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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
3 December 1948

UNITED STATES OF AMERICA VS YOICHI SAITO
UNITED STATES OF AMERICA VS KIYOFUSA SAKAGUCHI
UNITED STATES OF AMERICA VS MORIO INOUE

Review of the Staff Judge Advocate

1. The attached record of trial of Yoichi Saito, Kiyofusa Sakaguchi, and Morio Inoue at Yokohama, Japan, tried from 13 August 1947 to 5 September 1947 by a Military Commission appointed by paragraph 7, Special Orders Number 184, Headquarters Eighth Army, dated 8 August 1947, as amended 11 August 1947, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Yoichi Saito	DATE OF CONFINEMENT: 28 November 1945
AGE: 45	DATE OF ARRAIGNMENT: 13 August 1947
RESIDENCE: Not Shown	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 13 August to 5 September 1947
RELATIVES: Mother, two brothers, three sisters	DATE OF SENTENCE: 5 September 1947
EDUCATION: 13 years; graduated from commercial school	SENTENCE: CHL for twenty-five (25) years.
VOCATION: Lumber Dealer	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: Entered Army 10 January 1939 and served until end of war. Highest rank attained: captain.	

NAME: Kiyofusa Sakaguchi	DATE OF CONFINEMENT: 22 November 1945
AGE: 30	DATE OF ARRAIGNMENT: 13 August 1947
RESIDENCE: c/o Hogyo Kai, Sakino Cho, Nagahama, Kokura, Fukuoka Ken	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 13 August to 5 September 1947
RELATIVES: Father, brother, sister, all missing in Formosa	DATE OF SENTENCE: 5 September 1947
EDUCATION: 12 years	SENTENCE: CHL for two (2) years
VOCATION: Administrator to Formosa	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: Entered service January 1938; served until September 1940. Rank: Superior Private	

NAME: Morio Inoue	DATE OF CONFINEMENT: 22 November 1945
AGE: 29	DATE OF ARRAIGNMENT: 13 August 1947
RESIDENCE: Fukuoka Prefecture, Moji, Kusunoki-Machi, 8 Chome	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 13 August to 5 September 1947
RELATIVES: Father, mother, 3 brothers, 2 sisters	DATE OF SENTENCE: 5 September 1947
EDUCATION: Graduate, middle school	SENTENCE: CHL for fifteen (15) years
VOCATION: Clerk in drug store	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: Entered service 10 February 1940; discharged 20 March 1942. Highest rank attained: Corporal	

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2. Synopsis of Charges, Pleas, Findings and Legal Sufficiency:

<u>Charges and Specifications:</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
<u>SAITO</u>			
Charge: Accused, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: Between 1 January 1945 and 15 August 1945, the accused did willfully and unlawfully mistreat and torture Seaman Second Class Walter W. Cole and First Sergeant James W. Kinder, American PWs, by ordering and permitting subordinates to beat them, by confining them to a cell unfit for human habitation for a period of about ten days on insufficient food rations and with insufficient clothing and bedding, by forcing them to stand at attention for long periods of time, by refusing to furnish them with necessary and available medicines and medical attention and by otherwise abusing them.	NG	G, except the words "by confining them to a cell unfit for human habitation for a period of about ten days on insufficient food rations and with insufficient clothing and bedding, by forcing them to stand at attention for long periods of time, by refusing to furnish them with necessary and available medicines and medical attention" of the excepted words, NG (R 227, 284)	Yes
Sp 2: Between 13 August 1943 and 15 August 1945, the accused did willfully and unlawfully mistreat and torture Sergeant Jan Karel Jolley, a Dutch PW, by permitting and ordering subordinates to beat him, by confining him to a cell unfit for human habitation for a period of about ten days on insufficient food rations, clothing and bedding, by forcing him to stand at attention for long periods of time and by otherwise abusing him while he was sick, diseased and in a weakened physical condition, thereby contributing to his death.	NG	G, except the words, "by confining him to a cell unfit for human habitation for a period of about ten days on insufficient food rations, clothing and bedding, by forcing him to stand at attention for long periods of time" and the words "thereby contributing to his death" of the excepted words, NG (R 227, 284)	Yes
Sp 3: Between 4 August 1944 and 15 August 1945, the accused did willfully and unlawfully disregard and fail to discharge his duty as Camp Commander by failing to provide Technical Sergeant Claude Carpenter, an American PW, with proper, necessary and available medicines and medical attention and by forcing him to work when ill and in an unfit physical condition for work, thereby contributing to his death.	NG	NG (R 227, 284)	--
Sp 4: Between 13 August 1943 and 15 August 1945, the accused did willfully and unlawfully disregard and fail to discharge his duty as Camp Commander by compelling and permitting American and Allied PWs to work for excessive periods of time without sufficient rest.	NG	NG	--
Sp 5: Between 13 August 1943 and 15 August 1945, the accused did willfully and unlawfully disregard and fail to	NG	G, except the words, "proper and available clothing and"	Yes

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discharge his duty as Camp Commander by failing to provide Allied PWs with proper and available clothing and needed and available medicines and medical attention, thereby contributing to the serious illness and deaths of American and Allied PWs.

and the words "thereby contributing to the serious illness and deaths of American and Allied PWs." of the excepted words, NG

Sp 6: Between 13 August 1943 and 15 August 1945, the accused did willfully and unlawfully mistreat and abuse Allied PWs by stealing, misappropriating, and withholding Red Cross food and medicines and other supplies intended for their use and benefit and by compelling them to consume large quantities of Red Cross food within a short period of time, resulting in their becoming ill from same and in the waste and spoilage of such food, thereby contributing to the serious illness and deaths of American and Allied PWs.

NG

G,

Yes

except the words, "and by compelling them to consume large quantities of Red Cross food within a short period of time, resulting in their becoming ill from same and in the waste and spoilage of such food, thereby contributing to the serious illness and deaths of American and Allied PWs" of the excepted words, NG (R 227, 285)

Sp 7: Between 13 August 1943 and 15 August 1945, the accused did willfully and unlawfully mistreat and torture numerous American and Allied PWs by beating them, by ordering and permitting subordinates to beat them, by forcing sick, ill and diseased PWs to work while in a physically unfit condition and by otherwise abusing them.

NG

NG

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Sp 8: Between 13 August 1943 and 15 August 1945, the accused did unlawfully disregard and fail to discharge his duty as Camp Commander, to control and restrain members of his command and persons under his supervision and control, by permitting them to commit the following atrocities and other offenses against Allied PWs.

a: Between 13 August 1943 and 15 August 1945, the unlawful mistreatment and abuse by Morio Inouye of Captain Allan Berkeley, a British PW, by beating him and causing him to fall and to strike the back of his head upon stone steps, resulting in his sustaining a brain concussion resulting in a loss of consciousness for three days.

NG

G

Yes

b: Between 1 January 1945 and 15 August 1945, the unlawful mistreatment and abuse by Morio Inouye of Staff Sergeant Arthur Sullivan, an American PW, by beating him into insensibility and otherwise abusing him.

NG

G

Yes

c. Between 1 May 1945 and 15 August 1945, the unlawful mistreatment by Morio Inouye of Private George Spencer, an American PW, by beating, kicking and otherwise abusing him, thereby breaking a rib.

NG

G

Yes

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- d: In or about March or April 1945, the unlawful mistreatment by Morio Inouye and one Terada of Staff Sergeant George R. Powell, an American PW, by beating, kicking and otherwise abusing him. NG G Yes
- e: In or about January or February 1945, the unlawful mistreatment, abuse and torture by Morio Inouye, with others, of Sergeant William E. Braye, an American PW, by beating and inflicting severe cuts and lacerations on and about his body, by kicking him, by forcing him to stand at attention for a long period of time in cold weather while insufficiently clothed and by otherwise abusing him until he was rendered insensible, all while said PW was sick, diseased and in a weakened physical condition. NG G Yes
- f: Between 13 August 1943 and 15 August 1945, the unlawful mistreatment and abuse by Morio Inouye of Gunner Fred Chick, a British PW, by beating him into insensibility. NG G Yes
- g: At divers times between 13 August 1943 and 15 August 1945, the unlawful mistreatment and abuse by Morio Inouye of Lieutenant Thomas C. Borrie, a British PW, by beating and otherwise abusing him. NG G Yes
- h: In or about July 1945, the unlawful mistreatment and abuse by Morio Inouye of Lieutenant J. W. Starkey, a British PW, by beating him into insensibility. NG NG --
- i. In or about July 1945, the unlawful mistreatment and abuse by Morio Inouye of Warrant Officer Charles Kidwell, a British PW, by beating him. NG NG --
- j: On or about 9 August 1945, the unlawful mistreatment and abuse by Morio Inouye and Tadashi Takano of Lieutenant S. D. Mitchell, Lieutenant L. P. P. Robertson and Gunner Albert Fletcher, British PWs, and some twenty-four other Allied PWs, by beating, kicking and otherwise abusing them. NG G Yes
- k: In or about December 1944, the unlawful mistreatment and abuse by Morio Inouye of William J. Burns, an American PW, by beating him. NG G Yes
- l: Between 1 January 1945 and 15 August 1945, the unlawful mistreatment and abuse by Morio Inouye, Tadashi Takano and others of Charles R. Peterson, an American PW, by beating and kicking him into insensibility. NG G Yes

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Stricken as a duplication.
(R 227, 285)

m: Between 1 January 1945 and 15 August 1945, the unlawful mistreatment and torture by Morio Inouye, Tadashi Takano, and others, of Seaman Second Class Walter W. Cole and First Sergeant James W. Kinder, American Prisoners of War, by beating and kicking them, by confining them in a cell unfit for human habitation on insufficient rations, by forcing them to stand at attention for long periods of time, by forcing them to perform strenuous physical exercises, while in a weakened physical condition, until they became unconscious and by otherwise abusing him.

n: At divers times between 1 September 1944 and 15 August 1945, the unlawful mistreatment and abuse by Morio Inouye of Sergeant John Miller and Private First Class Manuel Martinez, American PWs, by beating and kicking them.

o: In or about June 1945, the unlawful mistreatment and abuse by Morio Inouye of Corporal Joseph Pacowski by beating him, thereby breaking his arm.

p: At divers times between 13 August 1943 and 15 August 1945, the unlawful mistreatment and torture by Morio Inouye of numerous Allied PWs by beating them, by kicking them, by forcing them to stand at attention for long periods of time, by forcing them to assume painful postures for long periods of time, by refusing to furnish them with necessary and available medicines and medical attention and by otherwise abusing them.

q: In or about March 1944, the unlawful mistreatment by Sergeant Major Tarnaguchi of Captain Allan Berkeley, a British PW, and Lieutenant A. Doppert, a Dutch PW, by beating and otherwise abusing them.

r: Between about December 1943 and 15 August 1945, the unlawful mistreatment and abuse by one Terada of Gunner D. A. Silvey, a British PW, by striking him, thereby fracturing the forearm of said PW.

s: Between 13 August 1943 and 15 August 1945, the unlawful mistreatment and abuse by one Nobui Hiwatari of Lieutenant S. D. Mitchell, a British PW, by striking him across the mouth with the edge of a plate.

t: Between 1 January 1945 and 15 August 1945, the unlawful mistreatment and abuse by one Takano of Sergeant William E. Braye, an American PW, and some nineteen other Allied PWs by beating and otherwise abusing them.

NG	NG	--
NG	NG	--
NG	NG	--
NG	G	Yes
NG	G	Yes
NG	G	Yes
NG	G	Yes

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u: At divers times between 4 August 1944 and 15 August 1945, the unlawful mistreatment and abuse by Kyofusa Sakaguchi of Sergeant William E. Braye, an American PW, by beating and kicking him into insensibility, by squirting water upon him in cold weather, by forcing him to stand at attention for a long period of time and by otherwise abusing him.	NG	G	Yes
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v: Between 13 August 1943 and 15 August 1945, the unlawful mistreatment by Kiyofusa Sakaguchi of Sergeant E. G. Marshall, a British PW, by beating and otherwise abusing him.	NG	NG (R 227, 285)	--
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w: Between 1 September 1944 and 15 August 1945, the unlawful mistreatment by Kiyofusa Sakaguchi of Private Paul G. Inzer, an American PW, and of numerous other Allied PWs by beating, kicking and otherwise abusing them.	NG	G	Yes
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x: Between 4 August 1944 and 15 August 1945, the unlawful mistreatment and abuse by one Tadashi Suzuki of Sergeant William E. Braye, an American PW, and a group of other American PWs by beating and otherwise abusing them.	NG	G	Yes
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y: At divers times between about December 1943 and 15 August 1945, the unlawful mistreatment by one Terada of numerous Allied PWs, by beating, and refusing to furnish them with necessary and available medicine, and by otherwise abusing them.	NG	G	Yes
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z: In or about April or May 1945, the unlawful mistreatment by Yoshika Yagi of Private First Class Joseph J. Bush, an American PW, and a group of about nineteen other Allied PWs by beating and otherwise abusing them.	NG	G	Yes
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aa: In or about March 1945, the unlawful mistreatment and abuse by Yoshika Yagi of Corporal Arthur R. Converse, Jr., an American PW, by beating him.	NG	G	Yes
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bb: At divers times between 1 September 1944 and 15 August 1945, the unlawful mistreatment by one Yagi of Samuel R. Kerr, an American PW, by beating, kicking and otherwise abusing him.	NG	G	Yes
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cc: Between 1 September 1944 and 15 August 1945, the unlawful mistreatment and abuse by one Yagi of Private First Class Dale E. Moeder, an American PW, by beating him.	NG	G	Yes
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dd: In or about July 1945, the unlawful mistreatment and abuse by one Yoshikawa of Corporal Wilford H. Chapman, an American PW, and Sergeant Ronald Bickerstaffe, a British PW, by beating them into insensibility. NG G Yes

ee: At divers times between 1 September 1944 and 15 August 1945, the unlawful mistreatment of Corporal Arthur C. Louis, an American PW, by beating and otherwise abusing him. NG G Yes

ff: At divers times between about September 1944 and 15 August 1945, the unlawful mistreatment and abuse of Private Paul G. Inzer, an American PW, by beating him into insensibility and by otherwise abusing him. NG G Yes

gg: In or about June 1945, the unlawful mistreatment and abuse by Arihisa Sumi of Lieutenant J. W. Starkey, a British PW, by beating him into insensibility. NG G Yes

hh: Between 4 August 1944 and 15 August 1945, the unlawful mistreatment of Sergeant Jan Karel Jolley, a Dutch PW, by beating, kicking, and otherwise abusing him. Stricken as a duplication. (R 286)

ii: At divers times between 13 August 1943 and 15 August 1945, the unlawful mistreatment and abuse of Allied PWs by stealing and misappropriating Red Cross food and drugs and other food supplies intended for their use and benefit. NG G Yes

jj: At divers times between 13 August 1943 and 15 August 1945, the unlawful mistreatment and abuse of American and Allied PWs by forcing them to work when sick, ill, diseased and in an unfit physical condition for work, thereby contributing to the serious illness, disability and deaths of Allied PWs. NG NG (R 227, 285) --

kk: At divers times between 13 August 1943 and 15 August 1945, the unlawful mistreatment and torture of numerous American and Allied PWs by beating and kicking them, by forcing them to stand at attention for long periods of time, by confining them to a cell unfit for human habitation, by forcing them to assume painful postures for long periods of time, by forcing them to perform strenuous physical exercises while in a weakened physical condition and by otherwise abusing them. NG NG (R 227) --

SAKAGUCHI

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Charge: Accused, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War. NG G Yes

Sp 1: At divers times between 4 August 1944 and 15 August 1945, the accused did, with others, willfully and unlawfully mistreat and torture Sergeant William E. Braye, an American PW, by beating and kicking him, by forcing him to stand at attention for a long period of time while insufficiently clothed in cold weather and by otherwise abusing him. NG G, Yes
except for the words "with others" and "and torture" and "by forcing him to stand at attention for a long period of time while insufficiently clothed in cold weather and by otherwise abusing him." Of the excepted words, NG

Sp 2: Between 1 January 1945 and 15 August 1945, the accused did, with others, willfully and unlawfully mistreat Seaman Second Class Walter W. Cole and First Sergeant James W. Kinder, American PWs, by beating and otherwise abusing them. NG NG --

Sp 3: In or about 15 February 1945, the accused did willfully and unlawfully mistreat Corporal Ernest D. Tavlian, an American PW, by beating and otherwise abusing him. NG G, Yes
except the words "and otherwise abusing" of the excepted words, NG

Sp 4: In or about June or July 1945, the accused did willfully and unlawfully mistreat Sergeant Edward G. Marshall, a British PW, by beating him, causing him to sustain a severe cut on the calf of his leg and by otherwise abusing him. NG NG (R 227, 288) --

Sp 5: Between 1 January 1945 and 15 August 1945, the accused did, with another, willfully and unlawfully mistreat Private Paul G. Inzer, an American PW, by beating, kicking and otherwise abusing him, rendering him insensible and by then reviving him and repeating such mistreatment. NG G, Yes
except the words "with another" and "by beating, kicking and otherwise abusing him, rendering him insensible and by then reviving him and repeating such mistreatment." Of the excepted words, NG

Sp 6: Between 15 May 1943 and 15 August 1945, the accused did willfully and unlawfully mistreat numerous Allied PWs not hereinabove specified, by beating and otherwise abusing them. NG NG --

INOUE

Charge: Accused, at the times and places set forth in the specifications hereto attached, did violate the Laws and Customs of War. NG G Yes

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Excluded

Sp 1: Between 22 February 1943 and 15 August 1945, the accused did willfully and unlawfully mistreat and abuse Captain Allan Berkeley, a British PW, by beating him with his fist and causing him to fall and strike his head upon some stone steps, resulting in the sustaining of a brain concussion resulting in a loss of consciousness for three days.	NG	G,	Yes
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Sp 2: In or about January or February 1945, the accused did, with others, willfully and unlawfully mistreat and torture Sergeant William E. Braye, an American PW, by beating him and thereby inflicting on him severe cuts and lacerations, by kicking him, by forcing him to stand at attention for a long period of time in cold weather while insufficiently clothed and by otherwise abusing him until he was rendered insensible, while said PW was in a sick, diseased and weakened physical condition.	NG	G	Yes
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Sp 3: Between 1 January 1945 and 15 August 1945, the accused did, with others, willfully and unlawfully mistreat and torture Seaman Second Class Walter M. Cole and First Sergeant James W. Kinder, American PWs, by beating and kicking them into insensibility and by then reviving them and repeating such mistreatment, by forcing them to stand at attention for long periods of time, by confining them to a cell unfit for human habitation on insufficient rations, by compelling them to perform strenuous physical exercises while in a weakened physical condition and otherwise abusing them.	NG	G,	Yes
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Sp 4: Between 1 January 1945 and 15 August 1945, the accused did willfully and unlawfully mistreat Staff Sergeant Arthur Sullivan, an American PW, by beating and otherwise abusing him until he was rendered insensible.	NG	G	Yes
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Sp 5: Between 22 February 1943 and 15 August 1945, the accused did willfully and unlawfully mistreat and abuse Sergeant Major Leendert A. Van Helden, a Dutch PW, by beating him and thereby breaking his arm.	NG	G	Yes
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Sp 6: Between 1 May 1945 and 15 August 1945, the accused did willfully and unlawfully mistreat Private George W. Spencer, an American PW, by beating, kicking and otherwise abusing him, thereby breaking his rib.	NG	G	Yes
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Sp 7: In or about March or April 1945, the accused did, with others, willfully and unlawfully mistreat Staff Sergeant George R. Powell, an American PW, by beating, kicking and otherwise abusing him.	NG	G	Yes
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Excluded

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Sp 8: Between 22 February 1943 and 15 August 1945, the accused did willfully and unlawfully mistreat one Gunner Chick, a British PW, by beating and otherwise abusing him.	NG	G	Yes
Sp 9: In or about December 1944, the accused did willfully and unlawfully mistreat and abuse Private First Class William J. Burns, an American PW, by beating and otherwise abusing him.	NG	G	Yes
Sp 10: In or about July 1945, the accused did willfully and unlawfully mistreat Lieutenant J. W. Starkey, a British PW, by beating him into insensibility and otherwise abusing him.	NG	NG	--
Sp 11: In or about July 1945, the accused did willfully and unlawfully mistreat Warrant Officer C. H. Kidwell, a British PW, by beating and otherwise abusing him.	NG	NG	--
Sp 12: Between 1 January 1945 and 15 August 1945, the accused did, with others, willfully and unlawfully mistreat and abuse Charles R. Peterson, an American PW, by beating and kicking him into insensibility and by then reviving him and repeating said mistreatment.	NG	G	Yes
Sp 13: On or about 9 August 1945, the accused, with another, did willfully and unlawfully mistreat and abuse Lieutenant S. D. Mitchell and Lieutenant L. P. P. Robertson, British PWs, and a group of about twenty-five other Allied PWs by beating and kicking them.	NG	G	Yes
Sp 14: During about February 1945, the accused did willfully and unlawfully mistreat Staff Sergeant Alfred Nicholson, an American PW, by beating, kicking and otherwise abusing him until he was rendered insensible.	NG	G	Yes
Sp 15: Between 22 February 1943 and 15 August 1945, the accused did willfully and unlawfully mistreat and torture numerous Allied PWs by beating them, by kicking them, by forcing them to stand at attention for long periods of time, by forcing them to perform strenuous physical exercises while in a weakened physical condition, by refusing to provide them with necessary and available medicines and medical attention and by otherwise abusing them.	NG	NG	--

3. Summary of the Evidence:

a. For the prosecution:

In general:

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The accused, Saito, a captain in the Japanese Army, was, from June 1943 to August 1945, commandant of a prisoner of war camp at Moji, Kyushu, Japan, designated as Fukuoka Prisoner of War Camp, 4th Branch, also known as Moji-4. The accused, Inouye, civilian, was a medical orderly therein; the accused, Sakaguchi, was a civilian guard there; both of the latter were employed by the Army and were subordinates of the accused, Saito. About three hundred prisoners of war were confined there, American, British and Dutch.

As to INOUE:

In general:

The accused, Inouye, in an unsworn statement (Ex 72) said he performed some beatings on order of Saito, accused.

As to Specification 1 (Inouye): PW Berkeley, British medical officer, was often beaten severely with fists by various guards. On one occasion the accused beat him with fists, knocked him down, his head striking on stone steps, causing him to be hospitalized for two weeks. The prisoner was beaten because he had rendered medical treatment without authorization to another British prisoner of war who was bleeding from injuries inflicted by another guard. This beating was general knowledge in the camp (R 92; Ex 3, 5, 6, 7, 62, 63, 64).

As to Specification 2 (Inouye): PW Braye (live witness) was ill in barracks and was told to stay there. Other instructions were given him to proceed to an air raid shelter, which he did. For so going, the accused beat him severely with fists, saber, and kicks, knocking him insensible and dazing him for two days. The prisoner was also compelled to stand at attention after the beating, for four hours outside the guard room in freezing weather, while lightly clothed and in stocking feet. Prisoner's back retained scars of the beating which were exhibited to the court. (R 93, 94, 95, 171, 193, 194; Ex 3, 5, 6, 11, 13, 13, 23)

As to Specification 3 (Inouye): PWs Cole and Kinder were both involved in an episode of stealing a small amount of sugar from a dock. The accused, with other guards, kicked and beat both men severely with fists and sticks, the prisoners becoming insensible and suffering severe cuts, bruises, and welts; were also hurt by judo. Both were unable to work for several days. Many affiants personally saw the beating. Accused apparently took savage delight inflicting this punishment. It was done in full view of most of the camp (R 96, 97, 98, 128, 130, 172; Ex 6, 8, 9, 10, 16, 19, 31, 35, 63).

As to Specification 4 (Inouye): During an air raid in April or May 1945, PW Sullivan was beaten by the accused because of slowness in shouting his number while en route to an air raid shelter. The prisoner was struck with fists and sticks, and beaten into insensibility. In July 1945, the accused beat PW Sullivan into insensibility with fists and a stick and injuring his spine. At that time the prisoner was sick with malaria and beri-beri, and had not saluted promptly enough, thus incurring the beating (R 102, 159, 175; Ex 3, 42).

As to Specification 5 (Inouye): PW Van Helden was beaten, abused, and had his arm broken through judo, all done by the accused. The beating arose when men of the prisoner's squad were slow at work (R 103, 175; Ex 6).

As to Specification 6 (Inouye): PW Spencer was attacked by accused with fists, kicks, and judo, breaking one of his ribs. The prisoner had stopped for natural needs en route to an air raid shelter, thus incurring the wrath and assault of the accused (R 103, 104, 175, 176; Ex 6 (par 24), 55).

As to Specification 7 (Inouye): In May 1945 the accused struck PW Powell over the head with a stick and beat him severely because some stolen food was found on the prisoner when returning from a work detail (Ex 3). In March 1945 PW Powell was beaten by the accused with a stick and fists, and prisoner's head was cut. The prisoner had been in sick bay during an air raid and did not go promptly to the shelter. (R 104, 159, 176, 177; Ex 3, 6, 11, 12)

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As to Specification 8 (Inouye): PW Chick was beaten into insensibility by the accused with an iron grill and stick for failing to salute (Ex 5, 6, 60).

As to Specification 9 (Inouye): PW Burns requested medical treatment from the accused for a cyst on his jaw. The accused struck him with his fist, broke the cyst and walked away laughing. This affiant identified the accused thusly, "He was the biggest louse in the Jap Army." (Ex 10).

As to Specification 10 and 11 (Inouye): Not Guilty.

As to Specification 12 (Inouye): The accused, with other guards, beat PW Peterson severely with sticks, swords, kicks and fists, knocking him insensible, then reviving him with cold water, beating him again, and repeating the process several times. The incident was caused by the prisoner having stolen a small amount of sugar from the docks. The prisoner's face was unrecognizable after the beating, and he had to be carried to work the next day by other prisoners. (R 106; Ex 16, 19, 20, 22, 25, 36, 52, 63)

As to Specification 13 (Inouye): The accused severely beat PWs Mitchell and Robertson, (British), and twenty-five others by hitting them with fists and shovels on their heads, flooring them, beating and kicking them while down. The affair was caused by someone misplacing a latrine bucket, supposed to have been taken to an air raid shelter (R 107, 108; Ex 30, 40, 63). Whenever beatings would start, the accused often ran over from his office to participate therein (R 109, 110, 177).

As to Specification 14 (Inouye): PW Nicholson, about fifty-five years of age, was sick from malnutrition, and without apparent provocation, was attacked by the accused, kicked and beaten with a big club for about an hour. The prisoner was unconscious for several days thereafter (Ex 11, 38).

As to Specification 15 (Inouye): Not Guilty.

As to SAKAGUCHI:

In general:

The accused signed two statements in which he admitted beatings, but claimed they were done under orders of his commanding officer, Saito, accused (Ex 70, 71).

As to Specification 1 (Sakaguchi): PW Sgt. William E. Braye, (live witness) was beaten by the accused on at least two occasions. In January 1945, the prisoner, while sick, was beaten by other guards (see Spec #2, Inouye), and the accused joined in the beatings. Prisoner was asked a few questions, and when he started to answer, the accused struck him in the face with fists, kicked him, knocked him down, repeating the process several times (R-93). In November 1945, the prisoner, while in the barracks, failed to salute the accused, not noticing him in the darkness, and was thereupon slapped, beaten with fists, and kicked by the accused (R 124).

As to Specification 2 (Sakaguchi): Not Guilty.

As to Specification 3 (Sakaguchi): PW Tavlian, while working on the dock detail, was approached by the accused, and asked if his number was "314". Upon replying His number was actually "344", the accused became excited, and beat the prisoner severely for about ten minutes with a bamboo slat. The prisoner felt it was useless to report the incident to superiors (R 124; Ex 57, 58).

As to Specification 4 (Sakaguchi): Not Guilty.

As to Specification 5 (Sakaguchi): The accused, known as "The Clutching Hand", together with another guard, "Peg-log", beat PW Inzer with a

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club for a half hour, as punishment for stealing some food from the docks. They also stomped on his hands with their hob-nailed boots, inflicting scars which are still visible (R 125, 126; Ex 32).

As to Specification 6 (Sakaguchi): Not Guilty.

As to SAITO:

In general:

The accused, Saito, in a written statement (Ex 73) admitted two beatings imposed as disciplinary measures.

As to Specification 1 (Saito): PWs Cole and Kinder were severely beaten by guards with sticks and fists, under the orders and supervision of the accused. This beating was witnessed by most of the camp. (See Spec #3, Inouye, for details.) (R 97, 100, 182; Ex 1, 8, 9, 10, 21, 35, 53, 54, 70)

As to Specification 2 (Saito): Accused ordered and permitted his subordinate guards to severely beat PW Jolley (Dutch) because of his theft of a pair of cotton gloves at the dock. The prisoner was stripped and severely beaten while ill, then obliged to work while in very poor physical condition. The prisoner was also beaten at other times by guards for fancied infractions of the rules. (R 130, 131, 132, 134, 136, 185, 186, 187; Ex 15, 27, 28, 48, 49, 63)

As to Specification 3 and 4 (Saito): Not Guilty

As to Specification 5 (Saito): The accused, as camp commandant failed to furnish the prisoners with adequate clothing, medical supplies and attention. There was existent in the camp warehouses, a reasonably large quantity of medical supplies and clothing, most of it from Red Cross sources. Nearly every prisoner in the camp was seriously ill during their confinement. Notwithstanding this, only the barest medical supplies were doled out. A large amount of medical supplies were found after the surrender, still reposing in the camp warehouse. As the prisoners unloaded most of these supplies upon their arrival, knowledge of their presence was known to all prisoners. Repeated requests for adequate issuance of them were ignored. During winter, the scarcity of foot gear among the prisoners was distressing; a large number of American and South African shoes were also found in the warehouses after the surrender. Most of the guards wore American foot gear which came from Red Cross supplies. Many thousands of multivitamin tablets (B-1) arrived, as well as some blood plasma, but their distribution was refused. (R 121, 123, 181; Ex 3, 5, 6, 7, 15, 19, 20, 24, 26, 28, 33, 41, 47, 48, 49, 50, 53, 60, 61, 62, 64)

As to Specification 6 (Saito): The accused misappropriated, stole and withheld Red Cross parcels. A large quantity of these boxes arrived from time to time; about 60% of the whole were stolen and appropriated by the accused and his guards. No distribution was made of Red Cross supplies from after Christmas 1944 until the surrender. Red Cross food was observed being cooked in the guards' kitchen (R 151). The guard staff and the accused, as well as members of their families were seen wearing Red Cross clothing and shoes, as well as possessing food supplies. Repeated requests by the prisoners for regular distribution of intact Red Cross bundles were refused. Scanty distribution in 1944 was marked by constant pilfering by the Japanese staff. At Christmas, 1944, a large number of Red Cross food bundles were emptied and dumped into one pile indiscriminately, with orders to consume it in one day. (R 151, 152, 154; Ex 3, 4, 5, 6, 7, 15, 20, 24, 28, 29, 30, 33, 40, 47, 48, 49, 50, 51, 53, 58, 60, 61, 62, 63).

As to Specification 7 (Saito): Not Guilty.

As to Specification 8 (Saito): The accused disregarded and failed in his duty as camp commander to control or restrain members of his staff, in a long line of abuses of the prisoners. The accused personally observed many such instances. He ordered, directed and tolerated a program of beatings for slight