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

Yokohama, Japan
22 November 1948

UNITED STATES OF AMERICA VS YOSHINARI TANAKA

Review of the Staff Judge Advocate

1. The attached record of trial of Yoshinari Tanaka at Yokohama, Japan, from 29 September 1948 to 4 October 1948, by a Military Commission appointed by paragraph 3, Special Orders No. 217, Headquarters Eighth Army, United States Army, dated 24 September 1948, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Yoshinari Tanaka	DATE OF CONFINEMENT: 23 July 1948
AGE: 53	DATE OF ARRAIGNMENT: 29 Sept. 1948
RESIDENCE: Mie-Ken, Kawage-gun, Ishinden-cho, Ohgose, 338	PLACE OF TRIAL: Yokohama, Japan
MARITAL STATUS: Married	PERIOD OF TRIAL: 29 Sept. 1948 to 4 October 1948.
RELATIVES: Five sisters	DATE OF SENTENCE: 4 October 1948
EDUCATION: Ist Miye Middle School (graduated 1914), War College (gradu- ated 1917)	SENTENCE: Death by hanging
VOCATION: Farmer	CLEMENCY RECOMMENDED BY COMMISSION: Yes, by two members.
MILITARY CAREER: Commissioned Lieutenant in 1917, assigned to Siberian front 1920. Assigned to P.I. front in April 1917. Transferred to Chief of Military Affairs Section in Korea. Promoted to Lt. Colonel in 1940. Became Reserve Officer 1940.	

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: (As amended R-3) That between about 1 July 1942 and 31 July 1942 at Danslan, Mindanao, Philippine Islands, the accused, being the Commander of the 31st Independent Infantry Battalion, did willfully and unlawfully cause the deaths of Lt. Colonel Robert H. Vesev, Captain Albert H. Price and Sergeant John Chandler, American Prisoners of War, by ordering and permitting his subordinates to bayonet them.	NG	Guilty, except the word "bayonet", substituting therefor the word "shoot". Of the excepted word, Not Guilty; of the sub- stituted word, Guilty.	Yes

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<u>Charge and Specifications:</u>	<u>Pleas</u>	<u>Findings</u>	<u>Legally Sustained</u>
Sp 2: That on or about 11 November 1942, at Dansalan, Mindanao, Philippine Islands, the accused, being the Commander of the 31st Independent Infantry Battalion, did willfully and unlawfully cause the death of Brigadier General Guy O. Fort, an American Prisoner of War, by ordering and permitting his subordinates to shoot him.	NG	G	Yes

3. Summary of the Evidence:

a. For the Prosecution:

As to Specifications 1 and 2: Edward M. Kuder in Exhibit 1 states that he is an American and presently residing at Dansalan, Lanao, Mindanao, P.I. The American-Filipino forces in the Lanao area were commanded by Brigadier General Guy O. Fort. He surrendered his forces upon orders of Major General Sharp. Colonel Tanaka took over the command of the garrison. As Kuder was a civilian, he went into the forest and stayed there. He was appointed by General Fort as Civil Administrator early in January 1942. His duties were to maintain liaison between the military forces and the civilians; to take control of civil government affairs; and to collaborate with the military. After the surrender, he received reports of happenings in Camp Keithley; Japanese patrols; military information and attitude of the people (Ex. 1, p 1). About September 1943, he was returned to the United States because of illness. There he met Lieutenant Hanning and Sergeant Mapes. His statement of events during the period May to July 1945 is from notes he took during talks with these men. Upon his return to the Philippines in August 1945, he met Major Schroeder of Lanao, who had also been a prisoner in Camp Keithley. He confirmed much of what Mapes and Hanning said. Colonel Mitchell was placed in charge of the Camp and was responsible for the prisoners. The Japanese constantly emphasized the fact that they should not escape. On the night of July 1st, Colonel Mitchell gathered the Americans together and told them not to escape as it would mean the death of any or all of the people they had left behind. This warning was not heeded and on the night of July 2nd, four men escaped. They were Sergeant Ball and Johnson, Smith and Knortz (ranks unknown). This escape infuriated the Japanese and they selected four men for execution. They were Colonel Mitchell, Lt. Colonel Vesey, Captain Price and a Sergeant Chandler. Colonel Mitchell was released through the efforts of a Japanese Lieutenant who had befriended him. On or about July 3rd, Vesey, Price and Chandler were taken somewhere in the area of Signal Hill at Camp Keithley, Lanao Province, tied to a post and bayoneted to death by Korean soldiers of the Japanese garrison. Major Schroeder did not see the execution but Lieutenant Hanning told him that he could see a number of men at a distance from his barracks. The victims were escorted by a group of Japanese and were not seen since that night (Ex 1, p 2).

Lt. Colonel Tiburcio Naidas, an officer of the Philippine Army, stated in Exhibit 2 that after the order for surrender by General Sharp on 27 May 1942, they were concentrated in private houses of the Moros in Dansalan. The American prisoners were in another building. Later they were transferred to Camp Keithley. On 4 July 1942, they were marched from Camp Keithley to Illigan and later concentrated at Malaybalay until 9 November 1942, when they were taken to Cagayan and then to Davao where he remained until 25 February 1943. While in Camp Keithley, Colonel Vesey, Captain Price and one American first sergeant were held as hostages by the Japanese for the escape of four American prisoners. It happened between 1 June and 4 July 1942. Sometime in June, four American prisoners escaped from Camp Keithley (Ex 2, p 1). After the escape became known, Japanese guards came to the building where they were concentrated and took General Fort and Colonel Mitchell. These two were returned after one or two hours and Colonel Vesey was taken by Japanese guards. Later Captain Price and an American first sergeant were taken by guards. In the afternoon, he saw Colonel Vesey, guarded by two soldiers, marched toward buildings at the entrance to the Camp from the Illigan side. Colonel Vesey, Captain Price and the American first sergeant never returned. Because of this, he believes they were killed by the Japanese because of the escape of the

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four Americans. Vesey, Price and the first sergeant were taken under guard immediately after the discovery of the escape. In Malaybalay, in September 1942, he first learned that Commanding Officers were responsible for the escape of men under their Command. The guards who took Vesey, Price and the first sergeant were from the garrison and under the command of Colonel Tanaka. At the time of the incident, Colonel Vesey was Commander of the American unit. Captain Price was his Adjutant. The first sergeant might have been first sergeant of the American group. (Ex 2, p 2).

Mitsuo Murakami stated that while a First Lieutenant in the Japanese Army in March 1942, he was transferred to the 31st Independent Infantry Battalion as Adjutant. The Battalion was at Dansalan, Mindanao, from July 1942 until August 1944. The commanding officer was Lt. Colonel Tanaka. He was relieved in January 1943. Murakami was Adjutant all the time he was with the Battalion (Ex 3, p 1). Captain Hiramatsu was Operations and Intelligence officer. There was a small Kempei Tai unit in Dansalan in 1942 commanded by Warrant Officer Kurihara. There was a Prisoner of War Camp at Dansalan called Camp Keithley. It was very close to Battalion Headquarters. It had about 100 to 160 American prisoners and about 150 Filipinos. First Lieutenant Takeuchi was in command of the camp. Captain Hiramatsu had malaria when the Battalion came to Lingayen and joined a month after they arrived at Dansalan. He does not know how many American prisoners were executed at Dansalan. He heard about them through rumor. Lieutenant Takeuchi investigated those prisoners who were responsible for the escape. Besides this execution, he did not hear of any other. The 31st Battalion had a Brigadier General "Foot" as a Prisoner of War (Ex 3, p 3). The General was in good health. As he was a very high ranking officer, the Battalion consulted Army Headquarters in Manila concerning him. He believed Headquarters in Manila wanted the General to be sent to them. The General was later escorted by the Kempei Tai to Manila. Ten or fifteen days later all the prisoners were transferred to Malaibara. He does not know what happened to General Fort. Much later he heard that the General had been executed at Dansalan (Ex 3, p 4). The same witness testified that: He was at Dansalan in June and July 1942. Dansalan is located on Lanao Lake. Both are surrounded by jungle except that toward the town of Illigan it was somewhat open (R-8). There were quite a number of Moros in the jungle. They did not constitute a threat in June and July 1942. A Company of the Battalion was wiped out by the Moros twenty miles from Dansalan in August or September 1942. Outposts, patrols and trucks of the Battalion were ambushed quite often by the Moros in June and July. Illigan is about forty kilometers north of Dansalan. Military Headquarters at Davao, under Major General Ikuta, was 150 kilometers south of Dansalan (R-9). There was no established Prisoner of War Camp at Dansalan. Only certain prisoners could go to the village of Dansalan freely in order to purchase meat and vegetables. The prisoners were allowed to bathe in the adjacent lake (R-10). He saw the investigation which was conducted because of the escape of the three Prisoners of War. After the escape, he heard there was communicating between the prisoners and the Moros immediately preceding the escape. He does not know which prisoners were investigated. He does not think there was a Camp order or any Japanese Army policy that, if a prisoner escaped, another would be executed. General Ikuta was the superior of Lt. Colonel Tanaka (R-11). He does not know if General Ikuta ordered the execution of General Fort. General Ikuta used to communicate by radio with Colonel Tanaka at Dansalan. He recalls the incident in September 1942 when one Company was wiped out by the Moros but does not recall the details of the smaller incidents. During June and July 1942, trucks travelling to the north or south of Dansalan were generally guarded. General Ikuta commanded the 31st, 32nd, 33rd, 34th and 35th Independent Infantry Battalions. He had jurisdiction over Prisoner of War camps (R-12). Major General Morimoto had his Headquarters in Davao. He was head of Military Government. He did not recall Tanaka's using General Fort for any propaganda purposes during the fall of 1942. He recalled General Ikuta's leading an expedition, with temporary Headquarters at Davao, against the Moros in September and October 1942, though the witness was sick at the time (R-13). He did not interrogate any American prisoners during the period between July 1st to July 31st at Dansalan. He did not organize the detail that executed General Fort (R-14).

Exhibit 4 is a letter from Headquarters, 2087th Medical Station Hospital (PROV.), APO 1000, dated 10 March 1947, addressed to the Commanding Officer, 3008th Graves Registration Co., APO 1000, signed by Sergeant Weyman L. McGuire. It states, inter alia: "(a) Colonel Veicy, Inf., surrendered to the Japanese on or about May 27, 1942, at Dansalan, Lanao, Mindanao, and was executed