

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

Yokohama, Japan  
12 June 1947

**UNITED STATES OF AMERICA VS MASAYOSHI KATO**

Review of the Staff Judge Advocate

1. The attached record of trial of Masayoshi Kato, at Yokohama, Japan from 28 January 1947 to 5 February 1947, by a Military Commission appointed by paragraph 1, Special Orders No. 19, Headquarters Eighth Army, United States Army, dated 23 January 1947, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

**PERSONAL DATA SUMMARY**

<b>NAME:</b> Masayoshi Kato	<b>DATE OF CONFINEMENT:</b> 4 June 1946
<b>AGE:</b> Thirty Three (33)	<b>DATE OF ARRIVAL:</b> 29 January 1947
<b>RESIDENCE:</b> Not shown	<b>PLACE OF TRIAL:</b> Yokohama
<b>MARITAL STATUS:</b> Not shown	<b>PERIOD OF TRIAL:</b> 28 January 1947 to 5 February 1947
<b>RELATIVES:</b> Not shown	<b>DATE OF SENTENCE:</b> 5 February 1947
<b>EDUCATION:</b> Not shown	<b>SENTENCE:</b> CHL for twenty five (25) years.
<b>VOCATION:</b> Carpenter	
<b>MILITARY CAREER:</b> 15 January 1943 till the end of the war.	
<b>CLEMENCY RECOMMENDED BY COMMISSION:</b> No	

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

<u>Charge and Specifications</u>	<u>Plea</u>	<u>Findings</u>	<u>Legally Sustained</u>
<b>Charge:</b> Accused at the times and places set forth in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependents, and Japan, did violate the Laws and Customs of War.	NO	G	Yes
<b>Sp 1:</b> Between 16 June 1943 and 10 July 1944, accused, with others, did willfully and unlawfully, mistreat Hendrick J. Pitman and Lieutenant Everett Samuel Conies, Dutch PW's, by beating them with fists, belts and clippers and by otherwise abusing them.	NO	G	Yes
<b>Sp 2:</b> That between 16 June 1943 and 10 July 1944, accused, with others, did willfully and unlawfully, mistreat and abuse Surgeon Lieutenant Charles A. Jackson, Samuel Thomas Thomas, Frank Gibbs, Jack H. Hugheson and Marine John J. Quinn, British PW's, by beating them.	NO	G	Yes
<b>Sp 3:</b> Between 16 June 1943 and 23 November 1943, accused, with others, did, willfully and unlawfully, mistreat John Welford and numerous other British PW's, by beating them with belts, fists and boots.	NO	NO (R. 76)	

Sp 4: Between 16 June 1945 and 10 July 1945, accused, with others, did, willfully and unlawfully, mistreat numerous Allied PW's by beating them with fists, belts, slippers and shoes, and by otherwise abusing them.

NO

6

YES

Sp 5: That in or about March 1945, accused, did, willfully and unlawfully, mistreat and abuse Vance Randall Welch, an American PW, by beating him with a belt, thereby knocking out a tooth.

NO

6

YES

Sp 6: Between 3 February 1945 and 11 May 1945, accused, with others, did, willfully and unlawfully, mistreat, torture and abuse Sergeant John Mikolopovic, Private Edward Tachianin and Private Edward Sheehan, American PW's, by beating them with belts, ropes and clubs and suspending them from ladders by their wrists.

Stricken on motion of prosecution (P. 3)

Sp 7: Between 3 February 1945 and 11 May 1945, accused, did, willfully and unlawfully, mistreat and torture numerous Allied PW's, by beating them with clubs, belts and ropes and by otherwise abusing them.

NO

Guilty.

YES

except the words, "and torture numerous", "clubs", "belts" and "and ropes"; substituting therefor the words "several" and "a belt". Of the excepted words, not guilty, of the substituted words, guilty.

Sentence imposed: To be confined at hard labor for a period of twenty-five (25) years;  
Maximum legal punishment: Death.

### 3. Summary of Evidence:

#### a. For the Prosecution:

**As to Classification 1:** Between 13 July and 15 October 1945, accused and another Japanese named Takayama at Itahiko Hospital, Tokyo, made PW Nitsun and Lt. Gault, both PW's hold them above their heads for up to an hour at a time, on many occasions. On 23 March 1945 accused kicked Nitsun on the shin and slapped his face with rubber shoes. On 6 May 1945 following a complaint by the prisoners that beds had taken food intended for the PW's, accused, Takayama and beds stood PW Lt. Gault, PW Nitsun and other PW's at attention and slapped, beat and kicked them.

Rubber shoes, belts and whistles were used for from a quarter of an hour to an hour. Nitsun's face was swollen for about six weeks. Some PW's had deep cuts and had to be bandaged. Some suffered from severe headaches. PW Nitsun testified: "This was one of those most disgusting creatures whom only pleasure seemed to be having us" (Ex. 1, 3, 7, 10, 14).

**As to Classification 2:** In July 1945, following a report of theft of food by the Japanese at Itahiko Hospital, the following British PW's on the cooking staff were sent for and required to stand outside the Japanese office: Sergeant Lieutenant Charles A. Nelson, James Hedges, Frank Gills, Reginald Hill and one other. The accused with two others took off their shoes and indulged in a general beating up for over an hour (Ex. 1, 9).

As to Identification A: Major Abercromb in his statement accuses accused as a medical orderly and states that he, and the other members of the Japanese staff with two exceptions, beat the prisoners constantly. PW Shannon was beaten by accused and Nakayama at least eight times over a three month period (Ex. 1). Accused drilled the prisoners and the smallest mistake was punished with clapping and beating (Ex. 2). The May 8th incident included the beating, clapping and kicking of patients, nurses and doctors, all the same, by the accused and two others, although PW Hurley states the accused did not take an active part (Ex. 12). When the patients were accused, the other PW's were lined up on each side of a table, and the Japanese climbed on the table and beat the PW's with rubber shoes, belts and sheathes. It was a nightmare for nearly an hour. Kato entered the boys later where there were bad patients and pulled them to their feet, beating them about the head and body as he did so. Two of these patients were PW Wade with a rheumatic heart and PW Dwyer with gangrenous feet. A number of the sick men kicked and ill treated that night subsequently died, their hastened death "being definitely due to the treatment they received." (Ex. 1, 3, 5, 7, 12, 14). Accused was one of two persons in particular in the camp who were most abusive. Accused used a thick leather belt with a heavy buckle as a weapon for beating prisoners (Ex. 8). On one occasion accused and another beat several prisoners and then took eighteen prisoners outside and beat them with leather belts and wooden shoes until they were unconscious (Ex. 8). Accused beat PW Stradley an American PW, unmercifully and the sight of one eye was probably destroyed. He was described as a brutal guard (Ex. 10). Private Harold Ross Shannon, an Australian, describes his experiences at the Ichikawa Hospital as follows:

"I left Kobe in March 1944 and went to Ichikawa Hospital at Osaka where I remained for 9 months. This place was commonly known as the 'TRASH CAMP'. I was carrying out duties here as a medical orderly with Doctor Abercromb of 2/22 Battalion (Residing at Frankston, Victoria) whilst in his Camp, I witnessed many atrocities committed by Privates Kato and Nakayama who were Japanese Staff Medical Orderlies at this Hospital. Both Doctor Abercromb and myself were victims on several occasions of bad beatings, the worst being delivered by either Kato or Nakayama. On one occasion, Doctor Abercromb and myself were the victims of a particularly vicious beating carried out by both Kato and Nakayama. This beating was the direct result of an effort to protest patients' food rations which was being stolen by Japanese Staff. This beating lasted about 3 hours and we were struck with belts and wooden clogs and left in a very bad condition.

The hospital was virtually a place where sick prisoners were sent to die.

I witnessed, on several occasions, brutalities carried out by Kato and Nakayama, such as kicking a prisoner who lay unable to move, in a desperately ill state. I also heard on occasions both the above Kato and Nakayama and also other Japanese say after kicking a prisoner, 'You die tomorrow'. Invariably, these predictions would be correct." (Ex. 11).

PW Ashworth, another Australian PW, describes the conduct of the accused,

"Major G. F. Abercromb received the worst beating. Kato belted him with everything he could lay his hands on. His face was red raw, and remained swollen for about a month afterwards. I witnessed this ill-treatment of Major Abercromb.

Kato was a short, stocky, big headed Japanese, with short neck and protruding forehead. He also had a gruff voice, and small pig-like eyes.

Sleeping quarters at the hospital were also very poor. A space of 12 feet by 8 feet accommodated 14 people.

These conditions were made all the worse, as the cramped space was occupied by men suffering from beriberi, T.B., Scabies, amputated limbs, and gangrene." (Ex. 13).

Kato was definitely responsible for the maltreatment of prisoners of war at Itohiden Hospital."

As to Specification 5 and 7, while at the Yokkaichi PW Camp, the accused mistreated four Allied prisoners including PW Walsh, an American PW, who describes the incident as follows:

"In March 1945 at the Yokkaichi Camp, one evening while I was legally playing cards with four other POW's, a civilian guard who was refused a cigaret by us reported the incident to Kato (a two-star private in the medical corps). Kato, who was a dope fiend and was under the influence of dope this particular evening, came into the barracks and beat us up witharrison belts. One of my front teeth was knocked out and two stitches had to be taken in my lip. This beating lasted about two hours, and then we were made to stand at attention in front of the guardhouse for another hour." (Ex. 4).

W. Densmore, a former PW in the same camp, took the witness stand and testified of the details of this cruelty (R. 16-24, 40-44). He added that these men were placed at attention along the wall beside the civilian guard's guardhouse "and with orders that any time an Allied prisoner passed that way he was to strike these poor men and hit them, and we were forced to go past these prisoners because it was on the way to the latrine" (R. 19-20). Accused was the only Japanese soldier in the camp at that time (R. 20). Exhibit No. 6, a statement by L. G. Seney (R. 47) and offered in support of specification 5, does not appear in the record.

b. For the Defense:

The accused, after being warned of his rights as a witness, took the witness stand and testified under oath. He had served in the army from 15 January 1943. He was a medical orderly at Ichiden prison camp from 16 June 1943 to 10 July 1944 and at Yokkaichi POW Camp from 4 February to 11 May 1945 (R. 80). He remembered PW's Conice, Quinn and Gibbs, but he did not remember PW's Pitman, Rhodes or Jackson (R. 8). He admitted beating four prisoners in all. One Dutch PW whose name he did not remember reported less than the number of prisoners that were out, and he reported less again on another occasion. The accused made the count himself and slapped the prisoner twice (R. 82, 92, 107). On another occasion he was ordered to beat Gibbs, Quinn and one other prisoner by the Japanese medical officer named Namu. Dr. Namu had found a quantity of medicine such as aspirin, morphine and some power medicine under the beds of Lt. Jackson and one other PW. The doctor had PW Quinn and two other PW's stand at attention in front of the guards at the gate. At that time accused was telephone operator at the office. Dr. Namu and PW Jackson came into the office and accused went into the next room. Dr. Namu called him back, reprimanded him and ordered him to beat the three prisoners who were standing outside. Accused went over to them and struck them lightly with his open hand and returned to the office. He did not beat PW Jackson (R. 82, 83, 107, 108). He was never ordered to strike a PW by Lt. Matsuyama nor did he strike any other in his presence (R. 84). He remembered that PW Conice was pharmacist but he did not recall PW Pitman (R. 84). He did not drill PW's in how to stand at attention or how (R. 84). He never struck PW Conice, (R. 84). He recalled an incident in which Matsuyama and Bando beat PW Conice and twelve or thirteen other PW's for about twenty minutes with a belt and slipper (R. 85, 120). He did not take part in this incident (R. 80, 104). He did not recall PW's major Akaroyd (R. 86, 91, 103, 111, 118) Lt. Dugree, Wade or Williams (R. 86, 87). Nor did he recall PW's Walsh (R. 99) Shannon (R. 91) or Stradley (R. 99).