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Bataan Ops DOCUMENT 2713 For The WAR CRIMES OFFICE Judge Advocate General's Department -- War Department United States of America // January /916 Perpetuation of Testimony of In the matter of the surrender Edward P. King, Jr., Major Genera. of American Forces on Bataan A.U.S. - 02442. on 9 April, 1942. Room 2225 Munitions Building, Taken at: War Department, Washington, D. C. 14 January, 1946 Date: In the Presence of: Captain E. J. Connolly, JAGD, and Captain Philip L. Smith, Captain, JAGD. Arthur C. Hendrix, Civilian, Office of Reporter: The Judge Advocate General, War Crimes Office. Questions by: Captain E. J. Connolly, JAGD. Q Will you please give your name and serial number, sir? A Edward P. King, Jr., 02442, Major General, A.U.S. Q Were you the Commanding General of the American forces on Bataan in April 1942. A I was. At what time did your forces surrender to the Japanese? At about 2 A.M., April 9, 1942, I sent forward with a flag of truce Col. E. C. Williams, Colonel J. K. Collier, my G-3, and Major Marshall Hurt, my Assistant G-3, to make an appointment for me to meet the Japanese Commander of their forces on Bataar with a view to surrendering. Colonel Williams was to make the appointment. Colonel Collier and Major Hurt were to get word back to me of the appointment. Colonel Collier and Major Hurt returned shortly after daylight and I started forward with my two sides, Major Cothran and Captain Achille C. Tisdelle, Jr. Colonel Collier and Major Hurt accompanied us in another car. On the way forward, although carrying large white flags on our cars, we were attacked repeatedly by light bomb and machine gur fire from low-flying Japanese planes so that we were compelled often to stop and take cover. It must have been close to 10 o'clock when I reached Lamao, the place to which Colonel Collis had directed me. At that place I was received by a Japanese Major General who informed me, through a very poor interpreter, that he commanded one division of the Japanese forces; that he had reported my coming to Japanese headquarters in the Philippines and that he had no authority to treat with me; that another officer would be sent from Japanese headquarters to treat with me and that he would make no further advance for thirty minutes while I decided what to do. O Do you know the Japanese General's name? A I do not know the name of the Japanese General. After some time, no Japanese officer having arrived from Japanese headquarters. Colonel Williams called my attention to the fact that the Japanese troops had resumed their advance, and I immediate. sent Colonel Collier and Major Hurt back with instructions to - 1 -

DOCUMENT 2713 direct my units in the line of the Japanese advance to display the white flag and to surrender and to go to my Command Post and direct General Funk, my Chief of Staff, to order all units to display the white flag and to give themselves up to the first Japanese who approached them. Shortly after, an officer with an interpreter arrived and I was told that the officer was a Colonel and that he was General Homma's Chief of Staff, and that he had come to discuss my surrender with me, as General Homma's representative. I was concerned only with the treatmen that my men would receive and whether they would be treated as prisoners of war. The Japanese officer demanded my uncondition al surrender. I attempted to secure from him an assurance that my men would be treated as prisoners of war. He accused me of declining to surrender unconditionally and of trying to make a condition. We talked back and forth in this vein for some time -- I should guess about a half hour. Finally, he said to me, through the interpreter, "The Imperial Japanese Army are not barbarians". With that assurance I had to content myself and surrender. In destroying arms and equipment in preparation for surrender, I had reserved enough motor transportation and gasoline to transport all of my troops out of Bataan. I endeavored prior to surrender, to secure an assurance that this might be done. I plead, after my surrender, that this be done, offering to furnish personnel as might be required by the Japanese for this purpose or to assist in any way that they might require. The Japanese told me that they would handle the movement of the prisoners as they desired; that I would have nothing to do with it, and that my wishes in that connection would not be consider, ed. Q Did your men on Bataan, at that time, have any rations? A For some time we had been on one-fourth rations in Bataan. At the time of my surrender, I had remaining two days of issue on that limited basis, that is, one-half a ration per man.

- Q Did you at any time, General, consult with General Homma during these negotiations?
- A I have never seen him in my life so far as I know.
- Q Did the Japanese to whom you surrendered agree to accept the surrender of your whole command?
- A They would not treat with me at all until after some time and effort I convinced them that I would continue to insist that I was surrendering without General Wainwright's knowledge or authority. Then the Japanese said I could surrender myself and send my staff officers, Colonel Collier and Major Eurt back to direct my units to surrender in which case they would discontinue their attack.
- Q Did the Japanese agree to treat your men as prisoners of war?
- A I was able to get nothing from them except the assurance, "The Imperial Japanese Army are not barbarians".

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- Q General, what happened after your negotiations of surrender with the Japanese were completed?
- A I was taken to Balanga where I was held all afternoon, and just before dark I was carried to Orani where I was kept until Sunday evening, April 12th, when I was carried by motor car to Camp O'Donnell.

City of Washington) ss District of Columbia)

I, Edward P. King, Jr., 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/ E P King, Jr., Edward P. King, Jr., Major General, A.U.S.

Subscribed and sworn to before me this 15th day of January 1946.

/s/ Edward J. Connolly, Jr. Edward J. Connolly, JAGD. Capt. 0-2052369

DOCUMENT 2713

CERTIFICATE

I, ARTHUR A. SANDUSKY, hereby certify:

- of the International Prosecution Section, GHQ, SCAP, and as such have possession, custody and control of original or copies of all documents obtained by the said Section.
- 2. That the attached photostat copy of Document 2713, consisting of a 3-page affidavit of EDWARD P. KING, Jr., Major General, A.U.S., was procured by the International Prosecution Section from the War Crimes Branch, Civil Affairs Division, Office of the Chief of Staff, War Department.

/s/ Arthur A. Sandusky
ARTHUR A. SANDUSKY

CHARGE OUT SLIP

EVIDENTIARY DOC. NO. 2713

TRIAL BRIEF

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INTERNATIONAL PROSECUTION SECTION

Doc. No: 2713

17 October 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Affidavit of MajGen Edward P. King, Jr., U.S.A. re Surrender of Emerican Forces on Bataan to Japanese Army

Date: 15 Jan 1946 Original (Copy (x) Language: English

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

LOCATION OF ORIGINAL

Document Division

SOURCE OF ORIGINAL: War Crimes Office, Judge Advocate General's Office, War Department, USA

PERSONS IMPLICATED:

CRIMES TO WHICH DOCUMENT APPLICABLE: Violation of Rules of War and Geneva POW Convention

SUMMARY OF RELEVANT POINTS

General King states that as he went forward with party to surrender 9 April 1942, fired on even while carrying white flag. Further, Japanese refused to give any assurance his men would be treated as Prisoners of War, and was forced to surrender without it.

Analyst: W.H.WAGNER

Doc. No. 2713

RESTRICTED For The WAR CRIMES OFFICE Judge Advocate General's Department -- War Department Forwarded to Theater Judge Advocate United States of America USAFPAC 17 JAN 46 : Perpetuation of Testimony of Edward P. King, In the matter of the surrender : Jr., Major General, A.U.S. - 02442. of American Forces on Batsan on 9 April, 1942. Rooom 2225 Muntions Building, Taken at: War Department, Washington, D.C. 14 January, 1946 Date: Captain E. J. Connolly, JAGD, and In the Presence of: Captain Philip L. Smith, Captain, JAGD. Arthur C. Hendrix, Civilian, Office of Reporter The Judge Advocate General, War Crimes Office. Questions by: Captain E. J. Connolly, JAGD. C. Will you please give your name and serial number, sir? A. Fdward P. King, Jr., 02442, Major General, A.U.S. C. Were you the Commanding General of the American forces on Batsan in April 1942. At that time did your forces surrender to the Japanese? A. At about 2 A.M. April 9, 1942, I sent forward with flag of truce ?E.C. Williams Colonel J. K. Collier, my G-3, and Major Marshall Hurt, my Assistant G-3, to make an appointment for me to meet the Japanese Commander of their forces on Bataan with a view to surrendering. Colonel Williams was to make the appointment. Colonel Collier and Major Hurt were to get word back to me of the appointment. Colonel Collier and Major Hurt returned shortly after daylight and L'started forward with my two sides, Major Commen and Com Captain Achille C. Misdelle, Jr. Colonel Collier and Major Burt accompanied us in another car. On the way forward, although carrying large white flags on our cars, we were attacked repeatedly by light bomb and machine gun fire from low-flying Japanese planes so that we were compelled often to stop and take cover. It must have been close to 10 oclock when I resched Lamao, the place to which Colonel Col ier had directed me. At that place I was received by a Japanese Major General who informed me, through a very poor interpreter, that he commanded one division of the Japanese forces; that he had reported my coming to Japanese headquarters in the Philippines and that he had no authority to treat with me; that another officer would be sent from Japanese headquarters to treat with me and that he would make no further advance for thirty minutes while I decided what to do. -1- 40-1645-1

- C. Do you know the Japanese General's name?
- A. I do not know the name of the Japanese Gen ral. After some time, no Japanese offic r having arrived from Japanese headquarters, Colonel Williams called my attention to the fact that the Japanese troops had resumed their advance, and I immediately sent Colonel Collier and Major Hurt back with instructions to direct my units in the line of the Japanese advance to display the white flag and to surrender and to go to my Command Post and direct General Funk, my Chief of Staff, to order all units to display the white flag and to give themselves up to the first Japanese who approached them. Shortly after, an officer with an interpreter arrived and I was told that the officer was a Colonel and that he was General Homma's Chief of Staff, and that he had come to discuss my surrender with me, as General Homma's representative. I was concerned only with the treatment that my men would receive and whether they would be treated as prisoners of war. The Japanese officer demended my unconditional surrender. I attempted to secure from him an assurance that my men would be treated as prisoners of war. He accused me of declining to surrender unconditionally and of trying to make a condition. We talked back and forth in this vein for some time -I should guess about a half hour. Finally, he said to me, through the interpreter, "The Imperial Japanese Army are not barbarians". With that assurance I had to content myself and surrender.

In destroying arms and e-uipment in preparation for surrender, I had reserved enough motor transportation and gasoline to transport all of my troops cut of Batean. I endeavored, prior to surrender, to secure an assurance that this might be done. I plead, after my surrender, that this be done, offering to furnish personnel as might be required by the Japanese for this purpose or to assist in any way that they might require. The Japanese told me that they would handle the movement of the prisoners as they desired; that I would have nothing to do with it, and that my wishes in that connection would not be considered.

- C. Did your men on Batean, at that time, have any rations?
- A. For some time we had been on one-fourth rations in Butsan. At the time of my surrender, I had remaining two days of issue on that limited basis, that is, one-half a ration per man.
- C. Did you at any time, General, consult with General Homms during these negotiations?
- A. I have never seen him in my life so far as I know.
- 1. Fid the Japanese to whom you surrendered agree to accept the surrender of your whole command?
- A. They would not treat with me at all until after some time and effort I convinced them that I would continue to insist that I was surrendering without General Waineright's knowledge or authority. Then the Japanese said I could surrender myself and send my staff officers, Colonel Collier and Major Hurt back to direct my units to surrender in which case they would discontinue their attack.

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- Q. Did the Japanese agree to treat your men as prisoners of war?
- A. I was able to get nothing from them except the assurance, "The Imperial Japanese Army are not barbarians".
- Q. General, what happened after your negotiations of surrender with the Japanese were completed?
- A. I was taken to Balanga where I was held all afternoon, and just before dark I was carried to Orani where I was kept until Sunday evening, April 12th, when I was carried by motor car to Camp O'Donnell.

City of Washington

SS

District of Columbia

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

Edward P. King, Jr., Major General A.U.S.

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

Edward Connolly W Fidward J. Connolly, JAGD. Capt 0-2052369

For The WAR CRIMES OFFICE

Judge Advocate General's Department -- War Department

United States of America

: Perpetuation of Testimony of Found P. King, A II C _ 02442.

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In the Presence of:

Captain Captain Philip L. Smith, capt

Reporters

Arthur C. Hendrix, Civilian, Office of The Judge Advocate General, War Crimes Office.

Questions by: Captein F. J. Connolly, JAGD.

- . Fill you please give your name and serial number, sir?
- A. Fdward P. King, Jr., 02442, Major General, A.U.S.
- . Fore you the Commanding General of the American forces on Batsen in April 1942.
- A. I was.

At that time did your forces surrender to the Japanese?

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Q. Did the Japanese agree to treat your men as prisoners of war?

- A. I was able to get nothing from them except the assurance, "The Imperial Japanese Army are not barbarians".
- Q. General, what happened after your negotiations of surrender with the Japanese were completed?
- A. I was taken to Balanga where I was held all afternoon, and just before dark I was carried to Orani where I was kept until Sunday evening, April 12th, when I was carried by motor car to Camp O'Donnell.

City of Washington)
District of Columbia)

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

Edward P. King Jr., Major General A.U.S.

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

Edward Connolly, JAGD.
Fidward J. Comadlly, JAGD.
Capt 0-2052369