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

Yokohama, Japan
26 January 1949

UNITED STATES OF AMERICA VS EIICHI MURAKAMI
UNITED STATES OF AMERICA VS FUKUJIRO KAKINOKI

Review of the Staff Judge Advocate

1. The attached record of trial of Eiichi Murakami and Fukujiro Kakinoki, at Yokohama, Japan, tried from 21 April 1948 to 30 April 1948, by a Military Commission appointed by paragraph 13, Special Orders No. 87, Headquarters Eighth Army, United States Army, dated 16 April 1948, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Eiichi Murakami	DATE OF CONFINEMENT: 18 March 1948
AGE: 36	DATE OF ARRAIGNMENT: 21 April 1948
RESIDENCE: Akita Prefecture, Kajino Gun, Osaruzawa Machi, Shinbori, 8 Banchi.	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 21 April 1948 to 30 April 1948
RELATIVES: Wife, six children, mother	DATE OF SENTENCE: 30 April 1948
EDUCATION: 8 years, graduate higher primary school	SENTENCE: CHL for five (5) years
VOCATION: Coal Miner	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: None	

NAME: Fukujiro Kakinoki	DATE OF CONFINEMENT: 18 March 1948
AGE: 35	DATE OF ARRAIGNMENT: 21 April 1948
RESIDENCE: Akita Prefecture, Kajino Gun, Osaruzawa Machi, Shinbori, 8 Banchi	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 21 April 1948 to 30 April 1948
RELATIVES: Wife, daughter, mother, brother	DATE OF SENTENCE: 30 April 1948
EDUCATION: Eight years primary school	SENTENCE: CHL for three (3) years
VOCATION: Coal Miner	CLEMENCY RECOMMENDED BY COMMISSION: No
MILITARY CAREER: 2 May 1939 - 16 September 1941	

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

<u>Charge and Specifications:</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
<u>MURAKAMI</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 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat Charles R. Bolt, an American prisoner of war, by beating and otherwise abusing him.	NG	G	Yes

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- Sp 2: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat Elmer E. Bowers, an American Prisoner of War, by beating and otherwise abusing him. NG G Yes
- Sp 3: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat Edward C. Canfield, an American Prisoner of War, by beating and otherwise abusing him. NG NG
- Sp 4: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat Jack Boyd, an American Prisoner of War, by beating and otherwise abusing him. NG G Yes
- Sp 5: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat Gordon K. Hilton, Lyle Hulbert, Granville V. Prewett, Brownell H. Cole, Theodore Paras, Edward A. Sergeant and Jack K. Brundage, American Prisoners of War, by beating and otherwise abusing them. NG G Yes
- Sp 6 (as amended R 65): In or about January 1945, accused did willfully and unlawfully mistreat Arthur A. Mohr, an American Prisoner of War, by beating and otherwise abusing him. NG G as amended, Yes
- Sp 7: In or about March 1945, accused did willfully and unlawfully mistreat Albert L. Protz, an American Prisoner of War, by beating and otherwise abusing him. NG G Yes
- Sp 8: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat Edward A. Sergeant an American Prisoner of War, other than as specified in Specification 5, by beating and otherwise abusing him. NG G Yes
- Sp 9: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat Barney S. Zack, an American Prisoner of War, by beating and otherwise abusing him. NG NG
- Sp 10 (as amended R 6, 7) Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat numerous American Prisoners of War, other than those specified hereinabove, by beating and otherwise abusing them. NG G Yes

KAKINOKI

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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- Sp 1: In or about September 1944, accused did willfully and unlawfully mistreat and abuse Elmer E. Bowers and Edward Sergeant, American Prisoners of War, by beating them. NG G Yes
- Sp 2: In or about January 1945, accused did willfully and unlawfully mistreat and abuse Elmer E. Bowers, an American Prisoner of War, by beating him. NG G Yes
- Sp 3: In or about January 1945 accused did willfully and unlawfully mistreat and abuse John P. Snellen, an American Prisoner of War, by beating him. NG NG
- Sp 4: Between 15 September 1944 to 15 August 1945, accused did willfully and unlawfully mistreat and abuse Charles R. Bolt, an American Prisoner of War, by beating him. NG G Yes
- Sp 5: In or about November 1944, accused did willfully and unlawfully mistreat and abuse Jack Boyd, an American Prisoner of War, by beating him. NG NG
- Sp 6: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse Edward C. Canfield, an American Prisoner of War, by beating him. NG NG
- Sp 7: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse Brownell H. Cole, an American Prisoner of War, by beating him. NG NG
- Sp 8: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse David L. Ferratti, Jr., an American Prisoner of War, by beating him. NG NG
- Sp 9: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse Willborn O. Lacewell, an American Prisoner of War, by beating him. NG NG
- Sp. 10: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse Arthur Mohr, an American Prisoner of War, by beating him. NG G No
- Sp.11: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat and abuse Barney S. Zack, an American Prisoner of War, by beating him. NG NG

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Sp 12: Between 15 September 1944 and 15 August 1945, accused did willfully and unlawfully mistreat, abuse and beat numerous American Prisoners of War. NG G Yes

3. Summary of the Evidence

a. For the Prosecution:

The accused were civilian company guards employed by the Mitsubishi Mining Corporation in a mine in northern Honshu at Prisoner of War Camp Number 6, Hanawa, between 19 September 1944 and 15 August 1945. Accused Murakami was known to prisoners of war as "Yap Yap" and accused Kakinoki was known as "Four eyes". There are ten photograph identifications of "Yap Yap" and nine of "Four eyes" in the record.

MURAKAMI:

As to Specification 1: Bolt states that Murakami, "Yap Yap", beat him almost every day going to and from the mine and usually about the head and shoulders because he had difficulty in keeping up with the group by reason of his physical condition. The walk to the mine was five miles up a steep incline and during the winter was made more difficult because of snow and ice (Ex 1). Bolt was offensive to the Japanese because of his extreme height and on one occasion as he stopped to come through a door, "Yap Yap" let out a yell and rained several blows upon his skull with a club, until his knees buckled. (Hilton, Ex 14).

As to Specification 2: Prisoner of War Bowers states: "My most trouble was with a Jap whom I called 'Yap Yap'. This Jap beat me practically every day for a period of six months. His reasons would be that I talked while working, I did not work properly, or wouldn't give him scap. He beat me with his fists, with a stick and on one occasion with an iron bar, this resulting in an open wound on my leg which, when about to scab, he would break open again with a stick" (Ex 5). Prisoner of War Sergeant states that Bowers was beaten so often by "Marocamasan" that he owned the nickname of "Punchy" Bowers (Ex 25).

As to Specification 3: Not Guilty.

As to Specification 4: Gentry states that "Yap Yap" beat Jack Boyd with the "persuading stick" which all guards carried (Ex 12).

As to Specification 5: Hilton states that shortly after 25 March 1945 he and six others (named in the specification) took a fire ladder and sawed it up for fire wood and as punishment were ordered to stand at attention in front of the guard house for approximately one hour after which they were confined therein for seventy-two hours. During that hour the late detail from the mine came in and accused, Murakami, took delight in hitting all of the men. "Yap Yap" hit Hilton several times on the head with a stick which he carried (Ex 4). Prisoner of War Lieutenant Lietz saw "Yap Yap" hit each of the men standing in front of the guard house with his fist (Ex 16). Prewett, one of the prisoners of war lined up for this offense, states that he and two others were beaten by "Yap Yap" with the aid of three Japanese soldiers approximately two hours and from that time until his liberation was continually persecuted by "Yap Yap" (Ex 21).

As to Specification 6: Not guilty as to "thirty-nine unidentified American prisoners of war" (R 65). During January 1945 Mohr was sick and unable to keep up with the rest of the men so the entire crew in the section

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