical officers, also witnessed these incidents.

Q. Do you know the name of or can you describe any distinguishing characteristics of commanding officer of the camp, or other officer or official responsible for the actions of the person guilty of such conduct?

A. No.

Q. Do you have, or know the location of, any physical evidence, such as photographs, relating to this incident?

A. No.

Q. Do you know the name of or can you identify any other eye-witnesses to this incident?

A. No.

Q. Does the testimony you have given herein cover all the pertinent details of this incident which you are able to remember?

A. Yes.

/s/ John Paul Wilson
/t/ John Paul Wilson
M/Sgt., ASN 6379075

STATE OF CALIFORNIA :
City and : SS.
County of San Francisco :

I, John Paul Wilson, of lawful age, being duly sworn on oath, state that I have read the foregoing transcription of my interrogation, consisting of 4 pages, including this and the title page, and that all answers contained therein are true to the best of my knowledge and belief.

/s/ John Paul Wilson
/t/ JOHN PAUL WILSON

Subscribed and sworn to before me this 2 day of October, 1945, at San Francisco, California.

/s/ Albert A. Lee
/t/ ALBERT A. LEE
CAPT. SIGNAL CORPS,
SUMMARY COURT

STATE OF CALIFORNIA :
City and : SS.
County of San Francisco:

I, George L. Lewis, certify that (Name) John Paul Wilson, (Rank) M/Sgt, (ASN) 6379075, personally appeared before me on the 29th day of September, 1945, and testified concerning war crimes; and that the foregoing is an accurate transcription of the answers given by (him) to the several questions set forth.

Place: San Francisco, California

Date: 29 September 1945

/s/ George L. Lewis
/t/ GEORGE L. LEWIS
Agent, SIC, CD, NSC

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PROSECUTOR: At this time I request that this document be marked as Prosecution's Exhibit No. 24 for the purpose of identification.

(Document so marked.)

PROSECUTOR: I offer in evidence, at this time, a book which comes from the official files of the War Crimes Office and which deals with Camp Hoten in Mukden, Manchuria, and which has been marked as Prosecution's Exhibit No. 24, for identification.

DEFENSE: I don't know whether it is accurate to say "Camp Hoten," let's say "Mukden". It names a lot of people in this trial.

PROSECUTOR: It names several of the people. As far as the file of the War Crimes Office is concerned this book is the original record of punishments --

DEFENSE: Well, if the War Crimes Office has decided that, I --

PROSECUTOR: From the condition of this I notice that several pages are missing. The book is exactly as it came to our office and as it was obtained by War Crimes Office.

COLONEL MIDDLETON: May I ask who prepared that book?

PROSECUTOR: It is not known by the prosecution or by the War Crimes Office.

DEFENSE: I have no objection. I think it should be brought into evidence.

COLONEL MIDDLETON: Is it in English or Japanese?

PROSECUTOR: It is in English.

COLONEL MIDDLETON: Is there anything further you can tell us as to when it was prepared?

PROSECUTOR: The dates start off in January 1943 and go on until August 11, 1945. On its face it is a record of the punishments which were meted out to the American Prisoners-of-war at this particular camp.

COLONEL MIDDLETON: Prosecution's Exhibit No. 24 will be received in evidence.

(Prosecution's Exhibit No. 24 for identification was received in evidence.)

DEFENSE: As I understand it, the prosecutor is not going to read that but we have it here for reference so that the court may use it or either one of counsel may read it.

COLONEL MIDDLETON: Have you any parts of it that you are going to mention during this case?

PROSECUTOR: I think there are pages in here which have the names of individuals who are mentioned in the specifications and during argument I imagine that the defense will refer to this book and also the prosecution and at that time the court -- the commission can consult the book to follow it.

COLONEL MIDDLETON: All right. You may proceed.

PROSECUTOR: Prosecution would like to request at this time that this document be marked as Prosecution's Exhibit No. 25 for the purpose of identification.

(Document so marked.)

PROSECUTOR: I offer into evidence at this time the signed statement of the accused in this case, which is dated the 30th of November 1945, at Shanghai, China, and which has been marked as Prosecution's Exhibit No. 25 for the purpose of identification.

DEFENSE: Before making any objection to this document I would like to call a witness to the stand, if I may.

COLONEL MIDDLETON: This witness will testify in connection with the preparation and securing of this statement?

DEFENSE: Yes. It states it was secured by him.

COLONEL MIDDLETON: Call your witness.

DEFENSE: We would like to have Lieutenant Osborne take the stand.

RAYMOND J. OSBORNE

a witness for the defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

- Q (By Capt. Gillard) State your name, rank and serial number.
A Raymond J. Osborne, First Lieutenant, 01799358.
- Q You are in the Army of the United States?
A Yes.
- Q What is your present assignment?
A War Crimes Office, China Theater.
- Q (By Maj Levin) In connection with your work in the War Crimes Office, China Theater, have you been assigned to investigate and prosecute a case involving one Toru Miki?
A Yes, sir.
- Q In connection with that investigation did you have occasion at various times to interview the accused?
A Yes sir.
- Q Were those interviews here in the Ward Road Jail here in Shanghai?
A They were.
- Q At the time you had these interviews did you have an interpreter present?
A Yes, I did.
- Q This document that has been identified as Prosecution's Exhibit No. 25 is written in English, is that correct?

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A It is.

Q It is not a translation of a Japanese document, is it?

A It is not.

Q During the time that you took this statement and various other statements, isn't it true that it was necessary for you to translate certain statements into English or certain English statements into Japanese for the benefit of the accused?

A. Very little.

Q But you did have to translate?

A An occasional word he didn't understand.

Q Weren't there times when he asked you to have an interpretation so he could understand? Didn't he ask to have them made in Japanese?

A Yes, we always had an interpreter there.

Q He used that interpreter frequently, didn't he?

A No, he didn't.

Q But you haven't answered my other question, didn't he ask you to make these statements in Japanese?

A He never made that request.

DEFENSE: No further questions.

CROSS EXAMINATION

Q (By Capt Gillard) I hand you Prosecution's Exhibit No. 25 and ask you if you have seen that document before?

A Yes sir.

Q What is that document?

A It is a signed statement by Toru Miki.

Q Was that statement made before you?

A It was

Q Was anybody else present at that time?

A. Stephen Green and a stenographer.

Q Did the accused read the document before he signed it?

A He did.

Q Did he make any corrections?

A He did.

Q Did he make them in English or Japanese?

A He made them in English, in his own handwriting.

Q Was the statement given by the accused to you and incorporated in that document, given freely and voluntarily?

A It was.

Q Was he under any compulsion at the time he signed the statement?

A He was not.