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

Yokohama, Japan
27 October 1948

UNITED STATES OF AMERICA VS EIICHI NODA

Review of the Staff Judge Advocate

1. The attached record of trial of Eiichi Noda at Yokohama, Japan, from 19 September 1947 to 14 October 1947, by a Military Commission appointed by paragraph 1, Special Orders No. 218, Headquarters Eighth Army, United States Army, dated 17 September 1947, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Eiichi Noda	DATE OF CONFINEMENT: 25 April 1947
AGE: 34	DATE OF ARRAIGNMENT: 19 September 1947
RESIDENCE: 1100 Kichijoji Musashino-Cho, Tokyo	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Single	PERIOD OF TRIAL: 19 September 1947 - 14 October 1947
RELATIVES: Father and Mother (in the USA); Brother and sister (in Japan)	DATE OF SENTENCE: 14 October 1947
EDUCATION: Graduate of Tokyo Imperial University, Tokyo, Japan	SENTENCE: CHL for twenty (20) years
VOCATION: Economist	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: Conscripted into Japanese Army 10 February 1941-- Served until termination of hostilities.	

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

<u>Charge and Specifications:</u>	<u>Pleas:</u>	<u>Findings:</u>	<u>Legally Sustained:</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: That in or about April 1943, at or near Hoten POW Camp, Mukden, Manchuria, accused did willfully and unlawfully mistreat Fred A. Anderson, an American POW, by beating, kicking, and otherwise abusing him.	NG	G	Yes
Sp 2: That in or about the spring of 1943, at or near Hoten POW Camp, Mukden, Manchuria, accused did willfully and unlawfully mistreat and abuse James B. Delanty, an American POW, by beating him.	NG	G	Yes

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Sp 3: That in or about May or June 1943, at or near the Hoten POW Camp, Mukden, Manchuria, accused did willfully and unlawfully mistreat and abuse Thomas J. Hartman, an American POW, by beating him. NG G Yes

Sp 4: That in or about April 1943, at or near Hoten POW Camp, Mukden, Manchuria, accused did willfully and unlawfully mistreat Charles I. Kirk, an American POW, by beating him, compelling him to work when he was physically unfit to do so, and otherwise abusing him. NG G Yes

Sp 5: That at divers times in or about January 1943, at or near the Hoten POW Camp, Mukden, Manchuria, accused did willfully and unlawfully mistreat William B. Jones, an American POW, by beating and otherwise abusing him, and contributing to his death. NG G Yes except the words "and contributing to his death." Of the excepted words, Not Guilty. (R 112)

Sp 6: That in or about January 1943, at or near Hoten POW Camp, Mukden, Manchuria, accused did willfully and unlawfully mistreat and abuse Christopher Vissaris, an American POW, by beating and kicking him. NG G Yes

Sp 7: That in or about February 1943, at or near the Hoten POW Camp, Mukden, Manchuria, accused did willfully and unlawfully mistreat and abuse Victorian Albert Savoie, an American POW, by beating and kicking him. NG G Yes

Sp 8: That in or about March 1943, at or near the Hoten POW Camp, Mukden, Manchuria, accused did willfully and unlawfully mistreat and abuse one Private Sadler, an American POW, by beating him. NG G Yes

Sp 9: That in or about June 1943, at or near the Hoten POW Camp, Mukden, Manchuria, accused did willfully and unlawfully mistreat Joe Chasteen, Victoria Paliotti, and Frederick Maringola, American POWs, by beating and otherwise abusing them and further did participate in the unlawful killing of said Joe Chasteen, Victoria Paliotti, and Frederick Maringola. NG G Yes, except the words "and further did participate in the unlawful killing of said Joe Chasteen, Victoria Paliotti, and Frederick Maringola." Of the excepted words, Not Guilty.

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Sp 10: That at divers times be-
tween 11 November 1942 and 27 May
1944, at or near Hoten POW Camp,
Mukden, Manchuria, accused did
willfully and unlawfully mistreat
numerous identified and unidentified
POWs other than those hereinbefore
specified by beating and otherwise
abusing them. (As amended R 13)

NG

G

Yes

3. Summary of the Evidence:

a. For the Prosecution:

As to Specification 1: T/Sgt Harry C. Simmons testified that he was a POW at the Hoten Prisoner of War Camp, Mukden, Manchuria from 11 November 1942 to the end of the war when all of the prisoners were liberated by the Russians. He identified Noda as having been in this camp as a Japanese soldier (R 10). Anderson, the alleged victim, was a barracks chief and while in that capacity, some POWs in his barracks stole some fish for which Noda beat up Anderson and relieved him as barracks chief. Anderson told Simmons that "Noda gave him a very severe beating in the barracks and gave him a severe beating about the head with the flat side of his bayonet and banged and knocked him down and kicked him." (R-16) This happened about June 1943. (R 16)

The affidavit of Fred A. Anderson recites as follows:

"What, if anything, did Cpl Noda do after the other men left the barrack?

"He took out his bayonet and started striking me across the face with the flat side. I gave ground each time he hit me, and he followed me around the barrack, hitting me in the face as we went. I was knocked to the floor several times and when I was slow getting to my feet, Cpl Noda kicked me.

"State what, if anything, happened next.

"Cpl Noda put down his bayonet and then proceeded to beat me in the face with his fists. After some time, he hit me a solid blow between the eyes which knocked me unconscious. When I came to, he was kicking me in the ribs and back." (R 43; Ex 1)

Lt Brown, USN, testified that Anderson had told him (Brown) that he got a severe beating from Noda. (R 186)

As to Specification 2: T/Sgt Harry C. Simmons testified that the accused (Noda) beat Delanty so severely with a club that Delanty went insane. (R 17) Captain Herbst, a fellow POW, told the witness that he (Herbst) thought Delanty had a fractured skull, but wasn't sure (R 17). Delanty told Simmons that in this beating, Noda used a pine stick about 2" square and about 3' long (R 36).

The affidavit of Fred A. Anderson states as follows:

"Lt Miki and Cpl Noda beat Sgt Delanty with baseball bats and 2 x 4's for about a half-hour. It was the most brutal thing I have ever seen and when the beating was finished, Sgt Delanty was unconscious. Noda became known in the camp as 'The Sadist'." (R 43; Ex 1)

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