

Q Of your own knowledge you don't know the condition of the school building in April 1942, nor the references made therein to the school boy, do you?

A That is right.

Q So that the truth or falsity of the statements made in this proposed exhibit are based solely on the credibility of the two Japanese who signed the statement, isn't that correct?

A That is right.

MAJOR DWYER: We object to the admissibility of this exhibit on the grounds previously stated before, and upon the further ground that there is nothing in the record at this time that refers to either so-called exhibit A and B referred to in the affidavit itself.

LT COL BODINE: May it please the Commission, Exhibit A mentioned in this statement, we have not present in court but we will submit it in evidence later today.

COLONEL MC REYNOLDS: How about Exhibit B?

LT COL BODINE: Did you mention Exhibit B?

MAJOR DWYER: You referred to a so-called Exhibit A, about something with reference to a pane of glass and Exhibit B which is supposed to be some map of this school and alleged path of the plane. They are referred to in the affidavit as being exhibits attached thereto.

LT COL BODINE: We have exhibit B here in court.

MAJOR DWYER: Well, is that being offered?

LT COL BODINE: The statement at present is being offered in evidence. The exhibits will be offered later.

MAJOR DWYER: May it please the Commission, this proposed exhibit specifically refers to a so-called exhibit A and B and neither exhibit are before the Commission nor have they been shown to the prosecution. We object upon the grounds that the proposed exhibit refers to something that is not before the Commission.

LT COL BODINE: If it please the Commission, these two exhibits will be identified separately to have the full veracity of the exhibits themselves.

MAJOR DWYER: The prosecution doesn't wish to belabor this point but if this exhibit is admitted as it now stands these two so-called exhibits A and B will automatically be in evidence without there being any chance on the part of the prosecution to examine the same, nor have they been brought before the Commission in any way and we wish to preserve our objection as to those two items. We maintain that there is no basis for admitting this exhibit with a reference to two items which are not before the court.

LT COL BERRY: Do I understand that this statement you have before you now makes reference to Exhibits A and B as being attached thereto?

LT COL BODINE: That is right, sir.

COLONEL MC REYNOLDS: Prosecution's objection is sustained unless defense can produce the two exhibits referred to at this time.

LT COL BODINE: I will withdraw submitting in evidence this statement and I will submit it in evidence later this afternoon - the whole statement.



COLONEL MC REYNOLDS: That is agreeable. Proceed.

LT COL BODINE: No further questions.

LT COL HENDREN: No questions.

EXAMINATION BY THE COMMISSION

Q (By Lt Col Berry) With respect to the exhibit marked for Identification as No. 5, I understand the witness to say that when he was in Tokyo he visited the school that is referred to in that exhibit. Can the witness give us a general location of the school?

A I have here a map printed by General Headquarters, AFPAC, U.S. Army in August 1945. The location of this school is indicated on this map which shows it is in the extreme northeast corner of the city of Tokyo.

Q I have another question now with respect to Exhibit No. 4. Can you give us a general location of the Tsurumaki National School? I realize the question I just put may not be answerable by this witness as I note that Colonel Bodine was the witness in the offer of Exhibit 4. I will withdraw the question of this witness, but I would like to have the question answered by someone who does know.

A I did not personally visit that school, but it does refer in the statement as being near the Waseda school. The Waseda school appears on the map that I have just indicated as being northwest of the Imperial Palace grounds and just northwest of the center of Tokyo.

RE-DIRECT EXAMINATION

Q (By Lt Col Bodine) Captain Fellows, when you were in Tokyo, did you receive a report from Oyama?

A Yes, sir, I met General Oyama, who is the Judge Advocate General of the Japanese Army. I requested him to search his files and see if he could find any full, comprehensive report of the damage done by this raid.

LT COL BODINE: Mark this document Defense Transcript Exhibit No. 6 for Identification.

(Document so marked.)

Q Is this the report you received from General Oyama?

A Yes, the report I have in my hand is written in Japanese and this is the report received from General Oyama.

Q Did you bring this report back with you to Shanghai?

A I did.

Q Did you give it to anyone to have it translated?

A Yes, the report was submitted to Sentic and by them translated as their document No. 2851.

Q Did General Oyama, when you were talking to him, - did you ask him if this was submitted to anyone in connection with the trial of the Doolittle fliers?

A At the time I spoke to General Oyama I asked him if he would search his files and find the report of damage that was submitted to the Headquarters of the 13th Army for consideration by their tribunal. The report that he brought me he found among the files of the Judicial Department of the First Demobilization Ministry, but I could not ascertain whether or not it was actually used before the tribunal.



LT COL BODINE: Defense offers in evidence Defense Transcript Exhibit No. 6 for Identification.

LT COL HENDREN: Prior to objecting, prosecution would like to ask a few questions of the witness.

CROSS EXAMINATION

Q (By Lt Col Hendren) Captain Fellows, was General Oyama the Judge Advocate General at the time the Doolittle case was tried?

A I believe he was.

Q I believe you stated to the Commission that he did not know whether or not this document was used at the trial of the Doolittle fliers.

A He could not be sure.

Q I notice on the exhibit, Paragraph 1 refers to "General damages are indicated on Separate Sheet No. 1." Is that available?

A They are in Japanese. For some reason it was not interpreted.

Q As part of your case do you intend to have that interpreted and offered in evidence as part of Defense Exhibit No. 6?

A We have an interpretation of this which was made in Tokyo which we can have by interpreters here and submitted in evidence if you desire.

Q Was it the intention of the defense counsel to introduce into evidence as part of this exhibit the separate sheet referred to in Part I of the exhibit?

A It is.

Q Captain Fellows, is there any place in this exhibit that refers to planes No. 2298 or 2268?

A There is not.

LT COL HENDREN: May it please the Commission, the exhibit as such is not particularly objectionable by the prosecution. However, it is evident that the translation does not include all the exhibit which was originally referred to as Defense Transcript Exhibit No. 6 and therefore prior to the admission of this document into evidence prosecution feels that the entire document should be translated for the Commission and exhibited to the prosecution prior to admission to determine whether or not that entire exhibit is admissible. We do offer a general objection on the same basis as was offered for the other exhibits in that this exhibit does not refer to the planes piloted by Lt. Hallmark and Lt. Farrow.

LT COL BODINE: If it please the Commission, when we asked Sentic to make a thorough translation of this, which they did not do for us; of course we gave them a lot of work, they may have overlooked it, but I have an English translation of the summation of the damages and with the court's permission if the interpreters care to check this over.

COLONEL MCREYNOLDS: Was it the Defense's intention to present the total exhibit No. 6 to the Commission as evidence.

LT COL BODINE: Yes, it was.

COLONEL MC REYNOLDS: And the translation has not been completed, is that correct?

LT COL BODINE: That is right, sir. The attached sheet, the summation has not been translated. This is an English translation. It was done in Japan, not by any American authority. That is why I desire to have the interpreters check it.



#16-17 z 4/1 AM

COLONEL MC REYNOLDS: The Commission will adjourn until two o'clock P.M. In the meantime the defense counsel will endeavor to get the proper check of translation on Defense Transcript Exhibit No. 6.

Let the record show prosecution's objection is overruled relative to Defense Transcript Exhibit No. 6.

(Whereupon the Commission adjourned at 1205 hours on 1 April 1946 to reconvene at 1400 hours on 1 April 1946.)

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AFTERNOON SESSION

... Pursuant to adjournment, the Commission reconvened at 1400 hours, 1 April 1946, at which time all members of the Commission, the accused, attorneys for prosecution and defense, the interpreting staff and official reporter resumed their seats in the court room...

COLONEL MC REYNOLDS: The Commission is in session.

PROSECUTOR: At the close of the last session the prosecution objected to the reading of Defense Exhibit No. 6 into evidence without the separate sheet referred to in section 1 of the exhibit. For the moment we are assuming the separate sheet and by agreement between defense and prosecution, the prosecution withdraws its objection. It is not necessary to have that sheet in the court. It is merely a table and is entirely separate and not necessary for the record. We therefore withdraw our objection.

COLONEL BERRY: Is that table a part of the exhibit?

PROSECUTOR: (Lt Col Hendren) No sir, the table is in the Japanese portion of the exhibit but was not introduced in evidence.

COLONEL BERRY: Then the exhibit will not be complete, will it, without that table?

PROSECUTOR: If it please the Commission, we have withdrawn any objection to it and by stipulation between defense and prosecution have agreed that it is not necessary to the exhibit. It adds nothing to the exhibit.

DEFENSE: (Capt Fellows) The defense at this time will read Defense Transcript Exhibit No. 6.

(Whereupon the defense counsel read Defense Transcript Exhibit No. 6 into the record.)

(Sergeant Arita interpreting.)



HEADQUARTERS  
UNITED STATES FORCES  
CHINA THEATER  
SINTIC

A.P.C 971  
18 March 1946

DOCUMENT TRANSLATION # 263

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DOCUMENT NUMBER	: SINTIC 2851
PLACE AND DATE OBTAINED	: JAG, USE OF, SHANGHAI - 13 March 1946
AUTHORITY	: Certified copy of official report
TITLE	: Report of Damages Sustained in the Air Attack of 18 April 1942
TRANSLATED BY	: RPB, JIM
DISPOSAL OF DOCUMENT	: Returned with translation to Lt. Col. Bodine, JAG

FULL TRANSLATION:

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DAMAGES SUSTAINED IN THE AIR ATTACK OF 18 APRIL 1942

Investigated by Legal Section  
1st Demobilization Ministry

- I. General damages are indicated on Separate Sheet No. 1.
- II. General condition of damages is itemized as follows. (Only important damages are indicated).

(1) TOKYO

- (a) OJI KU - National Hemp-Dressing Corporation and vicinity destroyed by fire. Casualties - 6. Buildings burned down 13. Minor damages 6 buildings.
- (b) OKU MACHI, ARAKAWA KU - ASAHI Electrical Manufacturing Corporation, OKU Factory and vicinity. Fragmentation and incendiary bomb deaths - 9. Casualties - 104. Buildings Completely burned - 43; completely destroyed - 9; partially destroyed - 13. A section of above factory destroyed.
- (c) TSURUMAKI MACHI, USHIGOME KU and vicinity - destruction by fire. Deaths - 2; casualties - 8. Buildings destroyed by fire - 36.
- (d) NISHI OKUBO MACHI, YODOBASHI KU - SANCHOME vicinity destroyed by fire. Casualties - 8. Buildings burned - 28; partially destroyed - 7.
- (e) OI MACHI - Mazda Lamp Corporation; OMI Electric Corporation; MAI Electric Company; OI Factory and OI Garment Factory of Communications Ministry and vicinity. Bomb and incendiary damages. KANEMACHI, KATSUSHIKA KU - Communication Ministry's Transformer Station and vicinity. Bomb and incendiary damages.
- (f) National Elementary Schools in Tokyo - SHINAGAWA KU - 2 schools; KATSUSHIKA KU - 1 school. Secondary Schools - USHIGOME KU - 2 Schools; SHIBUYA KU - 1 school. Bombed and strafed.

(2) KANAGAWA Prefecture

- (a) Industrial Section, KAWASAKI SHI

Japanese Steel Corporation - OGI MACHI Iron-foundry, Factory No.1



partially destroyed; KAWASAKI Steel-foundry buildings and equipment partially destroyed. Deaths - 9. Casualties - 26. SHOWA Electrical Manufacturing Corporation - Gas tank and a section of the warehouses destroyed. Casualties - 6. YOKOYAMA Manufacturing Corporation - Warehouse completely destroyed (factory partially destroyed). Deaths - 13. Casualties - 45.  
Japan KORO Cement Company - Factory partially destroyed.

(b) YOKOSUKA SHI

Naval Arsenal and Experimental Laboratory partially destroyed.

(c) HIRAZUKA SHI - vicinity of naval ammunition dump; YOKOHAMA SHI, TSURUMI KU - Industrial area. Bomb and incendiary damages.

(3) CHIBA Prefecture

Vicinity of the HIGATA Project (airfield) of the Naval Construction Section sustained incendiary damages.

(4) SAITAMA Prefecture

A section of the KAWAGUCHI SHI industrial area and the SAITAMA GUN, SHIODOME MURA vicinity were attacked. Japan Diesel Manufacturing Corporation - Building completely destroyed - 1; partially destroyed - 2; minor damages - 4. Deaths - 11. Casualties - 69.

(5) AICHI Prefecture

MITSUBISHI Heavy Industrial Works Corporation and the NAGOYA Aircraft Factory - deaths - 5; Casualties - 26.

TOHO Gas Company - 1 gas tank completely destroyed by fire.

NAGOYA 2 d Temporary Army Hospital - 6 wards completely destroyed by fire.

NAKAMURA KU - Civilian residences - 6 buildings completely destroyed by fire. Casualties - 5.

NAGOYA Divisional Food Storage Warehouse and the ATSUTA Factory of the Army Arsenal sustained incendiary attacks.

(6) HYOGO Prefecture

Vicinity of the KAWASAKI Heavy Industries Company in KOBE - Civilian residences completely destroyed by fire - 17; partially destroyed - 20; minor damages - 35. Deaths - 1. Casualties - 14.

(7) Other Municipalities and Prefectures.

The Prefectures of TOCHIGI, NIIGATA, and MIE received slight bombings and strafings which partially destroyed one building in TOCHIGI Prefecture and caused one casualty in MIE Prefecture.

### III. Inhumane attacks

- (1) Bombing, incendiary and strafing attacks were made against six schools in Tokyo, namely the TOKAI Elementary School in SHINAGAWA KU, the MIZUMOTO Elementary School in KATSUSHIKA KU, the First Municipal Commercial School in SHIBUYA KU, the WASEDA Vocational School in USHIGOME KU, and the WASEDA Middle School. There were 11 deaths among elementary school children; 1 high school student was killed and another wounded.
- (2) Strafing attacks were made against fishing vessels off the coasts of both KOCHI (at 1555 and 1615) and KAGOSHIMA (Around 1715) Prefectures. Death - 1; seriously injured - 1; 1 fishing vessel partially destroyed. 1 light casualty in KAGOSHIMA Prefecture.



- (3) The SHIOHAMA National Elementary School vicinity in YOKKAICHI SHI, MIE Prefecture was strafed. Although the school itself did not sustain any damages, several civilian homes were hit.
- (4) Fuyo HAYKAWA of 620 OA FUKUTOYO ISQJIMA MURA, KUWANA GUN, MIE Prefecture was shell-fishing with her neighbors at MATSUKAGESHITA Beach when she was strafed. She sustained gun shot wounds on the left side of her face and thigh, and was hospitalaized for approximately one month in the KUWANA Hospital.

A. OYAMA



DEFENSE: For the purpose of the record, I would like to state that the translation left off a certificate as follows:

"I certify that this report is a true and correct copy of the report concerning the damage inflicted by the Doolittle fliers, now on file in the legal section of the 1st Demobilization Ministry in Tokyo, Japan."

PROSECUTOR: If it please the Commission, the prosecution now asks that Defense Exhibit No. 6 be stricken from the record and the Commission be instructed to disregard it for the reason that nothing shows that any of the damage done was inflicted by planes piloted by Hallmark and Farrow and for the further reason that there is nothing to show the source of that information and it has no probative value before this Commission.

If the Commission, please, there was an objection pending at the time the statement was read that this statement be stricken from the record. Does the Commission desire to pass on that at this time?

COLONEL MC REYNOLDS: Objection over-ruled.

DEFENSE: (Capt Fellows) We will call Colonel Bodine to the stand.

EDMUND J. BODINE

called as a witness on behalf of the defense, was reminded that he was still under oath, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Capt Fellows) Colonel Bodine, were you present at Midzumoto School on 11 March 1946 when a statement was taken from Mr. Furusawa and Mr. Okamura?

A I was.

Q I will hand you what has been marked for identification as Defense Transcript Exhibit No. 5. Is that the statement to which you have just referred?

A It is.

Q Does that statement refer to an exhibit "A"?

A It does.

Q I will hand you an object and ask you to state what this is, if you know.

A One of these school teachers gave me this pane of glass when I was there and said that --

PROSECUTOR: (Maj Dwyer) Just a moment. I object to the following remarks as to what the school teacher said. I have no objection to Colonel Bodine stating what he knows of his own knowledge as to this particular object which he holds in his hand.

COLONEL MC REYNOLDS: Objection over-ruled. You may proceed.

A This pane of glass was handed to me by one of the teachers at the school and he said that he had taken it down from the pane of glass and it was through this pane of glass that the bullet came through that entered the body of one of the students.



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Q Is it the pane of glass referred to in the statement as Exhibit "A"?

A It is.

Q Do you have in your hand at this time, a map?

A I have.

Q Is it the -- is the map referred to in the statement?

A Yes it is, as Exhibit "B".

Q The pane of glass as Exhibit "A" and the map as Exhibit "B" are the only exhibits referred to in this statement?

A They are the only ones mentioned in the statement.

Q Are the pane of glass and the map both signed by these two school teachers?

A They are.

Q Were they delivered to you at the same time as the statement was?

A They were.

Q They have been in your possession ever since?

A They have been in my possession ever since.

DEFENSE: At this time the defense offers in evidence the affidavit of the school teachers, Mr Furusawa and Mr Okamura, as Defense Transcript Exhibit No. 5, together with the two exhibits "A" and "B" attached to the statement.

PROSECUTOR: (Maj Dwyer) Prior to renewing our objection to the admissibility of this Exhibit, we would like to ask Colonel Bodine one or two questions. May it please the Commission, we don't wish to be in the position of unnecessarily delaying the procedures of this trial but we feel strongly that this exhibit has the same characteristics as the other exhibits, in that they do not contain a single statement of a single witness who was either personally before the tribunal that tried and sentenced the Doolittle fliers, nor does it contain any written statements of such persons. The sole issue in this case so far as Sawada, Okada and Wako are concerned, concerns the trial of August, 1942. Again we stress the fact that all this testimony that is being brought in and placed before anybody, comes in 1946. There is not a piece of this evidence that was before the court in 1942, nor anything upon which General Sawada predicated his approval of the sentence and for that reason we must object again to it being received in evidence. These men cannot be said to have relied upon this evidence in doing anything which they did in 1942, or in having anything in connection with that case. We would like to have this objection not only as to this exhibit but as to all other such exhibits which come before this Commission and for that reason we object as to its admissibility.

DEFENSE: (Capt Fellows) If the Commission, please, the defense expects to show that this Commission, -- the Japanese Commission that tried these fliers -- considered evidence of strafing and indiscriminate bombing in Japan. Neither the defense nor the prosecution has been able to find the record of trial to bring before you. We have searched and the prosecution has searched but we cannot find it. The next best thing we can do is go to Tokyo and find such evidence as is available. We have reports of indiscriminate bombing in Tokyo and we will tie that in with these statements of the fliers and consider that all these things



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were taken into consideration in the trial of those men. For that reason these statements do take a very material stand in this case.

PROSECUTOR (Maj Dwyer) May it please the Commission, if what counsel says is a proper statement of the law of proof before this Commission then it must be that the defense could bring in almost any sort of statement, whether it has any probative value or not. I presume that they could bring in many more pieces of broken glass from the B-25 raids in Japan. There is no attempt to tie this broken glass or map up with any particular B-25 which was on a bombing raid. If what they say is true, they could bring in all sorts of pieces of broken down buildings from Tokyo. There must be some basis upon which they can qualify the admissibility of these exhibits. We say again that the court-martial which tried these fliers; that the men who constituted that court and the man who approved its action, are the focal points in this case and the evidence, or so-called evidence, which they seek to bring in and grant a degree of admissibility at this trial,-- and to bring that in in 1946 when it wasn't considered by anybody in 1942, can have no bearing on the guilt or innocence of these men as to what they did in 1942. For that reason we must again object to its receipt in evidence.

COLONEL MC REYNOLDS: Objection over-ruled. The Commission will consider the evidence to be read in Defense Transcript Exhibit No. 5 and consider that portion of the evidence that, if any, indicates possibility of connection with this crime. Exhibit 5 is received in evidence.

PROSECUTOR: (Maj Dwyer) If the Commission, please, for the purpose of making up this record, I would suggest, if it is satisfactory with the Commission and with counsel, that the originals, at least of the glass, be withdrawn and a reference made on the record, and the map, if we could have a reference to that too, because it is going to be difficult to reproduce into thirty copies of this record.

DEFENSE: I believe the Commission referred to this as Prosecution's Exhibit. May we have a correction.

COLONEL MC REYNOLDS: Will the reporter correct that in making up the record and show that as Defense Exhibit.

DEFENSE: (Capt Fellows) I would like to read the exhibit and then question Colonel Bodine further.

COLONEL MC REYNOLDS: Is it agreeable to the defense that the glass will not be entered but a reference made?

DEFENSE: Yes.

COLONEL MC REYNOLDS: How about the map? Those are not available for the record?

PROSECUTOR: I think counsel can agree on the satisfactory description of the map for the record, after the Commission views the evidence in the original.

(Whereupon Capt Fellows, defense counsel, read Defense Transcript Exhibit No. 5 for the record, after which it was translated in Japanese for the accused.)



AFFIDAVIT OF SCHOOL TEACHERS: FURUSAWA, YUKITERU  
OKAMURA

WE THE UNDERSIGNED, HAVING BEEN FIRST DULY SWORN UPON OATH, SWEAR THAT THIS STATEMENT IS A TRUE AND CORRECT STATEMENT OF THE STRAFING OF THE MIDZUMOTO PRIMARY SCHOOL BY AMERICAN FLIERS ON THE 18 APRIL 1942.

On the 18 April 1942, the undersigned were teachers at the Midzumoto Primary School, located in the outskirts of Tokyo, Japan. At about 11:45 o'clock on the morning of this day, the school was attacked by an American plane. This was on a Saturday and school had been recessed at 11:00 o'clock, however many of the students had remained in the school to clean the classes. About 150 of them were on their way home and saw the plane, they started waving and when the plane started to fire they became alarmed and started to run back into the school. Mr. Furusawa who was in the hallway on the north-west side of the building and could clearly see the plane and the markings on it as it approached the school. He was directing the students into the classrooms to get them out of danger of the firing, when one student, Ishide, fell to the floor beside him. At first he thought the student had merely stumbled, and the teacher not paying any attention to him went into another room to see how the rest of the students were being cared for. On returning to the hall Mr Furusawa saw the boy still lying on the floor and upon investigating found the boy to be fatally wounded by one of the bullets that had entered the building thru a window glass. This pane of glass is attached hereto and marked Exhibit (A). This student was immediately taken to another room and it was found that his pulse was very weak. He, the student, was then removed to a hospital for medical care, this was after they had waited one hour for the parents to arrive. The student died on the way to the hospital which was about one hour and fifteen minutes after being hit by the bullet from the American plane.

The undersigned, both saw the plane that attacked this school building, and saw it firing and identify it as an American plane. A map of the school is attached hereto as Exhibit B and the path of the plane is disclosed thereon. After the raid, bullets were picked up in the school yard and the two bullets we now turn over to Lt. Col Bodine are two of these bullets. In the presence of Lt. Col. Bodine and Capt Fellows we have removed on board from the school building which was pierced by bullets from this plane, and permitted Lt. Col. Bodine to remove the Bullet and the board therefrom.

The undersigned state that this school was entirely undefended and is not in an industrial area nor is it an area containing any military installations whatsoever, being surrounded by farm land. The above statement has been read to me in Japanese by Mr. Kubota and I understand it fully, and it is a true and correct statement.

FURUSAWA, YUKITERU  
/s/ in Japanese characters

OKAMURA, NAMIO  
/s/ in Japanese characters

I have read the above statement in Japanese truly and correctly to Mr. Furusawa, Yukiteru and Mr. Okamura, Namio, on the 11 March 1946. I was Interpreter when this statement was taken and it is true and correct.

Kubota, Taosa.  
/s/ T. Kubota

Subscribed and affirmed before me by Mr. Furusawa, Mr. Okamura, Mr. Kubota at Tokyo, Japan, this 11 day of March 1946.

/s/ Charles R. Fellows  
Capt. Charles R. Fellows  
Capt. J.A.G.D.



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DEFENSE: (Capt. Fellows) The pane of glass attached to Defense Transcript Exhibit No 5, and marked Exhibit "A" of that exhibit, appears to be a piece of glass about ten inches by eight inches in size and has a hole at approximately the center thereof which is jagged and the glass is shattered around the hole. The glass is pasted together with paper and glue and bears the marking Exhibit "A", signed in Japanese by Mr. Okamura and in English by Mr. Furusawa. It also bears certain Japanese characters.

(Whereupon Captain Hahm translated the Japanese characters, as follows: "Removed from the Midzumoto School at the time of Tokyo Raid, April 18, 1942.")

DEFENSE: It is requested by the defense that at the conclusion of the case, Exhibit "A" to Transcript Exhibit No. 5, be withdrawn and the description just given be inserted in lieu thereof.

In regard to Exhibit "B" of Transcript Exhibit No. 5, let the record show that this discloses a school building in "U" shape, the center of which is disclosed to be a school yard and it bears a marking of the path of the plane coming from a northerly direction and swinging towards the east over the school building.

I would like the reporter to mark this package "A", and board "B"

(Package so marked.) (Board so marked.)

DIRECT EXAMINATION (Cont'd)

- Q (By Capt Fellows) Colonel Bodine, in Defense Transcript Exhibit No. 5, reference is made to certain bullets as having been given to you. I will hand you an object that has been marked Exhibit "A" and ask you to state what that is, if you know.
- A They are two bullets that were handed to me by the school teacher and two parts of a bullet that I took out of the school wall.
- Q That is the Midzumoto School?
- A Yes.
- Q Are they the bullets referred to in Defense Transcript Exhibit No. 5?
- A They are.
- Q I hand you what has been marked for identification as Defense Exhibit "B", and ask you to state what that is, if you know.
- A It is a piece of board from the school building which I helped rip out from the wall and it was behind this piece of wood that I picked out the two parts of the bullet imbedded in the 2 by 4.
- Q Is this from the Midzumoto Primary School?
- A It is.
- Q In your investigation at the school, were these bullets and this board containing a hole, stated as having been pierced on 18 April 1942?

PROSECUTOR: (Maj Dwyer) Just a moment. I object to that question on the grounds it is leading. The board will speak for itself when, as and if it is in evidence.



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DEFENSE: I withdraw that question. It was leading.

Q Colonel Bodine, why did you remove this board from the school wall?

PROSECUTOR: Object to the form of that question. It calls for a conclusion of the witness. That is within the province of this Commission. He may state what he did. Object to the question.

DEFENSE: The witness has stated what he did. This court or any court will never know what is in the mind of the person unless that person states.

COLONEL MC REYNOLDS: Objection over-ruled.

A The reason I took that board out of the building was because one of the teachers told me that it entered the building from one of the American planes that passed over. There were, in the building, about seven bullet holes altogether.

DEFENSE: At this time the defense offers in evidence Defense Exhibits "A" and "B" and ask at the close of the case that they be withdrawn and description inserted in their place for the purpose of the record.

#### CROSS EXAMINATION

Q (By Maj Dwyer) Colonel Bodine, are you a ballistics expert?

A I am not.

Q Can you state what kind or type of bullet, if it was a bullet, that made the hole in this Exhibit "B" that you have testified to?

A I cannot.

Q Can you state whether or not it was a bullet that made the hole?

A Yes, I can.

Q Was it? Was it a bullet?

A It was the bullet that I picked out from behind that board, imbedded in the 2 by 4. Yes.

Q Would you be able to state when that bullet had entered this piece of board and imbedded itself in the building?

A It was told to me by the two teachers that the bullet entered the school April 18, 1942.

PROSECUTOR: I ask that the answer be stricken as not responsive to the question.

I withdraw that last request.

Q Do you know of your own knowledge what these pieces of metal are that you called Exhibit "A"?

A They appear to me to be parts to a thirty caliber bullet.

Q Now just what makes you say that?

A From my experience in the Army -- experience with thirty caliber and fifty caliber bullets.

Q Have you consulted a ballistics expert about this?



A I have been trying to get hold of a ballistics expert for one week,--

Q You aren't satisfied with your own opinion, you mean?

A With no success.

PROSECUTOR: For the reason stated in our previous objection on this type of evidence, we again object to the admissibility of Defense Exhibits "A" and "B".

COLONEL MC REYNOLDS: Objection over-ruled. The evidence will be considered for whatever its value.

REDIRECT EXAMINATION

Q (By Capt Fellows) Colonel Bodine, did you attempt to take any pictures of the bullet holes?

A I did take a number of pictures of the bullet holes, yes.

Q What was the result?

A It was a bad day, and they didn't turn out.

PROSECUTOR: To that the prosecution has no objection.

Q Did you take a group of pictures of the country-side around the school?

A I did.

Q What was your luck that time?

A Out of the six pictures that I took, only two of them came out.

Q In taking these pictures, did you look over the country-side?

A I did.

Q What was in the neighborhood of this school?

A On the west side as far as I could see there were rice paddy fields; on the north side there were rice paddy fields and there was a small building that appeared to be a small factory about a mile and a half from the school building; on the south there was nothing but paddy fields and on the east nothing but paddy fields.

Q Are you in the American Army?

A Yes, I am.

Q Are you in the Air Corps?

A Yes, I am.

Q Did you see anything that you would regard as a military target anywhere in the proximity of that school?

A I did not.

PROSECUTOR: I object to the question and ask that the answer be stricken from the record. The question is improper and there is no qualification of the witness as an expert. In the second place the conditions existing in 1946 are in no way shown to be anything like conditions that may have existed in 1942, and a question such as that calls for an opinion of the witness and is not a proper question. We object to it and object to the answer and ask that it be stricken from the record.



17/3 m 1 Apr PM

COLONEL MC REYNOLDS: Objection sustained.

PROSECUTOR: We have no questions.

DEFENSE: Does the Commission have any questions?

COLONEL MC REYNOLDS: There appearing to be no questions, the witness is excused.

(Whereupon the witness withdrew from the witness stand and resumed his seat in the court room.)

DEFENSE: (Capt Fellows) If the Commission, please, I would like to make one explanation in regard to Exhibit "B". The bullets that we have, have been taken to the CID, to the Military Police, to the Shanghai Municipal Police,--

PROSECUTOR: (Lt Col Hendren) If it please the Commission, if counsel wants to testify, he had better take an oath and take the stand.

DEFENSE: I just want to make an offer.

PROSECUTOR: You are testifying as to the bullets, telling where they have been, and I think if you want to do that you should take the stand.

COLONEL MC REYNOLDS: I might state that the Commission has decided what type of bullets they were, by examination, since they have been presented here.

DEFENSE: (Lt Col Bodine) The defense recalls Captain Fellows to the stand.

#### CHARLES R. FELLOWS

recalled as a witness for the Defense, was reminded that he was still under oath, was examined and testified as follows:

#### DIRECT EXAMINATION

Q (By Lt Col Bodine) Captain Fellows, when you were in Tokyo, did you meet Nemoto Tsune, a warrant Officer from the Gendarmerie?

A I did.

Q I ask you is this the statement that you received from Nemoto?

A Mr. Nemoto did not speak English so I interrogated him through an interpreter but as I did not have a stenographer I asked him to write out a statement and to bring it before me and to sign it in my presence. That was done and this is the statement he brought me.

Q Did he sign every page of this statement in your presence?

A He did.

Q Did you sign an oath on the last page of that statement?

A At the time he signed this statement in my presence, through an interpreter I asked him if he would swear that the statement was all true and correct, which he did. I then put the following statement above my own signature: "The foregoing statement was



subscribed before me by Tsune Nemoto and affirmed by him to be true and correct, at Tokyo, Japan, this 14th day of March 1946."

Q Did you bring this statement -- this Japanese statement back to Shanghai with you?

A I did.

Q Did you submit it or give it to anyone to have it translated?

A The document was submitted to SINTIC and translated by them as their document #2848.

DEFENSE: Defense offers in evidence Defense Transcript Exhibit No. 7. If there is no objection I will go on.

PROSECUTOR: Just one moment please. I have just a question or two to ask the witness.

CROSS EXAMINATION

Q (By Lt Col Hendren) Captain Fellows, did you question this Nemoto Tsune at the time this statement was taken?

A I interrogated him two or three days before the statement was signed.

Q Did you see him write the statement?

A I did not.

Q You didn't see him write the statement?

A I did not.

Q Who is Nemoto Tsune?

A Nemoto Tsune is part of the Tokyo Police and was the interpreter at the time the Doolittle fliers were questioned.

Q Was Nemoto Tsune a witness before the court-martial held here in Shanghai?

A Nemoto Tsune's reports were submitted before the court, to the best of my knowledge.

Q Does this statement contain any reference to Lieutenant Hallmark or Lieutenant Farrow, or any member of his crew--of their crews?

A You mean by name?

Q That is correct.

A It does not name them by name, only by numbers and descriptions.

Q Captain Fellows, do you know of your own knowledge that a report made by this Warrant Officer Nemoto was submitted to the court-martial here in Shanghai in August, 1942?

A I do not know of my own knowledge, no.

Q Anything that you have seen with relation to that evidence is a copy of a copy of a copy, isn't it?

A I have seen only the copy -- carbon copy of the confessions but it didn't give a name.

PROSECUTOR: For the reasons previously stated, to the offers of the Transcript Exhibits of the Defense, the prosecution objects to the introduction of this exhibit in evidence.



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COLONEL MC REYNOLDS: Objection over-ruled. Exhibit 7 is received.  
(Defense Transcript Exhibit No. 7 was received in evidence.)

COLONEL MC REYNOLDS: At this time the Commission will recess until 3:45.

(Whereupon, at 1530 hours, the Commission recessed until 1545 hours at which time all of the Members of the Commission, the accused, the counsel for the prosecution and defense, the interpreting staff and official reporter resumed their seats in the court room.)

COLONEL MC REYNOLDS: The Commission is in session.

DEFENSE: At this time Colonel Bodine will read Defense Transcript Exhibit No. 7, for the record.

(Whereupon Colonel Bodine read Defense Transcript Exhibit No. 7 and the interpreters immediately thereafter translated the document for the accused.)



HEADQUARTERS  
UNITED STATES FORCES.  
CHINA THEATER  
SINTIC

A. P. O. 971  
19 March 1946

DOCUMENT TRANSLATION # 264

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DOCUMENT NUMBER : SINTIC 2848  
PLACE AND DATE OBTAINED : JAG, USF CT, SHANGHAI - 13 March 1946  
AUTHOR : NEMOTO Tsune, W/O, Gendarmerie  
TITLE : Written Statement  
TRANSLATED BY : RPB, JIM  
DISPOSAL OF DOCUMENT : Returned with translation to Lt Col BODINE  
JAG.  
FULL TRANSLATION:

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WRITTEN STATEMENT

I. The Gendarmerie Headquarters in accordance with orders received from the Imperial Headquarters instructed the TOKYO Gendarmerie Unit to:

- a. confine (under the jurisdiction of KOJI MACHI Gendarmerie Unit), the eight captured American fliers who arrived in two waves during the period extending from 20 April to 25 April 42.
- b. Exercise surveillance over them during interrogation for operational information by the Imperial Headquarters, staff officers of the Army and Navy Departments, and the members of the Air Headquarters. (under the jurisdiction of KOJI MACHI Gendarmerie Unit).
- c. interrogate certain members as directed by the Imperial Headquarters. (under the supervision of members from the TOKYO Gendarmerie Unit).

Col MASUOKA, CO of the TOKYO Gendarmerie unit, who was entrusted with the captured American fliers by the Imperial Headquarters, instructed the KOJI MACHI unit to assist him in taking precautionary measures to prevent the fliers from committing suicide or escaping, and against sickness and injury. Maj NOMURA, chief of the Foreign Affairs Section, acted as interpreter and kept a 24-hour tab on the health conditions of the confinees and any other changes that might take place. In case a change in the health of a confinee was noticed, he would immediately undergo a medical diagnosis and measures would be taken while he is still in his early stage of sickness. Medicine and treatments were given him to restore his health. Col MASUOKA, CO of the unit, often made personal inspections of the conditions of the confinees and conducted careful investigations to verify any changes that might have taken place.

II. Method of Investigation

Because the Imperial Headquarters and the staff officers of the Army and Navy and other officers concerned did not have time to carry on the investigations, in accordance with orders received from Maj NOMURA and 1st Lt. WADA, chiefs of the Foreign Affairs Section, I, W/O NEMOTO, with an interpreter and one witness, questioned the pilot who bombed and strafed the NAGOYA area during the first part of May 42 and his four crew members. (After each statement was made I read the translation to the persons concerned. The signatures of the persons questioned and the investigator and his subordinates were affixed to the written statements).

At that time a report on the conditions of the bombing and strafing of the NAGOYA area and MIE KEN was received from the Gendarmerie Headquarters. In accordance with the instructions received from the section chief, the plane



captain and his NCOs were repeatedly questioned about the circumstances of the strafing and bombing. The NCOs stated that, in compliance with the instructions received from the plane captain, on their way back from bombing and strafing gas tanks and war installations within the city of NAGOYA, they strafed an elementary school (YOKIAICHI) located about five or ten minutes flight away from NAGOYA. (I cannot recall the details of the statement). As far as I can recall, the plane captain acknowledged this statement.

Aside from these, they denied strafing civilian houses within a radius of four kilometers in the same area and the strafing and infliction of heavy casualties on a crowd of people gathering sea shells at low tide on the southern banks of KUWANA SHI. Consequently, this fact was not mentioned in the written statement. (the foregoing was only an interrogation so no papers were drawn up for their commitment).

### III. Place of Investigation.

Room No.5, Investigation Room, TOKYO Gendarmerie Headquarters. (West corner on first floor). Also conducted in investigation room on the ground floor.

### IV. Whether or not the prisoners were tortured.

Absolutely not.

### V. Place of confinement and food.

Each was confined in a separate room at the TOKYO Gendarmerie Headquarters' guard house. (Under the jurisdiction of KOJI MACHI Gendarmerie unit). Food and surveillance was under the supervision of the KOJI MACHI Gendarmerie unit. Food consisted of 1/2 pound of bread once a day plus a side dish. Those that wanted rice were allowed 330 grams per day plus a side dish, which was equal to the amount of ration of the Japanese themselves received. Aside from the regular meal, they received bean-jan bun, cake and cigarettes. From time to time they were given soup and other foreign food from the Army restaurant.

Col MASUOKA, CO of the unit, was particularly kind to the prisoners and quite often gave them YOKAN (sweet jelly of beans) etc. The prisoners expressed their thanks on many occasions.

There are no disparities in the foregoing statement.

W/O NEMOTO TSUNE, Gendarmerie.  
Security officer of Foreign Affairs  
Section of TOKYO Gendarmerie  
Headquarters.



17/11 m 1 Apr PM

DEFENSE: The defense will recall Colonel Bodine to the stand.

EDMUND J. BODINE

recalled as a witness on behalf of the defense, was reminded that he was still under oath, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Capt Fellows) Colonel Bodine, in the course of your investigation of this case in Tokyo, did you talk to Tojo Hideki?

A I did.

Q Where did you see Tojo Hideki?

A I talked to Tojo at the Sugamo Prison in Tokyo.

Q Did he write out a statement for you?

A He did, yes.

Q Did he sign this statement?

A Yes, he signed this statement in my presence.

Q Was this statement in English or in Japanese?

A This statement was in Japanese.

Q Did you bring the statement back to Shanghai with you?

A Yes, I brought the statement back to Shanghai with me and I handed it over to SINTIC to have it translated into English. When I was talking with him, Tojo, he read the statement in Japanese and the translator, in his presence, translated it into English.

DEFENSE: Will the reporter mark this Defense Transcript Exhibit No. 8 for identification?

(Document so marked.)

Q I hand you what has been marked for identification as Defense Transcript Exhibit No. 8 and ask you to state what that is.

A It is a statement by Tojo, taken at Sugamo Prison, in my presence and signed by Tojo himself, in my presence.

Q This is the English translation of that statement?

A That is the English translation.

DEFENSE: Defense offers in evidence at this time, Defense Exhibit No. 8, as the written statement of Tojo Hideki.

PROSECUTOR: The prosecution would like to ask the witness a few questions prior to making objection to this exhibit.

CROSS EXAMINATION

Q (By Lt Col Hendren) Colonel Bodine, when you talked to Tojo did you tell him for what purpose you wanted the statement from him?

A I told him what I was there for, that I was in the defense counsel for General Sawada, and he said that he had been waiting for somebody and that he had made notes that he wanted to give the defense counsel.

Q Did Tojo tell you whether or not he was a particular friend of



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A Sawada's?  
A He did not say he was a particular friend. He said he knew General Sawada.

Q Did you tell Tojo that the policy had been announced that all persons connected with the death of the Doolittle fliers would be prosecuted at the time you took the statement from him?

A No, I didn't.

Q In this statement that Tojo made, does he make any statement as to his opinion relative to the liability of General Sawada?

A He expresses an opinion.

Q In that statement does Tojo make any reference to the law under which these men were tried?

A He -- yes, he said that the prisoners all were tried by the order of such and such.

Q In the statement does Tojo state that the Commanding General has no authority to change the orders of his superior?

A Yes, he stated that.

PROSECUTOR: Now, if it please the Commission, the prosecution objects to the admissibility of this exhibit in evidence for the following reasons: This exhibit purports to be a statement made by Tojo in which he volunteers an opinion as to the liability of General Sawada for his acts and a statement that he had no authority to not carry out the orders of the Imperial Headquarters or the War Ministry. Now, Okada, Wako and Sawada are being tried in this case for violation of the laws of war, a violation not only of the general rules of treatment of war prisoners but on International Law. It makes no difference in this case what law the Japanese Army may have promulgated for the prosecution of the fliers. That is not an issue in this case. If that is an issue in this case you might as well say we will go back to the days of the whipping post and the old dipping system, when they fastened a fellow to the post and beat him or dipped him up and down until he confessed or died from the treatment. The issue is whether or not these two judges and Sawada gave these men a fair trial in 1942. The statement here purports to be that the War Ministry or the Imperial Headquarters gave authority to Sawada to try these men. That is not an issue in this case. It is purely an attempt by Tojo to assume responsibility here and cannot have any bearing as to the guilt or innocence of these men as to whether they gave the fliers a fair trial in 1942. You do not test the guilt or the innocence of the men in this case by a law passed by the Japs. You test their guilt or innocence in this case on the International Laws of War and therefore we object to this exhibit as being immaterial to the issues of this case.

DEFENSE: (Capt Fellows) If it please the Commission, the defense definitely intends to raise as an issue in this trial the instructions under which these men acted, particularly as regards General Sawada at the time he was instructed as to the action he should take. They have charged General Sawada as the sole man responsible for that. We intend to show he was not. This affidavit shows he was not. It is certainly the duty of this Commission to ascertain why. What was the evidence? Why was the case referred to trial? If you are going to pass judgment on this man, you must ask why. What was his circumstances at that time? It is going to become one of the major issues in this case. General Sawada is further charged with having failed to revoke,



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commute or suspend the sentences, The statement of his top official at the time as to whether he had the power to do so, is by all means an important matter to bring before this Commission. For that reason the defense contends that this document is certainly admissible in evidence in this case.

COLONEL MC REYNOLDS: Objection over-ruled.

DEFENSE: Is the affidavit received in evidence?

COLONEL MC REYNOLDS: The affidavit is received in evidence.

PROSECUTOR: If it please the Commission, we object to the characterization of this exhibit as an affidavit. There is no evidence that it was sworn to or under oath and we object to the characterization as an affidavit.

DEFENSE: This is a statement.

COLONEL MC REYNOLDS: Is it a statement or affidavit?

DEFENSE: This is a statement.

COLONEL MC REYNOLDS: Have the record corrected to show that.

(Defense Transcript Exhibit No. 8  
received in evidence.)

DEFENSE: Any questions by the prosecution?

PROSECUTOR: No questions.

DEFENSE: Any questions by the Commission?

COLONEL MC REYNOLDS. No questions. Witness excused.

(Whereupon the witness withdrew from the witness stand and resumed his seat in the court room.)

DEFENSE: (Lt Col Bodine) Defense recalls Captain Fellows to the stand.

CHARLES R. FELLOWS

recalled as a witness on behalf of the defense, was reminded that he was still under oath, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lt Col Bodine) Captain Fellows, when you were in Tokyo, did you see at any time, or have a talk with, Hata Shunroku?

A Yes sir, I talked to General Hata at Sugamo Prison.

Q When you talked to him at Sugamo Prison did he make out a statement for you?

A He did.

Q I show you a statement. Is that the one that Hata gave to you in Sugamo Prison, Tokyo?



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A This statement was written by General Hata himself and in my presence signed on each page and delivered to me, at which time I affirmed him as to the truth of the statement and affixed my signature to the last page of the same.

DEFENSE: Will the reporter please mark this Defense Transcript Exhibit No. 9.

(Document so marked.)

Q Did you place your -- Is this statement in Japanese or in English?

A It was in Japanese.

Q Did you bring this statement back to Shanghai with you?

A I returned this statement to Shanghai and delivered it to SINTIC for translation.

DEFENSE: The defense at this time offers in evidence, Defense Transcript Exhibit No. 9. If there are no objections I will continue.

PROSECUTOR: (Maj Dwyer) Prior to entering objection and stating the reason therefor, I would like to ask the Captain one or two questions.

#### CROSS EXAMINATION

Q (By Maj Dwyer) Captain Fellows, did you tell General Hata the purpose for which you were taking this statement?

A I did.

Q Did you state that you were representing, among others, in this proceeding, General Sawada?

A I did.

Q Did General Hata have in his possession any documents or papers which were records of the things which he has set forth in this statement?

A I don't know.

Q Did he show you any records?

A He did not.

Q Did he appear to be consulting any government documents or was he testifying from memory?

A At the time I interrogated him, he testified from memory. As to what he had when he wrote the statement, I do not know.

Q Did you inquire about that?

A I did not.

PROSECUTOR: Upon the grounds stated in the previous objection to the admissibility of the Transcript Exhibits up to this point, and the exhibits lettered "A" and "B", together with the further objection and with particular reference to paragraph 10 of this statement, there is on its face a gratuitous attempt by General Hata to act as character witness at this time for General Sawada and this is not admissible in any view of the evidence before this Commission. Upon those grounds we object to the admissibility of the offer.



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DEFENSE: General Hata plays an important part in the whole setup of the Japanese Government and the Army in China at the time of the Doolittle trial. We will bring out later and show that Hata was the Commanding General of the China Ex -- of the Japanese Expeditionary Forces in China and therefore his statement should be accepted.

COLONEL MC REYNOLDS: Objection over-ruled.

DEFENSE: Any more questions by the prosecution?

PROSECUTOR: No.

DEFENSE: Is that exhibit received in evidence?

COLONEL MC REYNOLDS: Has it been presented?

DEFENSE: Yes.

COLONEL MC REYNOLDS: It will be received in evidence.

(Defense Transcript Exhibit No. 9  
received in evidence.)

COLONEL MC REYNOLDS: There being no further questions, the witness is excused.

(Whereupon the witness withdrew from the witness stand and resumed his seat in the court room.)

DEFENSE: At this time we will read Defense Transcript Exhibits 8 and 9 and have them translated for the defendants.

(Whereupon counsel for defense read Defense Transcript Exhibits 8 and 9 respectively, and both exhibits were then translated for the benefit of the defendants. Exhibits 8 and 9 are appended hereto and made a part of this record.)



HEADQUARTERS  
UNITED STATES FORCES  
CHINA THEATER  
SINTIC

A.P.O. 971  
15 March 1946

DOCUMENT TRANSLATION #260

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DOCUMENT NUMBER : SINTIC 2846  
PLACE AND DATE OBTAINED : JAG, USF CT, SHANGHAI - 13 March 1946  
AUTHOR : TOJO Hideki, former Premier  
TITLE : Written Affidavit  
TRANSLATED BY : RPB, JIM, KA.  
DISPOSAL OF DOCUMENT : Returned with translation to Lt Col BODINE,  
JAG, USF CT

FULL TRANSLATION:

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STATEMENT BY TOJO

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AFFIDAVIT

I as the Minister of War at the time of the trial of the 'Doolittle Fliers' who attacked the Japanese mainland on 18 April 1942, attest to the following facts for Lt Gen SAWADA Shigeru:

1. That the aforementioned POWs were tried in Shanghai by order of the CHU-O (I do not clearly recall whether or not it was by order of the Grand Imperial Hqs or the Minister of War. Whenever CHU-O is used in the following sentences, the above meaning will apply).

2. That the basic regulations governing this trial were issued by the CHU-O; that upon receipt of these regulations, the Army CG must not deviate from such regulations.

3. That eight (8) POWs were sentenced to death was reported to the CHU-O.

4. That the sentences of five (5) of the aforementioned eight (8) POWs were mitigated by the graciousness of the Emperor who exercised his supreme authority.

5. That the aforementioned special favor of mitigation and the approval of the execution of the death sentence for the remaining three (3) were issued by the CHU-O.

6. That the President of the Court (Judge) alone has the authority to pass any sentence; that the Army CG has no authority to void or to mitigate such sentences; that CG SAWADA had no legal responsibility in relation to sentences passed by this court.

To summarize, although a court martial is under the direction of the Army CG, the trial itself is conducted according to the regulations as set down by the CHU-O. Moreover, the Army CG has no authority to alter the decision of the court. Therefore, in view of the Japanese Imperial Government system the Army CG, SAWADA, was not in any position to assume responsibility in this matter.

9 March 1946

TOJO Hideki

Defense Exhibit No. 8.



HEADQUARTERS  
UNITED STATES FORCES  
CHINA THEATER  
SINTIC

APO 971  
14 March 1946

DOCUMENT TRANSLATION #259

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DOCUMENT NUMBER : SINTIC 2845  
PLACE AND DATE OBTAINED : JAG, USF CT, SHANGHAI (Lt Col BODINE) -13  
March 1946  
TITLE : Treatment of US Air-crewmembers who Attacked  
TOKYO on 18 April 1942  
AUTHOR : HATA Shunroku, Formerly CG, China Expedition-  
ary Force  
TRANSLATED BY : RPB, JIM, KA.  
DISPOSAL OF DOCUMENT : Returned with translation to Lt Col BODINE,  
JAG, USF CT.  
FULL TRANSLATION:

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TREATMENT OF U.S. AIR-CREWMEMBERS WHO ATTACKED TOKYO ON 18 APRIL 1942

1. A report was received that U.S. 'North American' aircraft had crash-landed in the vicinity of NANCHANG, KIANGSI Province and SHIHPU, CHECHIANG Province on the night of 18 April 1942. This report was immediately forwarded to Tokyo.
2. In accordance with an order from Tokyo requesting that the above airmen be despatched to Tokyo immediately, they were sent by plane on either 20 or 21 April. I do not recall the exact date.
3. I recall that in July we received a report from Tokyo on the results of the investigation concerning the departure of the aforementioned airmen from an aircraft carrier, their attack on Tokyo, the strafing and killing of non-combatants such as primary school children, the number of aircraft, and their route of approach and retreat.
4. I recall that in August the Supreme Headquarters of the China Expeditionary Forces received an order from the Ministry of War in Tokyo to try the aforementioned airmen by court martial in China.
5. Subsequently, I ordered the CG of the 13th Army, Lt Gen SAWADA, to appoint a court martial in the 13th Army to try the airmen. The Judicial Department of Supreme Headquarters, China Expeditionary Forces exercised supervision only over courts martial for those units directly under the jurisdiction of the Supreme Headquarters. In this instance, I specially instructed Maj Gen FUJII, the Judicial Department Chief of the China Expeditionary Forces, that should the case be serious he was to maintain very close liaison with the Ministry of War and to act judiciously.
6. Although a report to the effect that the airmen were sentenced to death by the 13th Army Court martial was received from the CG of the 13th Army, I, as Supreme Commander, had no authority to alter this decision. Since courts martial of the various armies are independent, I only transmitted the decision of the 13th Army court martial to the Minister of War.

When the sentence was rendered, the CG of the 13th Army, Lt Gen SAWADA, was personally supervising operations in the field and was not in Shanghai.

Defense Exhibit #9.



7. An order for a stay of execution until approval of sentence was received by the Supreme Headquarters, China Expeditionary Forces from the Ministry of War, and was transmitted immediately to the 13th Army Headquarters.

8. Subsequent to this trial, Lt Gen SAWADA returned to Japan and was attached to the General Staff Headquarters. Soon after this, he retired from active service. Gen SHIMOMURA succeeded him as CG of the 13th Army.

9. In October, the War Ministry approved the death sentence of only three of the airmen and ordered a mitigation in the sentences of the remaining group. This was transmitted to the CG of the 13th Army. Consequently, Gen SHIMOMURA issued an order for the execution in accordance with the above order. Gen SHIMOMURA was not the CG of the 13th Army at the time of the trial. His only act was to issue an order for the execution of the sentence.

10. In 1940, Lt Gen SAWADA was transferred from a position as Assistant Chief of Staff of the China Expeditionary Forces to become the CG of the 13th Army. He has often served as foreign military attache and is also familiar with the problems of international relationships. He is a very wise and amicable gentleman. I, as his superior officer, vouch for his superior character. Furthermore, I truly recognize his efforts to avert confusion and friction at the outbreak of this war in December of 1941, and the calm and logical manner in which he handled the many problems confronting the International Settlement in Shanghai at that time. Consequently, he was severely criticized by a portion of the Japanese residents for the lenient manner in which he handled all matters.

7 March 1946

HATA Shunroku  
Formerly CG, China Expeditionary  
Forces



17/15 m 1 Apr PM

DEFENSE: If the Commission, please, I have a live witness here. It is quarter to five and the witness probably will be on the stand for about an hour and a half or two hours. Do you desire to have us call this witness now?

COLONEL MC REYNOLDS: Is the witness available at any time?

DEFENSE: Yes sir.

COLONEL MC REYNOLDS: I suggest that you put him on the stand in the morning.

At this time the Commission will adjourn until 9:00 o'clock in the morning.

(Whereupon at 1645 hours, 1 April 1946, the Commission adjourned to reconvene at 0900 hours, 2 April 1946.)



MORNING SESSION

... Pursuant to adjournment the Commission reconvened at 0900 hours on 2 April 1946 ...

COLONEL MC REYNOLDS: The Commission is in session.

LT COL HENDREN: Let the record show the Commission, the accused, attorneys for the prosecution and defense, reporter and interpreters are present in the courtroom.

LT COL BODINE: The defense calls as its next witness General Miyano.

MASATOSHI MIYANO

was called as a witness on behalf of the defense.

LT COL HENDREN: If the Commission please, it will be necessary to ask this witness certain qualifying questions prior to administering the oath.

Q (By Lt Col Hendren) General, what is your religion?

A Buddhism.

Q General, do you know the difference between truth and untruth?

A I know.

Q If you swear that you will give the truthful answers to all questions promulgated at this hearing will you tell the whole truth in answer to those questions?

A Yes, I will.

LT COL HENDREN: Is the Commission satisfied the prosecution may affirm the witness?

COLONEL MC REYNOLDS: Yes.

(Whereupon the witness was affirmed and testified through Interpreter Kranz.)

Q (By Lt Col Hendren) State your name, organization, Japanese army and station.

A Masatoshi Miyano, attached unit is the First Demobilization Ministry, location is in Tokyo. Major General.

Q Are you a member of the Japanese Army?

A Yes.

DIRECT EXAMINATION

Q (By Lt Col Bodine) Where were you located in April 1942?

A I was in Nanking, however, there was a time that I did go to Tokyo.

Q When did you go to Tokyo?

A 17 April.

Q Do you remember what happened in Tokyo April 18, 1942?

A I know.

Q Explain what happened?

A There was an air raid on Tokyo by American planes.

Q Were you there in Tokyo to see this raid?

A I saw a portion of it.



- Q What was the approximate altitude of the planes that you saw?  
A I remember it as having been a little less than 200 meters.
- Q What was your official position in Nanking?  
A My position was staff officer, Chief of Staff.
- Q Chief of staff of what unit?  
A Supreme Headquarters.
- Q Who was your commanding officer?  
A The supreme commander was General Hata and between him and myself there was a chief of staff.
- Q What were you doing in Tokyo in April 1942?  
A I went to the War Ministry's meeting there.
- Q Could you tell the Commission what the general attitude of the army and the civilians were in Tokyo after this raid?

LT COL HENDREN: The prosecution objects to that question as calling for a conclusion of this witness. The general attitude of the people and the ministry, members of the War Department in Tokyo is not an issue in this case; what they thought about the raid has no bearing on any issue before this Commission. It doesn't prove or disprove any issue in the case. It is wholly irrelevant and immaterial. For that reason we object to the question.

LT COL BODINE: I will withdraw the question.

- Q Was the raid on Tokyo of April 18, 1942 discussed at the meeting you attended?  
A It was not a subject of discussion at the meeting.
- Q When did you return to China from this visit in Tokyo?  
A It was either the 20th or the 21st.
- Q 20th or 21st of what month?  
A April.
- Q When you returned to China when was the first time you heard of the Doolittle fliers?  
A Immediately upon my return.
- Q Do you know of anything that was done to the fliers immediately after they were captured?  
A I do know a little.
- Q Explain what you know.  
A Five airmen which had crash landed at Nanchang were captured and a report of their capture was made immediately to the supreme headquarters the following day and the day after their crash landing the three other fliers that had crashed at Ningpo were captured and also was reported to supreme headquarters. From Nanchang this matter was reported to Tokyo immediately. From Tokyo there was a wire ordering the airmen be sent to Tokyo immediately. By the order of the supreme commander the two groups of airmen were placed on two planes, guarded by gendarmes and sent to Tokyo.
- Q What was the relationship of the 13th army with the headquarters at Nanking?  
A The 13th Army was a unit under the command of the Nanking headquarters.



Q Do you know who was in command of the 13th army at this time?

A I know.

Q Who was in command of the 13th Army in April 1942?

A It was Lt. General Sawada.

Q Where was General Sawada in April 1942?

A I believe he was in Shanghai.

Q Were you well informed of the actions of the 13th Army?

A Is that the actions of the 13th Army on 18 April?

Q During all the time that the general was at Nanking.

A I do know the important things.

Q When did the 13th Army leave Shanghai for their operations at the front?

A I do not know the exact date but I remember it as having been the first part of May.

Q What sort of an operation did the 13th Army go on during that time?

A The mission for the operation was to destroy the enemy airfields in the area of Koshu and Kushu.

Q Approximately how far was this from Shanghai?

A Kushu is approximately 500 kilos.

Q 500 kilos from where?

A From Shanghai.

Q Did the headquarters of the 13th Army move to that place - 500 kilos from Shanghai?

A Yes.

Q Did General Sawada move to the front with his army?

A Yes.

Q Was this the first time that the 13th Army was committed to the front line?

A It was not the first operation, but it was the greatest operation of that year.

Q Then would you say that General Sawada was kept very busy at the front at this time?

A He was very busy.

Q Can you explain what the conditions of the transportation and communications were between Nanking and the headquarters of the 13th Army at the front?

A The communication was by wireless and the transportation was by plane. However, there were times that it was impossible to use planes for transportation because of the fact that there was no airfield.

Q Do you know what the conditions of the transportation and communications were between the Shanghai headquarters and the headquarters of the 13th Army at the front?

A I do know.

Q Will you explain?

A There is a village 70 kilometers from Kushu and during the time of operations that distance was impassable to vehicles and impossible for communications because of the fact that there was a flood and it was inundated. The distance of 70 kilos was travelled over by means of boat. Besides that, the land transportation was quite developed at



that time, however, due to the demolition of means of transportation by the enemy at times and the guerrilla tactics of the enemy it was not quite sufficient. In travelling the distance there were times it took 2 days, 3 days and sometimes more than 3 days to cover the distance. There was air communications, however, after the middle of August, due to the necessity of retreat tactics it was necessary to demolish the airfield and therefore there was no air communications at that time. Concerning this matter, about the middle of August there might be some difference but my memory is not too clear of that time. The other communications was wireless.

Q Did all the messages from the Nanking headquarters go directly to Shanghai for the 13th Army?

A Matters concerning to operations was sent directly to the front line headquarters but other matters were dispatched to Shanghai headquarters.

Q What do you mean by operational messages?

A By operation orders means orders concerning the actual operations, and the others that were sent to Shanghai are those administrative orders.

Q When was the first time that you knew that the Doolittle fliers were to be tried in Shanghai by military tribunal?

A I found out about it from a wireless message from Tokyo which was dispatched on the 13th of June.

Q Do you know what this message said?

A The message was the airmen will be placed before a court martial or military tribunal under the Expeditionary Army; that the prisoners will be sent to China.

Q Do you know where the Doolittle fliers were sent to from Tokyo?

A I know.

Q Where were they sent to?

A To Shanghai.

Q When you were in Tokyo after the raid, did you see any of the damages done by the planes?

LT COL HENDREN: Now the prosecution objects to that question as irrelevant and immaterial in this case unless the question is framed as to whether or not this witness knows of any damage done by planes 2298 or 2268. His general statement as to damages done in the Tokyo raid is irrelevant and immaterial, unless they are tied down to the issues involved in this case and therefore we object to the question.

LT COL BODINE: I am sure the Commission would want to know what an eye-witness to the damages of the Doolittle fliers saw when he was in Tokyo.

COLONEL MC REYNOLDS: Prosecution objection overruled. Proceed.

A On the 18th I saw one plane bombing. At 12:30 I suddenly heard anti-aircraft fire and therefore I ran out to the War Ministry's lawn and looked out and I saw a medium bomber flying from north to the west to the Waseda area. On the trail of the plane there was three explosions. First it seemed as though they were all civilian homes, however, later upon investigation, reading newspaper and so forth, I found it was one home and two schools that had been bombed.

Q Did you examine or actually go to the physical place of the damage?

A I did not go there.



Q Did you see the number on the American plane that you saw?

A I did not see.

Q Getting back to the Nanking headquarters, do you remember the Nanking headquarters receiving a law concerning the punishment of enemy airmen?

A I did.

Q Did you see this or read this law when it was sent to your headquarters?

A I did read it.

Q Who was it from?

A It was from the chief of staff.

Q The chief of staff in Tokyo?

A Yes. Beside that which came from the chief of staff there was another from the minister of war.

Q What was the contents of the other one from the minister of war?

A The contents were first that those airmen that violate International Law will be handled as criminals; those who do not violate International Law will be handled as prisoners of war. Those that are suspected of violating International Law will be placed before a military tribunal and their crimes asserted.

Q Did the minister of war direct the Nanking headquarters to try the fliers?

A The order to place the men before the military tribunal was not the order of the minister of war but the chief of staff.

Q Have you any copies with you now or letters that were received from the chief of staff at that time?

A I do have it.

Q Will you read them and explain them?

LT COL HENDREN: If the court please, the attempt now is being made to get an exhibit before this Commission which has not been offered in the proper manner and prosecution has not had an opportunity to scrutinize the exhibit to determine its authenticity, whether or not it is from the official records of the Japanese War Department. We object to the question and ask if any exhibits are being offered as official documents of the Japanese War Department they be offered in the proper manner, properly interpreted and translated and presented to the prosecution for their investigation prior to offer in evidence. Therefore we object to anything this witness might read at this time.

LT COL BODINE: General Miyano was officer in charge of operations at Nanking.

LT COL HENDREN: We object to that. It is not in evidence. It is not up to defense attorney to testify in this case.

LT COL BODINE: If the Commission wishes, we will have all these documents translated from the Japanese into English.

COLONEL MC REYNOLDS: The objection is sustained. Documents will be brought before the Commission as exhibits.

Q What was the contents of the first message that was received from Tokyo in regards to the fliers, if you can remember it?



LT COL HENDREN: Prosecution objects to that question. It is apparent now the defense counsel is trying to indirectly get into the record what the Commission has requested him to put in the record in exhibit form and it has not been testified to by this witness that he has received or has in his possession official documents of the Japanese War Department. Accordingly, we object to that question.

COLONEL MC REYNOLDS: Objection by the prosecution is overruled. The same question pertaining to message was asked and no objection by prosecution was made in the other case. Defense will proceed.

A The instruction was to set up a military law in such a way to announce the law in a certain way to try the airmen in China and after judgment had been passed, report the judgment or sentence to Tokyo.

LT COL BERRY: May I have this answer clarified to this extent. I understand the witness to say he was instructed to set up a military law. Does that mean the army in China was instructed to establish a law?

LT COL BODINE: I will try to get that out of the witness.

THE WITNESS: The order was for the supreme headquarters in China to make the law, however, it was to follow certain principles which the Tokyo headquarters had set.

Q The Tokyo headquarters had sent down an outline or draft or what?

A Yes, it was sent from Tokyo.

Q Then what action was taken by the Nanking headquarters in regards to this law or draft?

A The supreme commander established a law following the outline given by the Tokyo Headquarters and then issued the law to the various armies.

Q What changes, if any, did the Nanking headquarters make on this draft or law from Tokyo?

A There is a portion in the law which is worded differently, however, the meaning is the same.

Q Was this law then sent to the 13th Army?

A It was.

Q Was it sent to Shanghai or was it sent to the front?

A I do not remember.

Q Were orders received from Tokyo designating the 13th Army to try the fliers?

A There was no order from Tokyo concerning that and it was a matter that was decided by the supreme commander at Nanking.

Q Then the supreme commander at Nanking, General Hata, designated the 13th Army to try these fliers by military tribunal, is that right?

A That is right.

Q Is it general procedure in the Japanese army when you send a document of this sort to get back a message of receipt?

A Ordinarily, as far as telegrams are concerned no receipt is sent back unless a special request is made for receipt. However, when important documents or any documents are sent they are receipted.

Q Was the document containing this law that was sent to Shanghai, was a receipt sent back to Nanking on it?

A I do not remember.



Q Who was in command of Shanghai at Shanghai when General Sawada was away at the front?

A The administrative work was done by a staff officer Ogawa, a lieutenant colonel. Other than staff work, the various department chiefs handled the matters.

Q Did the Nanking headquarters send any staff officers to Shanghai when General Sawada was away?

A Is it concerning this incident?

Q Withdraw that question. Did the Nanking headquarters send any staff officers to Shanghai to help in duties at Shanghai while General Sawada was away at the front?

A Somebody was sent to help and that is Ogawa, Lt. Colonel.

Q Then Lt. Colonel Ogawa was sent from Nanking headquarters to Shanghai.

A That is right.

Q Was he sent alone?

A There was another staff officer, Ogasawara, a major.

Q Was Colonel Ogawa a staff officer?

A Yes.

Q Was he a staff officer of the Nanking headquarters?

A Yes.

Q Why were they sent to Shanghai?

A Lt. Colonel Ogawa was comparatively familiar with the affairs, occurrences in Shanghai and Major Ogasawara was handling matters concerning the 13th Army at the headquarters.

Q Now you mentioned that you received a draft from Tokyo and that the Nanking headquarters formed a law from this draft and then the Nanking headquarters sent it to Shanghai, is that correct?

MAJOR DWYER: We object to this questioning as not conforming to the proof adduced by this witness. We have no objection to the counsel asking what the witness knows of his own knowledge.

COLONEL MC REYNOLDS: Objection overruled. The witness has testified to that when a similar question was asked a short time ago.

Q Did the Nanking headquarters receive an order from Tokyo to try those fliers and the reason?

MAJOR DWYER: The question is objected to as leading.

COLONEL MC REYNOLDS: Objection overruled.

A The reason was not given and the order is not very clear in my mind now.

Q Why were the fliers requested to be tried by military tribunal?

A I do not remember what the reason was that the chief of staff gave.

Q Why was the 13th Army designated to try the fliers?

A It was ordinarily a policy for the commanding officer of the area in which the incident happened to appoint a military tribunal and try the persons. However, in this case it would have been the 11th and the 13th having tribunals, but in this case the supreme commander has authority to designate one commander to try both.



MR. KUMASHIRO: Please read that answer?

(Whereupon the reporter read back the last answer.)

MR. KUMASHIRO: (correcting the translation given to the last answer) In this case, the separate trial should have been set up in Hankow and in Shanghai but in order the convenience, the chief commander in Nanking has appointed Shanghai to try the case.

Q These two staff officers, Ogawa and Ogasawara, who were sent from Nanking to Shanghai, what were their duties at Shanghai?

A The duties of these persons was given either by the army commander or by the chief of staff and in this case the duties were assigned by the chief of staff of the army. In my memory, Lt. Colonel Ogawa was looking after matters, was acting for the absent members of the staff. Major Ogasawara was in charge of maintaining order in the various areas.

Q Did these staff officers have the authority to use the general's chop in his absence?

A The chop of the army commander should have been in the hands of the officer next in rank. It is somebody besides these two officers.

Q Do you know whether General Sawada left an adjutant or a junior adjutant at Shanghai when he went to the front?

A I remember that he left an adjutant behind.

Q Has the adjutant the authority to use the general's chop in his absence?

A I do not know exactly what authority the commanding officer gave him, however, it is ordinary for the commanding officer to authorize his adjutant to use his chop for routine matters.

Q When a general uses his chop, does he generally sign his name to that document also?

A There are things that he does sign and others that he does not sign.

Q What is a chop?

A A chop is something which verifies that the person had seen the document.

Q The person had seen the document?

A There are times when it is a verification that he had seen it, and also times when he puts his chop on it to verify his agreement or sanction.

Q Was there an officer sent from Tokyo to Nanking with instructions concerning the trial of the Doolittle fliers?

A There was one.

Q Do you know his name?

A I remember it as having been Colonel Arisei but I do not remember definitely.

Q Do you remember what his instructions were concerning the Doolittle trial?

A He had come in accordance with the request of chief of staff Sukiama. Studying the interrogation reports it is clear that they had seen the fact, that they said they had violated International Law and signed this document.

LT COL HENDREN: Prosecution moves to strike that portion of the answer as not responsive to the question asked by counsel for the defense. It is a voluntary statement of the witness. It isn't responsive to the question.



COLONEL MC REYNOLDS: Objection sustained. Strike it from the record.

THE WITNESS: In view of the new military law, they should be executed.

LT COL HENDREN: Just a minute. We ask that also be stricken out. The question asked, as I remember, - will the reporter read the original question back?

(Whereupon the reporter read back the last question as follows: "Do you remember what his (Colonel Arisei) instructions were concerning the Doolittle trial?")

LT COL HENDREN: Do I understand that as the instructions?

LT COL BODINE: That is right, the instructions what this man had when he came from Tokyo.

LT COL HENDREN: Let the witness answer. It's confusing to me.

COLONEL MC REYNOLDS: It's confusing the Commission - the nature of the question. If the original question will be read so that we can properly understand the intent or the extent of the question required to the answer.

LT COL HENDREN: I suggest the original question be reasked the witness.

(Whereupon the last question was read back.)

THE WITNESS: I remember it and I will relate it. I will continue from what I have already said.

LT COL BODINE: Tell him to start right at the beginning again.

A He came in accordance with request by the chief of staff Sugiyama. The fliers had signed the interrogation report knowing that it states that they had violated International Law during the raid. In view of the new military law they would be executed. It is needless to say but I say it anyway. It is clear that in order to prevent further bombings, inhuman bombings and prevention of their violating International Law I would request that they be executed.

COL GAMBER: How about getting a little clearer answer? It sounded like he requested it.

THE WITNESS: It is a matter that Colonel Arisei transmitted to General Hata, Supreme Commander personally at Nanking.

LT COL BERRY: Speaking for myself I am not clear whether the dissertation which the witness gave represents the instructions by the officer who came from Tokyo had received with respect to this trial. As I say, I am not at all clear. I'd like to know in what way they do represent those questions.

LT COL HENDREN: Request the answer be read back to the Commission. I believe it will clarify itself.

COL WISE: I suggest you ask the witness what matter was transmitted personally at Nanking.

Q Did Arisei give the following instructions to the headquarters at Nanking?



INTERPRETER: The witness says there is a difference in the first part. The first part is they had signed a statement after they confessed violating International Law.

COLONEL MC REYNOLDS: The court will recess now.

(Whereupon the Commission took a recess at 1030 hours.)

COLONEL MC REYNOLDS: The Commission is in session. (1045 hours.)

LT COL HENDREN: Let the record show the accused, the Commission, the attorneys for the prosecution and defense, the reporter and interpreters are present in the courtroom after the recess.

COLONEL MC REYNOLDS: The Commission requests that the question and answer to the last question relative to the instructions given by the emissary from Tokyo to Nanking be stricken from the record and the defense proceed with his questions now.

- Q What did Arisei say when he arrived at Nanking?  
A According to the chief of staff, Sugiyama requested the court martial will be provided for the American fliers. First, it is clear that the American fliers violated the laws of war and they have confessed the statement at the time of capture. In view of the law newly established they should be executed. The chief of staff requests that in view of the future violations of war by the American fliers he requests that the American fliers be executed. The gist was as I said.
- Q What instructions did General Hata give concerning this information?  
A The chief of staff, Sugiyama, said to Hata that the prosecution counsel should sentence the fliers.
- Q Is General Sugiyama the chief of the general staff in Tokyo?  
A Yes.
- Q Then what further action did General Hata take?  
A The chief of staff requested to report the information concerning the American fliers immediately. Till further orders from Tokyo, the sentence should be postponed.
- Q Then what did General Hata do?  
A He informed the 13th Army as was requested.
- Q Did General Hata order the 13th Army to set up a military tribunal?  
A He ordered so.
- Q Did he order that the Doolittle fliers would be tried by this military tribunal?  
A Yes.
- Q Who was General Fujii and what was his position in the army?  
INTERPRETER: Is it major general or lieutenant general?  
Q Just General Fujii.  
A He was the Chief of the Legal Department under Hata.
- Q Did General Hata send General Fujii to Shanghai in regards to the Doolittle trial?  
A I do not recall.
- Q Do you know Lt. Colonel Takiyami?  
A I do not remember.



- Q Will you explain the Nanking Prison system, if you know?  
A The Nanking military prison was under the command of Hata. Since the work could not be done alone in Nanking they had a division in Shanghai, a branch in Shanghai. I do not know further.
- Q Do you know the name of the branch of the Nanking prison at Shanghai?  
A I know.
- Q What is the name of the prison branch at Shanghai?  
A I do not remember.
- Q Do you know the name of a prison called the Bridge House?  
A I do not know.
- Q Do you know the name of a prison called the Shanghai gendarmerie headquarters?  
A I do not know any prison.
- Q Did General Hata have any jurisdiction over the gendarmerie units in China?  
A He did.
- Q Was the headquarters of the gendarmerie at Nanking?  
A The gendarmerie headquarters of Central China was located in Nanking.
- Q Do you know Major Hata?  
A I do not know.
- Q Do you know the name of the prosecutor in the Doolittle trial?  
A I know that Hata was the prosecutor but I was never acquainted with him.
- Q Do you know if Major Hata, the prosecutor of the Doolittle trial, came to Nanking prior to the trial for instructions?  
A I do not remember well, but someone had to come.
- Q Do you know Colonel Ito?  
A I know.
- Q What was his duty and to what unit did he belong during the Doolittle trials?  
A He was the chief of Judicial Staff of the 13th Army in Shanghai.
- Q Do you know if Colonel Ito came to Nanking prior to the Doolittle trial?  
A I do not know.
- Q Do you know Captain Tatsuta?  
A I know.
- Q Do you know what his position was and his rank was in 1942?  
A I know it now but I did not know at that time.
- Q What was his position?  
A He was the chief of the branch prison of Nanking.
- Q What was his rank then?  
A His rank was that of a sergeant, however, he was a civilian attached to the army.
- Q He was a civilian officer equivalent to a sergeant. Could he, with the rank he had, punish his subordinates?  
A He could not have punished his subordinates.



Q Could a civilian with the rank of sergeant give an order to soldiers in the regular army?

A He could not.

Q Do you know the difference between a military tribunal and a military court martial in the Japanese army?

A I know.

Q Who would have the power to commute, remit or revoke the decisions of a military tribunal in China?

A At that time the staff under Hata explained it as follows: No one has the power to alter the decision. General Hata had the power to commute the sentences given in the military tribunal.

Q (to Interpreter) Did he say commute or not commute?

INTERPRETER: General Hata had the right to commute the execution of the judgment, but Captain Hahn says there is no such thing. The only thing he can do is commute the sentence and not the execution.

Q Did General Hata have the power to commute or revoke the decision of the military tribunal in the Doolittle trial?

A He had not the power to commute the sentence.

Q In the Doolittle trial?

A In the Doolittle trial.

Q Why didn't he have that power?

A According to the request of the Minister of War, it is stated to strictly follow the laws of military tribunal. In the military tribunal the commander of the army has no right to commute the sentence placed upon the prisoners.

Q Was any special consideration given to the Doolittle trial by the headquarters at Nanking?

A Is it that which concerned the treatment or the procedure of the trial?

Q The procedure of the trial.

A The prosecution counsel informed the request of Sugiyama that the fliers would be commuted.

COL GAMBER: I can't understand that. Read back that answer.

(Whereupon the reporter read back the last answer.)

THE WITNESS: The prosecution counsel transmitted the request of Sugiyama that the execution be transmitted to the 13th army. Besides that, it was requested that the 13th Army make a report of the outcome of the trial to the commanding general, the supreme commander of the army in Nanking, and regarding all other actions it was requested to wait.

Q Did Nanking issue any orders to the 13th army in regards to the treatment of the fliers?

A I do not remember.

Q Was the trial of the Doolittle fliers ordered by General Hata to be tried at Shanghai?

A Yes.

Q Did you mean by your previous answer that Hata requested the 13th Army prosecutor to ask for the death penalty?

A He requested so.



Q (to Interpreter) Will you interpret that answer again?

INTERPRETER: He said he requested so - requested that the sentence be executed; he requested so.

Q Does he mean the general requested so?

A Yes, Hata.

Q Did General Hata request the prosecutor of the 13th Army to ask for the death sentence?

A He requested the death sentence.

LT COL BODINE: Your witness.

CROSS EXAMINATION

Q (By Lt Col Hendren) General, going back to when the emissary came over to Nanking from Tokyo and gave the instructions to General Hata, what date was that?

A I remember that it was in the early part of August 1942.

Q General, isn't it a fact that it had been decided that the fliers would be executed prior to their trial?

LT COL BODINE: I object to that question. May I have that question read back?

(Whereupon the last question was read back.)

LT COL BODINE: I object. It is drawing an answer from the witness. If the prosecution will say specifically who, instead of "isn't it a fact."

LT COL HENDREN: May it please the Commission, this is cross examination. We have a wide latitude on cross examination. This witness has testified all about the instructions sent to the 13th army. I think that is a proper question. From his knowledge he can testify whether it is or whether it is not a fact that execution had been decided on before the trial. It is a proper question to ask this witness.

COLONEL MC REYNOLDS: Objection overruled. Proceed.

Q Answer the question.

INTERPRETER: He does not understand the meaning of the question very well.

Q At the time the case was sent to the 13th army for trial by General Hata, hadn't it already been decided that the fliers were to be executed?

LT COL BODINE: I object to that question. Decided by whom? That is giving the witness a broad field.

COLONEL MC REYNOLDS: Objection overruled. Proceed.

A It was not decided prior to the trial.

Q Did the officer who came over from Tokyo to Nanking state that the fliers were to be executed for bombing Tokyo?

A He did not say.

Q Isn't the emperor who appoints a military tribunal under the Japanese military law the president of the tribunal?



LT COL BODINE: I object to that question - if the prosecution will ask what kind of a court martial, a military tribunal or military court martial. And it is also a leading question. The general, isn't the general the president. If he will ask him who is the president of a certain court martial or tribunal it will be a proper question.

LT COL HENDREN: May it please the Commission, the question is proper on cross examination. This witness has testified to the set up of a military tribunal under Japanese law and he can state if he knows whether or not the general appointing such a tribunal is the president.

COLONEL MC REYNOLDS: Objection overruled. Proceed.

A It never happened that a commander be the chief of the military tribunal.

Q General, was the Doolittle raid the first raid by Allied airplanes over Japan in this war?

A It was the first raid on Tokyo.

Q Had the Japanese people been told by the government that Tokyo and Japan could not be raided by the enemy?

A It was never told so.

Q What area did the 13th Army have control over in China?

A It is difficult to explain without a map but the jurisdiction extends over the territory which is approximately twice the distance from here to Nanking on the Yangtse River. To the north it extends to the boundry of the North China Expeditionary Forces and the Central Expeditionary Forces. To the south it extends to near Ningpo.

Q Did the jurisdiction extend to and include Nanking?

A It extended over Nanking.

Q Did the jurisdiction extend over the entire area of Shanghai?

A It did. However, the Japanese navy had control over a section of Shanghai and that was excluded.

Q What responsibility did the 13th army have in the area in which they occupied?

A It differs with the various periods.

Q What responsibility did the 13th army have in the area in which it had jurisdiction during the period April 1 to October 15, 1942?

A The general responsibility was to maintain order over the area under its supervision. It had other orders from May to September of the same year - to attack the enemy in the area of Kushu.

Q Was General Sawada responsible for the 13th Army's actions during his absence at the front in 1942?

A I do not remember what sort of orders the commander of the army received at that time. That is decided by the commander in chief of the 13th army but I do not know what he had decided on.

Q Was General Sawada still in command of the 13th Army during the period he was at the front?

A Yes.

Q General, when Colonel Arisei came to Nanking you stated in answer to a question by the defense counsel that he stated that the chief of staff requested that the Doolittle fliers be executed for bombing Tokyo. Is that a fact, is that what you stated?

A It is true that when he came to Nanking, he requested the death sentence.



Q Did General Hata send those instructions to the 13th Army?  
A He sent this order to the staff officers.

Q When did he send that order to the staff officers?  
A It was either the following day or two days later that they received orders from Tokyo.

Q Were those orders sent to the 13th Army prior to the date of the trial of the Doolittle fliers?  
A That was before the trial.

Q General, do you understand and speak English?  
A I do not understand English.

LT COL HENDREN: May it please the Commission, it is nearly twelve and we have some more questions to ask this witness after the lunch period. Does the Commission desire to adjourn at this time?

COLONEL MC REYNOLDS: The Commission will recess until two o'clock P.M.

(Whereupon the Commission adjourned at 1155 hours on 2 April 1946 to reconvene at 1400 hours on 2 April 1946.)

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AFTERNOON SESSION

... Pursuant to adjournment, the Commission reconvened at 1400 hours, 2 April 1946, at which time all Members of the Commission, the accused, attorneys for prosecution and defense, the interpreting staff and official reporter resumed their seats in the court room...

COLONEL MC REYNOLDS: The Commission is in session.

MASATOSHI MIYANO

resumed the witness stand after recess, was reminded that he was still under oath, was examined and testified as follows: (Sgt Arita interpreting)

CROSS EXAMINATION (Cont'd)

Q (By Lt Col Hendren) On 18 April 1942 was there any law in Japan under which the Doolittle fliers could have been tried?

A There was.

Q What law was that?

A There was a military law of the China Expeditionary Forces at that time. That law had certain powers which were not appropriate, therefore there was an order from Tokyo to revise and make a new law.

Q Was the new law passed in order to try the Doolittle fliers?

A The law was established in order to try those persons that violated International Law while aboard the planes.

Q Was it the intent of the Enemy Airmen's Law to try all fliers before a Military Tribunal who were captured by the Japanese?

A It was to try airmen who were suspected of violating International Law.

Q Was the purpose of the Enemy Airmen's Law to cause Americans to fear punishment if they flew over the Japanese continent?

A I do not know what Tokyo thought about this order -- this law.

Q Were any other Airmen tried in China that you know of, under the Enemy Airmen's Law?

A I do not recall any.

Q At the time of the trial of the Doolittle fliers was General Sawada the Commanding General of the 13th Army?

A Yes.

Q Were the Doolittle fliers tried under the new law called the Enemy Airmen's Law or under the old law that you referred to a moment ago.

A They were tried under the new law.

Q Did you have an opportunity while you were in China to see the results of any bombings by Japanese Air Forces in Chinese cities?

DEFENSE: I object to that question. It is irrelevant. It has nothing to do with the issues before this Commission.

PROSECUTOR: I withdraw the question.



Q General, would any Allied Fliers who caused any other than damage to military installations have been tried under the Enemy Airmen's Law?

A They will be tried.

REDIRECT EXAMINATION

Q (By Lt Col Bodine) If a captured American flier who had bombed military installations was captured, by the Japanese, would he have been tried by this law?

A He will not be tried.

Q (By Mr. Somiya) Does the Gendarmerie in Shanghai receive the command or is it under the supervision of the 13th Army?

A It does not receive the commands of the 13th Army.

Q Under whose commands did it receive?

A It will receive the commands of the Commander of the Gendarmerie in Nanking.

Q Does the 13th Army have responsibility of the acts of the Gendarmerie against the Doolittle fliers?

PROSECUTOR: We object to that question as calling for a conclusion of the witness and ask that any answer be stricken.

COLONEL MC REYNOLDS: Will the reporter read the question?

REPORTER: (reading) "Does the 13th Army have responsibility of the acts of the Gendarmerie against the Doolittle fliers?"

PROSECUTOR: It is purely calling for a conclusion of the witness and not proper on direct examination.

DEFENSE: It is not a leading question. It calls for a direct answer.

PROSECUTOR: It is a conclusion -- it is purely a conclusion. A question regarding the Gendarmerie actions here is purely a conclusion of this witness.

COLONEL MC REYNOLDS: That is for the court to decide. Objection over-ruled. The witness will answer.

A No, it does not.

Q Did General Sawada have the authority concerning the handling of the Doolittle fliers? Was the handling left to his discretion?

PROSECUTOR: We object to that question as certainly calling for the conclusion of this witness. This is an improper question on direct examination. He may state what facts and circumstances he knows surrounding the various duties of these officers here but to ask that question is purely calling for a conclusion of the witness and is improper. We object to the question.

COLONEL MC REYNOLDS: Objection over-ruled.

A Aside from the authority to appoint the officers of the tribunal, he had no authority concerning the handling of the fliers.



Q Will you explain the reasons for that?

A The basis is the order from Tokyo. The request that the punishment of the fliers be execution or death sentence is the request from Tokyo. The decision of the tribunal must be reported to Tokyo immediately. He does not have the authority to alter the sentence. The execution of the sentence had to wait for the approval of Tokyo. Tokyo commuted the sentence of the five fliers and approved the death sentence of three. This he had no authority to alter also. At the time of the execution of the sentence the Commander of the Army had changed. That is the end.

Q At the time of the Doolittle raid on Tokyo, about 18 April 1942, what was the condition or the situation concerning the anti-aircraft fire there?

A That is something that I believe was wholly inadequate and that it presented hardly any problem to the American fliers.

Q How was the action of the Japanese fighting planes?

A There was hardly any activity of fighter planes which would have been a problem.

Q What area received the bombing or destruction by bombing by the American planes?

PROSECUTOR: We object to this question on the ground that the witness has already testified, on direct examination, that he did not know of his own knowledge. He said somebody told him about some schools and houses but he had no individual knowledge. We object to the question as something not within the province of this witness' knowledge.

COLONEL MC REYNOLDS: Objection over-ruled.

A I will relate what I saw from the yard of the War Ministry. A plane flew over and it caused three explosions. This area was not a military area. There was no military operation in it nor was there any military object which might have misled the fliers as having a military problem.

Q (By Lt Col Bodine) There is one more question I would like to get cleared up. Was the death sentence or the request for death sentence from Tokyo, from General Sugiyama, was that passed on to the judges or was that passed on to the prosecutor for the trial. I mean the prosecutor of the trial.

A It was a matter to be despatched to the prosecutor and it was despatched to the Chief of Staff as being a message to be sent -- to be given to the prosecutor.

Q Did the 13th Army object to trying the Doolittle fliers?

PROSECUTOR: We object to this question. Did the 13th Army object? The question is vague and ambiguous. We don't know in what form the witness might reply but the question is leading. This is a witness for the defense and the question can be asked, what action was taken by the Chief of Staff. A question like this is vague, and ambiguous and leading and improper and calls for an improper answer.

DEFENSE: I withdraw the question. I have no further questions. Does the prosecution have any?

PROSECUTOR: None at this time.



DEFENSE: Does the Commission wish to ask any questions?

QUESTIONS BY THE COURT

COLONEL BERRY:

Q The witness has testified that there was -- that there were military laws of the Expeditionary Army in China under which captured opponents could be tried. He has also said that under the Enemy Airmen's Law, General Sawada appointed the court-martial tribunal and had no power to change or revoke any sentence of the military tribunal. My question is: If captured enemies were tried under the military law of the Expeditionary Army in China, does the Commanding General appointing the tribunal under that law have the power in that case to change the sentence or to revoke any sentence that might come from that court?

A I do not remember the previous law very clearly.

COLONEL MURPHY:

Q I would like to ask one question. The Gendarmerie you referred to a moment ago are called the Japanese Kempei Tai, are they not, and sometimes referred to as the military police?

A It is the same only that the Gendarmerie in the field has the duty of intelligence also.

Q Can you tell us what is the Nabori Unit?

A That is another name for the 13th Army.

Q And the Gendai Army?

A (None)

COLONEL MURPHY: (explaining) That was the unit of the Japanese Army, I believe who interrogated these fliers.

PROSECUTOR: If it please the Commission, that was a mistake in translation by the civilian reporter who took it down. That should have been Kempei Tai.

COLONEL MURPHY: Kempei Tai?

PROSECUTOR: Yes.

Q So that in fact the branch of the 13th Army here, when the 13th Army were here, and the Branch that interrogated the fliers in Japan when they were interrogated there, are the same branch?

A It is not so. The difference is that the Gendarmerie who investigated or handled the prisoners here in China are under the supervision of Nanking whereas the Gendarmerie that handled the prisoners in Tokyo are directly under the War Ministry.

COLONEL BERRY:

Q I would like to phrase my question in a different way to try to get the point I am seeking. Do you, General, recall with respect to the fact that the Commanding General of the 13th Army could not modify the sentence, do you remember whether that procedure was different from the military law of the 13th Army at that time?

A There is no difference. He has no authority to change the decision of the court. He does not have the authority to change the decisions of the Tribunal, of the court.



- Q Both with respect to the captured Enemy Airmen's Law as well as the law of the 13th Expeditionary Army in China?
- A He has no authority to alter any decision.

COLONEL GAMBER:

- Q You stated previously that General Hata had jurisdiction over the Nanking Prison. Who had jurisdiction of the Shanghai Branch of the Nanking Prison?

A It is under General Hata through the Nanking Headquarters of the Prison, -- of the military prison.

- Q When an enemy flier is captured is he a prisoner of war or is he a war criminal?

A When the fliers observe International Law and do not violate any laws of warfare, he is considered a war prisoner. However, should there be any suspicion that he violated International Law, he will be placed before a military court and tried in order to decide his guilt or innocence.

- Q That is not quite the answer. What I want to know is when is a flier a prisoner of war and when is he a war criminal?

A He is a prisoner of war when it is clear that he has not violated International Laws of warfare and when he has violated International Law he is a war criminal.

- Q Isn't it the object of the military tribunal to decide whether he has violated the laws of war and is not a war criminal, or whether he has?

A They decide.

- Q Then should not captured enemy fliers be treated as a prisoner of war instead of a war criminal until he is convicted by a military tribunal.

A I do not know the details of that matter.

COLONEL MURPHY:

- Q Do you know whether any of the B-29 personnel were tried under this Enemy Airmen's Law that were captured in Japan in the last year of the war?

A I do not know.

- Q It is true -- unfortunately true that these B-29's must have burned up a good many hospitals and schools and killed a good many children so that under the provisions of that law they should have been tried, if the law was still active, isn't that so?

A At that time I was assigned to a different port of duty and therefore I have no authority to relate on that matter. I do not know about Japanese laws.

#### REDIRECT EXAMINATION

- Q (By Mr. Kumashiro) I understand that you have just state that the military tribunal decide whether the Enemy fliers are the war criminals. I would like to ask you whether the evidence of violating the International Law is quite clear still the military tribunal is asked to decide whether he is the war criminal or prisoner of war?



INTERPRETER: You mean when the evidence is clear?

DEFENSE: Yes.

PROSECUTOR: (Maj Dwyer) We object to the question on the ground it is un-understandable and suggest a rephrasing of the question in more simple terms.

DEFENSE: I would like to rephrase the question.

Q When it is clear that the fliers violated the International Law concerning to the welfare, is the court,--military tribunal--asked to treat him as war criminals?

A I do not know the details of legal matters and as for the statement I made previously, I hope that you will consider it in that light that I am not very familiar with law.

Q Does that mean the military tribunal has the power to decide whether he is the war criminal or the prisoner of war?

PROSECUTOR: We object to this question upon the grounds the witness has already disqualified himself to answer the question.

DEFENSE: I just wanted to confirm whether that statement was included in his statement he just made, whether he wants to reaffirm the question made before.

COLONEL MC REYNOLDS: Objection sustained.

PROSECUTOR: (Lt Col Hendren) The prosecution now moves to strike the testimony of this witness on all the statements he has made based on his interpretation of the Enemy Airmen's Law and International Law, on the grounds the witness has disqualified himself as a witness on legal matters.

DEFENSE: (Capt Fellows) If the court, please, I think many witnesses, even many lawyers, are familiar with some law and probably not familiar with all. This particular case passed through the Headquarters where this witness was and he may say he knows as to some of this law. The witness is not a lawyer and certainly not an expert lawyer, still he may be acquainted, himself, with the law in this particular case. I doubt if even a lawyer could give you all the law. I know there is a lot of law that I don't know but there is some law established that I do know.

COLONEL MC REYNOLDS: Objection over-ruled. The Commission will consider that portion of the witness' testimony that it feels has any matter pertaining to this case, and also his knowledge of law.

#### RE-CROSS EXAMINATION

Q (By Lt Col Hendren) After the Doolittle fliers were sentenced to death and prior to their execution, did they remain under the jurisdiction of the 13th Army until their execution?

A I cannot answer that.

Q You seem to know everything else about this case. Now answer this question.

DEFENSE: I object to the way the prosecutor is going after the witness.



PROSECUTOR: The witness doesn't want to answer so he says he doesn't know.

DEFENSE: It is not up to the prosecutor to tell him how to answer.

PROSECUTOR: Maybe I can rout his memory a little bit.

Q Were the Doolittle fliers under the jurisdiction of the 13th Army at the time they were tried?

A They should have been under the 13th Army.

Q Well, were they under the 13th Army?

A I believe that it was under the 13th Army. However, as for the legal explanation of the relationship, I cannot give.

Q I did not ask you for the legal explanation. I ask you as a matter of command authority, were the fliers under the jurisdiction of the 13th Army at the time of the trial?

DEFENSE: I object. This witness has stated he did not know.

PROSECUTOR: I did not ask for a legal explanation.

DEFENSE: He did know about the order pertaining to the fliers because they came through his Headquarters. What position they were in or what unit they were under, he may not have knowledge.

COLONEL MC REYNOLDS: Objection over-ruled.

A I request that you ask some other witness for the reason that I did not know in what place of confinement the fliers were kept and also what the legal relationship was at that time.

Q Were the Doolittle fliers tried by the Commanding General of the 13th Army?

DEFENSE: I object to that question, if the Commission, please. The Doolittle fliers, it has been proven so far, that they were tried by a military tribunal, not by the Commanding General.

PROSECUTOR: I will rephrase the question.

Q Were the Doolittle fliers tried by a military tribunal appointed by the Commanding General of the 13th Army?

A Yes.

Q Were the Doolittle fliers executed by authority of the Commanding General of the 13th Army?

A It is not clear to me. The meaning of the question is not clear.

Q Were the Doolittle fliers executed,--killed,--put to death,-- by command of the Commanding General of the 13th Army?

A The final order was given by Tokyo and the Army Commander issued orders concerning this. However, in this case General Sawada was not the one who issued the order.

Q I did not ask you who issued the order. I asked you if the Commanding General of the 13th Army issued the order which put to death the Doolittle Fliers?

A Yes.



Q Isn't it a fact that the Doolittle fliers remained in custody of the 13th Army from the time of their trial until the execution of the three men in October 1942?

A They were under the 13th Army. However I do not know where they were confined and therefore I do not know where the responsibility lies.

Q I did not ask you where the responsibility was. Were they under the control of the 13th Army during that period?

A It was under that command.

Q General, did you ever see any enemy fliers captured by the Japanese who were treated as prisoners of war?

A I did not see.

REDIRECT EXAMINATION

Q (By Lt Col Bodine) General, have you ever seen any fliers captured by the Japanese?

A I do not-- I did not see any.

Q (By Mr. Kumashiro) You have just mentioned that the Doolittle fliers were under the jurisdiction of the 13th Army. I would like to make it clear that when the fliers were not under the actual custody of the 13th Army, do you say that the fliers were under the 13th Army command?

PROSECUTOR: We object to this question. This witness has already testified that they were under the custody and jurisdiction of the 13th Army.

DEFENSE: (Lt Col Bodine) The witness did not say jurisdiction. Stick to the facts.

PROSECUTOR: (Maj Dwyer) I withdraw the objection.

A When the prisoners were confined in a place outside of the jurisdiction of the Commanding General of the 13th Army, he did not have any authority to take command over anything that might occur while the prisoners were in some other place nor would he be responsible for that occurrence.

Q I would like to ask you further, when the fliers were in the Shanghai Gendarmerie, has the 13th Army any command on them?

A He does not have the authority.

QUESTIONS BY THE COURT

COLONEL WISE

Q General, if the prisoner had escaped from jail between the time of the trial and the death penalty, would the Commanding General of the 13th Army have been held responsible?

A I cannot explain that.

COLONEL GAMBER

Q I would like to go a little further. I would like to know why he can't explain that?

A Since the Commander that placed the prisoners in confinement in a place over which he has no authority, and therefore I do not think that he has responsibility. Also I think he has the responsibility



of having placed the prisoners in such a place, but so far as the legal authority of that is concerned, I cannot explain it.

COLONEL MC REYNOLDS

Q General, how long have you been in the Japanese Army?

A Approximately thirty years.

RECROSS EXAMINATION

Q (By Lt Col Hendren) General, how long have you known General Sawada?

A I knew the name of General Sawada from the time I was a first Lieutenant. However, I did not get to know him personally until about six or seven years ago.

Q Are you a pretty good friend of his?

A He is a good senior.

Q I said are you a good friend of his?

A An ordinary friend.

Q You would like to help him in this case, wouldn't you?

A I believe that I must not testify with the belief that I want to save him.

Q Well, do you want to save him?

A I think I wish I could help him.

Q You came over here from Tokyo to help him, didn't you?

A I came at the request of the defense counsel.

COLONEL MC REYNOLDS: There being no further questions, the witness is excused.

(Whereupon the witness withdrew from the witness stand and seated himself in the court room.)

COLONEL MC REYNOLDS: At this time the Commission will recess for fifteen minutes.

(Whereupon, at 1520 hours, the Commission recessed until 1535 hours at which time all the members of the Commission, the accused, counsel for prosecution and defense, the interpreting staff and official reporter resumed their seats in the court room.)

COLONEL MC REYNOLDS: The Commission is in session.

DEFENSE: The defense recalls Captain Fellows to the stand.

CHARLES R. FELLOWS

recalled as a witness on behalf of the defense, was reminded he was still under oath, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Lt Col Bodine) Captain Fellows, when you were in Tokyo, did you meet General Shimomura?

A Yes sir.



Q Did you obtain a statement from General Shimomura?

A Yes sir, I did.

Q Is this the copy of the statement you got from General Shimomura?

A This is the original statement that I got from General Shimomura. This statement was written in Japanese by General Shimomura in person, and signed on each page in my presence. After signing it, General Shimomura swore to its truth and I attached my jurat to the last page.

Q Did you bring this Japanese translation back to Shanghai with you.

A The original statement was returned to Shanghai and submitted to SINTIC for translation.

PROSECUTOR: To save the time of the Commission, the prosecution waives any objection to the exhibit, agrees that it was properly translated and has no objection to its being read in evidence.

DEFENSE: Defense offers in evidence, Defense Transcript Exhibit No. 10, statement of General Shimomura.

Are there any questions by the prosecution?

PROSECUTOR: No questions.

DEFENSE: Any questions by the Commission?

COLONEL MC REYNOLDS: No questions.

DEFENSE: May the witness be excused.

COLONEL MCREYNOLDS: The witness is excused.

(Whereupon the witness withdrew from the witness stand and resumed his seat in the court room.)

DEFENSE: Does the Commission direct that this is received in evidence?

COLONEL MC REYNOLDS: The statement of General Shimomura, Defense Transcript Exhibit No. 10 will be received and read in evidence.

(Defense Transcript Exhibit No. 10 was received in evidence.)

(Whereupon Col. Bodine read Defense Transcript Exhibit No. 10 for the record, after which Captain Hahm read the Japanese translation.)



20 March 1946

DOCUMENT TRANSLATION #265

DOCUMENT NUMBER : SINTIC 2847  
PLACE AND DATE OBTAINED : JAG, USF CT, SHANGHAI - 13 March 1946  
AUTHOR : SHIMOMURA, Sadamu, Lt General  
TITLE : Affidavit  
TRANSLATED BY : RPB, EAH, RK  
DISPOSAL OF DOCUMENT : Returned with translation to Lt Col BODINE, JAG.

FULL TRANSLATION:

AFFIDAVIT BY GENERAL SHIMOMURA SADAMU

8 March 1946

Contents:

I. The transference of CG duties of the 13 Army from Lt Gen SAWADA to Lt Gen SHIMOMURA (8-15 Oct)

II. The command of the 13 Army during the period 8-15 Oct.

I. The transference of CG duties of the 13 Army from Lt Gen SAWADA to Lt Gen SHIMOMURA (8-15 Oct)

8 Oct 1942

On this day, orders were issued for the change in command of the 13 Army. Lt Gen SAWADA was in SHANGHAI at the time, while Lt Gen SHIMOMURA, commandant of the Army General Staff College up to this date, was in Saitama province, engaged in maneuvers which had been going on since 1 Oct. However, he was immediately recalled to Tokyo and assigned as Army commander.

9 Oct 1942 - Lt Gen SHIMOMURA makes courtesy call to Imperial Headquarters.

On this day, Chief of the General Staff SUGIYAMA explained simply, in about 20 minutes, the condition of the 13 Army, the overall duties, and so forth. Since the 13 Army did not come directly under the Imperial Headquarters, no direct orders could be given to it.

During this explanation, the Chief of the General Staff made the following statement in regards to the punishment of the American fliers:

"The trial of the American fliers who bombed our homeland in April of this year, has been conducted by a military court martial of the 13 Army. As a result of reviewing the report from the 13 Army in regards to this trial, the Imperial Headquarters in Tokyo made a final decision that from among the fliers, three were to be executed. The orders for this final decision will probably be issued to the 13 Army from NANKING before you (SHIMOMURA) reach SHANGHAI for duty. So you can expect that."

Defense Exhibit #10.



Up to this day (9 Oct) Lt Gen SHIMOMURA absolutely had no connection with this incident. Therefore, he asked for a more detailed explanation and was given the following answer by the Chief of the General Staff:

"This affair has been thoroughly investigated and the final decision has been made in Tokyo. As a result, there is nothing that SHANGHAI or NANKING can do about this decision except carry it out. As to the details and procedures of the trial, you can get a report from the one responsible at the time, when you reach SHANGHAI."

For this reason, there were no written instructions.

On this day, Lt Gen SHIMOMURA called on Premier TOJO, but he was not in.

10-13 Oct 1942 - Lt Gen SAWADA awaits the arrival of the new CG in SHANGHAI.

Since there were no seats available on planes to SHANGHAI up to the 13, Lt Gen SHIMOMURA decided to depart from TOKYO on the 14 and therefore moved from his private residence in Kanagawa Province to the Imperial Hotel in TOKYO.

During this time, Lt Gen SHIMOMURA called on Premier TOJO twice, but since he was absent both times, met with Vice-Premier KIMURA and was instructed as follows:

"Since the 13 Army does not come directly under the Imperial Headquarters, I do not think that the Premier has any special orders or matters of instruction to give you."

Consequently, there was no interview with the Premier and no farewell party.

14 Oct 1942

By this date Lt Gen SAWADA had moved out from the Army Headquarters as well as from the CG's quarters, and had transferred his residence to the Astor House in the city of SHANGHAI.

Lt Gen SHIMOMURA left HANEDA airfield in TOKYO at 0900 on the 14, and arrived at the SHANGHAI airfield at 1600. He was met by a reception committee composed of the Army C of S, Maj Gen KURAKAWA, and various staff officers at the field and agreed to meet Lt Gen SAWADA the following morning at Army Headquarters, to assume the duties of his new post. Then, together with the C of S and Army Adj, Maj AOYAMA, he left the airfield and went directly to the quarters of the CG. Thereafter, no interviews were held with anyone; Lt Gen SAWADA remained at the Astor House.

15 Oct 1942

At 1000 (or a little after that) Lt Gen SHIMOMURA went to 13 Army Headquarters and spent about an hour with Lt Gen SAWADA who gave him instructions concerning his duties. Thereafter, SHIMOMURA completely took over the CG's duties.

II. The Command of the 13 Army during the period 8-15 Oct.

From 8 to 15 Oct, Lt Gen SAWADA already had left his position as CG. Therefore, the duties of the CG of the 13 Army during that time had been taken over by the Army C of S according to the following Army Regulation: 1934 AR #10.



In article 11 of the AR covering the responsibilities of a deputy commander, the following is given:

"When the CO has been changed and the new CO has not yet assumed his duties (or when the CO is not available for duty and there is no need of a replacement)\* it is normal practice for the person who is next in command to assume the responsibilities and carry out the normal duties of the CO in his name."

Normal duties in this sense means the ordinary work that does not have to await the arrival of the new CO for his decision. But in the case of the fliers, as Chief of the General Staff SUGIYAMA stated, since the final decision had been made in TOKYO, the CG of the 13 Army was in no position to prolong or change this decision. Therefore, I believe that the C of S, who was deputy commander within the Army Headquarters, without waiting the arrival of the new CG, ordered the execution in the name of the CG, according to article 11 of the AR.

\* The words in parenthesis have no bearing on this matter.

/s/ S. Shimomura

Subscribed on each page and affirmed to be true and correct by Gen SHIMOMURA Sadamu, before me at Sugamo Prison, in TOKYO, Japan this 8 day of March 1946.

/s/ Charles R. Fellows  
Capt JAGD

In my presence:

/s/ Lt Col Edmond Bodino  
AC



DEFENSE: We would like to have this statement marked Defense Transcript Exhibit No. 11 for identification.

PROSECUTOR: (Lt Col Hendren) The prosecution has no objection to the offer of Defense Transcript No. 11 being written statement of Lieutenant General Fujii Kiichi, but reserves the right to object after the statement is read into evidence as to any portions of the statement not material to the issues in this case. We waive any objection to the admissibility of the exhibit.

DEFENSE: With this stipulation the defense offers in evidence, Defense Transcript Exhibit No. 11, statement of Fujii Kiichi.

COLONEL MC REYNOLDS: Defense Transcript Exhibit No. 11 is received in evidence.

(Whereupon Capt Fellows read Defense Transcript Exhibit No. 11 for the record, and the same is attached hereto.)



HEADQUARTERS  
UNITED STATES FORCES  
CHINA THEATER  
SINTIC

A.P.O. 971  
22 March 1946

DOCUMENT TRANSLATION #272

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DOCUMENT NUMBER	: SINTIC 2854
PLACE AND DATE OBTAINED	: JAG, USF CT, SHANGHAI - 19 March 1946,
TITLE	: Written Statement
AUTHOR	: FUJII Kiichi
TRANSLATED BY	: RPH, KA
DISPOSAL OF DOCUMENT	: Returned with translation to Lt Col BODINE, JAG

FULL TRANSLATION:

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MATTERS CONCERNING THE DOOLITTLE INCIDENT

1. At the time of the Doolittle Incident, the Army prison in Shanghai was a branch prison of the Prison Headquarters of the China Expeditionary Force that was located at Nanking. Therefore, it was under the jurisdiction of the China Expeditionary Force, for the China Expeditionary Force Prison Headquarters was one of the organs that was under the direct jurisdiction of the Supreme Commander, China Expeditionary Force.
2. Department Chief ITO very often came to me to obtain my approval on the handling of important matters. I remember that he came to me to discuss this particular incident. The subject was the confession of the defendants who were at the Gendarmerie and other matters which were very clear. This being a serious matter I told him to make certain that the handling of this matter be done judiciously and without irregularity.
3. The regulation for the punishment of the enemy airmen was established by directive of the CHU-O (TW: Grand Imperial Headquarters in Tokyo). However, that part of Article 4, Paragraph 1, Chapter 2 which read "inhumane blind bombing which disregards the laws of humanity" was revised to read "violation of international law". At that time I thought that the original directive from the CHU-O was satisfactory; however, there were some persons among the drafters of the directive who were of the opinion that the latter was a more legal way of stating the same thought and also clearer; others concurring in this, the directive was so revised. The authorities of the CHU-O also concurred in this matter.
4. I remember that Supreme Commander HATA instructed me to handle this incident judiciously since it was very serious.
5. At the time that measures for the disposition of this incident were being taken, Lt Gen SAWADA was absent together with his staff. Therefore, I believe that the disposition of this incident was actually undertaken by the person in charge of the Army during Lt Gen SAWADA's absence. Although I did not have special relations with this Lt Gen I have heard that he is a person of excellent character and superb intelligence. I am firmly convinced that he did not do anything that was illegal in the handling of this incident.

March 11, 1946.

/s/ FUJII Kiichi  
Lt Gen, Army Judicial Department.

Subscribed and affirmed this 11th day of March 1946 at Tokyo, Japan.

/s/ Charles R. Fellows  
Capt JAGD.



PROSECUTOR: (Maj Dwyer) We would like to make a motion to strike certain parts of this exhibit, but prior to doing so I think the Commission should have a copy of it in front of them.

(Copies then were distributed to the Commission.)

Prosecution at this time moves to strike from the record that portion of Transcript Exhibit No. 11 contained in paragraph 5 upon the grounds that the conceded testimony, both of the prosecution and that testimony introduced up to this point by the defense, that it does not indicate that General Sawada was at any time relieved from command of the 13th Army except possibly on 15 October 1942, and therefore the statement in paragraph 5 with reference to the General being absent with his staff is immaterial, and secondly the latter part of the statement which indicates that General Fujii, although he did not know the General, expresses some matter with reference to his character, which is immaterial to this case.

DEFENSE: If the Commission please, the charges against General Sawada are not based upon responsibility. They are based upon the fact that General Sawada did certain things. For that reason the statement that he was absent with his troops is very material. It is the first time the objection has been raised that his absence during this instance was immaterial. With regard to the second part of the objection, you will recall that General Fujii was the Staff Judge Advocate for General Hata and as a result the manner in which the various sections under his command carried out their duties is important and we believe General Fujii is in position to make such a statement because reports would be made to him as Staff Judge Advocate for General Hata.

PROSECUTOR: (Maj Dwyer) We strongly contest the materiality of the presence or absence of the General but to succinctly state my reasons that paragraph 5 be stricken, I wish to say that the statement of General Fujii that his belief as to the fact that this incident was undertaken by someone else is a very immaterial statement. It calls for conclusion and is based on no fact on which to predicate that statement even if he were present and were on the stand. Secondly the firm conviction he may have as to what was legal or illegal is likewise objectionable even if he were present and therefore is likewise immaterial and should be stricken.

COLONEL MC REYNOLDS: Objection over-ruled. The Commission will give this statement proper weight as to the value it may have as evidence.

(DEFENSE TRANSCRIPT EXHIBIT NO. 11  
was received in evidence.)

DEFENSE: The defense would like to call Colonel Hendren to the stand.

JOHN H. HENDREN, JR.,

called as witness on behalf of the defense, was reminded that he was still under oath, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Capt Fellows) Colonel Hendren, in the course of your



investigation did you have occasion to investigate Major General Karakawa?

A Yes, I did.

Q Where did you interrogate General Karakawa?

A At Supreme Allied Headquarters in Tokyo.

Q Was a statement taken from General Karakawa?

A Yes, it was.

Q Was that in English or Japanese?

A General Karakawa spoke very little English so the statement was made in Japanese and translated in English. The statement was taken down by a reporter and signed by General Karakawa before me on 7 January 1946.

Q Colonel Hendren, I will hand you what has been marked for identification as Defense Transcript Exhibit No. 12, and ask you to state what that is, if you know.

A That is a transcript of the statement taken by me from General Karakawa on the 7th of January 1946 at the Supreme Allied Headquarters in Tokyo.

Q In the course of your investigation did you ever receive a statement purportedly signed by Major I. Ogata?

A Yes, I requested that this statement be taken by the Legal Department of Supreme Allied Headquarters in Tokyo and the statement was taken by Lieutenant Watson of the Legal Section and was sent to me in Shanghai through the regular mail of the War Department.

Q I will hand you what has been marked for identification as Defense Transcript Exhibit No. 13 and ask you if that is the statement of Major Ogata you have just referred to?

A This is the statement I received through the mail, signed by Major Ogata and taken by Lieutenant Watson in Tokyo.

DEFENSE: At this time the defense offers in evidence, Defense Transcript Exhibit No. 12, the statement of Karakawa.

PROSECUTOR: (Maj Dwyer) Prior to objection I would like to ask this witness one or two questions.

#### CROSS EXAMINATION

Q (By Maj Dwyer) Colonel Hendren, in what place in Tokyo did you first meet General Karakawa?

A I met him in the office of the head of the Legal Section of the Supreme Allied Headquarters in Tokyo.

Q Did he come there through the services of the Apprehension Division of that section?

A Yes, I sent a request that he be brought before me for questioning.

Q Anybody come with him?

A Yes, when he arrived he had a man with him whom he introduced as his adviser and he had his own interpreter.

Q Did you question him in that office at that time?

A I did.



Q What was General Karakawa's position in 1942 with the Japanese Army?

INTERPRETER: Is he a Major General?

PROSECUTOR: Yes.

A He was Chief of Staff in the Japanese 13th Army in Shanghai.

Q Under General Sawada?

A Yes.

Q From your observation in questioning him, would you say he was a willing or a hostile witness?

A He was far from willing. I would say he was a hostile witness.

Q Would you state what circumstances led you to that conclusion? Will you state that to the Commission?

DEFENSE: (Capt Fellows) If the Commission, please, I have been very patient, I think, in letting the Prosecutor ask a lot of questions that have no bearing on the admissibility of this statement before the Commission.

PROSECUTOR: (Maj Dwyer) If it please the Commission, this is cross-examination and I think any question which would elicit an answer surrounding the taking of this statement should be brought before this Commission. We cannot bring this witness here to testify before this Commission where the Commission can observe him, his actions, his demeanor, and I think it should be brought before the Commission through the person who took that statement and had an opportunity to observe him. He is being substituted in place of the person who made the statement because we cannot bring him here personally and his attitude in giving the statement is proper evidence to bring before the court.

COLONEL MC REYNOLDS: Objection over-ruled. The witness will answer the question to the best of his ability.

A The General was very evasive in his answers and slow in giving his answers. I had to ask him the question over and over before he would answer the question and he spent most of the time trying to explain his participation in the case. I would say he was a witness who felt that he was under suspicion and therefore reluctant to give out the answers when questioned.

PROSECUTOR: (Maj Dwyer) In view of the statement of the witness through whom this purported exhibit is being introduced, we will not object to the statement itself and merely request that the Commission take cognizance of the circumstances surrounding its taking.

DEFENSE: Is the statement admitted into evidence?

COLONEL MC REYNOLDS: The statement is admitted into evidence. Is it No. 12?

DEFENSE: Yes. That is the statement of General Karakawa.  
(Defense Transcript Exhibit No. 12  
was received in evidence.)



DEFENSE: At this time the defense would like to offer in evidence Defense Transcript Exhibit No. 13, the statement of Ogata Izumi.

PROSECUTOR: (Maj Dwyer) No objection to the offer.

DEFENSE: Has the court any questions to ask the witness?

COLONEL MC REYNOLDS: No questions. The witness is excused.

(Whereupon the witness withdrew from the witness stand and resumed his seat in the court room.)

COLONEL MC REYNOLDS: Defense Transcript Exhibit No. 13 is received in evidence.

(Defense Transcript Exhibit No. 13  
was received in evidence.)

DEFENSE: At this time I would like to read in evidence Defense Exhibit No. 12, and then Colonel Bodine will read Defense Transcript Exhibit No. 13.

(Whereupon Captain Fellows proceeded to read Defense Transcript Exhibit No. 12 and immediately thereafter Lieutenant Colonel Bodine read Defense Transcript Exhibit No. 13, both of which are attached hereto.)



Statement of KARAKAWA, Yasuo before  
Lt. Col. John H. Hendren, JAGD,  
taken in Tokyo, Japan, on 5 Jan 46.

Q Please state your name.

A Yasuo Karakawa.

Q What was your official title and position with the Japanese Army during the period 1 August 1942 to 15 October 1942?

A Major-General August 1, 1942 to October 15, 1942, Chief of Staff of 13th Army.

Q Who was the Commanding General of the Japanese 13th Army during this period?

A From 11 August to October 8 Lt. Gen. Sawada.

Q And after that?

A After October 8 Lt. Gen. Shimomura.

Q Do you remember the occasion of the apprehension of the American fliers who raided Japan in April of 1942?

A I do not remember the date when the American fliers were tried.

Q Were some of the fliers picked up by the Japanese 13th Army and the Japanese 11th Army in China after the raid?

A I remember when the fliers were brought to Shanghai.

Q Did you see any of the Doolittle fliers when they were brought to Shanghai after the raid on Japan?

A I did not see them.

Q Do you know what happened to the fliers immediately after they were brought to Shanghai?

A I believe that they were brought from Shanghai back to Tokyo.

Q Do you remember in August of 1942 when the fliers were returned to Shanghai?

A Yes, I do.

Q What was done by the Japanese 13th Army with relation to these fliers in August 1942?

A On instructions from Tokyo the fliers were placed before a court-martial.

Q Did you have anything to do with the appointment of the court-martial?

A The army commander appoints these members of the court-martial, but not me.

Q Was Gen. Sawada at the headquarters of the Japanese 13th Army at that time?

A Yes sir.

Q Did Gen. Sawada leave the headquarters for the front soon after the appointment of the court? The date of the court-martial was the 28th of August 1942.

A Gen. Sawada and I were both away from headquarters at the time of the trial.

Q Who was left in command of the headquarters of the Japanese 13th Army during your absence?

A I do not remember.



Q Was Col. Ito Akinobu, who was Chief of the Army Legal Section left in charge of the trial of the Doolittle fliers?  
A He must have been.

Q Did you or Gen. Sawada give any instructions as to how the trial was to be conducted?  
A Sawada directed when the court should be established.

Q Do you know how the court-martial was conducted?  
A So much time has passed I cannot remember.

Q After you returned to headquarters did you see the record of the trial of the Doolittle fliers?  
A I returned to Shanghai on the 15th of September 1942, I believe, and I must have seen it, but I do not recollect.

Q Do you know what sentence was given the fliers?  
A The death penalty.

Q Were the fliers afforded a defense counsel or lawyer at their trial?  
A I do not know that. I cannot recollect.

Q Why were the fliers tried by a military court?  
A What the fliers did was against international law according to advice received from Tokyo - on orders received from Tokyo.

Q Do you remember when a military law concerning the punishment of enemy airmen was forwarded to your headquarters from Tokyo?  
A I do.

Q Was that law passed after the raid on Tokyo?  
A Yes sir.

Q Do you remember what that law provided?  
A The Japanese Army has a special law established in China about American fliers for actions according to that regulation. There were regulations established and set up in China by the Expeditionary Forces and that acts committed by the American fliers according to this regulation make the actions of the fliers contrary to international law.

Q Did you have anything to do with the drafting of these regulations?  
A No, I had nothing to do with it.

Q Did Gen. Sawada have anything to do with it?  
A Gen. Sawada had nothing to do with it.

Q Did Gen. Shimomura have anything to do with it?  
A Gen. Shimomura had nothing to do with it. This was made by the Imperial Headquarters.

Q What evidence did you have that the Doolittle fliers had violated any international law?  
A I was told that when the American fliers raided Tokyo they came very low and attacked the school children.

Q Did you have any direct knowledge that the fliers had violated any international law?  
A No sir.

Q Do you know what evidence was placed before the court-martial that the fliers had violated international law?  
A I do not.



Q Were the results of the trial forwarded to Imperial Headquarters in Tokyo?  
A Two or three times I reported to Imperial Headquarters in Tokyo about what punishment to give the fliers.

Q Did you request this information from Imperial Headquarters prior to the trial or after the trial?  
A After the trial but before a final verdict was issued.

Q Who approved the findings of the court-martial?  
A The final decision was rendered by the head of the court-martial but I do not remember the person who was the actual head of it.

Q Were you in Shanghai when the fliers were executed on October 15, 1942?  
A I was in Shanghai.

Q Who was the Commanding General of the Japanese 13th Army on that date?  
A Lt. Gen. Shimomura.

Q What did Gen. Shimomura have to do with the execution?  
A I believe that the final order must be given by the head army commander who was Shimomura.

Q Did Gen. Shimomura give instructions to the officials at the military prison to execute the Doolittle fliers?  
A Yes, sir.

Q Were you present at the execution of the Doolittle fliers?  
A No sir.

Q Was Gen. Shimomura present at the execution?  
A I believe he was not there.

Q Did Gen. Shimomura give orders as to how the execution was to be carried out?  
A The means of punishment had already been established by precedent of the court-martial before and the only thing that took part in this case was that Gen. Shimomura said to carry out the punishment as before.

Q Was the military prison located near the headquarters of the Japanese 13th Army under the jurisdiction of the 13th Army?  
A It was in the area of the 13th Army but belonged to the Expeditionary Forces.

Q Was this what was known as Kanghawan Military Prison?  
A I think so.

Q Did you ever visit the Kanghawan prison to observe the treatment of prisoners there?  
A I visited prisoner of war camps twice but did not visit the military prison.

Q Were the Doolittle fliers treated as prisoners of war or as criminal prisoners?  
A They were treated as criminals but not prisoners of war.

Q Are you certain?  
A While I visited the prisoner of war camp the conditions were very miserable so I ordered to improve the place.



Q Did Gen. Shimomura issue any instructions as to how the fliers were to be treated in the prison camp?  
A I do not believe he did.

Q Did you ever visit what was known as Bridgehouse Jail in Honku District in Shanghai, run by the Military Police?  
A I never visited the place.

Q Do you know whether Gen. Shimomura ever visited this prison?  
A He has not either.

Q Was this prison under the jurisdiction of the Japanese 13th Army?  
A It was under the jurisdiction of the China Expeditionary Army but not under the 13th Japanese Army.

Q Who was the Commanding General of the China Expeditionary Army during 1942?  
A Gen. Hata.

Q Do you know whether or not Gen. Shimomura read the record of trial in the Doolittle fliers case prior to ordering the fliers executed?  
A I do not know but I reported to him the results of the trial.

Q Did Gen. Shimomura, or you for him, sign an order ordering the fliers to be executed?  
A It must have been done by order of Gen. Shimomura.

Q Did Gen. Shimomura actually sign the order ordering the men to be executed?  
A It was a very important case and Gen. Shimomura signed the order himself, if he was in Shanghai at the time.

Q Was a report made back to the Commanding General that the fliers had been executed?  
A Yes.

Q Was the American Government or the Red Cross notified that these fliers had been executed?  
A I do not know because there was a public announcement made in Tokyo, but whether the American Government was informed through Red Cross I would not know.

Q Who ordered the ashes of the fliers to be placed in the International Funeral Home in Shanghai under assumed names?  
A Army Headquarters.

Q What Army Headquarters?  
A The 13th Army.

Q Why was that order given?  
A Customarily the Japanese soldiers are taken care of likewise so that was why they were placed there.

Q Why were they placed there under assumed names?  
A They changed their names because upon orders from Tokyo they were instructed not to reveal the place of execution, and that is why they changed their names.

Q Did Gen. Shimomura receive this order from Tokyo and did he carry the order out in Shanghai?  
A Yes sir.



Q Do you know what was done with the fliers' personal clothing and personal effects?  
A I do not know.

Q There were five fliers whose sentences were commuted to life imprisonment. Do you know why these sentences were commuted?  
A Special orders came from Tokyo not to execute the five others. I think it was on the Emperor's orders.

Q Did Gen. Shimomura do anything to keep from carrying out the order to execute the three fliers?  
A It is within Gen. Shimomura's power to do what he can but he did nothing about carrying out that power.

Q Do you have any statement you would like to make in connection with this case?  
A I can tell you this case was a very important case so I reported everything to Imperial Headquarters and asked their opinion and instructions what to do and carried out the directions of the Imperial Headquarters.

Q Do you know what happened to the record of trial in the Doolittle fliers case?  
A I was shifted in December 1942 from Shanghai to Nanking and the record must have been kept in Shanghai.

Q Have you seen the record of the trial in the Japanese War Department since that time?  
A I have not seen the record but I have gone through the War Department and Army Regulations but not the court records.

Q Do you know of any other American airmen who were executed under the military law concerning punishment of enemy airmen besides these boys?  
A No others.

Q You don't know of any others?  
A No sir.

Q Did you have anything to do, or know whether Gen. Shimomura had anything to do with the execution of American fliers at Hankow or Hong Kong, China?  
A No sir.

Q After the Doolittle raid some of the fliers got back to West China and it is reported that 25,000 Chinese were executed for assisting the Doolittle fliers to escape?  
A I do not believe any such thing ever happened.

Q Do you know if any Chinese were ever punished for helping some of the Doolittle fliers to escape?  
A I don't know.

Q If any Chinese were punished would it be under the orders of the Commander of the 13th Army, or under orders of Gen. Hata, the Commander of the China Expeditionary Army?  
A Civilians?

Q Yes, civilians, for helping Doolittle fliers to escape?  
A I don't think such a thing ever happened.

Q We have evidence that entire towns were burned and all civilians killed for assisting the fliers to escape. Who would be in charge



A of such atrocities in the Japanese Army?  
I never heard of such an occurrence because if such things occur I would know it.

Q What was the jurisdiction of the Japanese 13th Army in China?  
A North as far as Nanking and did not include Hankow, and did not include Cheking or Kiangsisi.

The above statement has been read to me in Japanese by interpreter, and I understand it fully, and it is a true and correct statement. I affirm the statement.

/s/ Yasuo Karakawa  
/t/ (YASUO KARAKAWA)

I have read the above statement in Japanese truly and correctly to Maj. Gen. Yasuo Karakawa on the 7th day of January 1946. I was interpreter when this statement was taken, and it is true and correct.

/s/ George R. Sakanari 2nd Lt. Inf.

Subscribed and affirmed before me by Maj. Gen. Yasuo Karakawa and by George R. Sakanari, at SCAP Headquarters, Tokyo, Japan, this 7th day of January, 1946.

/s/ John H. Hendren, Jr.  
/t/ JOHN H. HENDREN, JR.  
Lt. Colonel, J.A.G.D.  
Asst. Staff Judge Advocate,  
China Theater.



Statement of Ogata, Izumi, taken at offices of the Legal Section, GHQ, SCAP, Tokyo, Japan, before 1st. Lt. Alf C. Watson, JAGD, on 15 January 1946.

- Q. State your name, age and residence.  
A. Ogata, Izumi. I am 44 years of age. My residence is Ibaragi Ken, Mito, Nishihara Machi, 3559.
- Q. Where were you and what was your work in July of 1942?  
A. I was a Major in the Imperial Japanese Army. I was the assistant to the commanding officer at the Shanghai Kempei Tai Headquarters, Shanghai, China.
- Q. Are you familiar with a group of American fliers called the Doolittle fliers who were captured by the Japanese?  
A. Yes.
- Q. When and where did you first see them?  
A. At the Headquarters of the Kempei Tai in Shanghai. It was some time in July of 1942.
- Q. What happened to them this first time you saw them?  
A. They had just been brought to Shanghai from Tokyo. They were to be kept by us of the Shanghai Kempei Tai Headquarters until their trial. On this day they were questioned. I saw them in the Headquarters building before their questioning.
- Q. Tell me about their questioning.  
A. I was not present when they were questioned. They were questioned by Capt. Seto, Hideo. All I know of their questioning is what was told to me by Capt. Seto.
- Q. What did he tell you?  
A. The men had already been thoroughly questioned by the Kempei Tai in Tokyo. Questions and answers had already been put in writing. Capt. Seto told me he merely went over the written questions with them again and he said that he received the same answers they had given in Tokyo.
- Q. Why was it necessary to re-question the men when they had already been asked the same questions in Tokyo?  
A. It was the wish of Major Hata.
- Q. Who was Major Hata and why did he wish this done?  
A. Major Hata was the Prosecutor who had been appointed for their trial. He wished their answers to be checked again for truthfulness.
- Q. Was he present at this interrogation?  
A. No.
- Q. Why were you not present? You were the assistant of the C.O. of the Headquarters?  
A. Yes, but to make such questionings was not my duty. Capt. Seto was chosen for such work.
- Q. Do you mean to say that Capt. Seto was alone in the room with these men during the questioning?  
A. No, I believe there were one or two others present.
- Q. Who were those others?  
A. Warrant Officer Tamura and Master Sergeant Yamamoto usually worked with Capt. Seto on interrogations. I believe they were present.
- Q. We will find them and talk to them you know. Do you still say you were not present at the interrogation?  
A. I was in the Headquarters building but I was not in the interrogation room and I was not present during the interrogation.
- Q. How long did the interrogation last?  
A. About three hours.
- Q. What physical violence was used against the fliers by Capt. Seto and the others during the interrogation.  
A. There was no physical violence used.
- Q. How do you know what went on in that room if you were not in it?

Defense Transcript Exhibit #13.



- A. There was no violence because there was a regulation which forbade the Shanghai Kempei Tai from using violence in their questionings.
- Q. What was the physical condition of the fliers when you saw them before their questioning?
- A. They were all in good health.

/s/ (Japanese characters) /s/ I. Ogata

- Q. Were they shaved? Were they clean?
- A. They shaved from time to time while they were in our custody. I do not remember whether they were shaved that morning. They were clean.
- Q. How many of them were there?
- A. There were eight.
- Q. Can you tell me their names?
- A. No, I never knew their names. I think they were all Lieutenants but two.
- Q. Are you sure they were the Doolittle fliers?
- A. They were. I knew what they were charged with and I knew of the questions and the answers in their case.
- Q. What questions had they been asked in Tokyo? What were the questions that were re-checked by Capt. Seto in Shanghai?
- A. I cannot remember exactly anymore, but they were asked about the places they had bombed, the time and the date, and whether they had bombed schoolhouses and strafed schoolchildren.
- Q. And what answers did they give?
- A. According to Capt. Seto they admitted everything.
- Q. You did not see these men after this interrogation?
- A. No. Not again for several days.
- Q. What was the official name of the military unit to which you, Capt. Seto, Warrant Officer Tamura and Master Sergeant Yamamoto belonged and who was its commanding officer?
- A. It was the Headquarters of the Kempei Tai in Shanghai. The commanding officer on the day of this questioning was Maj. Gen. Nomi, Toshiro. He was relieved in later July by Maj. Gen. Kinoshita, Eichi.
- Q. Did you ever read over the written questions and answers of which you have spoken?
- A. Yes.
- Q. Were they written in English or in Japanese?
- A. In Japanese.
- Q. Were the statements signed by the fliers?
- A. Yes.
- Q. Was there one statement signed by all the fliers or were there individual statements each signed separately by a different man?
- A. They were separate statements and separate signatures.
- Q. When and where did you next see the fliers?
- A. It was later in July, 1942, in our jail.
- Q. Was this jail called the Bridgehouse jail?
- A. Yes.
- Q. How did you happen to see them there?
- A. It was our responsibility to keep them there in the jail until their trial. I went to see how they were getting along.
- Q. Describe the conditions under which they were being kept when you saw them.
- A. It was not bad. They were all in one room about thirty feet by twenty feet. They were getting western style food. They had two blankets each and the toilet was convenient and close by.
- Q. Was there a window in the room?
- A. There were two.
- Q. Was it open or closed?
- A. They were closed.



- Q. How could they get any fresh air if the windows were closed?  
 A. They were allowed to open those windows if they wished. There were iron bars on the windows.  
 Q. Were they sleeping on the floor?  
 A. They had straw mattresses.  
 Q. How long did you see them on this occasion?  
 A. About thirty minutes.  
 Q. Did you speak with them.  
 A. Nothing was said between us. I just looked around to see how they were being cared for.  
 Q. What was the state of their health at this time?  
 A. They were all well.  
 Q. Just what were your instructions on caring for these prisoners?  
 A. Only to keep them safely. I was to treat them as prisoners of war.  
 Q. Do you know the difference between a Prisoner of War and a War Criminal?  
 A. Yes.

/s/ Japanese characters. /s/ I. Ogata

- Q. Since these men were to be tried as War Criminals why did you have them treated as Prisoners of War?  
 A. They were treated somewhere in between the two. They were treated somewhat better than War Criminals and not quite as well as Prisoners of War. We were governed in their treatment by International Law and by the Rules of the Geneva Convention.  
 Q. If I were to give you a thorough test right now over International Law and the Rules of the Geneva Convention, how well do you think you would do on the test?  
 A. If we use 100% as perfect, I believe I would get 80%.  
 Q. You say your only orders as to their care were to keep them until the trial. Where did those orders come from?  
 A. From the Headquarters of the Nanking Kempei Tai, from Lt. Gen. Oki.  
 Q. Did you receive no orders from Tokyo?  
 A. No. We received no directions whatever in this matter from Tokyo. All our instructions came from Kempei Tai Headquarters in Nanking.  
 Q. When the fliers were brought to Shanghai from Tokyo wasn't it pretty well understood that they were to be found guilty in their trial and then executed?  
 A. I know of no such understand.  
 Q. Do you know Maj. Hata personally?  
 A. I went to see him several times while these prisoners were in Bridge-house jail.  
 Q. Did he send for you?  
 A. No. I went to see him to try to persuade him to take the prisoners away from our jail.  
 Q. Why did you do that?  
 A. The Kempei Tai generally deals with Prisoners of War, but these men were not considered Prisoners of War. Therefore I thought they should not be our responsibility. I thought the army should keep them until the trial.  
 Q. Did Maj. Hata grant your request?  
 A. Finally, after I had called upon him several times.  
 Q. Did you talk with Maj. Hata about the coming trial on any of your visits to him?  
 A. No.  
 Q. Did he try to get you to make any investigation of their case?  
 A. No. We never investigated the case.  
 Q. How many times were the fliers interrogated while in the custody of the Shanghai Kempei Tai?  
 A. Only that once, as I have told.



- Q. Do you know Maj. Gen. Ito personally?  
 A. I talked with him once, but not about the fliers.  
 Q. Do you know any of the men who made up the court in the Doolittle fliers case?  
 A. I believe a Capt. Wako was on the court. I knew him.  
 Q. Did you ever talk to him about the case?  
 A. No.  
 Q. When did you next see the fliers?  
 A. The next time was the last time I ever saw them. It was early in September, 1942, at the Headquarters of the Shanghai Kempei Tai. They were leaving that day to be held by the army until their trial.  
 Q. Where were they to be taken? Was it to Kanhawan Military Prison?  
 A. Yes.  
 Q. Who took them to Kanhawan?  
 A. Some of the Kempei Tai men.  
 Q. Did you accompany them to Kanhawan?  
 A. No.  
 Q. What was their physical condition when they left your custody?  
 A. They were all well. No one was sick.  
 Q. Did you attend their trial?  
 A. No.  
 Q. Did you attend their execution?  
 A. No. I never saw them again.

/s/ (Japanese characters.)

/s/ I. Ogata

- Q. Can you speak English?  
 A. But very little.  
 Q. Can you read English?  
 A. But very little.  
 Q. What is your religion?  
 A. I have Buddhism for my religion.  
 Q. Do you believe in God?  
 A. Yes.  
 Q. Do you have any further statement you wish to make about this matter?  
 A. Only that to the best of my knowledge the Shanghai Kempei Tai had nothing whatever to do with the trial and the execution of these men.

/s/ (Japanese characters)  
 /s/ I. Ogata

The above statement has been read to me in Japanese by interpreter T/4 Kenjiro Baba of the Legal Section, GHQ, SCAP, and I understand it fully, and it is true and correct, so help me God.

/s/ (Japanese characters)  
 /s/ I. Ogata

I have well and truly translated the above statement, consisting of four pages, from English into Japanese to and for Ogata, Izumi on this 15th day of January 1946. He expressed himself as fully satisfied with the statement. He signed his name on each page both in English and Japanese, and affirmed and swore to and signed the statement both in English and in Japanese in my presence.

/s/ T/4 Kenjiro Baba  
 /t/ T/4 Kenjiro Baba

Subscribed, affirmed and sworn to before me by Ogata, Izumi and by T/4 Kenjiro Baba, of the Legal Section, GHQ, SCAP, at the offices of the Legal Section, GHQ, SCAP, Tokyo, Japan, this 15th day of January 1946.

/s/ Alf C. Watson  
 /t/ Alf C. Watson,  
 1st. Lt., JAG  
 Legal Section, GHQ, SCAP.



(Immediately following the reading of Defense Transcript Exhibit No. 13 by Lt Col Bodine, Sergeant Arita, one of the interpreters started to read Defense Transcript Exhibit No. 12 in Japanese to the accused. Before he had read more than the title, the Prosecutor interrupted.)

PROSECUTOR: (Lt Col Hendren) If it please the Commission, I doubt if the interpreters will have time to read all of this statement before the usual time for adjournment. It might be that they could take these two exhibits home with them and go over them tonight and the translations would go much faster in the morning, if that is agreeable, or do you wish them to read as much as they can tonight.

DEFENSE: It is agreeable with us if they take them home.

COLONEL MC REYNOLDS: That is agreeable with the Commission.

At this time the Commission will adjourn until 9:00 o'clock in the morning.

(Whereupon, at 1652 hours, 2 April 1946, the Commission adjourned to reconvene at 0900 hours, 3 April 1946.)