

Film Homma Fusakichi
Non-Original Statements

(3)

(156)

10 July 1948

SUBJECT: Partial Statement selected from the statement of
Fusakichi HOMMA concerning Imported Chinese Labors.

.....During the later part of Mar. 1944, Mr. (Makodo) SEKIKUCHI,
the procurator (of Foreign Affairs Section, Home Ministry), and
I went to inspect formerly imported Chinese labors in Fushiki,
Toyama-ken. There were about from 100 to 200 Kuri, (Chinese Labors),
at there. From the conversation, it was learned that those imported
labors in Fushiki were a test, (it means/^{the}first test), of importation
of Chinese labors. There were about four or five patients who were
sick of skin disease and cold.

According to the order from OKAZAKI, Foreign Affairs Section
Chief, Mr. Terusato SEKIKUCHI, Makodo YAMADA, procurator, and I
went to inspect various places in Japan.

Wherever I inspected were about 20 places and the inspection
reports, I think, it might/^{be}written by commissioner YAMADA and
procurator SEKIKUCHI and reported to the section chief, Mr. OKAZAKI

10 July 1948

Signature

Fusakichi HOMMA

Present Job of YAMADA: The chief of police department of Hoddaido
Government.

" " " SEKIKUCHI: The chief of Secret Detective Ass.
Tokyo, Toranomen, Fuji Bldg. 3rd Floor.

本間房吉

姓名
年令

四十八才

原籍

長崎縣南松浦郡富江町二三三

現住所

佐賀縣唐津市明神小路

學子履

明治四十年原籍地小學校入學

大正四年 同校卒業

経履

大正七年南軍(中國革命軍)山田登

一輩在々上海三行一週間後帰國

昭和十六年^春華北ヨリ現住所ニ帰國

農耕ニ従事現在ニ續ク

昭和十九年春(三月末頃)内務省有職

託トナリ移入華方取扱^{外事課}相談對手

トナリ隔月或ハ毎月就労地ヲ廻視

察ス其ノ度毎ニ唐津ヨリ通勤シ

昭和十九年十二月カ或ハ昭和二十年一月

頃止ム

昭和十九年三月末頃園口理事官ト富山
縣伏木ニ前年移入、華房ノ視察ニ行キマシタ
約百〇名トモ二〇〇名、甚カク居マシタ、
輕イ病人カ四五人寂テ居マシタ、皮ヲ病、風
引ノ様ナシタ、

園端^{外務}課長ノ命ニ依リ、園口照里、又ハ山田誠
事務官ト共ニ各地ヲ視察シマシタ

伏木ノ甚カク話ニヨリハ昭和十八年頃試ケン移入
ニタソウデス、

私ノ視察ニタ場所ハ約二十個所位デス、

視察後東京西^武ニ直ニ帰宅シ、其他ハ一應
東京ニ帰リ帰マシタ

視察報告ハ山田事務官又ハ園口理事官
加園崎課長ニ報告シタト思ヒマシタ、

昭和二十三年七月十日

本向房吉

内務大臣

安藤 紀三郎

次官

唐澤 俊樹

局長

所村

課長

岡崎

丹羽

課員

小田切

山田

関

照

宮川

事務官

理事官

少司

北 札
海 和
道 口

廳 警 察 部 長

岡 照 里 東 京 虎 門 富 士 三 階

秘 密 探 偵 社 長

AFFIDAVIT OF HOMMA, FUSAKICHI

HOMMA, Fusakichi, having been duly sworn to speak the truth conscientiously, adding nothing and concealing nothing whatsoever, testified as follows:

My name is HOMMA, Fusakichi. My present address is Saga-ken, Karatsu City, Miyojin, Koji, Kyushu. My present occupation is that of a farmer. I am married and have four children.

My first experience in China was in 1919 when I went to Tsingtao for the purpose of joining the Chinese revolutionary group. Tsingtao at this time was leased territory under the Japanese Government and the Japanese ^{Kempeitai} police were after me for joining this revolutionary group, so I disguised myself and worked as a Japanese coolie for about six months, then I went into business of my own.

In 1921 I was conscripted into the Japanese army and returned to Japan. Because of sickness I was discharged from the army after eight months, after which I returned to Tsingtao where I returned to my former business until 1937 when I had to return to Japan by order for evacuation by the Japanese government. In January in 1938 I went back to Tsingtao. At this time I was doing transportation work for the Navy, and I was also engaged in naval intelligence work.

After four or five months of this I went back to my old carting business using coolies. At this time business was very poor and in 1939 I began taking steps to close my business in China and took a trip to Japan. After I bought a house I went back and wound up my business and returned to Japan with my family in the spring of 1941. I have not been to China since.

The first I knew of imported Chinese labor in Japan was in 1941 when a friend of mine, Mr. HAYASHI, knowing that I had been in China a long time and had long experience in dealing with Chinese coolies, called me to Tokyo. When I arrived, HAYASHI told me that the Home Ministry was calling for somebody who knew Chinese labor and wanted me to take that job with the Home Ministry. I refused to have anything to do with Chinese coolies because I felt that conditions in Japan would not suit the Chinese.

Handwritten signature or initials.

He then wanted me to meet an official of the Home Ministry regarding this position. I refused that. He then gave me a party at a tea house in Akasaka and he called in a friend to join us. This man was OKAZAKI who was chief of the Foreign Affairs Section in the Police Bureau of the Home Ministry. OKAZAKI talked with me about the proposed project of importing Chinese labor to Japan and tried to talk me into accepting a position in this connection. I told OKAZAKI that I did not want to have anything to do with it because I did not think it would work, after which I returned to my home in Kyushu.

Two or three weeks after I returned to my home, I received a wire from Tokyo. I do not remember whether it was signed by OKAZAKI or the Foreign Affairs Section of the Home Ministry, but it was an official telegram. This telegram requested me to return to Tokyo. I let it go for two or three days, when the police of my locality called on me and said they had a telephone call from the Home Ministry in Tokyo asking me to report to the Foreign Affairs Section of the Home Ministry. Realizing that this was an official call, I went to Tokyo for the second time.

Upon arriving I reported to OKAZAKI who told me that my services as an advisor were required since I was familiar with Chinese labor. I was reluctant and tried to refuse, but he told me that I could not because of the general mobilization law which provided that everybody do something useful toward winning the war.

He told me that there was a shipment of Chinese laborers arriving at Fushiki in Toyama Prefecture and that they wanted me to make an inspection of the laborers. I accepted the mission, but I understood that it was to be the only one, and I could return to my home in Kyushu again.

I was then introduced to YAMADA, Makoto, who was a subordinate of OKAZAKI, and who was to accompany me to Fushiki. Something happened that YAMADA could not go, however, so I made the trip with SEKIGUCHI, Terusato, who was also under OKAZAKI. Thus I was ordered and forced to take this position with the Home Ministry. I was made an employee of the Ministry on an unofficial status.

SP
b

SEKIGUCHI and I went to Fushiki where we inspected the laborers working as stevedores. We visited their working places and also their barracks. This was in March or April, 1944. I made my recommendations to SEKIGUCHI, who turned in the report to the Home Ministry. Upon touring the camp, I was of the opinion that the laborers were receiving too much food, so I recommended that the food allowance be cut down to 22 kilos per month for men doing light work, and 27 kilos per month for men doing heavy work. I was also of the opinion that the living quarters were too luxurious and that they should not have barracks with wooden floors because the Chinese laborers are not used to such good treatment.

The sanitary conditions and facilities were good enough for Chinese coolies, *but not for other people such as Japanese,* however, they were dirty and filthy. Clothing was also dirty and filthy and a number of the coolies were suffering from skin diseases. The compound was surrounded by a board fence and there was a police box and police guard at the entrance gate.

There were also five or six women from China who served as prostitutes for the laborers. I do not know whether or not the women were sent over forcibly, however, I talked to one of these girls and she did not seem to be pleased with conditions there. I recommended that these women be removed, because I realized that the leaders of these coolies had all the girls for themselves. I do not know if they were returned right away, but this practice of bringing women prostitutes was dropped on later shipments. Also, this was the only labor camp I visited where such conditions existed.

I also had conversations with the company officials employing these laborers, advising them on how to treat the Chinese to get the most work out of them. I also talked with a few of the laborers and after seeing the camp and talking with the laborers, I was of the opinion that they were not very happy about the deal and were not working to the best of their ability.

JP
6

I do not remember how many had died up to that time at the camp, however, I learned that a number of the coolies had died up to that time, mostly from pneumonia. I was surprised to learn that the Chinese should die from pneumonia.

Following this inspection, SEKIGUCHI returned to Tokyo to submit a report based on my criticisms and recommendations, while I returned to my home in Kyushu. About a month later I was again recalled to Tokyo by the Home Ministry. Upon my arrival, OKAZAKI sent me to inspect the camps in Nagano Prefecture, and then to Kyushu. I do not remember whether it was SEKIGUCHI or YAMADA who accompanied me on this trip, however, on all the inspection trips I made, I was accompanied by either YAMADA or SEKIGUCHI.

After each inspection trip I would return to my home. I made about twenty of these trips, from April, 1944 until December, 1944. I was never recalled to the Home Ministry after December, 1944.

A few of the camps I visited were about on par with the camp at Fushiki, but as a general rule, conditions were far worse. The physical condition of the laborers, generally speaking, was fairly good, however, one camp in Akita Prefecture seemed to be the worst of all. In this camp the laborers were ~~very~~ emaciated and seemed to be underfed. This was the camp in which the Chinese later rioted in protest of their treatment. I heard the report, however, that these laborers were emaciated when they arrived at camp, and that in this group they had a large number of deaths en route, however, they had arrived several months before I visited this camp, and the conditions were ^{still} pretty bad.

The persons in charge of this camp were ex-soldiers returned from China and were very rough with the Chinese. There were also a number of elderly people among the group. It was the first time that I saw laborers who were so thin and weak. I did not witness any physical mistreatment here, but I do recall seeing in the guard's barracks several clubs. I reported this matter to the police.

I reported all of this to the Home Ministry and made some recommendations. I did not inspect the actual working conditions at this place. I would say that the conditions at this camp operated by the Kashinagumi were worse than any other camp which I visited.

LPB

The Home Ministry was not interested in the actual working conditions of the Chinese, but only in relation with the laborers so they could keep them in condition to perform their labor.

From the standpoint of production, the Chisaki-gumi camp in Hokkaido was ^{one of} the most efficient in Japan, but in making inspection tours the atmosphere of the place struck me that the Chinese were not satisfied with the management. I knew this by talking with some of them and noting their attitude toward their work. There were a large number of runaways from this camp, ~~even while I was there.~~

Although beating and manhandling of laborers were prohibited by order, and although I never witnessed any specific cases, from talking with the Chinese laborers at some camps, I suspected that this was carried out. In talking with numerous laborers at the various camps, I found out that a large number of the laborers were forced to come to Japan. I was not surprised to hear this because from my knowledge of China and the Chinese, I knew that it was very difficult to recruit ~~a~~ large number of laborers voluntarily. It had long been the custom in China to force vagrants, loafers, prisoners convicted of petty crimes and the like to serve as laborers in China and in Manchuria, so I thought that the same procedure was being followed in this case. In conversations with other officials, I learned that it was.

Under the plan the Chinese were to be paid a small amount of their wages periodically. The balance was to be paid them or their families upon their return to China after two years. This amount was set at 1500 yen. I believe that at a large number of these camps the laborers received absolutely no money whatsoever *during the period they were working.*

As a result of my recommendations on these inspection tours, the Home Ministry published a pamphlet entitled, "Material for reference when ^{CHAPS} employing Chinese labor, and some information for the employers of Chinese labor." This pamphlet was prepared by SEKIGUCHI and, as I said above, purported to be based upon my recommendations, which was true to a certain extent, however, I am not responsible for all of the statements contained in this pamphlet. The purpose of this pamphlet was to serve as a guide for those employing Chinese labor. } *Caps*

JPB

There were other inspection and liaison teams other than myself who kept the Ministry informed as to the conditions that existed in all of the camps *at all times.*

For info

For info

MATERIALS FOR REFERENCE WHEN EMPLOYING
CHINESE LABORERS

(SOME INFORMATIONS FOR THE EMPLOYERS OF CHINESE LABORS).

Drafted by HOMMA, an Official of
irregular service of the Home
Ministry.

I have been a vagabond in China since I was sixteen or seventeen years of age. I have an experience of working as a coolie for three years. Sometimes, I mixed myself among the bandits. I operated a forwarding company of my own where I employed several coolies. I sometimes served the Japanese Army as a special agent by way of utilizing Chinese soldiers. Thus I spent 25 years in all parts of China and yet I am not sure if I can manage the work of Chinese coolies. This will show how difficult it is to use them. What I have heard since I came over Japan were the remarks, such as, "Chinese are dear little things," "they will work alright if only they are treated warmly", or "Oh! They are slow goers anyway." I must say these remarks are all wrong. There are many Japanese who claim to be experts on China affairs, but if those people had really seen China by their own eyes, the present China Incident would not have happened. Those people kept in contact with Chinese with the Japanese military or government as their back. This was not a way they could learn how the Chinese were really thinking in their mind. I lived in China mixed with them while I was quite young and while my nerve was still sensible. What is most important is to know that what they think is usually different from what they usually say. This much for the prelude, and I shall now point out what came to my attention.

I. Quartering.

(A) Quartering is too good to them. It is only those very high class Chinese who can live in matted room. I am surprised that the quartering was too good. A room which afforded them two

or three inches space above their head when they sit would be a much improved living to them in comparison with their living in China. If they reconstruct their quarters with this idea, they can surely accommodate twice as much as they accommodate now.

(B) Present hot bathing system is rather questionable. They were brought up in such atmosphere that to them bathing means a warm treatment offered to the conquerors by the conquered. Their custom is "To let the visitor wash his feet means to provide him with a woman." "Induce him to a hot bath means to take him to a woman." "Ot let him take a hot bath means to place women, whether wife or daughter, at his disposal." To the people who had been brought up in such circumstances, a supply of water or hot water in a basin would be sufficient. Of course since they started this treatment, it would be difficult to stop all of a sudden, but I suggest the practice should gradually be given up.

(C) Kitchen is too good and expensive in fuel. Let them make their oven in their own way. They can make it cheaply and it will save a lot of fuel.

2. Food.

(a) Food is too good. They have never eaten such good food. That is why they over-eat, cause their dilated stomach and find difficulty in working.

(b) Their standard of food back home is a sack of wheat flour, but their flour means mixture of wheat flour with corn and KAOUANG flour instead of the pure wheat flour as is supplied them now. Give them 22 kilogram a month. Let them eat soft porridge of AWA or wheat flour and MANTOW for lunch and dinner only.

(c) They say in Japan that they eat 22 or sometimes 27 kilograms a month and they say it is still insufficient.

It is their usual custom to complain on almost anything. 22 kilograms is a good supply. It is better than 5 go of rice.

(d) They are now supplied with half or one GO of cooking oil a month. Besides, they are supplied with vegetables, fishes and meats and their quantity is too abundant. This is really too much. What they require besides the staple food of wheat flour is a very little of oil and vegetables.

(e) In my last inspection tour, I learnt that in some camp they were not given more than 24 kilograms a month. Laborers in such camp showed restrained state of mind and was excellent in efficiency. Those who are supplied abundantly lacked restraint, had more sick people and showed bad result of work.

Don't supply them too much, because they will dispose the surplus by their own way. I think Japanese people were too sweet in Manchuria and China in the way of their treatment.

(f) I noticed in some camp that they threw away a part of their food, a practice which they could not even dream of in China. Food given to them is really too much.

(g) I said the less food creates better work. Don't misunderstand me, because it depends how you do it. Don't reduce food suddenly, but do it gradually. Patients and non-workers may have their food reduced.

3. Ratio of their work.

(a) Chinese coolies are the best workers of the world. Westerners can let them do the work three times as much as Japanese do. Their work in Japan is less than the work of Japanese. Let them work more.

(b) Much depends on who supervise the work. Supervisors are sometimes too flatterly to the workers.

(c) They are kept lazy now from short of supervision. Allot them certain volume of work to be completed within limited hours.

4. How to Treat Them.

(a) Put the whole responsibility upon their captain (foreman of the group). It is not a good policy that a Japanese leader interferes with each of the laborers.

(b) As a whole, those who can understand Japanese and work as interpreters are of bad character. They have been used to the practice of collecting certain amount of money from each laborer. Here they cannot do it, that is why, they are dissatisfied and incite the laborers to cause some trouble in order to establish new conditions which will bring advantages to the interpreters.

(c) It is seen everywhere that the group captain is controlled by an interpreter. In some camps, they use the Chinese laborers who understand Japanese as office clerk, or sometimes as waiters at home. Nothing is more dangerous than this. It is as if accommodating a spy in the house.

(d) In some cases the Japanese staff are meticulously strict to the laborers. This is apt to cause contempt on the part of laborers of their captain or interpreter. Let the captain or interpreter do this kind of scolding work.

There are some commissioned officers of the Chinese Army among the laborers. They usually stay as common laborers and appoint the ex-N.C.O. as their captain. In such a case, the discipline of the group is difficult to maintain. If you watch them carefully, you can find these instances easily. Please understand that the mentality of the Chinese people is extremely complicated.

(e) Much is said about MENTZ or "face" of the Chinese people, yet few people understand it. To the Japanese people "Face" means naked face. They get angry when the naked face is spoiled or disgraced. To the Chinese people "face" means masked face. It is only when this mask was removed that they get angry. Have insight into their mentality without removing this mask. What they say is always their ceremonious.

it does not express their true heart. They are the people who do not readily show their mind.

(f) Japanese are apt to treat them too dearly. If you treat them warmly, they will start contempting you and when they contempt you, they do you harm. Remember Han (or Chinese) race are never moved by sentiment.

(g) I shall comment the people of the world by quoting the degree in fencing. Japanese are nothing but beginners who were newly given fencing sword. Koreans may be the people who were given the Junior 6th Degree. Germans Junior 3rd degree, Anglo-Saxons Junior 4th degree, Jewish people Senior 3rd degree and the Chinese are with the expert degree.

If the Japanese have match against Koreans, they find Koreans pretty tough, and so they call Koreans "bad lots". But when they have match against Chinese, Chinese simply don't take it seriously. Chinese let the Japanese do whatever they like. Chinese let the Japanese attack face or hand wherever they like and praise the Japanese saying "You are strong, my dear boy." Then Japanese say Chinese are the dear thing. They do not realize that Chinese are too stronger to them. Mistakes arise from this ignorance.

(h) To handle Chinese is like to have an egg in your palm. If you grab it strongly, you will crush it. If you hold it loose, it will slip from your palm, bump the floor and will destroy itself. Much depends how to hold it adequately and this requires much patience and caution.

Chinese are accustomed to utilize other people to confront with other people. They are sensitive in their sixth sense and quick in going into others mentality.

They are apt to say "Mei faatz". This does not mean "Cannot be helped" as is commonly interpreted by the Japanese people. It means "Well, you'll see" and it means their intention of vengeance.

They like to cause trouble to the leaders and they are easy to unite each other.

(i) Yet they have their weak points. They cannot do anything against a united body. The secret of employing the Chinese laborers is to create a solid cooperation among the Japanese people. My long experience tells me that this is the best way.

5. Supervision and control by the police.

(a) They do not understand kindness. If you give them feast out of kindness, they will afraid what may come after the feast.

(b) It is clear from the way they wear their puttees that they had been soldiers. They must have been soldiers at Chungking Government, Communist troops or Nanking Governemtn. Some of them must be their special agents or spies. The question is how to administer supervision over them.

(c) My suggestion is don't mix them with the Japanese. Practice of employing them as house boys or office workers should be stopped immediately.

(d) As I see them, most of them are ex-soldiers from HOPEI and SHANTUNG Provinces. I would not say most of them are spies, but it is the human nature that they try to cause Japan exhaust her materials. They think they can take Japan's place by so doing. This is why they make request for an additional food or building of quarters.

There are two reasons in their decamping. One is their fear from death and the other is to avoid trouble, which may be caused by the instigators mixed among them. It seems they are in intimate terms with the Koreans. This is very bad. They can use Koreans as their tools to collect informations or to act in an unlawful action in a body.

(e) As much as possible they had better be kept in a secluded place and let them do the work among themselves. If that is impracticable, then, kept surveillance from a distant. In China, guards stand somewhere apart so that they may not be

seen by the laborers, and if the laborers do anything wrong, or idle their work, the guards shoot them, using real bullets but taking care not hit them. This will show them that they are watched from afar, and it serves to let them work hard. Those who decamped are either beheaded or shot to death. If the Japanese people take lenient step over this point, I am afraid it will cause trouble in the future.

(f) I was never more surprised than when I saw that a Japanese woman was helping a Chinese laborer to bake his MANTOW (wheat flour cake). In China, they are never approached to women, and so if you do so in Japan, they will start contempting Japanese women, and will bring bad result.

(g) There is no need of providing for them comfort girls. They were not in a position to do anything of such kind in China. That they made such request shows how stack up they feel out here.

(h) The important points are that the employing party must get a competent person to direct the laborers. Let him understand and control them. Give them less food and gain better result of work. Then there will be no fear of violation of law and order. I suggest that a boy of 16 or 17, while he is sensible, to be mixed among the laborers and nourish him to a good director of those laborers. I am not in favor of making much use of Chinese who understand Japanese. Japanese do not have to learn Chinese. You can know by their gestures what they are thinking or what they have got in their mind. If necessary, you can put a Japanese boy of 16 or 17 in the Chinese quarters so that he may pick up Chinese quickly.

(i.) I shall quote here few instances to explain the mentality of the Chinese people.

At a working plant, a Chinese labor was found by a Japanese when he was baking his MANTOW by the side of a Japanese woman. When he was gazed by the Japanese, he showed momentarily a sign of embarrassment, but he immediately recovered his composure, packed his MANTOW and went away in an unhasty manner.

At a camp, a Japanese camp chief happened to ask the Chinese cooks if they had any MATOWS. One of the cooks repeated MANTOW in a mocking manner to imitate the Chief's accent. The Chief stopped and gazed them for a while without saying anything. The other cook who had not said a word accused the cook who made imitation, and the one who did it kneeled on the ground and offered his apology until the Chief forgave him.

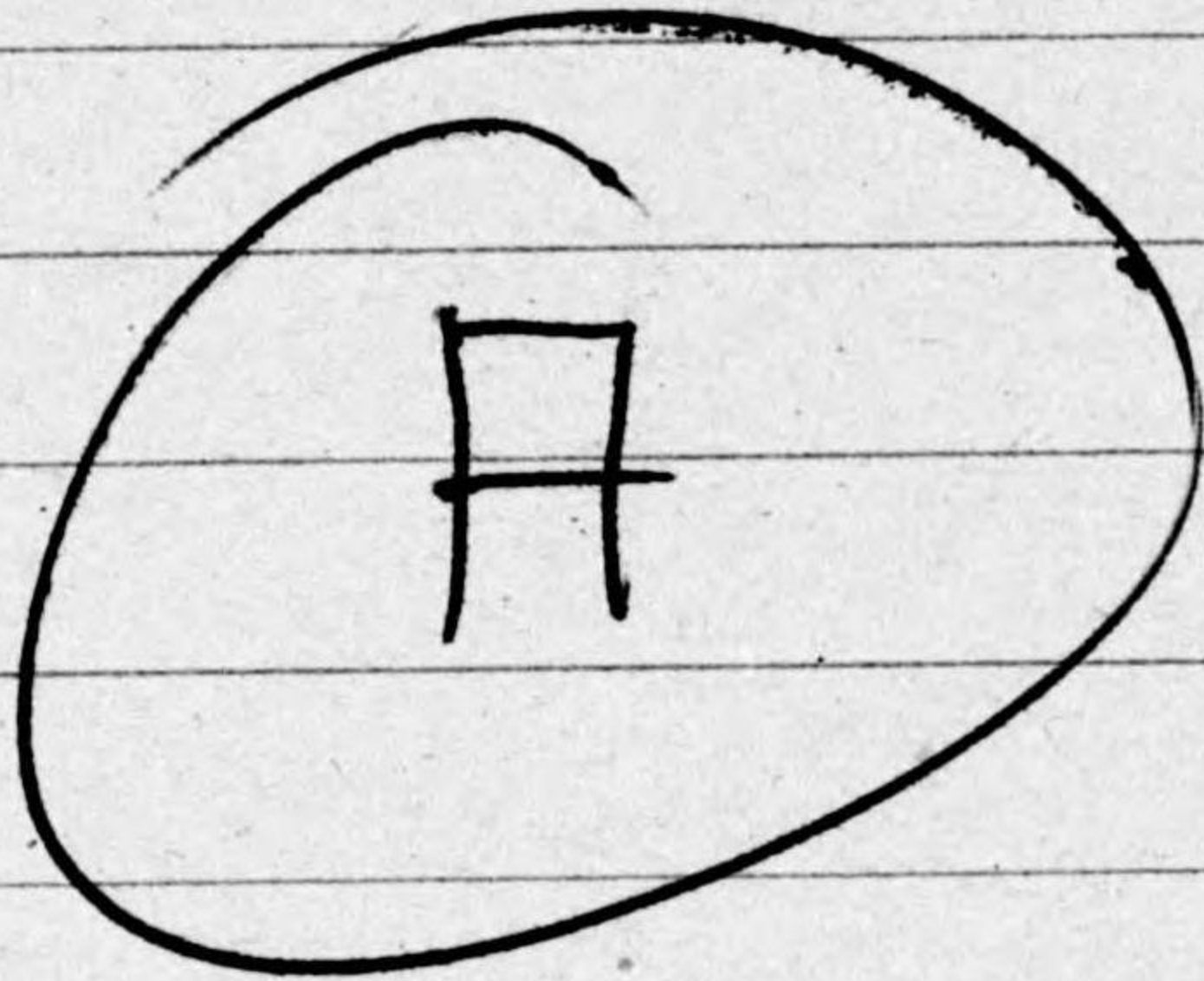
In another camp, a laborer was dispatched on reconnaissance duty among the Japanese. As his steps were slow, a Japanese of the firm which employed him shouted him to walk quickly. The laborer quickened his pace only for 700 or 800 yards and returned to his sluggish walk. The Japanese intentionally stepped on the heel of coolie from behind. The coolie's sandal nearly came off, but the coolie instead of squatting to adjust it, simply went on dragging the sandal unadjusted. You see in their custom, squatting and adjusting it means his hostile intention to the person who did it, and he must be prepared for further rough handling for so doing, and so he pretended as if he did not notice it and went on. This will show that the Chinese people have a knack of going into the mind of others without uttering any expression in words.

(j) All sorts of tricks are necessary to handle the Chinese people. Scold them, show them affection and sometimes stop their food. Only it is impossible to move them from their sentimental angle. When interrogating them, construct your question on a logical structure, and they will be unable to hide anything. It is true that they dearly love their native country and the ancestor's graveyard, but they never shed tears to miss their native country. If they do, they are only playing their part cleverly.

(k) Some Japanese who have actually been in China don't seem to take Chinese seriously. But the Chinese troops, ill-trained with poor weapon and fund have kept resisting Japan for the past 7 years, and they have won the favor of the American and British people. This will show that they are not the people to be trifled with. And remember, most of those coolies are ex-soldiers. It will be a matter of imminent necessity to administer strict supervision over them by the hands of police authorities and let them have no chance of attempting any scheme.

Re:

HOMMA Fusakichi



Statement of HATTORI Kenji

Concerning

HOMMA Fusakichi

17 Nov AM

HOMMA - Fusakichi (房吉)

Is now a witness in - HANFORD Mine Case
Needed there but can stay over tomorrow.

① None.
(1901)

④ 明治34. 1. 15

長崎縣 高江村,
Tomie-mura, Nagasaki
Prefecture.

⑥ 5尺5寸,
(about 5.4 shaku)

⑦ 15貫500

現⑨佐賀縣 唐津市 明神川路
Myojin-Koji Karatsu-shi, Saga-Ken

⑩長崎縣 南松浦郡 高江町
Tomie-machi, Minami Matsunura-gun, Nagasaki-Ken

12. none

13. none

1941-2

⑭ Showa. 6 — 12. Engaged in private transport business in Tsingtao.
(He has since carried on his business activities up to present.)

Showa. 12. (Late in Dec.) Temporarily commissioned by the Navy to handle land transportation business. (As part-time work) In Dec. arrived in Port Arthur and later stationed in Tsingtao to manage above business. (up to March.)

(From April) Showa 12 — Showa 14. Served in the "naval attaché's" office in Tsingtao. (General Information).

In Showa 15. was formally commissioned by the navy, but without any definite work.

In spring Showa 16. returned to Japan and was completely released from his duties by

the end of Showa 16.

2

(2) In spring Showa 19 was commissioned by the Home Ministry to give advice on matters concerning Chinese Laborers. (Appointed consultant on above problem - to Mr. OKAZAKI, _____, then Section Chief for ^{External} Foreign Affairs of the Home M.)

He quit his duties after about an year. (not certain).

Since then he hasn't ~~held~~ held any military or governmental positions.

(3) During all this period he had always held such positions as a part-time work.

(15) Not applicable.

(16) Not applicable.

(20) a. Not applicable.

(b) Nothing except as stated in Section B, No. 14.

(21) ~~At~~ ^{In} Showa 19, gave frequent speeches on Chinese Laborer Problems. (e.g. ^{national} characteristic of the Chinese, their living standard and condition of ^{such} etc.) ~~at~~ Average 20-30

in audience. Sponsored by private concerns.

3.

Kanji
Okazaki -
China Fish C-M Com
Policy
Camps

Kunio

HATTORI

QUESTIONNAIRE

Questionnaire
number _____
(to be assigned by
Ministry or other
Appropriate agency)

(Instructions: This Questionnaire shall be filled out in both Japanese and English. The English version will prevail if discrepancies exist between it and the Japanese version. Answers must be typewritten or printed clearly in block letters. Every question must be answered precisely and conscientiously and no space is to be left blank. If the question is to be answered by either "yes" or "no", print the word "yes" or "no" in the appropriate space. If the question is inapplicable, so indicate by some appropriate word or phrase such as "none" or "not applicable". Add supplementary sheets if there is not enough space in the questionnaire. Omissions or false or incomplete statements are criminal offenses and will result in prosecution and punishment.)

A. PERSONAL

1. List position which you hold or for which you are under consideration, with Civil Service Grade: _____
2. Name: _____
(Surname) (First & Middle Name)
3. Other names which you have used or by which you have been known: _____
4. Date of Birth: _____ 5. Place of birth: _____
6. Height: _____ 7. Weight: _____ 8. Scars, marks, or deformities: _____
9. Present address: _____
(in full)
10. Permanent Residence: _____
(in full)
11. Identity card type & number: _____
12. List any instances when you have been arrested, together with the reasons therefor, and any crimes of which you have been convicted: _____

13. Give any Civil Service rank and grade now held: _____

B. CHRONOLOGICAL RECORD OF EMPLOYMENT AND MILITARY SERVICE

14. In the space below, give a chronological history of your employment, including all of the positions which you have held, since 1 January 1931. In reporting either governmental or military positions, be sure to give all of the ranks which you may, at any time, have held: _____

C. MEMBERSHIP IN ORGANIZATIONS

15. In the space below, report whether or not you are or were a member or a founder or organizer or an officer of the national office or of a prefectural or metropolitan sub-division of the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society, or the Political Association of Great Japan. Report also whether or not you acted as editor for any publication of any of these associations or organized any branches or special activities for any of them: _____

16. In the space below, report any other party, association, society, fraternity, club, union, institution, whether social; political, military, patriotic, professional, cultural, honorary, athletic or otherwise, of which you are or were a member. Make this report whether or not this society was secret. State whether or not you were a founder or organizer or leader, or occupied any post of authority in any such organization and whether you have been an editor of any of its publications: _____

X 17. Has any member of your family held office, rank, or post of authority, or been otherwise influential, in any of the organizations listed above? If so give his name and address, his relationship to you and a description of the position which he held and of the organization: _____

X 18. With the exception of regular membership dues, list and give details of any contributions of money or property which you have made, directly or indirectly, to any of the organizations listed above, including any contributions made by any natural or juridical person or legal entity on your behalf or through your solicitation or influence: _____

X 19. Have you ever been the recipient of any titles, ranks, medals, testimonials, or other honors from any of the above organizations? If so, state the nature of the honor, the date conferred, and the reason: _____

G. REMARKS

23.

The statements on this Questionnaire are true and I understand that any omissions or false or incomplete statements are criminal offenses and will subject me to prosecution and punishment.

Signed _____ Date _____
(Signature of individual to whom the Questionnaire relates)

CERTIFICATION OF SERVICE SUPERIOR

(Instructions: This certification shall be signed by the service superior (or other responsible official) of the incumbent of public office, or, in the case of applicants for public office, by the official responsible for employing the applicant).

I certify that the above is the true name and signature of the individual concerned and that, with the exceptions noted below, the answers made on this Questionnaire are true to the best of my knowledge and belief and the information available to me.

Exceptions (if no exceptions, write "none")

Signed _____ Official Position _____ Date _____

D. RECORD OF OTHER SERVICE

20. With exception of those you have specifically mentioned in Sections B and C above, list:

(a) Any part time, unpaid or honorary position of authority or trust you have held since 1 January 1931 as a representative of the Army or Navy or of any National Ministry or other Central Government agency or as a representative of the Imperial Rule Assistance Association, the Imperial Rule Assistance Political Society, the Political Association of Great Japan, or their agencies, affiliates, or successor organizations.

(b) Any service of any kind you have rendered, since 1 January 1931, in any military, police, law-enforcement, peace protection, or intelligence organization or in any organization concerned with Protection and Surveillance and control of thought, speech, religion, or assembly.

<u>From:</u>	<u>To:</u>	<u>Name and Type of Organization</u>	<u>Highest office or Rank you held or Type of your service</u>	<u>Date of Apmt to highest office or rank</u>	<u>Duties</u>

E. WRITINGS AND SPEECHES

21. List on a separate sheet the titles and publishers of all publications from 1 January 1931 to the present which were written in whole or in part or compiled or edited by you, and all public addresses made by you, giving subject, date and approximate circulation and in the case of speeches, the number in audience. If such publications or speeches were sponsored by any organization give its name. If no speeches or publications write "None" in this space:

F. CORPORATE POSITIONS

22. With the exception of those you have specifically mentioned above, list any corporate directorships or executive positions held by you since 1 January 1931 and were you served whether in Japan proper or outside of Japan.

<u>Corporation</u>	<u>Position Held</u>	<u>Dates</u>

QUESTIONNAIRE RECORD CARD

Questionnaire No. _____

NAME: _____ Japanese Governmental
(Surname) (First & Middle Name)

ADDRESS: _____ Agency _____

Position which applicant holds or for which he is under consideration (with Civil Service Grade):

Summary of pertinent portions of Individual's Record: _____

ACTION TAKEN (Check one): _____ DATE: _____

() Removed from position: _____
(describe position)

() Application for employment as _____ denied.
(describe position)

() Retained in position: _____
(describe position)

() Application for employment as: _____ approved.

OTHER ACTION:

(Here record any applications to Hq, SCAP, for approval of appointment or reinstatement, the action taken by Hq, SCAP, on such application, the action taken by the Japanese Government accordingly and the date of such action. Also record any other action concerning the individual, such as reversal of initial retention of the individual upon direction of SCAP, conviction of the individual for falsifications or omissions in the Questionnaire, subsequent employment of the individual, etc.)

APPENDIX "C"

2691

HOMMA —
NOGI —
OKAZAKI —

Mistreatment
of
Chinese laborers

A	I ISHIDA Otagoro 1961	Q
B	J	R
C	K Kempai Tai Org	SHIBA Koshiro 1952 SHIBUSAWA Viscount Keize 1953 SHIMOMURA Sadamu 1956 SHIODEN Nobutaka 2472
D	L	T
E	M	U
F	N Nagatomo, Tsugio 1957	V
G GOTO, Fumio	O	W-X
H	P	Y-Z YAMAWAKI (fuu) 1954 YONAI Mitsumasa 1955

Date: 12 October 1947

Report of Investigation Division, Legal Section, GHQ, SCAP.

Inv. Div. No.

~~2196~~ 2691

CRD No.

Report by: R. Patterson
Maj. Cav.

Title: Ryohey NOGI; Kyohito HOMMA; Hideshiro OKAZAKI
(Re: Mistreatment of IMPORTED CHINESE LABORERS).

Synopsis of facts:

Police orders regulating Chinese Labor, reflect HOME Office policies and implicate HOMMA and OKAZAKI

- P -

Reference: Report by Capt. William R. Gill, dated 12 March 1947

DETAILS:

At Tokyo:

On 9 October 1947, Seiichiro KUBO, formerly Labor Manager of IMPORTED CHINESE LABORERS for the FUGITA-GUMI company at the Hanaoka Mine, Akita Prefecture, was interrogated at Tokyo in reference to matters pertaining to IMPORTED CHINESE LABORERS in general and Inv. Case File #2196 in particular.

At that time KUBO handed over a document which he stated is a collection of copies of orders received by him, KUBO, in his former and above indicated capacity, during the period from approximately February 1944 to 7 September 1945, from the Police Authorities of Akita Prefecture, including from the so-called "Special Higher Police" (HOME Office police) and pertaining to the regulation and control of IMPORTED CHINESE LABORERS who were in the custody, care and immediate control of KUBO and other FUGITA-GUMI employees at the Hanaoka Mine during the period of time stated above.

This document has been transmitted to ATIS for translation and return to this Division.

Its contents are pertinent to Inv. Div. File No. 2196, and to the whole background problem of crimes -- and their causes -- in connection with IMPORTED CHINESE LABORERS in general; more specifically, this document is pertinent to the individual cases of the suspects HOMMA and OKAZAKI and/or others in the HOME Office who formerly dealt with IMPORTED CHINESE LABORERS' affairs in Japan during the War.

Distribution:

2 Prosecution
Mr. Smith
Mr. Faison
1 CRD
1 Chinese Liaison Div.
1 Inv. Div. (~~2196~~) 2691
1 Major R. Patterson

Do not write in this space.

A brief scanning of the contents reveals the following pertinent details:

(1) One order prescribes a reduction in the rest hours for the Chinese Laborers; (2) another states in effect that if coolies are fed generously it adversely affects their working efficiency; (3) another directs that "Prisoners" who are veterans (i.e., former POW's) are forbidden to leave camp (except under guard); (4) still another admonishes that the rations are too good and too much: that the basic distribution of 22 Kg per head per month of flour is too much -- the reason, that wheat flour is not the usual food; coolies are accustomed to eating low-class food, etc. (Note - in this connection, the Japanese Govt's own plan and specifications prescribed 30 kg, not 22, plus other foods - RMP)

Inasmuch as these orders emanate from HOME Ministry sources, they are believed to reflect the practical policies and methods actually applied in the matter of IMPORTED CHINESE LABORERS: hence, they should throw light on the implications concerning Kyohito HOMMA, a field inspector and lecturer and Advisor to the HOME Office, and concerning Hideshiro OKAZAKI who, as onetime Chief of the Foreign Affairs section had to do with practical policy-making, and who, as one time Chief of the "Special Higher (or 'Peace Preservation') Police" Section, had to do with matters of practical enforcement. In this connection, OKAZAKI is by no means the only person implicated higher up the line in higher HOME Office circles.

UNDEVELOPED LEADS:

The Tokyo Office - at Tokyo - will report fully on ATIS translation of the above-mentioned document briefly outlined above and follow up any further leads found therein.

P E N D I N G

Labor Camps

Chinese & Korean

Historical account ~~of~~

~~of the~~

implicating both the

Corporations & the Govt

- Q. Why didn't one of the other doctors attempt to save the life of the POW?
- A. Because ISHIYAMA was considered a famous surgeon at Kyushu Imperial University, no one else would try to do anything for the POW whom ISHIYAMA finished operating on the POW.
- Q. Why was ISHIYAMA operating on the POW's liver?
- A. Because he was practicing new methods of operating on the liver.
- Q. Was the operation necessary?
- A. It was not necessary.
- Q. Why?
- A. Because I did not see anything wrong with the POW's liver.
- Q. What type of disease is necessary so that an operation on the liver is necessary?
- A. Cancer and metastase of stomach cancer in lobes. Minstra provided the lobes disease as a healthy condition.
- Q. Did the POW have any of these diseases?
- A. No.
- Q. How do you know?
- A. Because I was present at the operation and was able to examine the liver and stomach and did not see any signs of the diseases making such an operation necessary.
- Q. Did ISHIYAMA say anything during the operation or after he had cut the vene portae?
- A. I don't remember.
- Q. Was the POW given any anesthesia before the operation was started?
- A. I did not see anyone administer anesthesia to the POW in the autopsy room.
- Q. Was the POW conscious at any time during the operation?
- A. The POW was unconscious.
- Q. How was the POW made unconscious?
- A. KOMORI gave him a basic anesthesia to bring POW before the POW was taken to the Kyushu University.
- Q. How do you know that?
- A. HIRAO told me.
- Q. What type of basic anesthesia was administered to the POW by KOMORI?
- A. HIRAO told me that KOMORI had given morphine to the POW.
- Q. What type of basic anesthesia did KOMORI give this POW?
- A. I don't know.
- Q. Do you know the amount of basic anesthesia administered to this POW?
- A. I don't know.
- Q. In your opinion, did the POW die because ISHIYAMA cut the vene portae of the liver or because the POW was administered too much anesthesia?
- A. Because the vene portae was cut.

~~File~~ Translation
of the Jap. Copy.

29/12

英人ノ一ツ氏譯

The Construction Contractors 14 in number, employing Chinese Contract Labor; as well as 35 such companies using Korean Labor, were charged by the Japanese Government, upon cessation of hostilities, with the custody of and responsibility for the welfare of some 12,364 Chinese nationals and 22,500 Koreans to be held at their respective work sites pending their repatriation.

After the lapse of one hundred days of night-mare strain these Contractors, here-in-after referred to as DOBOKU KENCHIKO-SHA, find themselves at the very limit of their resources and endurance; their urgent tasks of reconversion or dissolution hampered or held up; their most valuable Japanese staff members assigned to this task, terrorised and either deserting or demanding damages for their extra-hazardous duties - with the result that a number of the firms are on the brink of insolvency on account of their forced outlays.

At the same time they cannot for a moment shut their eyes to the social implications of the rising tide of violence and the menace to the community threatened by the crimes perpetrated by their charges. These crimes their staffs have no power or means to check - while the local police do but demonstrate their incompetence whenever challenged. Whether as "Victor" Nationals or "Liberated" people these Contract Laborers are a law unto themselves. Their criminal elements manifestly regard themselves as immune, however outrageous their conduct, because of the political complications that might arise through any show of force in resisting their depredations. This fear evidently paralyses the police on their part, while they plead in mitigation of their helplessness, that they are crippled by dismissals and resignations from their ranks.

After having experienced over one hundred cases of violence, arson, theft, destruction of property, beating and kidnapping of their officials

and having met with no response to their appeals to the Japanese Govern-
ment for release from their intolerable position, these DOBOKU KENCHU
SHA ^{conceive} ~~conceive~~ it to be no loss than a public duty to put the situation
fairly and plainly before the Occupation Authority, while confessing
their own impotence and that of the police to prevent disorders that may
lead at any moment to more serious breaches of the peace.

They find themselves with no alternative but to implore the good
offices and directive of the Supreme Command to the end that priority
may be established (and sufficient transportation provided) to remove
these widely scattered bodies of Contract Laborers from their present
sites and speedily effect their return to their own countries. Most
urgently they hereby petition that the responsibility for their watch
and ward may be removed immediately from the afore-said DOBOKU KENCHU
SHA.

In support of the above plea they beg respectfully to submit the
accompanying memoranda describing the origin and character of the con-
tract labor involved, and the status and present location of the resi-
due left on their hands, pending arrangements for their return home.

HISTORICAL SUMMARY:

CHINESE CONTRACT LABOR.

The traditional reservoir for Heavy & ^{Un-skilled} ~~Unskilled~~ Labor - the husky surplus youth from farm and fishing villages - on which the Doboku Kenchiku-sha had always depended, speedily dried up due to military conscription with the on-rush of the Far Eastern war. The Governmental measures to channel the whole labor potential of the country into "necessary" i.e. "War" work, soon fell short of filling a great void in the field of heavy labor consequent to insatiable demands for construction in the expending munitions industries and the multiplication of military establishments^{is}.

It was only in this crisis that the Japanese Cabinet took up as a partial means of relief, the possibility of procurement of group contract labor for a specified range of industries from the North China area. A Cabinet resolution at the end of 1942 directed the Planning Board to investigate the feasibility of getting suitable labor for the specified industries of Coal Mining, Mining, Doboku Kenchiku and Stevedoring. The Planning Board arranged for a delegation from these industries to meet with officials of the Ministries of Commerce, Welfare, Home and Far Eastern Affairs at the Japanese Embassy in Peking, where this group was brought into touch with the North China Labor Association - a ^{body} ~~body~~ supervising the supply of contract labor from Shantung to Manchukuo.

The co-operation of this body assured, the terms of a trial contract were drawn up whereby in the following spring a small number of contract laborers were engaged to ^{be} ~~be~~ tried out by the Coal Mining and Stevedoring industries. The satisfactory implementing of this contract having been reported to the Cabinet, resulted in Cabinet action in February 1944, which authorized the employment of 30,000 contract laborers to be limited to the four industries of Coal Mining, Mining, Ship-building & Doboku ~~kenchiku with the addition of 3000 unskilled under group labor contracts to be distributed~~ ~~then at the Stevedores of the various ports in Japan.~~

1233
Kenchiku with the addition of 5000 semi-skilled, under group labor contracts, to be distributed amongst the Stevedores of the various ports in Japan. The control of the allocation of the laborers received was vested in the Welfare Ministry. The contracts were thereupon entered into through the North China Labor Ass'n under the auspices of the Japanese Embassy, and the allocations were performed by the Welfare Ministry.

When the war ended, out of the 13,500 allotted to the Doboku Kenchiku Sha, there were 12,364 contract laborers in Japan.

The number was reduced by 1164 through repatriation in October. Cessation of work was immediately ordered by the Japanese Government; and the Doboku Kenchiku-sha, here-in concerned, were instructed to undertake their sustenance and care, the Government stipulating extra rations and especially of oil and meat (which involved black market purchases running as high as $\text{¥}4\text{ to } \text{¥}7$ per head per day); and otherwise providing for their being treated with consideration pending their return to China.

On September 20th the Joint Conference of the Ministries concerned passed a resolution to the effect that these groups should be repatriated during the remainder of September and before the middle of October. It also ruled upon the amount of Allowances in lieu of wages during the period of suspension of work: this payment it fixed at not less than 60% based on the ~~wage~~ ^{wage} earnings of the last three months of work.

The Government were not able to carry out the program of returning the laborers, for lack of transportation and ~~supplies~~ ^{supplies}. The Doboku Kenchiku-sha are concerned only 1164 have actually left in October, leaving 11,200 at the various localities, shown on the accompanying map shown on the accompanying map.

- Oct.17 Laborers at Kagurigahara Military Construction forced the Keshinagumi to hand out ¥70,000.
- Sep.24 150 Chinese laborers at O-yubari Hokkaido broke into the police sub-station and company office, locked up the manager and the police chief, did much damage and in the fighting killed their own Chinese leader... next day attacked the Tokiwazawa police substation injured two policemen and damaged company premises.
- Sep.13 At Omuta station gang boarded train standing in station and robbed passengers of money, valuables and wrist watches etc.
(similar incidents of almost daily occurrence)
- Sept.7 Chizaki-gumi office at Sorachi gun Hokkaido forcibly entered by a gang of their workmen demanding immediate distribution of 470 pair working tabi; disbelieving the manager who declared that because such a quantity was not in stock & despite assurances that before their departure they would all be provided with foot gear the gang broke into the godown looted it of clothing, sake and food and returning to the office inflicted grave injuries on
ving him half dead.

Their spirits exalted and inflamed with the exhilaration of victory, the demands of the trouble makers in various of the groups all bounds, and despite every effort to placate them the responsible managers of the Doboku Kenchiku-sha have been set upon, beaten or imprisoned, abducted and held for ransom - or have had to see the companies, ware-houses broken into and contents pillaged, or property destroyed and office buildings set fire to - the acts of violence have extended to the country-side even to train-robberies, where trains standing in a station have been boarded and the passengers relieved of their purses, wrist watches and other valuables. Claims for compensation for all these depredations have mounted up and added to the direct losses sustained; and the police, in many cases, if they tried to restore order, were beaten for their pains or shut up in their own stations.

Without going into full details but just glancing back over the police record from the beginning of September to the end of October the following sample cases are submitted, to indicate the nature and seriousness of the disturbances which have reduced the Doboku Kenchiku-sha employees to a state of despair, leading them to insist upon release, - or to join in the chorus demanding damages for their own injuries. --

- Oct. 29 Lgr. of Tsuchiyagumi Head Office Sapporo Hokkaido Kidnapped and held for ransom of 150,000 (released on pay't of 95,000)
- Oct. 27 Lgr. at Kagemigahara Military Construction, of Kumayagumi threatened and forced to hand over ¥250,000 under duress.
- Oct. 25 Nishimatsugumi paid over ¥300,000 to the Yasuno Nippon Electric Transmission Construction Chinese laborers under threats of violence.

CHARGES AND LOSSES.

The costs and losses for which the Doboku Kenchiku-sha are perforce looking to the Government for re-imboursement, naturally fall into two classes or groups

before August 15, 1945

(1) Those that were incurred/under the stipulations of the contract all whose details were made under the scrutiny of the Japanese Authorities and as directed by them. Some of these losses were due to the termination of the war before the amortisation period (granted in which to write off the payments) had transpired. Or payments guaranteed by the Government. Such outlays totalled ¥ 32,891,773. The largest item, as shown below is for the advance payments made for hiring labor, to the North China Labor Ass'n (originally agreed at ¥400 per head but raised to ¥600 from the start and increasing to ¥1000 in subsequent contracts, the earliest of which had six months yet to run while the latest were interrupted within the initial period of 2 months training (stipulated by the contracts) Total losses of course were those advances made against which no labor was forthcoming. Special types of housing, built under police supervision, had to be provided which were to have been written off over the two years of the contracts; while the Government undertook to re-imburse the contractors for the special food stipulated, to the extent of 50 sen per day; and to be responsible as well for the difference in basis pay represented by the contract figure of ¥5 per day and the current rates for Japanese or Korean labor.

BREAK-DOWN OF LOSSES PRIOR TO AUGUST 15th 45.

Unamortised portion of Bargain Money payments

and for payments made without receiving laborers ¥15,663,344

Government guaranteed difference on basis wages	8,398,382
do. do. portion of extra provision of meat & oil etc. 50 sen per day (Actually cost $\frac{2}{3}$)	1,995,198
Un-amortised part of cost of special demiciles	5,718,600
Other losses (death gratuities hospitalisation etc).	
	<u>2,116,249</u>
Total	32,891,773

(2). Losses and payments incurred since August 15th through the destruction of property and the compensation demanded of the companies, together with the costs of allowances stipulated by the the unproductive labor gangs, pending repatriation as calculated up to November 20th.

B. BREAK DOWN OF LOSSES BETWEEN AUG. 15 & NOV. 20

Losses of cash, property, and for compensation to victims of Chinese violence and theft	¥ 24,338,184
Wages and gratuities	6,436,738
Gov't guaranteed extra food allowance	<u>5,923,610</u>
Total	¥ 36,698,532

HISTORICAL SUMMARY

KOREAN LABOR

A much longer history attaches to the use of Korean Free Labor in contrast to Group Contract Labor, so far as the Doboku Kenchiku Contractors are concerned. In fact until 1939 it was the one practical route open to young Koreans without special trades or skills, who were keen to come to this country, (and there were many), for securing entry permits (through the introduction of friends or relatives already in Japan) by undertaking a contract with some Construction out-fit.

However since 1942 the dearth of heavy labor supply already referred to induced the Japanese Government to inaugurate a policy of Group Contract Labor in consultation with the Government General of Korea for a definite number of industries - allocation of the quotas arranged being left to the discretion of the Welfare Ministry.

In the first year the allotments were all absorbed by four industries, Coal Mining, Mining, Steel and Doboku Kenchiku.

However in 1943 the acute shortage induced the Airplane, Chemical Stevedoring and freight handling industries to join in applications which resulted in a big increase in the numbers arranged. The approximate number of importations and the share received by the Doboku Kenchiku share in the period under review is as follows.

Year.	Total.	Doboku Kenchiku.
1942.	60,000	15,000
1943.	130,000	40,000
1944.	310,000	77,000
(1st quarter) 1945	60,000	14,500

During 1944 a sufficiency of supply was attained only by the policy inaugurated by the Government General when the voluntary laborers became scarce, of requisitioning quotas from the various provinces in Korea. Nevertheless heavy losses were incurred by the contracting firms due to the whole-sale escape ^e on route, or after reaching destination, of members of gangs allotted to jobs they didn't fancy. These joined friends already here and mostly working under free labor contracts with Doboku Kenchiku-sha which received heavy recruitment from these run-aways at a time when labor was in heavy demand.

In fact probably 30% of the one and a quarter million or so 50 Koreans in Japan were working in construction projects. It must be confessed that his refugee element from the contract labor gangs are amongst the most ^{predominant} ~~prevalent~~ and troublesome agents, especially in the black market. Acting as brokers and intermediaries they constitute a flight-fingered element which is becoming a rapidly growing problem & menace to the social order. These Korean Contract Labor gangs have all received a very disturbing object lesson from the bad example set by the depredations committed by the Chinese labor gangs whose unpunished ^{crimes} ~~crimes~~ are well known to them. If these gangs start running ^{a mob} ~~a mob~~ widespread riot and bloodshed are sure to result owing to the large numbers of ^{Koreans} ~~Koreans~~ in the country.

In the latter half of 1944 again the great ^{or} ~~expansion~~ in Korean industries, mining and agricultural demand, caused the supply of labor

to dwindle as fast as the demand was growing from Japan; and lucky were the contractors who secured 70/80% of the numbers they had paid for in advance. The situation became so bad in 1945 that only 15% or even in some cases 5% or 6% ever materialised. This in spite of the fact that the rate of procurement advance had risen from ¥11 to ¥16 and later to ¥10. per head.

Came August 15 - and the Government ordered the cessation of work for all Korean Contract Laborers, simultaneously instructing that they should not be dispersed for the crying needs of road repair and clearing up the aftermath of the devastation, but should be kept in their cantonments until their repatriation could be brought about.

This order has occasioned great pecuniary outlays for the companies besides continuous anxiety, while their employees who were detailed to look after the Koreans have been put to untold discomforts in carrying out the Government decree to try and keep them pacified. The Government has ruled that the Free Labor Koreans should receive equal treatment to that given to the Contract groups in all matters, including compensation and allowances. All told the 35 companies involved have incurred outlays in connection with their Korean Labor Contracts running to ¥51,002,614 which they have detailed and claimed compensation for from the Government.

Advances made for labor never forthcoming	¥ 1,032,614
Allowances in lieu of wages to Nov. 20	8,820,000
Bonuses ordered by Welfare Ministry for extending expired contracts 1 year ¥200 per head plus ¥200 for families	7,400,000
Dismissal allowances on repatriation ¥1500	<u>33,750,000</u>
Total Amount	¥ 51,002,614

The present numbers and locations as ascertained on Nov. 1st of the Korean labor remaining on the hands of the Doboku Kenchiku-sha after the numerous desertions that have taken place show a total of 22,500 quartered at 104 plants through-out the country as shown below

Province. Nos.			Province. Nos.			Province. Nos.		
Hokkaido	4708	(19)	Ibaragi	585	(3)	Shizuoka	1061	(4)
Aomori	800	(3)	Tochigi	419	(6)	Toyama	429	(1)
Akita	1396	(3)	Tokyo	97	(2)	Gifu	757	(4)
Yamagata	60	(1)	Kanagawa	1075	(5)	Aichi	206	(2)
Iwate	472	(2)	Seitama	111	(3)	Fukui	18	(1)
Miyagi	370	(2)	Saitama	1640	(5)	Shiga	23	(1)
Fukushima	1053	(4)	Niigata	103	(3)	Osaka	220	(2)
Hokkaido	305	(1)	Nagano	1780	(5)	Hyogo	195	(2)
Kagoshima	529	(2)	Yamanashi	405	(2)	Chiyama	15	(2)
Nagasaki	315	(2)	Miyazaki	607	(2)	Kumamoto	71	(1)
Fukuoka	332	(2)	Kochi	1026	(2)	Yamaguchi	35	(1)
Hiroshima	405	(3)						

CONCLUSION.

The foregoing synopsis has been presented in the hope that it will clarify the present situation as regard both the Chinese and the Korean labor Groups, as well as the grounds and validity of the claims for reimbursement from the Government Departments concerned. Any further information that may be required, the under-signed representatives of the Doboku Kenchiku-sha will be glad to supply.

As already indicated the elation of this foreign labor as nationals of the victors or as "liberated" peoples has caused them to get out of hand in many cases, leading them to assume such an arrogant and ~~domineer-~~^{domineer}ing attitude toward the representatives of the Doboku Kenchiku-sha, who were trying faithfully to perform their duties towards them, that only the strong intervention of the police could have prevented the excesses which resulted, but the latter have studiously avoided involvement, and it is only natural that the impunity with which the criminal element found it could operate has led to increasing lawlessness.

The hardships and the dangers to life and limb suffered by the representatives of the Doboku Kenchiku-sha became so alarming that in ~~representatives of the Doboku Kenchiku-sha~~ ~~be~~ one camp early in November the whole staff felt constrained (after notifying the police that their lives were being threatened, and to take over the camp) to flee as for their lives. Thus the situation has become no longer tolerable.

The 14 concerned with Chinese Contract Labor, jointly with the 35 Doboku Kenchiku-sha involved with Korean labor under the orders of the Government, therefore made earnest representations on the 14th of November ~~of the welfare in~~ to the Welfare Minister and to the vice Minister of Home Affairs, insisting that they should be relieved of further custody of these groups as from the 20th of November, and at the same time urging the pecuniary relief for the disbursements already made. No action has been forth-coming.

They have therefore ^{no} alternative save to seek the intervention of the Occupation Authority, by this present means. They pray for speedy arrangements for their release, before any more serious outbreaks or disturbances of the peace occur. Specifically they petition the American Authorities to cause the Japanese Government to release the Kenchiku Doboku-sha at once, and have the laborers ^{to} awaiting repatriation removed to convenient centres. They further respectfully request the good-will of the American Authorities in arranging for the transportation which the Japanese Authorities are unable to command. Finally in their own behalf, for the favorable understanding of the American Authority in respect to the claims against ^{the} Japanese Government of the Doboku Kenchiku-sha which have ~~been here~~ out-lined above.

Very respectfully sub-mitted,

Kyoshi Kato.
Advisor
Nippon Kensetsu Kogyo
Tosei Kuriai

(7)

HOME MINISTRY

Criminal Evaluation of

"Next to War & Navy
Ministries the Home
Ministry was the most
powerful arm of the
Govt in Japan."

(Newspaper clipping)

12 December 1947

HOME MINISTRY SET TO DISSOLVE DEC. 31

Diet Passes Law to Abolish One of the Most Vicious Oppression Agencies

"Passage by the Diet of the law abolishing the Home Ministry December 8 has sounded the death knell of what was once one of the most vicious instruments of Japanese oppression," a SCAP representative said. The law orders dissolution of the Ministry next December 31 and the transfer of essential residual functions to other Government agencies.

"Next to the War and Navy Ministries, the Ministry of Home Affairs was the most powerful arm of Government in Japan," the SCAP official said. "Through its regulation and control of State Shinto, local government, and police, the Home Ministry had directed the lives of the masses of the Japanese people, and had kept them in chains for many decades."

A bill making the Japanese police force autonomous, taking it out of the jurisdiction of the Home Ministry, passed the Diet Tuesday. This bill also drastically limits the national authority of the police force, which will operate almost exclusively on the prefectural and local levels.

The Public Works Bureau, which worked out land reclamation and construction in rivers and harbors, was combined with the War Rehabilitation Bureau into a Construction Board, which will be attached to the Prime Minister's Office.

Administrative handling of elections, formerly the charge of the Home Ministry, was turned over to the National Election Management Commission, with passage of a Diet bill setting up such an agency.

A Local Finance Commission was established as a study group to plan an agency to handle national Government affairs relating to local taxation.

Other miscellaneous duties of the Ministry, centering around the relationship of local and national Governments, will be taken over by a provisional Domestic Affairs Bureau, set up by a provision of the law wiping out the Home Ministry.

4

Q. Why didn't one of the POWs attempt to save the life of the POW?
A. Because ISHIYAMA was considered a famous surgeon at Kyushu Imperial University, so one of the POWs tried to get help from the POW when ISHIYAMA started operating on the POW.

HIRABAYASHI

Attorney for Kajima Gumi

Various Communications

defending the Company

of blaming the Jap Govt

Q. Was the POW conscious at any time during the operation?
A. The POW was unconscious.
Q. How was the POW made unconscious?
A. KOMORI gave him a large amount of ether before the POW was taken to the Kyushu University.
Q. How do you know that?
A. HIRABAYASHI told me.
Q. What type of basic anesthesia was administered to the POW by KOMORI?
A. HIRABAYASHI told me that KOMORI had given morphine to the POW.
Q. What type of basic anesthesia did KOMORI give the POW?
A. I don't know.
Q. Do you know the amount of basic anesthesia administered to this POW?
A. I don't know.
Q. In your opinion, did the POW die because ISHIYAMA cut the vein port of the liver or because the POW was administered too much anesthesia?
A. Because the vein port was cut.

- Q. Why didn't one of the other doctors attempt to save the life of the POW?
- A. Because ISHIYAMA was considered a famous surgeon at Kyushu Imperial University, no one else would try to do anything for the POW when ISHIYAMA finished operating on the POW.
- Q. Why was ISHIYAMA operating on the POW's liver?
- A. Because he was practicing new methods of operating on the liver.
- Q. Was the operation necessary?
- A. It was not necessary.
- Q. Why?
- A. Because I did not see anything wrong with the POW's liver.
- Q. What type of disease is necessary so that an operation on the liver is necessary?
- A. Cancer and metastase of stomach cancer in lobus sinistra provided the lobus dexter is in a healthy condition.
- Q. Did the POW have any of these diseases?
- A. No.
- Q. How do you know?
- A. Because I was present at the operation and was able to examine the liver and stomach and did not see any signs of the diseases making such an operation necessary.
- Q. Did ISHIYAMA say anything during the operation or after he had cut the vene portae?
- A. I don't remember.
- Q. Was the POW given any anaesthesia before the operation was started?
- A. I did not see anyone administer anaesthesia to the POW in the autopsy room.
- Q. Was the POW conscious at any time during the operation?
- A. The POW was unconscious.
- Q. How was the POW made unconscious?
- A. KOMORI gave him a basic anaesthesia to this POW before the POW was taken to the Kyushu University.
- Q. How do you know that?
- A. HIRAO told me.
- Q. What type of basic anaesthesia was administered to the POW by KOMORI?
- A. HIRAO told me that KOMORI had given morphine to the POW.
- Q. What type of basic anaesthesia did KOMORI give this POW?
- A. I don't know.
- Q. Do you know the amount of basic anaesthesia administered to this POW?
- A. I don't know.
- Q. In your opinion, did the POW die because ISHIYAMA cut the vene portae of the liver or because the POW was administered too much anaesthesia?
- A. Because the vene portae was cut.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

File No. 000.71

27 December 1945

Public Relations Informational Summary No. 2

SUBJECT: Biographical Data

Col. Alva C. Carpenter, JAGD (Chief, Legal Section, SCAP) - Born Decatur, Indiana, 16 January 1902. Present U.S. address-2121 Broadway, Ft. Wayne, Indiana. Spent boyhood in Ohio and Michigan, graduating from Reading High School in latter state; played football and basketball in high school.

Received certificate in accounting and business management in 1920 from International College, Fort Wayne, Indiana. Graduated from Northwestern University in 1925; active in varsity football and track there. Received LLB from Harvard Law School in 1928. Attended Northwestern University Law School in 1930 for post graduate work.

During 1928-29 was employed in the Library of Congress and by the Supreme Court of the United States in Washington, D.C. Practiced law in Fort Wayne, Indiana from 1930-1940.

Admitted to the bar in Indiana, 1929, in Illinois, 1930; admitted to practice in Federal Courts, 1932.

Called to active duty on 1 August 1940 at Fort Hayes, Ohio. Served as Assistant, and later Acting Judge Advocate of Hawaiian Division, April 1941-November 1942. Served as Judge Advocate of 24th Division from October 1941, until 23 March 1945. Also served as Acting Judge Advocate for the 25th Division at Schofield Barracks, Hawaii, January 1942-July 1943. Landed with 24th Division at Sidney, Australia in August 1943; thence with that Division through its campaigns on New Guinea, Biak, Leyte and Mindoro. In the Leyte campaign, acted as civil affairs officer in charge of refugees, and in the Mindoro operations as civil affairs officer in charge of the provincial governments of Mindoro and Mariandaque; awarded the Legion of Merit for discharge of these duties. Relieved from assignment with the 24th Division on 23 March 1945, and assigned as Chief of the War Crimes Investigating Office, USAFFE, which has subsequently become the War Crimes Branch, AFPAC, and the Legal Section, SCAP.

Lt. Col. Leo G. Blackstock, JAGD (Chief, Prosecution Division, Legal Section, SCAP) - Born in Whitt, Texas, 1 November 1899. Home address, 215 Aschway, Austin 21, Texas.

Received BA degree, 1923, MBA (Master of Business Administration) 1925, and LLB, 1933, all from the University of Texas. Member of Theta Xi social fraternity, Alpha Kappa Psi honorary accounting fraternity and Phi Delta Phi honorary legal fraternity.

Admitted to Texas bar in 1933. Taught commercial law and accounting at the College of Business, University of Texas, from 1924 until called to active duty in 1940. During leave of absence from the University in 1936-38, served as Chief Examiner, Gas Utilities Division, Texas Railroad Commission.

Received a reserve commission as a Captain in the Judge Advocate General's Department, 1936. Called to active duty, 1 November 1940. Assigned to Judge Advocate's Section, Eighth Service Command Hq.,

LIST OF EVIDENCES IN SUPPORT OF THE ALLEGATIONS MADE FOR THE
DEFENSE OF THE WAR CRIMINAL SUSPECTS, KONO Masatoshi
& Six Others now Incarcerated at SUGAMO.

- ++++++ -

Exhibit A - 1:

Notarially attested affidavit of MRS.KONO Yuki, wife of KONO Masatoshi, now incarcerated at Sugamo prison, bearing on the innocence of her husband.

Exhibit A - 2:

Notarially attested affidavit of MRS.SATO Kimi, wife of SATO Yuzo now incarcerated at Sugamo prison, bearing on the innocence of her husband.

The above EVIDENCES relate to the preamble, also to the conclusion item A) on page 7 of my petition dated June 17th 1946.

Exhibit B - 1:

(c) Notarially attested affidavit of Mr.KUBO Sei-ichiro, Department Head in charge of the Chinese Labours working at the Hanaoka Mining Works of the former FUJITA-GUMI LTD (now called 'DOWA Mining Co.,Ltd) from May 1943 to May 1946, who had been to North China in April - June 1944 in regard to the importation of the Chinese labours into Japan and worked labriously with KONO vis-a-vis the Central & Prefectural Governments for the welfare of the Chinese labours and who is an eye-witness to the scene of the Chinese Conspiracy at Hanaoka of July 1st 1945 and its subsequent developments.

Exhibit B - 2:

Sentences pronounced by the Criminal Section of the Akita District Court upon the twelve Chinese perpetrators of the crimes committed on July 1st 1945 Conspiracy by its ringleaders SHA-JANG and eleven others for having murdered and injured both the Japanese personnel and Chinese Labour.

The above EVIDENCES relate to Item (1) "July Conspiracy", Item (2) Importation of Chinese Labours, Item (4) Japan's Last Collapsing Stage of War, Item (6) High Rate of Deaths, Item (7) Medical Treatment, of my Petition dated June 17th, 1946.

Exhibit B - 3:

Personal letter written by SHA-JANG, the ringleader of the July Conspiracy and the Commander of the entire Chinese Labours attached to the Hanaoka "Chuzanryo Dormitory" of the Kashimagumi Detached Office, addressed to MR. SHIBATA Saburo, Head of the Labour Section there; said letter was written in the Akita Prison and sent to Mr.Shibata sometime towards the end of Aug. 1945 via the Chinese interpreter U-KETSU-SHUN (Japanese pronunciation).

Exhibit B - 4:

Personal letter written by SHA-JANG, in the Akita Prison about the same time as the above letter to Mr.Shibata, addressed and brought to Mr.KONO Masatoshi, Chief of the Hanaoka Detached Office of Kashimagumi by a messenger.

The above EVIDENCES relate to the Preamble, Item (1) "July Conspiracy", also Conclusion B).KONO of my Petition dated June 17th 1946; concurrently, these Exhibits serve to shew KONO's geniality, integrity and benevolence and that he was and is held in high esteem by all the Chinese Labours.

Exhibit C - 1:

Petition made by KONO Masatoshi to Governor HISAYASU Hirotada of Akita Prefecture dated August 18, 1944 praying for additional rationing of 8 Kilograms of main food to the Chinese labours, and the Governor's official reply thereto dated August 23, 1944 rejecting KONO's petition.

Exhibit C - 2:

Further Petition dated November 24, 1944 filed by KONO Masatoshi to Governor HISAYASU Hirotada, Governor of Akita Prefecture, reiterating his previous supplication (vide EXH.C-1 above) for additional local rationing of 8 kilograms for the Chinese labours.

Exhibit C - 3:

Petition made by KONO Masatoshi to the Chief of No.1 Economic Section of Akita Prefecture dated January 22, 1945 praying for additional local rationing of 8 kilograms, by referring to and reiterating his supplication incorporated into the above two Exhibits.

The above EVIDENCES relate to Item (5) Rationing & Clothing, also Item (4) Japan's Last Collapsing State of War of my petition dated June 17th 1946.

Exhibit D - 1:

Petition made by KONO Masatoshi dated August 21, 1944 to the Chief of Akita Branch of the Labour Patriotic Association of Akita Prefecture, supplicating him for the special supply of Ground "Tabi" (socks) for the Chinese Labours; the official reply of the above Association dated Aug. 29, 1944 to KONO rejecting the said petition.

Exhibit D - 2:

Petition by KONO Masatoshi dated November 24, 1944 to Governor HISAYASU Hirotada of Akita Prefecture for a distribution of bed-cloths for the Chinese Labours.

Exhibit D - 3: Petition by KONO Masatoshi under date November 24, 1944 to Governor HISAYASU Hirotada of Akita Prefecture for a distribution of SHIRTS for the Chinese Labours.

Exhibit D - 4:

Petition by KONO Masatoshi dated November 24, 1944 to Governor HISAYASU Hirotada of Akita Prefecture for a distribution of Ground "Tabi" (socks) for the Chinese Labours.

Exhibit D - 5:

Petition by KONO Masatoshi dated December 1, 1944 to Mayor Fujimori of

Hanaoka for a special distribution of TOWELS for the Chinese labours.

The above EVIDENCES relate to Item (5) Rationing & Clothing, also Item (4) Japan's Last Collapsing Stage of War, of my Petition dated June 17th 1946.

Exhibit E - 1:

Certificate by Dr.T. OUCHI, President of the Hanaoka Mining Hospital, relating to the general health condition of the Chinese Labours at the time when they first arrived into the Hanaoka "Chuzanryo" Dormitory of Kashimagumi Ltd.

Exhibit E - 2:

Certificate by Dr.T.ISHIZUKA, of Odate-Machi, retained by the Hanaoka Detached Office of Kashimagumi Ltd concerning the general health condition of the Chinese Labours at the time when they first arrived into the Hanaoka "Chuzanryo" Dormitory of Kashimagumi Ltd.

Exhibit E - 3:

List shewing 'Balance Sheet' of the Chinese Labours arrived into the Hanaoka "Chuzanryo" Dormitory of Kashimagumi Ltd, Deaths, Repatriates & those still remaining in Japan.

The above EVIDENCES relate to Item (2) Importation of Chinese Labours & Item (6) High Rate of Deaths, of my Petition dated June 17th 1946.

Exhibit F - 1:

Notarially attested Affidavit of Mr.KAWAGISHI Koya, now Assistant-engineer of the Katsurogumi Ltd of Tokyo Branch, but was working for the Hanaoka Detached Office of Kashimagumi Ltd as Labour-conscript Student at the time of the July Conspiracy.

Exhibit F - 2:

Notarially attested Affidavit of Mr.KIMURA Shigeo, now Assistant-engineer of Tohoku Seisan-Sho Limited, but was working for the Hanaoka Detached Office of Kashimagumi Ltd as Labour-conscript Student at the time of the July Conspiracy.

The above EVIDENCES relate to Item (6) High Rate of Deaths and the Conclusion B.KONO of my Petition dated June 17th 1946.

Exhibit G - 1:

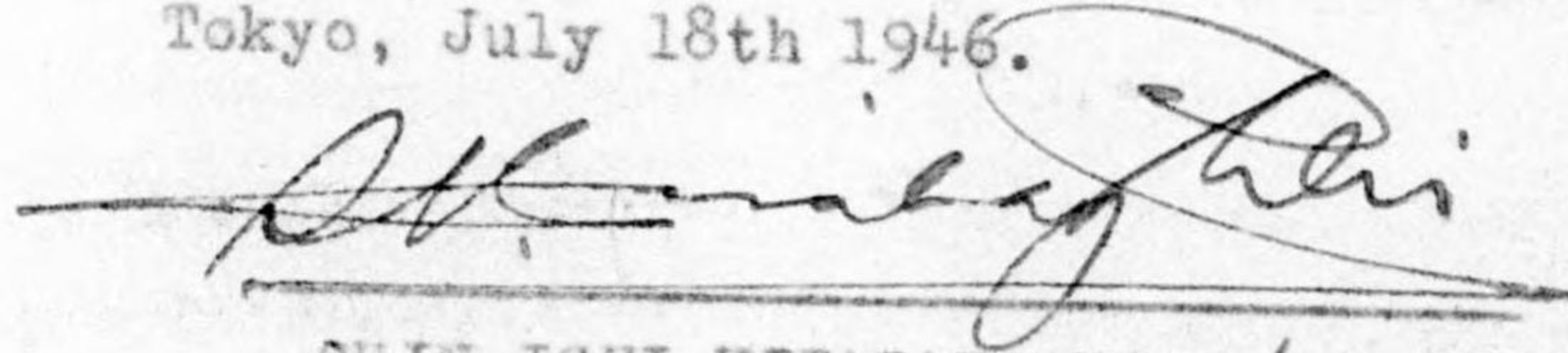
Official letter ^{dated June 15, 1946} addressed to Mr.C. SUZUKI, President of Tokyo Undertakers Limited by S.KASHIMA, Vice-president of Kashimagumi Ltd in regard to the actual conditions covering crematories during and subsequent to the last WAR.

Exhibit G - 2:

Official reply to the above enquiry by KASHIMA, made by C.SUZUKI, President of the Tokyo Undertakers Ltd., dated June 24th 1946.

The above EVIDENCES relate to the fact that, during the War, owing to the lack and scarcity of fuel oil, coal, fire-woods, etc. the cremation of corpses became acutely difficult; in all crematories round about Tokyo corpses were heaped up for days pending procurement of fuels for the cremation; not only that, owing to the lack of fuel and lumber, coffins became very difficult to procure, also hearses, so that people ~~have~~ ^{had} to use carts for carrying corpses to the crematory. In other words, owing to the lack and scarcity of various materials, ceremonial funeral and burial became acutely difficult. These difficulties still continue to prevail even now in spite of the fact that nearly one year has elapsed from the unconditional surrender of Japan! The above facts bear upon the joint burials of the Chinese labours at the Hanaoka "Chuzanryo" Dormitory where, with the consent of the Chinese leaders, the joint burials of the Chinese dead were performed, not being able to cremate the corpses as ordered by the authorities due to the lack and ^{scarcity} ~~scarcity~~ of fuels.

Tokyo, July 18th 1946.



SHIN-ICHI HIRABAYASHI, LL' B.

Attorney for KONO Masatoshi &

6 Other War Criminal Suspects now

being incarcerated at Sugamo Prison.

LEADS from the 4 Ltrs of

HIRABAYASHI Shin-Ichi, Atty at Law

Ltr # 1 (15 June 1946)

Gov of Akita Pref's name : HISAYASU Hirota

under the heading:

"REAL PERPATRATORS OF CRIMES IN CONNEXION WITH THE
CLS AT THE HANAOKA MINE IN AKATA PREFECTURE"

HIRABAYASHI states:

"The CLS were naturally treated as 'aliens', hence, immediately on their arrival in Japan they came under the supv and adm of the HOME Off (NAIMU SHO)

"The divers restrictions imposed on the CLS at Hanaoka naturally emanated from and were based on the directives of the HOME Office

"In this connection the following personnel of the HOME Off from the 18th Year of 'SHOWA' (1943) down to the present time (1946) may be of interest to your Section:

HOME MINISTERS

VICE-MINISTERS

CHIEFS OF POLICE BUREAU

ANDO, Kisaburo

KARASAWA Toshiki

MIYOSHI Shigeo

ODATE, Shigeo

YAMAZAKI Iwao

MACHIMURA Kingo

ABE, Genki

NADAO Hirokichi

FURUI Yoshimi

YAMAZAKI, Iwao

FURUI Yoshimi

MIZUIKE Ryo

HORIKIJI, Zenjiro

SAKA Chiaki

KOIZUMI Goro

MITSUCHI, Chuzo

OMURA Seichi

TANIKAWA Noburu

OMURA, Seiichi

IINUMA Issei

TANIKAWA Noburu

Officials in AKITA Pref at time of 1 Jul 45 incident were:

KAMADA Nisaburo, Chief of Special Higher Police (HOME)

MIURA Taichiro, chief of Odate Police

(end lts 1 17 Jun 46)

Ltr #2 19 Jul 46

Ltr #2 19 Jul 46 (This incl the exhibits)

HIRABAYSHI States that these ~~names~~-were the--

(1) CHIEFS OF THE PEACE PRESERVATION POLICE OF THE HOME MINISTRY:---

IMAI Hisashi	from:	15 June 1942
	to :	25 July 1944
KANAI Motohiko		25 July 1944
		21 April 1945
OKAZAKI Hideshiro		21 April 1945
		10 October 1945

(2) Chiefs Of Foreign Affairs section, Police Bureau, HOME Ministry

MIYATA Shonai	from:	7 July 1942	
		27 April 1943	
OKAZAKI Hideshiro		27 April 1943	
		2 August 1944	
NIWA Kyoshiro		2 August 1944	
		21 April 1945	
KAWAGUCHI Shojiro		21 April 1945	
		12 June 1945	
OKAZAKI Hideshiro		12 June 1945	
		5 September 1945	(OKAZAKI is believed (to have filled in for (KAWAGUCHI in this gap
KAWAGUCHI Shojiro		5 Sept 1945	
		13 Oct 1945	

Ltr #3, HIRABAYSHI, 15 Nov 46

*The gist of the Labor Contract was as follows:

- a) Term of labor, 2 yrs
- b) Delivery by NCLA in battalion or equivalent groups
- c) Transportation by Jap Govt, at GUMI request
- d) Cost of Tpn to be borne by GUMI
- e) Main work to be Civil Engineering Construction work
- f) Wages and bonuses, same as for Japs, plus board
- g) Hourd of work: same as average for Jap labor
- h) Clothes by GUMI for first supply only
- i) Main food: 30 kg per hd per month plus side (aux) dishes

*According to the Labour Contract, it was provided that the main food for each person should be supplied on the basis of 30 kg per month--

*Consisting of 7 kg wheat flour, 3kg millet, 10 kg corn meal, 10 kg cereals, plus auxiliary food (side-dishes) and condiments.

*At the time when the Jap Govt resolved upon the regular Importation of CLs it was collaterally decided at the V-Ministers meeting that the Dept of Commerce & Sgric should be responsible to the extent of 22 kg of the main food, leaving the bal of 8 kg to the Pref auths

*Some of the Prefectures responded to the replenishment of the main food accordingly, but in AKITA Pref....the replenishment of 8 kg was not at all complied with--

*Notwithstanding the...efforts of mgr KONO through...negotiations with the Pref auths, and with the Central Govt conducted through his headquarters in Tokyo (I.e., through the KASHIMA-GUMI Office, Tokyo).

*All foodstuffs were then controlled by virtue of the 'LAW RELATING TO THE CONTROL AND MANAGEMENT OF FOODSTUFFS' (LAW #40, 21 Feb 42)

*Therefore the only way to replenish the 8 kg was to violate that statutory law and buy the main food in the Black Market."

Ltr #4, HIRABAYSHI, 30 Nov 46:

(Contains no leads, but did enclose the CONTRACT and the ORDER which are noted seperately in these notes -- RMP)

~~19 July 46~~

File with CRD Copy
of
Inv Case # 2691

Enclosure # 1

Four Letters dated

15 June 1946

19 July "

15 Nov "

30 Nov "

from HIROBAYSHI

#2691 - Incl #1

EGAWA, Saburo	Guard	12 Apr 44 - 6 Sept 45
KANEYAMA, Hisao	Guard	1 July 44 - 6 Sept 45

EX. No. 1 - DETACHED CAMP
 YAMADA, Yoshitami Sergeant 10 Feb 44 - 13 May 45

EX. No. 9 - DETACHED CAMP
 SATO, Tadashi Lt. (C.O.) 4 June 45 - 20 Sept 45

EX. No. 19 - DETACHED CAMP
 MANO, Jungi Sergeant 1 May 44 - 31 Apr 45
 YOSHIDA, Tomotsu Guard 1 May 44 - 31 Apr 45

OSAKA AREA

HIROHATA
 MIYAMAE, Toshio Yonin May 1945

ICHIOKA
 NAGAMI, Buichi Yonin May 1945
 NAGAYAMA, Hideichi Yonin May 1945

TSURUGA
 NAMBA, Motoo 2nd Lt. (C.O.) 23 Apr 45 - 23 Sept 45
 IKEDA, Shohei Koin Apr 45 - Aug 45

IKUNO
 ADACHI, Goro Civilian Guard Jan 45 and at Yodogawa Camp
 Jan, Feb, Apr, 1945.

YOKKAICHI CAMP
 KATO, Satoshi Koin April 45 - Aug 45

FUKUOKA AREA

CAMP #4
 YAGI, (Yaki) Yoshida : Civilian Employee June 43 - Aug 45

CAMP #23
 SHIHARA, Naraichi Corporal May 45 - Aug 45
 ONO, Toruo Pvt. Interpreter Mar 45
 KATO, Shunsuko Pvt. May 45 - Aug 45

2. The following named Japanese are alleged to have committed atrocities and offenses against persons of United Nations Nationals while confined in Prisoner of War Camps, Internment Camps or Hospitals in Manchuria. These persons will be apprehended as suspected War Criminals and delivered to the Commanding General, XI Corps, at Sugamo Prison (Tokyo Detention Camp), at the earliest practicable date.

<u>NAME</u>	<u>RANK OR TITLE</u>	<u>ASSIGNMENT OR DATE</u>
<u>MUKDEN</u>		
MURATA, Hirmosa	Lt.	
NODA, Eichi	Corporal	
ISHIKAWA,	Captain	
KUMAJIMA, or (Uwajima)	Captain	
YAMADA,	Lt.	Medical Corps

3. The following named Japanese, while acting in their official capacity as officials in the Imperial Japanese Navy, are alleged to have committed atrocities and offenses against persons of United Nations Nationals. These persons will be apprehended as suspected War Criminals and delivered to the Commanding General, XI Corps, at Sugamo Prison (Tokyo Detention Camp), at the earliest practicable date.

(more)

Tokyo, June 17th 1946.

Colonel Alva C. Carpenter,
Chief of Legal Section,
SCAP, "Meiji" Building,
Marunouchi, Kojimachi-Ku,
TOKYO.

Subject: Petition for Immediate Release & Liberation
From SUGAMO PRISON of:
KONO Masatoshi (Japanese)
SATO Yuzo (do)
TAKAKU Kanehiro (do)
TSUKADA Kaneo (do)
ISE Chitoku (do)
FUKUDA Kingoro (do)
SHIMIDZU Masao (Chinese)
HYO KI-CHO^{alias}

From: Shin-Ichi HIRABAYASHI, LL.B., Attorney At Law
Office: "Shosen" Building, 5 Kaigan-Dori, KOBE;
Now: Sojourning in Tokyo.

My dear Colonel:

This petition is most respectfully submitted for the immediate release and liberation of KONO Masatoshi and SATO Yuzo on the strength of a very pathetic letter addressed to me by their wives dated June 1st 1946, and is also likewise intended to supplicate to you for the immediate release and liberation of TAKAKU Kanehiro, TSUKADA Kaneo, ISE Chitoku, FUKUDA Kingoro, and SHIMIDZU Masao alias HYO-KI-CHO (Japanese pronunciation), all of whom are now being incarcerated at Sugamo Prison whither they had been transferred from Akita Prison on or about April 17th 1946.

It is alleged that of the above-mentioned seven persons, the first named four persons KONO, SATO, TAKAKU and TSUKADA were originally incarcerated on October 15th 1945 and the latter named three persons ISE, FUKUDA and SHIMIDZU were originally incarcerated on October 30th 1945, all at Akita Prison by and with the authority of the U.S. Armed Occupation Forces Commander in that area, and that no interrogatories whatsoever took place throughout the six months of their incarceration at Akita Prison right on to April 16th 1946 when they were transferred to Sugamo Prison.

In order to get down to the bottom of truth, I have made the most energetic investigations, the result of which is my firm and vivid conception that the real perpetrators have entirely taken refuge and faded away in the dim twilight of concerted official secrecy, while the above named seven employees at the Hanaoka work camp of Kashimagumi were compelled to eat humble pie. This unfortunate state of affairs was due, to

a great extent, to possible misunderstandings emanating from the incongruities of the languages and also to the possible incapacibilities of grasping the clear background and perspective of the actual theatre of perpetration in the initial stage of armed occupation.

(1) "July Conspiracy":

It is alleged that on July 1st 1945 at about 9 p.m. there occurred a case of murderous conspiracy committed by the Chinese labourers who were working at the detached working camp of Kashimagumi at Hanaoka, Akita Prefecture, where the said Kashimagumi was then undertaking certain civil engineering work contracted with the Japanese Government; that the said conspiracy resulted in the killing and murder of four Japanese and one Chinese and injuring several other Japanese who were stationed at the aforesaid camp at the time of the conspiracy. The said criminal incident finally culminated in the judicial sentences for life on the ringleader SHU-JUN (Japanese pronunciation), also penal servitudes on the eleven other conspirators ranging from ten to two years.

(2) Importation of Chinese Labours:

It is alleged that towards the catastrophic period of her last War, namely, from the beginning of 1944 to Spring 1945, Japan was suffering from the dire scarcity of labour; hence the Japanese Government, chiefly at the instance of its Planning Board ("Kikaku-in"), did plan and execute the mass importation of group labours from China through the like governmental institution in China, and allocated such imported group labours to those contractors or mines which had contracted for and were undertaking the Government's key wartime works. However, as is usually the case with government business in Japan, the qualities of the imported labourers, both personally and physically, were most sickly and of the lowest grade; the great majority of them having died en route to Japan and still many have died within a very short space of time after their arrival into Japan. Moreover, the situation was further aggravated due to the generally strict control and supervision imposed by "Naimu-Sho" or Home Office upon the Chinese labours, particularly upon their rationing and clothing, notwithstanding the special supplications of the contractors working camp personnel to which the Chinese labours were allocated.

(3) Chinese Labours Camp At Hanaoka:

The Chinese labours at the Hanaoka working camp were housed in their Dormitory called "CHUZAN-RYO" and the following persons were in charge of that dormitory prior to and at the time of the July Conspiracy.

ISE Chitoku: Chief of the dormitory, also in charge of general affairs;

(Was wounded at the time of July conspiracy)

HINOKIMORI Masaharu; Interpreter (murdered by the Chinese on July 1.1945);
SATO Taroji; Head of Training (resigned Sept.1945);
OBATA Sonosuke; Head of Supplies (murdered by the Chinese on July 1.1945);
TAKAHASHI Kenjiro; Head of Operation (died);

ISHIKAWA Chusuke; subordinate (left immediately after July conspiracy);
FUKUDA Kingoro; subordinate (now being incarcerated at Sugamo prison);
INOMATA Kiyoshi; subordinate (murdered by the Chinese on July 1.1945);
OBATA Soemon; subordinate (left immediately after July conspiracy);
NAGASAKI Tatsuzo; subordinate (murdered by the Chinese on July 1.1945);
YOSHITANI Shiro; subordinate (resigned immediately after July conspiracy);
SHIMIDZU Masao; subordinate (now being incarcerated at Sugamo prison);
TAKAHASHI Toyokichi; Head of Medical Treatment (was discharged on June
15.1945 for incompetency).

(4) Japan's Last Collapsing Stage of War:

In order thoroughly to understand this case and with a view to discerning the true undercurrent of the July Conspiracy, it will be necessary to unfold the clearcut perspective of the general conditions that governed Japan at that time, especially the economic phase having particular regard to the rationing and clothing. Needless to say, it was the last and the most catastrophic period Japan was passing through immediately preceding her wholesale collapse on Aug.15,1945. The extreme dearth of food and clothing was scourging the entire nation to misery and destruction, and the only exception was those insane military, police and bureaucratic groups who monopolised the disposition and consumption of all the necessaries of life at the sacrifice and expense of the majority of the Japanese nation. Under those circumstances, the Chinese labours could expect no exception to the supply of food and clothing. They were naturally doomed to share the same fate as the average Japanese civilians in all miseries of war at the time when, for the first time in her history, the rate of deaths far overtook and exceeded that of births at the ratio of over 114 per thousand covering the period of her last agonies of war. Then came the Government's frantic commandeering of the so-called "Bayonet Charge Week" (started from June 27th 1945) on all factories and workshops throughout the country. Naturally, the Chinese labours at Hanaoka could take no exception to the superb command of Japan's military leaders. As a matter of fact, it is alleged that at Hanaoka this Bayonet Charge meant only an extension of two working hours per day with the furthest distance of operating theatre of work of only two kilometres from their base dormitory; hence, virtually speaking, the Bayonet Charge did not carry so much extra work to bear upon the Chinese labours themselves. Only the psychological factor thereof in that grim downcast stage of war was a magnifying burden on the Chinese.

(5) Rationing & Clothing:

Then comes the major problem: "Were the rationing and clothing for the Chinese labours inhuman?". Evidence will disclose that they were not inhuman. If they were to be called "inhuman", then the rationing and clothing for all the Japanese nation must also be categorically termed "inhuman". In spite of the pathetic efforts on the part of KONO, chief of Kashimagumi Hanaoka Detached Office, for more supply of food to be distributed to the Chinese labours, the then Governor of Akita Prefecture HISAYASU Hirota turned a very cold shoulder. Not only that, the Government could or did supply only 30 pairs as against KONO's supplication for the supply of only 50 pairs of rubber boots for the Chinese. Evidence will further shew that KONO was subjected to a criminal penalty of ¥4,000.- for his having bought in the black market 40 bales of rice as extra food for the Chinese labours. Added to those stringent restrictions and control exercised by the Police, many difficulties arose by the illicit cache or misappropriations of food by the Chinese Chief-cook by the name of NIN-HO-KI (Japanese pronunciation) who was ruthlessly murdered by the Chinese labours at the time of the July conspiracy. Therefore, if it should be called "inhuman", then the Japanese Government or the officials in ^{CHARGE} ~~charge~~ of the Chinese labours at the Home Office or "Naimu-Sho", as also the officials in charge of Akita Prefecture must take full responsibility or blame.

(6) High Rate Of Deaths:

Then comes the cardinal question: "What was the cause of the high rate of deaths among the Chinese labours?". Generally speaking, as has been briefly alluded to in the preamble hereof, evidence will shew that the system of the importation of Chinese group labours was initiated, planned and executed by the Japanese Government in combination with the like governmental institution of the then puppet Chinese Government called "KAHOKU ROKO KYOKAI" (NORTH CHINA LABOUR ASSOCIATION) with its headquarters at Peiping under the directorship of CHO-KI (Japanese pronunciation). Already towards the fall of 1944 and onward, China herself was feeling the scarcity of labour. Therefore, the Chinese labours selected and arranged for export to Japan by these governmental institutions were most outrageous and meagre, i.e. they exported the prototype of the most emancipated and weak Chinese labours already suffering from divers dermatological and/or venereal diseases, and then allocated them to the various contractors and mines that were undertaking the Government's wartime key works at the contractors' risk and expense; hence originally and fundamentally speaking, it is most patent and manifest

that the crime, if it could be proved by your Section as such, had been deliberately committed and initiated by the then Japanese Government in conspiracy with the Chinese puppet governmental institution on the other side. Then again, the remarkably high rate of deaths that occurred in the month of July 1945 was due to the "July Conspiracy" of the Chinese labours who, immediately after the acts of murder and violence, took refuge into the nearby mountains. That incident, although not reported in the newspapers at that time, was no doubt a great shock to the Japanese officialdom. The whole armies of gendarmes, police, etc. of that locality were rabidly mustered up and arrayed, to say nothing of the procurators' group attached to the Akita District Court; they were further augmented and assisted by the local "Self Protection Guard" as also by a certain groups of gendarmes, police and procurators specially sent up from Tokyo area. So the Chinese runaways were soon trapped and brought back to their dormitory. It is alleged that, owing to the fatigue and thirst in the hottest month of July and utterly exhausted by their excitement and hard march of refuge, the Chinese labours were simply crazy to drink contaminated water en route to their dormitory in spite of the stern admonition of the expeditionary forces that hunted them up. That naturally gave rise to the severest cases of diarrhoea. Then again, evidence will shew that the Chinese runaways were subjected to unbearable torture by the hands of the gendarmes, police and procurators who for nearly two days ordered and compelled the Chinese runaways to sit on the burning ground under the hottest, scourging and dazzling July sun with nothing to eat and drink, pending completion of their examinations; the pathetic appeal made by KONO and other members of the Japanese staff at Kashimagumi Hanaoka Detached Office was of no avail. It was only in the evening of July 3rd 1945 that, at KONO's special appeal, about two bowls of rice-gruel were served to the Chinese labours. If such maltreatment perpetrated by the police, gendarmes and procurators be termed the "crime against humanity", then the entire blame must logically be put upon these police, gendarmes and procurators who commanded and ordained the perpetration of such act. ^{How} ~~What~~ could the seven suspects now being incarcerated for more than eight months be blamed for the crime for which they were absolutely powerless; their supplication to moderate the stringency of the police orders and commands being entirely ignored and turned down? This, to me, is the most unpardonable injustice committed at the expense and risk of those who are now arraigned and incarcerated for what had been actually committed and dared by those officials now "hidden" and "secretly" and "unseenly" let loose out of the meshes of law? The sagacity

and prudence of your Section is most humbly invoked for digging down to the fathom of infallible truth! There is absolutely no ground whatsoever to incarcerate and imprison the poor Hanaoka employees of Kashimagumi.

(7):Medical Treatment:

Then comes another cardinal question: "Were the Chinese labours given proper medical attention and treatment?". To this question must be anticipated the most disheartening and unfortunate police order and restriction imposed upon the Chinese group labours inhibiting them to go out of their dormitory. Therefore, in order to cope with the inhuman restrictions, inside arrangements for giving medical attention and aid to them were made in such a manner that there were about eleven Chinese labourers in charge for this purpose headed and directed by the Chinese named RYO GYOKU RIN (Japanese pronunciation) who acted as liaison officer with the Japanese staff in charge. In any case, it had been arranged that Doctors OUCHI and IZUMI of the Hanaoka Mining Hospital situated bear by to come to the Chinese dormitory in case of need. Besides, it had also been arranged with Doctor ISHIZUKA Tomoyoshi of Odate-Machi to come and examine the Chinese in case of need, Kashimagumi paying him a retainer. These arrangements were actually practised although of course, due to the aforesaid stringent police restrictions, it was not as satisfactory as it could be desired. Moreover, KONO, in view of the fact that a great number of skin diseased patients were among the Chinese labours, took special care if possible to take the severe cases onto HIKAGE Spa famous for its curative value on dermatological diseases. As a matter of fact, evidence will shew that on the very night of the July conspiracy KONO himself was at the said HIKAGE Spa negotiating with the town authorities for that purpose; in other words, KONO was on his business for erecting a spa house for the Chinese labours with the understanding and help of the Prefectural authorities for permission to cut down necessary timbers from the forests under the management of the Prefecture; Dr. Ishizuka also accompanied KONO several times for the said negotiations. In view of the above and having particular regard to the truculent and devastating wartime conditions as they existed in the last collapsing stage of Japan, the medical treatment and attention meted out to the Chinese labours was not wide of the humanity. The blame, if there was any, should entirely be put on the stringent police restrictions upon the Chinese labours.

= In conclusion, I desire to call your superb attention to the fact that the Chinese labours were none the wiser of the strict police restrictions issued from time to time to the Kashimagumi's Hanaoka Office by which the latter was legally and politically bound hand and foot and

there was absolutely no alternative for the latter but to obey these restrictions to the letters.

I also desire to draw your attention to the fact that

A). TAKAKU, TSUKADA & SATO: were engaged by the Kashimagumi Hanaoka Office a f t e r the July Conspiracy. As evidence will shew, they did their level best and exerted towards improving the conditions of the Chinese labours as closely as the circumstances permitted; hence they are absolutely innocent and should be immediately released and liberated.

B). KONO: Although at the time of July conspiracy, he was chief of Kashimagumi's Hanaoka Office, he was in no way directly concerned with the "Chuzan Ryo" or the Chinese Dormitory. On the contrary, evidence will shew that he also did his level best to improve the general conditions of the Chinese labours after the July conspiracy. Even prior to the outbreak of July conspiracy, he did his best for the welfare of the Chinese even at the risk and sacrifice of being subjected to a criminal penalty of ¥40,000.- for having bought 40 bales of rice in the black market in contravention of the wartime law. Evidence will most distinctly shew that even the ringleader of July Conspiracy SHU-JUN (Japanese pronunciation) holds KONO in high esteem and is always thankful for what KONO did for the general welfare of the Chinese labour under SHU-JUN. The said ringleader wrote a special personal letter from Akita Prison to KONO expressing his thanks and devotion. Therefore, KONO is innocent and should be immediately released and liberated for the sake of justice.

C). ISE: although he held the titular position of chief of "Chuzan Ryo" prior to and at the time of July Conspiracy, evidence will shew that he did not commit any act of violence on the Chinese labours. Only, he is the possessor of a very weak frame of mind and there might have been occasions when he should have reprimanded or admonished his subordinates in case the latter did not treat the Chinese properly. I particularly wish to draw your attention and invoke your kind consideration for the very extenuating circumstances that he had a very narrow escape from being killed on the very night of July Conspiracy. He was sleeping in the Dormitory and was suddenly attacked by the Chinese, but was ~~lucky~~ lucky to be able to get out of the woods with only an injury on his back and bruise on his legs. Therefore, justice will demand that, if perchance he had committed any misdeeds, his sin was duly atoned for by the brutal violence on the part of the Chinese themselves that might well have taken Ise's life in that fateful night. For these reasons, Ise should be immediately released and liberated from his confinement.

D). FUKUDA AND SHIMIDZU: Both of them were in charge of the Chinese labours prior to and at the time of July conspiracy. It should be particularly noted that Shimidzu's nationality is Chinese. Both of them

had likewise a narrow escape from death on that fateful night of July Conspiracy; hence, should perchance, there were any misdeeds on their part vis-a-vis the Chinese labours which should come under the strict nomenclature of "maltreatment", their such acts were duly atoned for by the still greater crime, forces and violence committed by the Chinese themselves which had really threatened their lives. Whatever in their acts that were not proper are far remote from being termed a "crime" sufficient to warrant due trial in the regular Military Court. It is to be sincerely invoked that they should likewise be immediately released and liberated together with the rest of their comrades in the prison.

REAL PERPETRATORS OF CRIME IN CONNECTION WITH THE
CHINESE LABOURS AT HANAOKA, AKITA PREFECTURE:

I hereby call your attention to the following names together with their official positions. They should be strictly investigated and tried in regard to the causes of deaths having regard to the stringent inhibition imposed upon the runaway Chinese labours, notably for not giving anything to eat or drink for nearly two days pending their examinations under the scourging July sun.

The Chinese labours were naturally treated legally as "Aliens", hence immediately on their arrival into Japan, they came under the supervision and administration of the Home Office or "Naimu Sho". The divers restrictions that had been imposed upon the Chinese labours at Hanaoka naturally emanated from and based on the directive of the Home Office, the Akita Prefectural special police executing such directive. In this connection, the following personnel of the Home Office from the 18th year of "Showa" (1943) down to the present time may be of interest to your Section:-

Home Minister

ANDO Kisaburo
ODATE Shigeo
ABE Genki
YAMAZAKI Iwao
HORIKIGIHI Zenjiro
MITSUCHI Chuzo
OMURA Seiichi

Vice-Minister

KARASAWA Toshiki
YAMAZAKI Iwao
NADAO Hirokichi
FURUI Yoshimi
SAKA Chiaki
OMURA Seiichi
IINUMA Issei

Chief of Police Section

MIYOSHI Shigeo
MACHIMURA Kingo
FURUI Yoshimi
MIZUIKE Ryo
KOIZUMI Goro
TANIKAWA Noboru
TANIKAWA Noboru.

Officials of Akita Prefecture at the time of July Conspiracy:

Chief of Special Police: KAMADA Nisaburo ;
Chief of Odate Police: MIURA Taichiro.

- 9 -

Trusting that this petition will have your kind and penetrating attention, and assuring you of my cooperation to uncover the truth of the case, always at your command, I beg to remain

My dear Colonel,
Yours most truly,

For & On Behalf of the above-named 7 Persons
now at Sugamo Prison.

A handwritten signature in cursive script, appearing to read "R. H. ...". The signature is written over a horizontal line that extends across the width of the signature.

TOKYO, July 19th 1946.

Colonel Alva C. Carpenter,
Chief of Legal Section,
SCAP, "Meiji" Building,
Marunouchi, Kojimachi-Ku,
TOKYO..

SUBJECT: Petition for Immediate Release & Liberation
From SUGAMO PRISON OF:
KONO Masatoshi (Japanese)
SATO Yuzo do
TAKAKU Kanehiro do
TSUKADA Kaneo do
ISE Chitoku do
FUKUDA Kingoro do
SHIMIDZU Masao (Chinese)
HYO ^{alias} KI CHO

FROM: Shin-Ichi HIRABAYASHI, LL.B. Attorney At Law;
Office: "Shosen" Building, 5 Kaigan-dori, KOBE;
Now: Sojourning in Tokyo.

My dear Colonel:

With further reference to my Petition dated June 17th 1946 and conformably to my promise given you on the occasion of my last interview of the 8th instant, I have since been working hard for completing the evidences in support of my allegations made with my said Petition in the defense of the aforecited seven War Criminal Suspects and now take pleasure in submitting to you, as per the List of Evidences hereto attached, the Exhibits A1 to 2, B1 to 4, C1 to 3, D1 to 5, E1 to 3, F1 to 2 and G1 to 2, all in the Japanese originals accompanied, in each instance, by translation all of which I have conscientiously worked myself. As regards Exhibit B-2, I have not attached the Japanese original for the reason that the original judgment together with all its protocols had been seized by the USA Occupation Forces last fall and would have been transferred and kept by your Section.

The entire point d'appui of the truth centers around the July Conspiracy i.e. (1) What was its cause?, (2) Who were really responsible for the cause?, (3) What and how was the torture of the Chinese labours subsequent to the July Conspiracy?, (4) Who were really responsible for the torture?, (5) What effect did the torture have on the high rate of deaths?

The above cardinal points can be traced to (1) the history of the importation of the Chinese labours, (2) the prime-movers for the said importation of the Chinese labours, (3) the inhuman policy of the Japanese Government for the Chinese labours, (4) the responsibility of the Japanese Government officials in charge of the rationing and clothing for the Chinese labours, (5) the struggle of the Employers or Contractors for the management and welfare of the Chinese labours amidst the nasty dilemma in which the Employers were placed and the great difficulties they had to grapple with the deceitful policy of the Japanese Government which had undergone the most kaleidoscopic change as contrasted with the flagrant shewdown it had displayed

at the time of the exportation of the forced labours from China.

The Japanese Government, in collusion with the simulant Chinese organ up in North China, standing in the background of that sweet and soapy LABOUR CONTRACT in China before shipment, and its brutal and inhuman "Squeeze to the last drop of blood" policy after landing in Japan, entrapped both the Japanese Contractors and the Chinese labours themselves into the inferno of constant misery and suffering. These direful responsibilities must be borne firstly (as regards the Labour Policy) by the Home Ministers, Home Vice-Ministers and the Chiefs of the Police Section whose names are listed in my Petition of June 17th, secondly (as regards mistreatment and torture) by the Chiefs of the Peace Preservation Police Department ("Hoan-Kacho") and the Chiefs of the Foreign Affairs Department ("Gaiji-Kacho"), whose names are given hereunder, together with Advisor HOMMA Kiyohito (Japanese characters 本間清人) of the Home Office (this Advisor HOMMA, to the best of my investigation, was first engaged by the Home Office as Advisor on February 10th 1941 and continued that post well up to May of this year), and thirdly (as regards mistreatment and torture) by KAMADA, Chief of the Special Higher Police of Akita Prefecture, by MIURA, Chief of the Odate Police Station, also by the Head of the Rationing Department of Akita Prefecture (Officer SATO interviewed the witness KUBO Sei-ichiro when the latter brought up a sample cake made of the "Acorn Flour" and warned him that a serious trouble might happen if nothing was done immediately).

CHIEFS of the Peace Preservation Police Dept. of HOME OFFICE:

IMAI Hisashi (From June 15, 1942 to July 25, 1944)

KANAI Motohiko (From Jul 25, 1944 to April 21, 1945)

OKAZAKI Hideshiro (From April 21, 1945 to Oct. 10, 1945)

CHIEFS of the Foreign Affairs Department of HOME OFFICE:

MIYATA Shonai (From July 7, 1942 to April 27, 1943)

OKAZAKI Hideshiro (From April 27, 1943 to August 2, 1944)

NIWA Kyoshiro (From Aug. 2, 1944 to April 21, 1945)

KAWAGUCHI Shojiro (From April 21, 1945 to June 12, 1945:

(From September 5, 1945 to October 13, 1945)
the gap was apparently filled by
the Chief of Peace Preservation Police.

As regards the Seven War Criminal Suspects now incarcerated at the

Sugamo Prison, my conviction is as follows:-

The four Suspects KONO Masatoshi, TAKAKU Kanehiro, TSUKADA Kaneo and SATO Yuzo are absolutely free from mistreatment and torture of the Chinese labours. On the contrary, they played a very active role for the betterment and improvement of the Chinese labours subsequent to the July Conspiracy. As a matter of fact, all these four persons took up their respective posts in the "Chuzanryo" Dormitory after the July Conspiracy and they all were very much liked by the Chinese labours. The reason why they had been incar-

cerated at the Akita Prison since October 15th 1945 was because they were holding the respective titular positions in the Chinese Dormitory of Hanaoka at the time when the competent officers of the USA Occupation Forces made various investigations on the spot and, their names being taken down by them, were prima facie held responsible for what the investigating officers had then considered crimes against humanity.

As regards the remaining three Suspects, i.e. ISE Chitoku, FUKUDA Kingoro and SHIMIDZU Masao, it would appear that their names were given by the Chinese labours themselves at the time when, subsequent to the prima facie incarceration of the aforementioned four Suspects, the USA Investigation Officers had gathered the Chinese labours together and suggested they should name the Japanese leaders whom they considered responsible for mistreatment.

In the absence of any definite evidence against these three Suspects and due to my inability to see them in the Sugamo Prison, also the 23 Chinese remaining in Japan, on this point, I am not in position as yet to render you my concrete opinion. However, one thing is most definitely certain, that is to say, these three Suspects are now standing on the verge of DOUBLE JEOPARDY! In this connection, I most respectfully call your attention to the Amendment 5 of the Constitution of the United States of America, i.e.-

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War of public danger; NOR SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB".

While the authoritative interpretation of the above provisions in the development of the American constitutional system as a whole may abound in the leading cases of the United States, yet their interpretation and application in the novel and wider sphere of international law so as to expound the great and superb fundamental principles of the American Constitution come, I am definitely convinced, under entirely new and different category altogether. Supposing, for the sake of argument, that these three Suspects had committed any act or omission that constitute a crime against humanity, viz. by beating or conniving at beating the Chinese labours. Now this offense for which they have not so far been indicted and punished had physically and mentally been already impugned and penalized by the murderous violence of the July Conspiracy by which their "LIFE or LIMB" were subjected to the most perilous jeopardy. Both ISE Chitoku and FUKUDA Kingoro were sleeping in the very Chinese Dormitory while SHIMIDZU Masao was sleeping in the very adjacent hut, and all of them had a very narrow escape from death

as is vividly described in the Judgment (Vide Exhibit B-2), ISE sustaining a very bad injury on the back by a heavy thrust with the Chinese-spade. The laws of all civilized countries of the world do not permit the principle of self-retaliation, but their laws admit of the principle of self-defense. The Chinese labours on July 1st 1945 could not be given credit for having stood in self-defense, but were deemed to have rioted in self-retaliation of the wrongs they had been subjected to. The three Suspects whose lives and limbs were once subjected to the most perilous jeopardy but were lucky enough to get out of the woods with bruises or injuries, by and at the hands of their adversaries should not and must not stand the injustice of DOUBLE JEOPARDY. They should come under the leniency of that great and superb fundamental principle as is incorporated into the aforesaid Amendment 5 of the United States Constitution, in the same sense that SHA-JANG and eleven other Chinese convicts who had been sentenced respectively by the Japanese Criminal Court must likewise be specially reviewed by your Section under SCAP to mete out such proper dispositional measures as would enable them to go back to China at the earliest possible opportunity and be received in the warm arms of their beloved parents, wives and children! I have not had any opportunity of seeing SHA-JANG, but I understand that his attitude through all his trials in the Japanese Court was brave and manly. When the Presiding Judge pronounced the sentence of life imprisonment against him, one of his co-defendants stood up in the court-room and cried out to the bench - "The sentence against our Commander is too heavy!". Hearing this, SHA-JANG calmly pacified him and said: "No, comrade! That is not so. I must take full responsibility on my shoulder for what I have done." So saying, he is said to have waived his right of appeal and manly accepted the sentence. Personally, I am attracted by SHA-JANG's personality. I read his letter he sent to KONO and SHIBATA (Vide Exhibits B3 and 4) and I am indeed struck and impressed by his integrity.

My dear Colonel, the "Rock of Truth" has cleft for the seven War Criminal Suspects and also for the twelve Chinese convicts! The real perpetrators of the crime against humanity, i.e. Government officials and police, who had the firm grip on the rationing and clothing not only for the Chinese labours but also for the Japanese nation in those grim days of War and who had committed unpardonable negligence in respect of the rationing and clothing in spite of the repeated warnings against the outbreak of the Conspiracy by the witness KUBO Sei-ichiro also by KONO and who committed the mistreatment and torture of the Chinese labours, especially subsequent to the July Conspiracy, must now stand due trial!

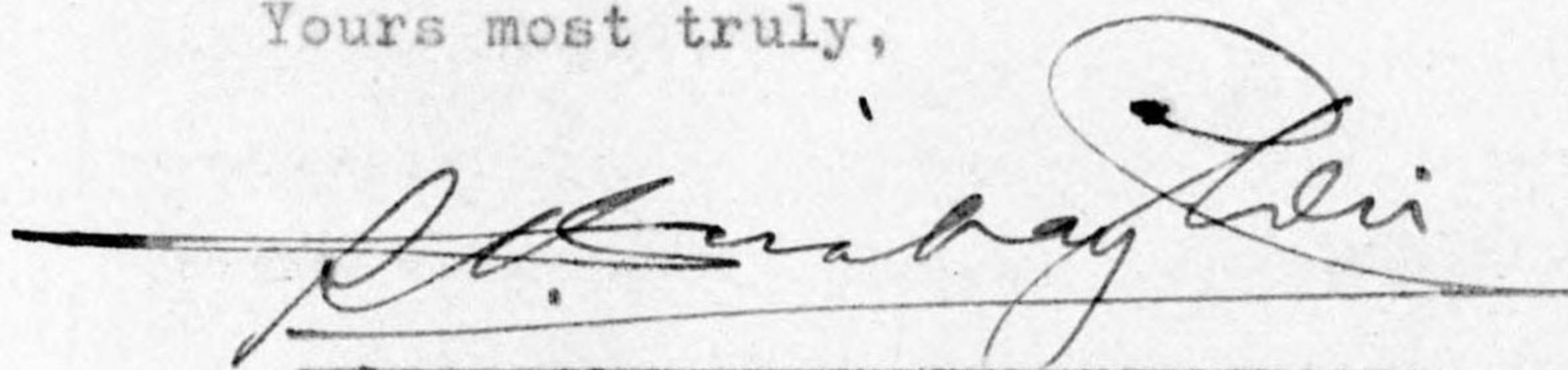
Permit me to repeat what I had written to the Honorable Prosecutor Keenan when I liberated GOKO Kiyoshi from Sugamo in April, that I did not

want the glory of being limelighted on the theatre of the International Military Tribunal and publicizing flowery oratory but that I sincerely desire to work the case through to the bottom of truth and silently sit down to see that justice has been done, for "silence is the perfect herald of joy".

Again assuring you of my heartfelt cooperation to uncover the truth of the case, always at your honourable command, I beg to remain

My dear Colonel,

Yours most truly,

A handwritten signature in cursive script, appearing to read "Shin-Ichi Hirabayashi". The signature is written in dark ink and is positioned above a horizontal line.

Shin-Ichi HIRABAYASHI, LL.B.
Attorney for KONO & Six others.

ENCLOSURES: Exhibits as stated above in Japanese originals; also accompanied, in each instance, by my own sworn translation.

HOUSE:
1 OF NO. 4 NATSUGI-CHO,
NISHINOMIYA.

% OKAMURA RYOKAN
#14 TSUKIJI 2 CHOME
KYOBASHI-KU, TOKYO

PHONE "TSUKIJI" 8

(55) 1020 / 0349

MR. SHIN-ICHI HIRABAYASHI, LL.B.
ADVOCATE AND PATENT ATTORNEY

LAW & PATENT OFFICE:
"SHOSEN" BUILDING (ROOM NO. 605.)
5 KAIGAN-DORI, KOBE.

TELEPHONE:
OFFICE: SANNOMIYA (3) 897.
HOUSE: NISHINOMIYA 2767

辯
護
士
平

林
眞
一

法律特許
事務所
神戸市神戶區海岸通五番地
南船ビル六階第六〇五號室
電話三宮⑧六九七番
西宮市名次町四番地一
電話西宮二七六七番
自
宅

S. HIRABAYASHI, LL. B.
BARRISTER AT LAW & PATENT ATTORNEY
"SHOSEN" BUILDING, 5, KAIGAN-DORI,
KOBE, JAPAN.
(TEL: SANNOH 4-6624)

Motomachi(4)0692.

HOUSE:

4 Natsugi-cho, NISHINOMIYA:
TEL: "Nishinomiya" 2767.

NOVEMBER 15th 1946.

Colonel Alva C. Carpenter,
Chief of Legal Section, SCAP,
"Meiji" Building, Marunouchi,
TOKYO.

SUBJECT: Petition for Immediate Release & Liberation from
SUGAMO PRISON of:

KOHNO Masatoshi;
SAITO Yuzo;
TAKAKU Kanehiro;
TSUKADA Kaneo;
ISE Chitoku.

FROM: HIRABAYASHI Shin-ichi, LL.B., Attorney At Law:
Tokyo Abode: OKAMURA RYOKAN, 14 Tsukiji 2-Chome, Kyobashi-Ku.

My dear Colonel:-

I refer you to my petitions dated June 24th and July 19th 1946 respectively, as also to the various documentary evidences submitted to you together with the said petitions. Meanwhile, two criminal suspects, viz. FUKUDA Kingoro and SHIMIZU Masao have been indicted by your Section, and are now awaiting public trial at the War Crimes Court in Yokohama. Nevertheless, the deeper and profounder I penetrate into this case, the firmer and stancher my conviction grows that the rest of the suspects who are now still being held at Sugamo Prison shall be immediately released.

The present petition is submitted on the ground that the abovementioned criminal suspects are legally entirely out of your jurisdiction for the reason that, admitting for the sake of argument that whatever they had committed could be termed "inhuman" acts or "mistreatment" in the strict legal sense of the terminology, such maleficence did not legally constitute a "War Crime" and particularly does not fall within the purview of the offenses as defined and enumerated under Section 2 'Jurisdiction', Para. b. of the Regulations Governing the Trials of Accused War Criminals issued under AG 000.5 (5 Dec 45) LS by SCAP.

After all, this is the question of CONTRACT LABOUR as the legal entities herein involved are the Chinese civilian labours versus the Japanese civil corporation, firstly because the Chinese labours were collected and delivered by the North China Labour Association (hereinafter referred to as "NCLA") to the Kashimagumi Limited (hereinafter referred to as "KG") for a definite consideration based on the Labour Contract between them, by and with the sanction and cooperation of the then Japanese Government and the Chinese Government; secondly because KG acted in good faith for the execution and consummation of the said Labour Contract wherein were provided in great detail the conditions of employment and every attempt was made to embody the principle of equal pay and equal treatment with the average Japanese and Korean labour; thirdly because KG did not have any means to anticipate or expect that the Chinese labours under contract were prisoners of war or enslaved labours; fourthly because, immediately after the termination of the hostilities, the said Labour Contract was by mutual agreement duly rescinded with the result that all the Chinese labours have been subsequently paid off and repatriated in accordance with the terms of the contract.

Therefore, theoretically and factually speaking, the subject-matter under review neither constitutes "Crimes against peace", nor "Conventional War Crimes" such as violation of international treaties, agreements, assurances, the laws or customs of war, nor does it fall within the purview of "Crimes against any civilian population". Should there be any blemish in the action of KG's personnel at Hanaoka, it was purely and simply a question of maleficence, if any, by the Japanese civilian employees there vs. the Chinese civilian labours on the strength of the Labour Contract concluded between the said Japanese private corporation and the North China Labour Association. It will hence be ultra-vires correspondingly to apply to this case the military responsibility of a Commander for crimes committed by his subordinates.

Furthermore, any such blemish or maleficence on the part of KG's personnel at Hanaoka was due to that wholesale betrayal of the Japanese Government, which, as can be easily see hereunder, seemed to have entirely forgotten the guarantee and support it had collaterally given to KG when executing the Labour Contract in China.

S. HIRABAYASHI, LL. B.

BARRISTER AT LAW & PATENT ATTORNEY
"SHOSEN" BUILDING, 5, KAIGAN-DORI,
KOBE, JAPAN.
(TEL: SANNO MIYA 697.)

- 2 -

Importation of Labours: Messrs. Kashimagumi Limited, having its headquarters in Tokyo, is a private corporation engaged in civil engineering, contracting and building. In December 1943, KG obtained a contract order from the Hanaoka Mine owned by Fujitagumi Limited for constructing a slag-piling station, sub-drainage as also the reconversion of the Rivers Hanaoka and Ohmori at Hanaoka of Akita Prefecture. Subsequently, KG established a detached office at Hanaoka, and commenced operation from March 1944 appointing KOHNO Masatoshi as its Manager. Originally, there were about 120 workers at the Hanaoka Office composed of KG's Japanese and Korean subcontractors; later, KG raised a mass Korean labours of about 120 workers but were extremely insufficient to keep up with the contracted work. Moreover, facing as she did the last agonistic phase of the War, Japan was feeling the pinch of war shortage of labour. Therefore, KG applied to the Greater East Asia Department for importing labours from China and obtained its sanction (Vide the Secret Official Communications of the Japanese Government hereto attached). Subsequently, KG sent its representative to China to conclude a Labour Contract with NCLA and to receive the Chinese labours. The representative did not participate in the collection of the labours but merely obtained delivery of the labours from NCLA and escorted them into the working field in Japan. The gist of the Labour Contract was as follows:-

- a) The term of labour shall be for a period of two years.
- b) Labours shall be collected and delivered to KG by NCLA in the formation of a semi-battalion headed by a Commander, Secretary, Company leaders, Cooks, etc.
- c) Transportation of labours to be undertaken by the Jap. Government by request of KG.
- d) Transportation expenses shall be for account of KG.
- e) Main work shall be civil engineering.
- f) Wages and bonuses to be the same as the average Jap. labour plus board and lodging.
- g) Working hours to be the same as for the average Jap. labour.
- h) Fatigue clothes, caps, working gloves, etc. shall be borne by KG for the first supply only.
- i) Main food consisting of either cereals, flours, etc. shall be 30 kilograms per head per month plus side dishes (auxiliary food).

Needless to say, the above Labour Contract was concluded with the definite understanding and approval of the Japanese authorities in China.

Arrival of Chinese Labours: The first group of labours numbering 294 arrived at Hanaoka August 8, 1944 (signed up for 299 but 5 died en route); the second group consisting of 587 arrived on May 5, 1945 (signed up for 589 but 2 died en route) and the third and last group consisting of 98 arrived on June 4^m 1945.

Autonomy of the Chinese Labours: Below is the formation of the battalion:-

Commander: Sha Jang (Gung)
Assistant Commander: Tao Kong Sung.
Secretary: Wang Shan Ryu.
Chief Nurse: Wang Ling Ryu.
Steward: Feng Chi Jen (Murdered in 'July Conspiracy')
Commander No.1 Company: Ching Teng Chang.
Leader No.1 Section: Cho Ling Chi.
Head of No.1 Squad: Wang Pin Ih.
Head of No.2 Squad: Shu Shen Lih.
Leader No.2 Section: Ih Zai Ryu.
Commander No.2 Company: Zai Koang Kung.
Leader No.4 Section: Kong Long Lih.
Leader No.5 Section: Sai Ung Chang.
Commander No.3 Company:
Leader No.6 Section:
Leader No.7 Section:

As can be seen from the above schedule, in view of the difference in national traits, autonomy was given to the Chinese labours covering the major phase of their life in the working field at Hanaoka. Each individual labour belonged to a specific Squad and, through regimentation of the respective Company and Section Commanders, was placed under the supreme command of the Commander Gung. The matters appertaining to sending capable labours out for work, keeping sick persons in the dormitory, change in the personnel, disposition relating to runaways, etc. were conducted under the authority and responsibility of Commander Gung who would confer with the Japanese staff

S. HIRABAYASHI, LL. B.

BARRISTER AT LAW & PATENT ATTORNEY
"SHOSEN" BUILDING, 5, KAIGAN-DORI,
KOBE, JAPAN.
(TEL: SANNOIYA 697.)

- 3 -

personnel before deciding on the issue. As regards their food, KG had only to supply materials leaving the cooking to the Chinese themselves.

Labour & Labour Prestations: a) The Chinese took three weeks' rest after arrival at Hanaoka being initially trained in the light farming preparatory to going out for the regular work. However, their efficiency was far below that of the average Jap. and Korean labours. The working hours during summer were from 6 to 1600 less 1-1/2 hours for rest, and during winter from 7 to 1600 less the same hours for rest. The staff personnel of the Chinese labours did not work in the field, but did overseeing the labours, also routine business. b) According to the Labour Contract with NCLA, KG paid the wages at the following rates, viz.- Commander ¥10.-, Company Commanders, Steward, Chief Nurse ¥8.- each, Leaders of Section and Squad ¥7.- each, ordinary labours ¥5.- each. These wages were far better than the wages for the average Jap. and Korean labours at that time, particularly so as the Chinese enjoyed the privilege of board and lodging in addition to their regular wages.

Living Conditions of the Chinese Labours: (a) A new dormitory was specially built for the Chinese labours up in a field of the table-land in the suburb of Hanaoka. Isolated from other houses, the dormitory was far better than the ordinary shacks of the town, fitted with kitchen, bath, office and bedrooms, also separate outhouse for sick persons. (b) Heating during winter was taken from large sized charcoal braziers ("Hibachi") which were placed on the floor of the corridor and firewoods were burnt therein. Unless the supply of firewoods was scanty, the heating arrangement as compared with other dormitories of like nature should have been quite ordinary. (c) When leaving China, all the Chinese obtained free supply of summer suit, shirt, cap and a pair of putties, socks and Chinese shoes. The first group of the Chinese were all supplied with a suit of winter clothes (velvet). It should be noted that the Chinese who passed the winter at Hanaoka were only those who belonged to the first group (294 men) that arrived there in May 1944. For working purposes, the Chinese were all supplied with sandals and, in winter time, with sandal boots. As for bedding, the Chinese were all supplied with a piece of comforter and blanket each and, after arrival at Hanaoka, were further supplied with a piece of comforter and straw-wadded bed each. (d) According to the Labour Contract, it was provided that the main food for each person should be supplied on the basis of 30 kg. per month consisting of 7 kg. of wheat flour, 3 kg. of millet, 10 kg. of corn flour, 10 kg. of cereals plus auxiliary food and condiments. At the time when the Japanese Government resolved upon the regular importation of Chinese labours, it was collaterally decided at the Vice-Ministers' Meeting that the Department of Agriculture should be responsible to the extent of 22 kg. of main food leaving the balance of 8 kg. to the Prefectural authorities whether the Chinese labours might be immigrated. Some of the Prefectures responded to the replenishment of the main food accordingly, but in the case of AKITA PREFECTURE, which only abounds in rice and short of cereals, the replenishment of 8 kg. was not at all complied with notwithstanding the backbreaking efforts of Manager Kohno through all his heartbreaking negotiations with the Prefectural authorities and with the Central Government conducted through his headquarters in Tokyo. All foodstuffs were then controlled by virtue of the Law Relating to the Control & Management of Foodstuffs, comprising cereals, cereal flours, potatoes, noodles and bread (Law No.40:Feb.21,1942). Therefore, the only way to replenish the balance of 8 kg. was to violate that statutory Law and buy the main food in the black market which Manager Kohno was forced to operate resulting in his criminal penalty and detention in the police station.

Now, 22 kg. of main food per head per month works out at 733 grams per day which is equivalent of 5 "go" (1.6155 Lbs). At that time, the Japanese and Korean labours employed by KG at Hanaoka for heavy labour were rationed daily at 4 "go" or 585 grams, the prisoners of war at the Hanaoka Mine were rationed daily at 733 grams of rice and barley mixtures while the ordinary Japanese population were daily rationed at 2.3 "go" or approximately 336 grams in soya beans, barley flour mixtures and potatoes. As for vegetables, Manager Kohno took special care and precaution to provide a spacious farm containing approximately 8.2 Acres for the sole purpose of supplying the products to the Chinese labours. When these data and facts are well weighed and considered, the food situation for the Chinese labours, under that grim and agonistic wartime shortage in Japan, was far better than the average individual notwithstanding the betrayal of the Japanese Government contrary to its guarantee attached to the sanction of the importation of the Chinese Labours applied by KG and the subsequent contract executed with the definite approval and instructions of the Japanese authorities in China.

Medical Equipment for the Chinese Labours: There were clinic and sick-rooms in the "Chusan" Dormitory besides an isolation ward attached thereto so that, ordinarily speaking, there was nothing to be desired in this respect. The Chinese had their nursing

staff which was supported and helped by the Japanese staff set up for the same object. Owing to the strict police regulation, it was legally impossible for the Chinese to be hospitalized at the Hanaoka Hospital. However, Dr. Ouchi of that hospital used to visit the "Chusan" Dormitory for the sick, besides the retained doctors Ishizuka (physician) and Kobayashi (dentist) who visited the dormitory regularly around three four times a month. Unfortunately, unlike the Chinese Labours at the Hanaoka Mine, there were many cases of sick persons among the Chinese of the "Chusan" Dormitory. This was entirely due to the mis-selection on the part of NCLA which apparently did not pay serious attention to collect the labours on the basis of the standard physique but was anyhow too prone to gather and deliver the number of labours applied for. This can be judged from the fact that already seven persons died en route to Japan, to say nothing of the fact that at the time Dr. Ouchi examined the Chinese labours when they first arrived at Hanaoka there were already many cases of diseased persons suffering mostly from skin ailments, also from dysentery.

Deaths of the Chinese Labours: Owing to the marked numerosity of sick persons among the imported labours, it naturally gave rise to a rather high percentage of deaths contributed by the change of climate and living conditions. This can be well visualized by taking into consideration the death-rate that occurred both prior and subsequent to the outbreak of the July Conspiracy (vide Documentary Evidence E.No.3). Prior to the July Conspiracy, the death rate averaged 11-4/5 persons per month, whereas, in the month of July 1945, the death rate jumped up to 100, followed by 49 in August, 68 in September, 51 in October, averaging 67 persons per month, and these notwithstanding the best medical attention and treatment specially given by the Occupation Forces Medical Corps right after their landing subsequent to the surrender of Japan in August, in addition to the radically and rapidly improved post-bellum ration served to the Chinese by the Prefectural authorities. This will vividly shew how shocking and fatal were the blows that were dealt them by the police and gendarmes forces at the time of the July conspiracy; the high rate of deaths were entirely due to the torture on the Chinese by those sabre authorities.

Management & Control of Chinese Labours at Hanaoka "Chusan" Dormitory: The Chinese Dormitory at Hanaoka was called "CHUSAN RYO" and the personnel of KG in charge of the Chinese were called "Labour Leaders". The following shews the organization of the Detached Office at Hanaoka of KG as at the time of the outbreak of the July Conspiracy.

MANAGER: KOHNO Masatoshi.

CHIEF CLERK: MOTOI Eishi.

LABOUR CHIEF: SHIBATA Saburo.

CHIEF OF "CHUSAN" DORMITORY: ISE Chitoku (Injured)

General Office: ISE Chitoku.

Interpreter: HIMORI Masaharu (Murdered).

Chief of Training: SATO Taroji.

Assistant to above: UYEMOTO Kiyoshi.

Chief of Supplies: OBATA Sonosuke (Murdered).

Assistant to above: ICHIGOYA Yoshio (Injured).

Chief of Operation: TAKAHASHI Kenjiro.

Assistant to the above: ISHIKAWA Chusuke.

- do - : FUKUDA Kingoro (Indicted).

- do - : INOMATA Kiyoshi (Murdered).

- do - : OBATA Soemon.

- do - : NAGASAKI Tatsuzo (Murdered).

- do - : YOSHIYA Shiro (Injured).

- do - : SHIMIZU Masao (Indicted).

Chief of Medicine: TAKAHASHI Toyokichi.

The following are description of work in charge of the aforecited personnel:-

- a) General Office - Correspondence, personal affairs, wages, supervision of employees.
- b) Training - Daily salutations, roll call, dormitory regulations, daytime watch, custody of tools, allocation of labours to the working fields.
- c) Supplies - Procurement, keeping & delivery of foodstuffs, fuel, necessaries of life, management of kitchen, rationing to the working fields, keeping of live-stock.
- d) Operation - Overseeing and instruction of work out at the farm and fields.
- e) Medicine - First aid to sick and wounded, instructing on sanitation, prevention and disinfection of dormitory, taking care of bath, instructing & supervising funerals, procurement and supply of medicine.

S. HIRABAYASHI, LL. B.

BARRISTER AT LAW & PATENT ATTORNEY
"SHOSEN" BUILDING, 5, KAIGAN-DORI,
KOBE, JAPAN.
(TEL: SANNO MIYA 697.)

- 5 -

BLAMEWORTHINESS OF THE JAPANESE GOVERNMENT: There were some items in the LABOUR CONTRACT which KG's Hanaoka Office could not possibly and reasonably live up to owing to the unpardonable delinquency on the part of the Japanese Government that dishonourably betrayed the state guarantee attached and accessorial to the charter granted to KG for importing Chinese labours. In this connection, the writer has been able, after his unremitting and strenuous hard work, finally to procure a copy of the CONFIDENTIAL INSTRUCTIONS issued by the respective Vice-Minister of both the Home Office and the Welfare Department to all the Prefectural Governors under date April 4th 1944 (Welfare Dept.No.103: Home Office No.6), on the subject of the "Importation into Japan of Chinese Labours".

The above document will, I am firmly convinced, exonerate all the suspects from their ill-charged and will-imputed responsibilities and offenses and will simultaneously serve vividly to shew and establish beyond all doubt that their assumptive blemishes or maleficence do not legally constitute "War Crimes", hence beyond the jurisdiction of the War Crimes Court. The gist of the abovesaid Government Instructions is as follows:-

a) The Japanese Government had been experimenting Chinese labours on the strength of the Cabinet Meeting of Nov.27,1942; that in view of the generally favourable result achieved therefrom, the Government has now decided to embark upon the regular importation of Chinese labours based on the definite policy set for that purpose.

b) Those firms or individuals engaged in the class of enterprises specified by the Government shall file an application for the importation of Chinese labours. Such application shall be carefully considered by the Government before acceptance to make certain that the importers are capable of undertaking the management of the import labours and that no international trouble whatsoever will be caused in future.

c) The collection of labours and all possible assistances connected therewith shall be undertaken by the Japanese Embassy also by NCLA acting under instructions of the Chinese Government exercising jurisdiction over North China, hence matters shall be arranged with those official organs.

d) On arrival of Chinese labours in Japan, the Government shall take an oath from the employers that they shall strictly observe the terms of their application, also to be absolutely governed by and act amenably to instructions of the police and of the National Labour Mobilization Office.

WARTIME GOVERNMENT CONTROL OVER FOODSTUFFS, CLOTHING, MEDICINE, ETC.

Needless to say, the Government exercised enormously wide and stringent powers over all phases of human activities under the General State Mobilization Law (Law No.55,1938). Nothing, therefore, was practically within the possibility of KG's Detached Office at Hanaoka in respect of the Chinese labours for fulfilling its obligations under the Labour Contract unless with specific sanction and approval of the Government, particularly for matters involved in the following Laws and Regulations:-

a) Law relating to the Control & Management of Foodstuffs (Law No.40:Feb.21,1942), comprising cereals, cereal flours, potatoes, noodles and bread.

b) Imperial Ordinance relating to the Control of General Merchandise (Reg.No.1130, 1941).

c) Regulation relating to the Control over the Distribution & Consumption of Textile Goods (Commerce Dept.No.4:1942).

d) Law relating to National Medical Treatment (Law No.70, 1942).

e) Regulation relating to the Entry, Stay & Leave of Aliens (Home Office No.6:1939).

f) Law relating to the Preservation of National Defense (Law No.49:1941).

As you will be able to discern from the foregoing, the Hanaoka Detached Office of KG, under management of KOHNO Masatoshi, managed and controlled the Chinese labours there just as humanely and considerately as it was within limits of the aforecited Wartime Laws and Regulations, and in the face of the Government delinquency to stand by its guarantee made collateral to the Labour Contract; on more occasions than one, it went off limits of these stringent laws by purchasing food in the black market thereby incriminating Manager Kohno to police detention and heavy penalty.

S. HIRABAYASHI, LL. B.

BARRISTER AT LAW & PATENT ATTORNEY
"SHOSEN" BUILDING, 5, KAIGAN-DORI,
KOBE, JAPAN.
(TEL: SANNOMIYA 697.)

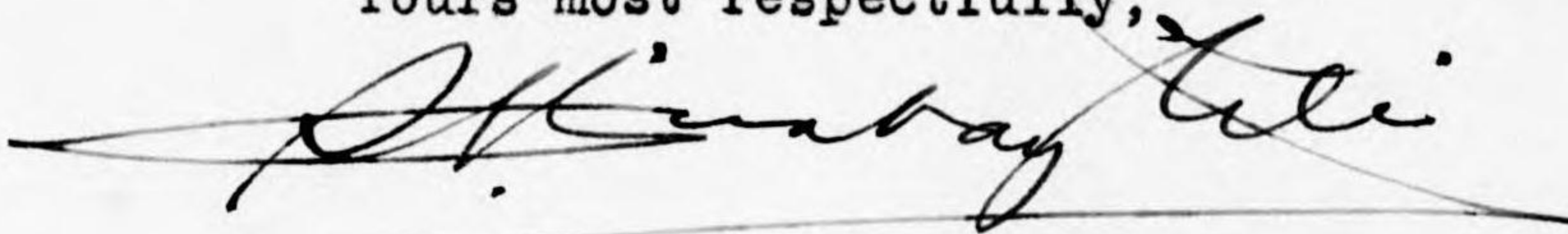
- 6 -

Of the seven Japanese civilian employees at the Hanaoka Detached Office of KG who had been primarily incarcerated at Akita Prison during October 1945 and subsequently transferred to Sugamo Prison, two persons, viz. FUKUDA Kingoro and SHIMIZU Masao, have been indicted for having beaten and mistreated the Chinese civilian labours and will be duly defended at the War Crimes Court in Yokohama. However, as regards the rest of the incarcerated civilian suspects, viz. KOHNO Masatoshi, SATO Yuzo, TAKAKU Kanehiro, TSUKADA Kaneo and ISE Chitoku, it is sincerely desired that they should be immediately released and liberated so that they may join their folks at home to celebrate their own first Yule-tide (the Yule 1945 they observed under incarceration at Akita Prison) after the liberation from that long and gruesome War.

I have the honour to be,

My dear Colonel,

Yours most respectfully,



Attached Documents:

- 1) Copy of the Labour Contract between the North China Labour Association and Kashimagumi Limited, with translation.
- 2) Copy of the CONFIDENTIAL INSTRUCTIONS issued by the Vice-Minister of the Home Office and the Welfare Department to Prefectural Governors dated April 4th 1944, with translation.

Ltr 15 Nov 46

Tokyo: November 30th 1946.

Colonel Alva C. Carpenter,
Chief of Legal Section, SCAP,
"Meiji" Building, Marunouchi,
TOKYO.

SUBJECT: Petition for Immediate Release & Liberation
from SUGAMO PRISON of:

KOHNO Masatoshi;
SATO Yuzo;
TEKAKU Kanehiro;
TSUKADA Kaneo;
ISE Chitoku.

FROM: HIRABAYASHI Shin-Ichi, LL.B., Attorney At Law:
Tokyo Abode: OKAMURA RYOKAN, 14 Tsukiji 2-chome,
Kyobashi-ku.

My dear Colonel:-

Supplementing my petition dated the 15th inst. I beg to state that during the course of discussion with your Mr. Bassin on the 29th inst. a salient point was raised by him that it was quite possible that actually enslaved labours were supplied to the Japanese employers notwithstanding the terms of the Labour Contract which, to all intents and purposes, represented genuine contract labours.

To the above point, my answer is that insofar as the Japanese employers are concerned the question involved does in no way affect the legality of the Labour Contract, hence the imported Chinese labours were to them (employers) civilian contract labours; consequently, any maleficence or malfeasance versus the labours does not legally constitute a "war crime" because:

(1) The collection and supply of the labours were all undertaken by the then Chinese governmental institutions with the full cooperation of the Japanese Government, hence the Japanese employers were not in position to anticipate or discern that the labours supplied and delivered to them under the specific Labour Contract did consist of enslaved labours; therefore

(2) If the aforesaid Chinese labours were actually composed of enslaved labours, the responsibilities therefor shall be borne by the officials in charge of both the Chinese and Japanese Governments, and

(3) For that matter, the twenty eight top-notch war criminals are now being tried in the International Military Tribunal for the Far East. (Vide: APPENDIX B. LIST OF ARTICLES OF TREATIES VIOLATED BY JAPAN AND INCORPORATED IN GROUPS ONE AND TWO/ THE MANDATE FROM THE LEAGUE OF NATIONS PURSUANT TO THE VERSAILLES TREATY MADE AT GENEVA 17 DECEMBER 1920. 17. ARTICLE 3.

"The Mandatory shall see that the slave trade is prohibited and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration"). The above will, I believe, vir-

HIRABAYASHI Shin-Ichi, LL.B.

- 2 -

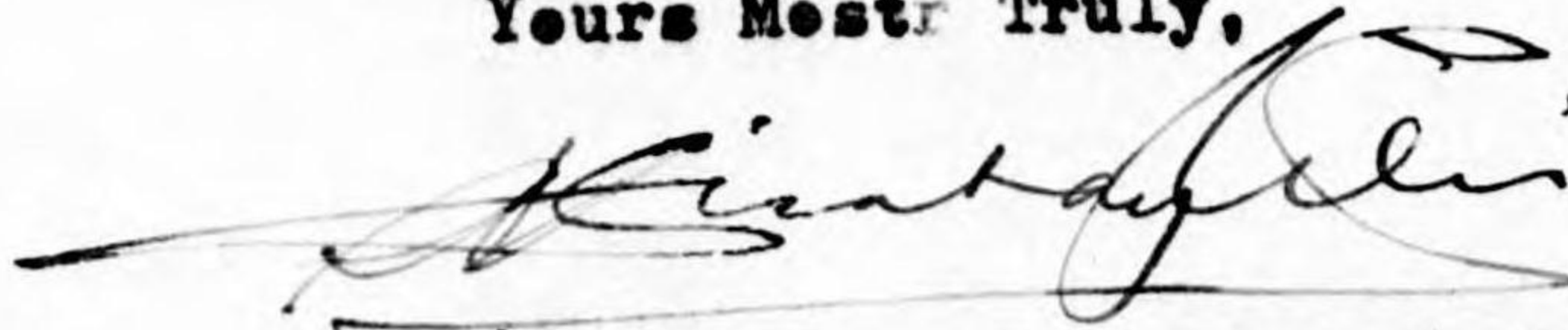
tually settle the point raised by your Mr. Bassia, having regard to the text of indictment by the US and ten other Powers against Tojo Hideki and twenty seven war criminals.

In view of the above, even, for the sake of argument, the Japanese civilians in the employ of the Japanese employers did commit a crime versus the Chinese labours in question, such crime shall ipso jure be punished by the law of the country where the said crime was perpetrated just in the same manner as the twelve Chinese labours, who had perpetrated the July Conspiracy thereby murdering several Japanese and Chinese and were subsequently tried and sentenced according to the law of Japan (sentenced in September 1945 and of course after the unconditional surrender of Japan). Consequently such crime does not constitute a "War Crime" in the light of the accepted principle of international jurisprudence as also according to the provisions of the Regulations Governing the Trials of Accused War Criminals issued under AG 000.5 (5 Dec 45) LS by SCAP., hence the Legal Section, SCAP, is not competent to prosecute the criminal suspects for trial by the War Crimes Court.

I look forward, at the earliest possible opportunity, to hearing your judicious decision in regard to the release and acquittal of the aforesaid five war criminal suspects from the Sugame Prison, and, in the meantime, I beg to remain

My Dear Colonel,

Yours Most Truly,



HIRABAYASHI Shin-Ichi, LL.B.
Attorney At Law.

P.S. I enclose herewith one copy each of the LABOUR CONTRACT and the CONFIDENTIAL INSTRUCTIONS issued by the Japanese Government which were inadvertently omitted to be attached to my petition dated the 15th inst.

(8)

HOMMA

1. HOMMA Kyohito
not a suspect

2. HOMMA Fusanichi
is a suspect

in Chinese Labor Affair

本籍 東京都新宿区四谷坂町1704
現住所 神奈川県中郡二宮町山西54

本間清人 (佛教) 明治30年7月6日生

(1) 内務省警保局外事課勤務時代

- A. 昭和20年4月マテ約3年間
- B. 警察科学資料ノ研究ヲナス。
- C. 当時ノ外事課長 入江誠一郎、宮田笑内、岡崎英城。
- D. C=示ス人々。

(2) 有限會社 三元精機製作所 (在大森区) 経営時代

- A. 約五年間
- B. 各研究室用試験機類ノ設計並ニ製作。
- C. 社長 (本人)
- D.

(3) 科学雑誌ノ顧問時代


- A. 約12年間
- B. 青少年ニ向テノ科学教育ノ執筆及ラダオヲ通ジ科学普及。
- C. 当時ノ科学雑誌、誠文堂発行ノモノ社長小川菊松。
- D.

(4) 東京帝國大学工学部研究室時代

- A. 約7年間 (南東大震火災ノ前)
- B. 鉄及鋼ノ研究ニ關スル助手。
- C. 德國一博士。
- D.

上ノ記載ニ相違ナシトテ證ス

昭和22年11月4日

本間清人 

HONMA K.

(7)
Kiyond HOMMA
Born July 6, 1897

Permanent Somicile: Tokyo

Present Address: Kanagawa Prefecture

Professional Career

- 1) Period in which I served at the Foreign Affairs Section, Police and Security Bureau of the Home Ministry.
 - A. Three years until April, 1945
 - B. Made a research of materials for police science
 - C. Section Chiefs were Seiichiro IRIE, S. MIYATA, H. OKAZAKI
 - D. Those who are mentioned in C.
- 2) Period in which I operated the SANGEN SEIKI Works, Ltd. (located in OMORI)
 - A. About 5 years
 - B. Design and manufacture of various test instruments for other laboratories and researches.
 - C. I was the Director (or President)
 - D.

(2)

3) Period in which I was an adviser to a scientific magazine

A About 12 years

B Contributing articles concerning scientific education for boys and girls. Enhancement of scientific knowledge through radio

C The magazine was published by SEIBUNDO, whose owner was K. OGAWA

D.

4) Period while I was at the laboratory of { Technical Dept. } of the Tokyo Imperial University.
{ Industrial (?) " }

A About 7 years (Prior to the great earthquake in 1923)

B Assisted study on iron and steel.

C Dr. Kuniochi TAWARA.

I hereby certify that the above statement is correct and true.

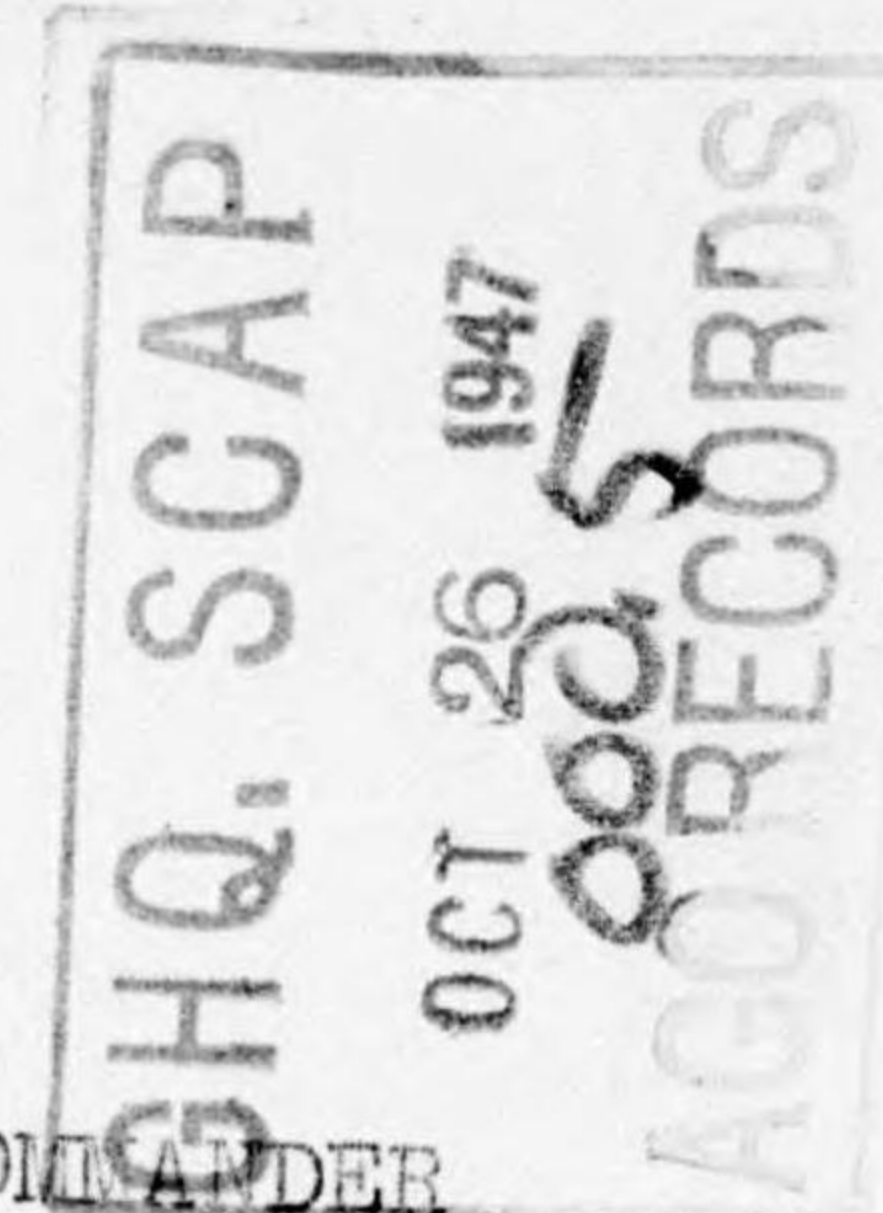
Nov. 4, 1945

Sgd by K. HOMMA

Major R. Patterson

Chief of Staff _____
Deputy C of S AFPAC _____
Deputy C of S SCAP _____
Secy, General Staff _____
G-1 _____
G-2 _____
G-3 _____
G-4 _____
Adjutant General *REF* _____
Antiaircraft _____
Cent Purch _____
Chaplain _____
Quartermaster _____
Signal _____
Sp Services _____
Transp _____
Civ Comm _____
Civ I&E _____
Civ Int _____
Civ Prop Cust _____
Civ Transp _____
Diplomatic _____

JAPANESE GOVERNMENT
CENTRAL LIAISON OFFICE



TO : GENERAL HEADQUARTERS OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS.

FROM : Central Liaison Office, Tokyo.

SUBJECT: Records of HOMMA, Kiyohito.

C.L.O. No. 8397(PH)

24 October 1947

1. Reference: Legal Section's Check Sheet No. 12425
LS-Z dated 9 October 1947, subject: "Request for Records."

2. The required records of HOMMA, Kiyohito are as follows:

a. Military history: None.

b. Biographical history:

6 July 1897: Born.

1917: Studied physical chemistry for himself while
he was studying at the Tokyo Prefectural
First Middle School.

Became assistant of the Metallurgy
Seminar of Doctor TAWARADA, Hajime of the
Engineering Faculty of the Tokyo Imperial
University for seven years. With a view
to popularizing science, established a fac-
tory and had been engaged in the manufacture
of materials for studying science for about
eight years.

Became advisor of the firm publishing
"Kodomono-Kagaku", and "Kagaku-Gaho", scien-
tific magazines, and made efforts to popu-
larize science by writing and broadcasting
for about 12 years.

Simultaneously designed and manufactured
special testing instruments, etc. for use by
laboratories of schools and companies. Es-
tablished a new factory in Omori-ku, Tokyo
and met the demand for designing and manu-
facture of testing instruments under the
title of "Yugen-Kaisha, Sangen-Seiki" for
about five years.

In compliance with the request of Man-
choukuo established the Laboratory for Police

- 2 -

Science and engaged in leading research work for about two years.

Became Extra-Official of the laboratory in the External Affairs Section of the Police Bureau, Home Ministry, concurrently with the service in Manchoukuo.

Resigned from the post of the President of the above "SANGEN SEIKI" Company as he was appointed as Engineer of the Home Ministry.

April 1945: Left the Home Ministry.

3. His official domicile is No. 17-4, Yotsuya-saka-machi, Shinjuku-ku, Tokyo.

4. His present address is No. 54, Yamanishi, Ninomiya-machi, Naka-gun, Kanagawa Prefecture.

FOR THE PRESIDENT:

for S. Nakagawa
(Y. Katsuno)
Chief of Liaison Section,
Central Liaison Office.



KAJIMA Memorandum

Statements by him

defending KASHIMA-GUNI

and blaming Japanese

Govt -

Q. What happened after you returned to the autopsy room?

A. I began scrubbing for the operation.

Q. What did you see next?

A. When I finished scrubbing, I believe I saw one POW lying on the dissecting table. This table was located at the far right hand corner of the room.

Q. Continue.

A. I then saw one POW escorted by two Japanese army soldiers enter the autopsy room. The POW was placed on the center table. Either the soldiers or the nurses took off the POW's shirt, pants, underdrawers, shoes and socks.

Q. Describe in detail what happened during the operation on the first POW.

A. I did not know what type of operation was to be performed until the operation was in progress. The following persons assisted at this operation: ISHIYAMA, KOMORI, MIKI and myself. It is customary to shave the hair in the general area where the operation is to be performed on a person. However, in this instance the hair was not shaved off the prisoner's abdomen prior to the incision having been made. I do not recall whether the abdomen was made sterile by use of antiseptics prior to making the incision. ISHIYAMA made an incision on the POW's abdomen from just below the ribs to the umbilicus, about 15 centimeters long. The incision having been made, KOMORI and ISHIYAMA began applying hemostats to check the bleeding. I began wiping off the excess bleeding with gauze so that the general area of the operation could be kept clean. ISHIYAMA then cut the Peritoneum. ISHIYAMA then applied a retractor to keep the incision open. ISHIYAMA proceeded to find the liver. ISHIYAMA then cut the lobus sinistra of the POW's liver. While cutting the lobus sinistra of the POW's liver, ISHIYAMA injured the vene portae of the liver. With my experience in medicine, I knew that when the vene portae was cut that the POW was doomed. That is, he would not live. When ISHIYAMA cut the vene portae, he stopped operating because it was fatal. ISHIYAMA's objective in this operation was to remove half of a liver without injuring the vene portae. However, he was not successful and the vene portae was cut.

Q. How did you know what the objective was?

A. It is my opinion that ISHIYAMA was trying to remove half of a liver without injuring the vene portae. No one said it was the objective, I merely concluded that after watching the operation.

Since ISHIYAMA was not interested in saving the life of the POW, he did not attempt to sew the vene portae to check the bleeding. ISHIYAMA instead proceeded to sew the peritoneum and then the abdominal wall. The POW died just about the time when the incision on the abdominal wall had been sutured. This operation lasted about thirty minutes.

Q. How did you know that ISHIYAMA was not interested in saving the POW's life?

A. Because ISHIYAMA did not make any attempt to sew the vene portae or to check the bleeding. He merely sutured the incision and let the POW die.

AFFIDAVIT OF: KAJIMA Morinosuke President, KASHIMA*GUMI Ltd

KAJIMA Morinosuke, President of KAJIMA-GUMI Ltd, CE & C. Co., in a sworn written statement dated 24 April 1946, testified among other things, as follows:

When the Co needed laborers it put in a request to the DOBOKU KENCHIKU TOSEI KUMIAI (Engineering & Construction Works Control Association)

That Association was supervised by the MUNITIONS Ministry

The Association made a contract with KAHOKU ROKKYOKAI (NCLA)

NOGI, Chief of Labor Div, of the Association

concluded the contract with NCLA

and signed as Attorney for S.KAJIMA, V-Pres KAJIMA*GUMI

although NOGI was not a member or employee of " " "

" I did not know anything about the condition of the Nakayama Dormitory (Chusan-Ryo, Hanaoka) and even if I had I probably would not have been able to do anything about it during the War...

" Even if I had gone to Hanaoka, nothing could have been accomplished in view of the economic circumstances at the time, and also because I would have to obey the orders of the officials in everything...

"In the middle of August (1945) after the Japanese defeat the HOME Ministry summoned MAKISE and IYATSUDA (K-Gumi officials) and cautioned them about improving the treatment of the ICLs

"All the documents concerning Hanaoka are in the hands of MAKISE and Counsel HIRABAYSHI. I believe a few of them were sent to PHILLIP the Chief Counsel.

"Because he was short of food for the ICLs, KONO repeatedly appealed to the Prefectural auths but to no avail.

"Finally he purchased foodstuffs through the B/M and was heavily

"At that time the problem of shortage of food was the problem of Akita Prefecture and Tokyo could do noth about it & so I was

"The leaders of the Co. knew of the shortage of food...The reasons for their lack of action were:

"1. Acc to Law, all problems pertaining to foods were to be solved by the Prefecture

"2. There was no way of sending foodstuffs from Tokyo to the Nakayama (Chusan-Ryo, Hanaoka) dormitory.

"3. At that time, no action was being taken on the reports of shortage of food that came in from the localities as the problem was nation wide

"Orders were given the Co by the Govt through the SENJI KENSETSU DAN (Wartime Constr. Assoc) to appoint men vested with auth to make immediate decisions on local matters on the spot without having to obtain approval of the Pres of the Co or the vote of the Bd of Dirs...

"I believe the above order...to the Wartime Construction Org was issued by the Engineering Works Dept of the Munitions Office

"I believe the above order from the Munitions Office was received by KATO Kyohei, Pres of the Wartime Constr Assoc, and that he notified KAJIMA Shinkichi, V-Pres of K-Gumi.

"I do not know who (in the Eng. Wks Dept of Munits Min) issued the order, but I believe KATO knows.

"The various orders rec'd from the Wartime C.Org were burned after the term of the war under orders from that Org. KATO knows their contents