

BEFORE THE
MILITARY COMMISSION
convened by the
United States Army Forces
Western Pacific

UNITED STATES OF AMERICA)

-vs-

TOMOYUKI YAMASHITA)
-----)

PUBLIC TRIAL

High Commissioner's Residence,
Manila, P. I.
21 November 1945.

Met, pursuant to adjournment, at 0830 hours.

MEMBERS OF MILITARY COMMISSION:

MAJOR GENERAL RUSSEL B. REYNOLDS, Presiding Officer
and Law Member

MAJOR GENERAL LEO DONOVAN

MAJOR GENERAL JAMES A. LESTER

BRIGADIER GENERAL MORRIS C. HANDWERK

BRIGADIER GENERAL EGBERT F. BULLENE

APPEARANCES:

(Same as heretofore noted)

REPORTED BY:

E. D. CONKLIN

L. H. WINTER

M. M. RACKLIN

I N D E X

WITNESSES

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Lloyd S. Millegan	2962			
Anacleto Ramos	2971	2980		
Gene K. Phillips	2981	2990		
Captain Robert Smith	2991			
Lt. Gen. Akira Muto	2994			

EXHIBITS

<u>DEFENSE EXHIBIT NO.</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
A	2962	2970
B	2964	2970
NC	2966	2970
D	2968	2970
E	2971	2977
F	2978	2980
G	2982	2986
H	2987	2990
I	2991	2993
J	3002	3002

P R O C E E D I N G S

GENERAL REYNOLDS: The Commission is in session. You may proceed.

MAJOR KERR: Sir, all the members of the Commission are present; the Accused and Defense Counsel are present.

OPENING STATEMENT ON BEHALF OF THE ACCUSED

COLONEL CLARKE: If the Commission please, as we stated yesterday in making our motion for a directed verdict the Prosecution has failed to prove that the Accused has disregarded any duty, has failed to discharge any duty, or has permitted anyone to commit any atrocity. The Defense will now show affirmatively that the Accused has not disregarded any duty and that he carried out the duty of his command under indescribably difficult circumstances to the best of his ability, and that he never permitted anyone to commit any atrocities, and that he is not a war criminal.

More specifically, Defense will show that the Accused never ordered the commission of any crime or atrocity; that the Accused never gave permission to anyone to commit any crimes or atrocities; that the Accused had no knowledge of the commission of the alleged crimes or atrocities; that the Accused had no actual control of the perpetrators of the atrocities at any time that they occurred, and that the Accused did not then and does not now condone, excuse or justify any atrocities or violation of the laws of war.

On the matter of control we shall elaborate upon a number of facts that have already been suggested to the Commission in our cross examination of the Prosecution's

witnesses:

1. That widespread, devastating guerrilla activities created an atmosphere in which control of troops by high-ranking officers became difficult or impossible.

2. That guerrilla activities and American air and combat activities disrupted communications and in many areas destroyed them altogether, making control by the Accused a meaningless concept. And

3. That in many of the atrocities alleged in the Bill of Particulars there was not even paper control; the chain of command did not channel through the Accused at all.

For example, the Palawan incident, concerned as it was with an air force group in December of 1944, had no connection with the Accused. The prison ship incident, concerned as it was with maritime transport in December of 1944, had no connection with the Accused. The activities of the Naval forces in Manila, even on paper, made only under the nominal control of the Accused, were obviously not under his control when they disregarded an Army order to evacuate because of a previous Navy order to stay and complete a Navy mission.

These are examples of the affirmative matter which we shall bring out during the course of the case.

We shall also show the general background and circumstances surrounding the Accused's activities in the Philippines. We shall give you a true picture of the Accused, not only through a number of character witnesses but through witnesses who will tell the story of the Accused: a man who had never been in the Philippines until he arrived

to take over an impossible task just nine days before the Leyte landing; who from the day that he arrived in this theater was under a state of siege by the enemy troops.

You will see the picture of a General working under terrific pressure and difficulty, subject to last-minute changes in tactical plans ordered from higher headquarters, and a man who when he arrived in Luzon actually had command over less than half of the ground troops in the Island.

The picture will be quite different from that of a well-staffed commander who had his time to make frequent inspections and who could afford to go behind the reports of the officers upon whom he must and should rely.

Finally, from the argument of the Prosecution yesterday it would indicate that the Prosecution relies heavily on two collaborators. We shall further discredit that testimony. To save time we believe we can accomplish that fact by the introduction of official documents.

LLOYD S. MILLEGAN

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Sandberg) Will you please state your name, rank, and serial number?

A Lloyd S. Millegan, First Lieutenant, 0-186259.

Q And will you state what your present assignment is?

A Executive Officer, Philippine Research and Information Section, Counter-Intelligence Section.

Q And does the Philippine Research and Information Section have custody of documents pertaining to the time of the Japanese occupation of the Philippine Islands?

A Yes, sir.

(Photostatic copy of Manila Tribune dated November 4, 1944, was marked Defense Exhibit A for identification)

Q I show you Defense Exhibit A and ask you if that represents a photostatic copy of pages 1 and 2 of the Manila Tribune of Saturday, November 4, 1944, as it appears in the official files of the Philippine Research and Information Section.

A Yes, sir.

CAPTAIN SANDBERG: The attention of the Commission is directed to the article in the lower left-hand corner, headed "New Leaders Association Formed with Duran as Head.

"The organization of the New Leaders Association, composed of enterprising and progressive young men who are taking active part in present-day building of the Philippines,

was launched Friday, on the occasion of Meizi Setu, with a program at the Nippon Bunka Kaikan. The program was attended by leading Filipinos and representatives of the Japanese Embassy and the Imperial Japanese Forces. The military attache to the Japanese Embassy was the guest of honor.

"Assemblyman Pio Duran was elected president of the association.

"In his speech to the members and the guests at the program, the military attache said that the country expects much from the new organization, and he called upon the youth of the land to stand together for the attainment of their ideals. The Japanese forces, he said, are unquestionably the main power in the Greater East Asia Co-prosperity Sphere, but there is a need of cooperation of other countries in East Asia. The proclamation of war by the Republic of the Philippines, he said, has meant a substantial increase in the power of Nippon forces.

"Speaking of the New Leaders Association, the speaker said it is the crystallization of the sincerity of the people who have faith in the realization of their national policy as soon as possible. 'The Republic cannot attain substantial power of an independent country if we are not successful in this war,' he said. He then commented that something is still lacking" --

Then it carries over to page 2 --

-- "in the program of economic self-sufficiency for the Islands, but the reduction of guerrilla activities through the cooperation extended by young men especially, has enabled the people, who have burning conviction of their independence, to solidify gradually the economic foundation of their country."

The attention of the Commission is then addressed to the last paragraph of the article:

"The program was attended by many guests besides the alumni and students of the Cultural Institute, including a few young women. General Artemio Ricarte, honorary president of the organization, was also present."

(Photostatic copy of Manila Tribune dated November 17, 1944, was marked Defense Exhibit B for identification)

Q (By Captain Sandberg) I show you Defense Exhibit B and ask you if that is a photostatic reproduction of pages 1 and 3 of the Manila Tribune for Friday, November 17, 1944.

A Yes, sir.

CAPTAIN SANDBERG: The attention of the Commission is directed to the article in the lower left-hand corner, headed:

"Labor Service is Filipinos Part in War Effort -- Ricarte.

"Sounding a call to all Filipinos to heed the compulsory labor order promulgated by President Jose P. Laurel, General Artemio Ricarte, in a

statement on Wednesday, declared that in such a way they can and should positively cooperate in the successful prosecution of the war which Nippon has undertaken to defend the Philippines with her manpower doing all the fighting, while the Filipinos have not been conscripted for this purpose.

"The general's statement follows:

"Our common enemy of the Greater East Asia nations, the American forces, relying upon their material abundance, have challenged us by landing on a corner of our mother country. It is for the second time that the Americans have put their footprints on our dear land with malicious intentions of invading our country to exploit us. The first time, as you all know well, was forty-four years ago, and the next is now. Our mother country is faced at present with the greatest emergency and her most critical situation is being keenly felt by every citizen.

"Some time ago President Jose P. Laurel proclaimed the existence of the state of war between our country and America as well as Britain, thus revealing the attitude of the Republic of the Philippines clearly to the whole world. It is to our great credit that by this proclamation of the President, the Philippine people have attained the right as true members

of the great East Asia nations.

"It should, however, be the natural duty of any people to take arms for the defense of their land as soon as their country has declared war against an enemy. This is a fact that can be found in the history of any nation enjoying independence and liberty. To join in a warfare without manpower is, so to speak, to fly a kite. So, needless to say, the participation in war requires the conscription of men for actual military service."

(Copy of Manila Tribune dated November 26, 1944, was marked Defense Exhibit C for identification.)

Q I show you Defense Exhibit C and ask you if that is a photostatic copy of the Manila Tribune of November 26, 1944.

(Discussion off the record concerning marking of exhibits.)

CAPTAIN SANDBERG: The attention of the Commission is directed to the article in the upper left-hand corner, headed:

"Ricarte calls upon Filipinos to prepare for P. I. defense.

"Declaring that the frequent raids carried out by the Americans on the Philippines are directed towards the destruction of the Republic, General Artemio 'Vibora' Ricarte, of Filipino-American War fame, called upon every Filipino to prepare for the defense of the

mother land, in a speech in Tagalog over Station PIAM on Saturday night.

"General Ricarte said that President Laurel has given him permission to organize a volunteer unit for peace and order, and that applications for membership are received at 3724 Daitoa Avenue, Pasay.

"In its history the Philippines has had three periods of independence, General Ricarte said. The first lasted for a year and four months after the Pact of Biak-na-bato; then came the Republic of 1898; and in 1943, the Republic resulting from the grant of independence by the Government of Japan."

The next to the last paragraph:

"He declared: 'The frequent raids made by American military might on Philippine soil reveal two motives: the first is to deal destruction on the civilian populace and civilian property, and the second, which is more important than the first, is to work out the destruction of the Republic of the Philippines. Every Filipino must stand up to take the challenge. Every Filipino must stand up to defend his motherland.

"Our motherland is calling upon each and every one of you. She beckons: "Where are the youth who will consecrate their life for the cause of their nativeland? Every one must have

a clean and unstained soul that he may be worthy of this sacrifice. Where are the young men who have the blood of determination flowing through their veins? We are waiting for you, oh youth, come for we await you!" ""

(Photostatic copy of Manila Tribune dated January 31, 1945, was marked Defense Exhibit D for identification.)

GENERAL REYNOLDS: Is Defense planning to offer a group of these exhibits?

CAPTAIN SANDBERG: We are going to offer them jointly, yes, sir.

Q (By Captain Sandberg) Is Defense Exhibit C, which I have just shown you, a photostatic copy of the records of the Philippine Research and Information Section?

A Yes.

Q Is Defense Exhibit D, which I now show you, a photostatic copy from the records of the official Philippine Research and Information Section?

A Yes.

CAPTAIN SANDBERG: This is the Tribune dated January 31st, 1945. The direction of the Commission's attention is referred to the third column, the middle of the column: "Duran Stresses Makapili's Role.

"Declaring that to help the enemy is not the way to uphold and defend the Republic of the Philippines, the Makapili will run down all the guerrillas and exterminate them for going to the aid of the American invaders, declared Vice-Minister of Home Affairs Pio Duran, one of the directing heads of the Makapili, in his remarks before the assembly of law-enforcement agencies at the City Hall recently.

"The Makapili, according to Vice-Minister Duran, has been organized to uphold and defend the Philippines as an Independent Republic. The Makapili, he said, will consecrate its efforts to the proposition of keeping the Philippines within 'the orbit of the Greater East Asia Co-Prosperity Sphere.'

"To this end, the Vice-Minister said, it is advisable to consider on the part of the Japanese the idea of conceding some power to the Filipinos participating in the present regime and cooperating with the Japanese authorities to intervene in cases involving Filipinos who are arrested for military offense.

"This grant, if given, according to him, will have two effects, one strengthening the confidence of the people in their present leaders and the other is that it will help the authorities get not only the guerrilla small fry but also the guerrilla big fishes.

"The Makapili, to show its sincerity in cooperating with the --" and it carries over to page 2:

"Japanese armed forces, has raised its own army and its soldiers are now fighting side by side with the Japanese in many parts of Luzon. He asked the Japanese to permit the Filipinos earnestly aiding them to have a direct part in the handling of cases where Filipinos are directly implicated."

The Defense offers into evidence Exhibits A, B, C and D.

GENERAL REYNOLDS: The documents are accepted by the Commission for such probative value as they shall be held to possess.

(Defense Exhibits A, B, C and D were received in evidence.)

CAPTAIN SANDBERG: Your witness.

MAJOR KERR: No cross-examination.

ANACLETO RAMOS

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Sandberg) Will you state your name and address, please?

A Anacleto Ramos.

Q Will you tell us what your present assignment is?

A I am in charge of the CIC papers taken over by the Philippine Government for the United States Government.

Q Well, of what department of the Philippine Commonwealth are you an employee?

A I am employed in the office of the Special Prosecutor.

Q And have you brought with you today the official file of that department in the case of Narciso Lapus?

A Yes, sir.

(Defense Exhibit E was marked for identification.)

Q (By Captain Sandberg) I show you Defense Exhibit E and ask you if it represents a true photostatic copy of papers found in that file?

A These are the photostatic copies of the letter contained in this case report that have been turned over to the Commonwealth Government by the CIC.

CAPTAIN SANDBERG: I will read Exhibit E:

"Brigade 4, Bilibid Prison, Manila, June 8, 1945.

"The Chief, CIC, U. S. Army, Manila, Philippines.

"Sir: I wish to convey to the authorities of the CIC certain facts of importance and confidential nature and request, if possible, that one of your American operatives

be sent to our place of confinement at your earliest convenience to take up with him this matter.

"I would request rather that only American operative be sent to me, if such step is not contrary to your adopted policy.

"Very respectfully,

"Narciso Lapus."

Now, I shall read what is attached to this document:

"1. Myself, my son and a houseboy, who are now confined under CIC control must be given clearance, immediate release, immunity to any responsibility by which now we are under this condition and be freed for any further arrest, prosecution and punishment under the military laws.

"2. All properties, values and holdings of my son now under the control of the CIC must be returned to him and in case they are no longer in existence, for one reason or another, its equivalent value in accordance to the present values.

"3. I must be furnished with an office place, secluded, with complete privacy and out of the access of any Filipino or any other third party nationals and that my identity, name and the nature of my work should be strictly kept in secret.

"4. During the period of my work, I must be furnished a residence with my family, not far from the place of my work, furnished. My person, my family and my house should be given protection by the CIC, all the time during my work.

"5. During my work, I must be supplied adequate

amount to cover my personal expenses, for the subsistence and maintenance of my family, such sum commensurate to the present high cost of living. Free transportation facilities and the means to get away from the clutches of the black market in the securance of foodstuff and other necessities or prime commodities for my family.

"6. Upon the termination of my work, I must be given the necessary papers of clearance, safe conduct, passport, including my family, consisting of my wife, 3 children, mother-in-law, sister-in-law and my house boy, free transportation and other facilities necessary for travelers and be sent immediately upon the end of my work, either to New York City or to any other Latin American country, preferably to Argentina or Cuba.

"7. As you may be aware of the fact that after or during my work, my own life and my family would be jeopardized and to stay here would be for me quite hard and almost impossible, I wish to ask special favor for the security of my family and myself, that I must be given adequate and enough amount to start with in a foreign country, to last me, at least, such sum for the period of not less than a year. This amount, of course, should be mutually agreed upon and half of it should be given to me at the start of my work and the balance upon the conclusion of my task and before I sail to foreign lands.

"8. I must also be given effective help to secure job or means of living in New York City or in any foreign lands wherein I would be sent, through the CIC intervention, etc.

"9. I must be furnished an American stenographer and office equipment during my work."

The next letter:

"Ward No. 4, Company 19,
New Bilibid Prison,
Muntinglupa, Rizal
July 1, 1945

"To the CIC:

"I hereby enclose a sample of my work in response to your urge to me to cooperate with you in your work as regards the Filipino groups which had something to do with General Ricarte, in exchange to which, may I expect in the near future favorable reconsideration of my case, that of my son and of my house boy, all of us are now interned here under your custody since the month of February.

"This is only one sample and I can give similar cases, hundreds, perhaps thousands of them, if you would kindly allow me to work everyday in one secluded corner of your office here, within the prison compound and furnished the necessary office equipment and supplies during my work.

"Hoping that this test will meet your favorable attention, I remain,

"Very respectfully,

"Narciso Lopus."

MAJOR KERR: If the Commission please, the Prosecution at this time moves that the material read by the Defense Counsel be expunged from the record. The material which he has read has not as yet been offered into evidence, to say nothing of having been accepted into evidence, and it is highly improper for Counsel to read it into the record before it has been submitted to the Commission.

CAPTAIN SANDBERG: If the Commission please, I followed the procedure of Prosecution of reading the documents first and then offering them into evidence.

MAJOR KERR: Only after we offered them, sir, did we read them and that was pursuant to the request of the Commission that the pertinent parts of the exhibit be read. We followed that procedure only when requested to by the Commission.

GENERAL REYNOLDS: As to the mechanics of the time of offering, the Commission desires that it be done in the most orthodox manner.

You may proceed.

CAPTAIN SANDBERG: Thank you.

"Ward No. 4, Company 19,
New Bilibid Prison,
Muntinglupa, July 2, 1945

"The Chief, CIC, Manila.

"Sir: At the beginning of June, last, I have submitted certain proposition to your office regarding my case, that of my son and my houseboy, and Mr. Curry interviewed me for same twice, but we had not come to any definite understanding for which I was left to believe that he was coming back, yet up to this time I have not the opportunity to see him since we were transferred here from Manila Bilibid Prison, I was also informed that Mr. Curry is no longer working with your office and, therefore, I wish to ask your kindness to please reconsider the proposition I have laid down before Mr. Curry.

"As a proof of good fate and sincerity of my purpose, I am enclosing herewith a sample of my work and for which I

can produce hundreds of them and perhaps thousands should I be given the opportunity to do it in a secluded spot where I can work in peace with secrecy or privacy.

"Trusting that this matter will merit your kind attention, I am,

"Very respectfully,

"Narciso Lapus."

The Defense offers into evidence Exhibit E.

CAPTAIN PACE: If the Commission please, the Prosecution fails to see the purpose for which this information is put into the record. If it serves any useful purpose, I presume we would not even object, but it appears that the Defense is attacking the credibility of the witness Lapus by offering evidence on cross-examination, which has never been allowed in any court of law for the very simple reason, not technically at all, but for the very simple reason that it would require so much longer to try any lawsuit if on collateral matters a witness can be attacked by sources other than the witness's own testimony. The Prosecution has made no attempt to put Lapus before this Commission as a patriotic Filipino in good standing. We put him on the stand as a collaborator and a man who was associated very closely to high Japanese circles, and, therefore, was in possession of information which he couldn't have gotten otherwise.

I believe the excursion into the life and past of Lapus further than has already been presented would be a waste of the Commission's time.

CAPTAIN SANDBERG: The documents which have been

introduced into evidence go to the question of the motivation of Lapus in testifying before the Commission. The proposition, which Counsel stated, that credibility cannot be attacked by documents is indeed a novel one and I have never heard it.

I may say that we have several more documents that so far as time is concerned will not consume much, but as far as proof is concerned will prove a great deal.

GENERAL REYNOLDS: The comments of the Prosecution are noted and the objection is not sustained.

(Defense Exhibit E for identification was received in evidence.)

GENERAL REYNOLDS: Counsel may proceed.

CAPTAIN SANDBERG: Mark this for identification, please.

(Photostatic copy of letter from
Arsenio Solidum dated October
10, 1945 was marked Defense
Exhibit F for identification.)

GENERAL REYNOLDS: Are you still in the same series
of documents?

CAPTAIN SANDBERG: No, sir. You mean --

GENERAL REYNOLDS: Have you offered any documents which
have not been acted upon by the Commission?

CAPTAIN SANDBERG: No, sir.

Q (By Captain Sandberg) Have you brought with you the
official file of the Commonwealth of the Philippines, Depart-
ment of Justice, relative to the case of Joaquin S. Galang?

A Yes, sir.

Q I show you Defense Exhibit F and ask you whether that
is a true photostatic copy of the paper appearing in that
file.

A Yes, this is the photostatic copy.

CAPTAIN SANDBERG: "COMMONWEALTH OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
OFFICE OF SPECIAL PROSECUTORS
M A N I L A

"October 10, 1945

"The Chief
Division of Investigation
Department of Justice
M a n i l a

"Re - Case of JOAQUIN S. GALANG

"Sir:

"I have the honor to request the investigation of
the activities of Joaquin S. Galang, 1236 Instruction Street,
Sampaloc, Manila, during the Japanese regime.

"According to the incompleated investigation of the C.I.C., this Joaquin S. Galang was Asst. Chief of the Propaganda Information Division, with the rank of Major, in the Peace Army, a Japanese inspired organization headed by Gen. Artemio Ricarte, the avowed purpose and aims of which was to cooperate with the Japanese Military Administration, especially in promoting adherence to the Greater East Asia Co-prosperity Sphere and whose members acted as informers of Japanese functions of a member of the Executive Council of the Bagong Pagkakaisa (New Unity), another Japanese inspired organization. And, finally, that he was one of the brain masters who promoted and successfully maneuvered the arrest of Gen. Vicente Lim who was later on taken to Fort Santiago and is generally believed to have been killed by the Japanese.

"In this connection, please try to contact the following persons who are at present detained in Muntinglupa as political prisoners, namely:

1. Domingo Larma, Case No. 53-1127
2. Galixto Bernardo, Case No. 53-1125
3. Pedro Bartolome, Case No. 53-1124

Inasmuch as Joaquin S. Galang is now detained without bail and his petition for release under bail has been denied by the People's Court upon recommendation of this Office, it is requested that this matter be attended to immediately in order that this Office will be in a position to file the corresponding information for Treason against him.

"Thanking you in advance for your kind and prompt attention to this matter, I am,

"Very respectfully yours,

(signed) Arsenio Solidum
ARSENIO SOLIDUM
Special Prosecutor "

The Defense offers in evidence Defense Exhibit F.

GENERAL REYNOLDS: The Commission believes that you need a little better mechanics in offering exhibits. As I recall, Exhibit E has not yet been offered. If you take them one by one, there is no chance of confusing the record. This is Exhibit F.

Defense Exhibit F is accepted by the Commission for such probative value, if any, as it shall be held to possess.

(Defense Exhibit F for identification was received in evidence.)

CAPTAIN SANDBERG: Your witness.

CROSS EXAMINATION

Q (By Captain Pace) Mr. Ramos, is this Exhibit E the complete file on Narciso Lapuz? Four pages?

A Yes, four pages.

Q May I see it?

A (Handing file to counsel)

Q Your file contains many pages, does it not?

A Yes, sir. Those are the papers.

Q These are four pages of many pages in his file?

A Yes, sir.

Q Will you look at this page of Exhibit E and describe how you know that it is connected with the Lapuz file?

A I know that this is connected with the Lapuz file because when the CIC go over the case report concerning Lapuz it is already attached to his report.

Q You found it in the file?

A Yes, sir.

Q Do you know what that is?

A This is supposed to be what Lapus want from the CIC authorities when he was still in confinement.

Q What was he going to give in return for that?

A He is going to give some services which are of great importance and confidential nature.

Q To the CIC?

A To the CIC.

Q That is to be his remuneration?

A Yes.

CAPTAIN PACE: No further questions.

(Witness excused)

CAPTAIN SANDBERG: Mr. Phillips.

GENE K. PHILLIPS

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Sandberg) Will you please state your name and address?

A Gene K. Phillips, First CIC Region, APO 75.

Q Will you please state what is your present assignment?

A I am a special agent for the First CIC Region, APO 75.

Q Have you brought with you the official file of Narciso Lapus held by CIC Area No. One?

A Yes, sir.

CAPTAIN SANDBERG: Mark this for identification,

please.

(Photostatic copies of File No. 53-223, CIC Area No. One, was marked Defense Exhibit G for identification.)

Q (By Captain Sandberg) I show you Defense Exhibit G and ask you if it represents true photostatic copies of papers found in the file of Narciso Lapuz.

A It does, but it does not represent the complete file.

Q That is, there are other papers in your file which are not included there?

A There are. That is true.

CAPTAIN SANDBERG: The attention of the Commission is referred to the second page of this exhibit.

"HEADQUARTERS
COUNTER INTELLIGENCE CORPS AREA NO. 1
UNITED STATES ARMY FORCES, PACIFIC
APO 75

"MEMORANDUM FOR THE OFFICER IN CHARGE:

"Subject: LAPUZ, Narciso G.
Sumilang, Pasig, Rizal

"On 10 March 1945, this Agent was directed to conduct an investigation of Subject, charged with being personal secretary to Gen. Ricarte, secretary of the Peace Army, and member of the New Unity. He was interned by the 306th CIC Detachment, 23 February 1945, on Commitment Order #260.

"1. LAPUZ was one of the first to come to the support of Ricarte when the latter returned from Japan to Manila in January 1942. LAPUZ then became one of the original members of the New Unity but he soon became involved in an apparently insignificant episode which led to the dissolution of the New Unity. LAPUZ at this time was

living with a Miss Felisa Vengoza on Legarda Int., across the street from the Moderno Theatre; however, Miss Vengoza shortly afterwards left LAPUZ and began to live with a Chinese. This infuriated LAPUZ who, in an attempt to obtain revenge, charged the Chinese and Miss Vengoza with having stolen jewelry and other chattels from him. As a result, the Chinese was arrested by Basilio Esleta, Victoriano Correa, Ciriaco Campomanes, Tomas Patenia and others, and was imprisoned in Fort Santiago. Miss Vengoza was likewise imprisoned. One week later, however, the Chinese and Miss Vengoza were released. LAPUZ was then charged by the Japanese with having filed false charges and was himself imprisoned for one week.

"This incident was displeasing to Ricarte and embarrassing to Domingo Lerma, who was then struggling to get official recognition and increased authority for the New Unity. The breach which this affair created between LAPUZ and Lerma was widened when Lerma began to court the support of Vargas and Laurel. LAPUZ then attempted to get Lerma and Bernardo removed from office in the New Unity, but in August 1942, LAPUZ was expelled from the organization, as were Campomanes, Correa, Cosme Lazaro, Leon Villafuerte, Santos, and others. These men continued their activities in support of Ricarte in the office on Carriedo street which LAPUZ shared with Judge Anastacio Teodoro.

"The LAPUZ group gained prestige with Ricarte at the expense of the larger group under Lerma which continued to use the name of New Unity and occupied the same office. Finally on 18 January 1943, the Japanese Military Police closed the office, impounded the records, and imprisoned

Lerma and Bernardo.

"Shortly after LAPUZ was released from Fort Santiago he became secretary to Gen. Ricarte. That position, in which he wielded considerable influence, yielded him considerable affluence. This double effect was achieved through the sale of letters signed by Gen. Ricarte stating that the person to whom the letter was issued was personally known by Gen. Ricarte to be a supporter of the Co-Prosperity Sphere. Until the New Unity was dissolved, a limited number of these letters were sold at the office by Joaquin Galang, Santos and Bernardo.

"LAPUZ's version of his activities is interesting although too fantastic to warrant credence. He states that he was arrested by the Japanese on the charge of espionage, tortured at Fort Santiago, and sentenced to death and to life imprisonment on a number of counts. After several days he was released on the condition that he become secretary to Gen. Ricarte. As Ricarte's secretary he succeeded in freeing from Fort Santiago 10,000 Filipinos, at least half of whom were guerrillas.

"It is considered highly probable that LAPUZ was able to obtain the release of persons, for a price. It has been alleged that he caused the arrest of persons just so that he would be paid for releasing them later. This practice was not uncommon during the Japanese occupation and has been given as one of the principal reasons for the disestablishment of the New Unity, which is alleged to have become quite extensively engaged in the racket."

The Commission's attention is directed to page 3,

paragraph 3:

"3. The second phase of the life of LAPUZ which has been investigated by this office begins 20 November 1944 with the formation of the Peace Army. The bulk of the ranking officers of this Army were Ricarte enthusiasts who had been expelled from the New Unity at about the same time as LAPUZ.

"The nucleus of the Peace Army consisted of those members of the New Unity who were Ricarte exponents and were expelled with LAPUZ. These included Patenia, Correa, Campomanes, Santos, Lazaro, Domingo, and Esleta. In addition, there was F. C. de la Rama who was to provide the finances for the organization and Agapito Zialcita, a former revolutionary under Ricarte. . . ."

And then on page 5:

"AGENT'S NOTES: LAPUZ offered to tell the complete story about the Japanese occupation if he would be freed and provided with suitable living conditions in New York City. Letters referring to this offer are attached to the original of this report as EXHIBIT XI."

The last paper is the Security Commitment Order committing Lapus for treason.

GENERAL REYNOLDS: To which does Defense now refer?

CAPTAIN SANDBERG: I beg your pardon?

GENERAL REYNOLDS: To which paper do you now refer?

CAPTAIN SANDBERG: The last page in the file: Security Commitment Order No. 260.

Defense offers in evidence Defense Exhibit G.

GENERAL REYNOLDS: The document is accepted by the

Commission for such probative value, if any, as it shall be held to possess.

(Defense Exhibit G for identification was received in evidence.)

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

(A group of photostats was marked Defense Exhibit "H" for identification.)

Q (By Captain Sandberg) I show you Defense Exhibit "H", marked for identification, and ask you if it is a true photostatic copy of papers in the files of CIC.

A It is.

CAPTAIN SANDBERG: The attention of the Commission is invited to page 1 of this exhibit, "Headquarters Counter Intelligence Corps, Area No. 1, United States Army Forces, Pacific, APO 75. File No. 53-149, 5 September 1945.

"Memorandum for the officer in charge:

"Subject: Galang, Joaquin S., 1236 Instruccion St., Sampaloc, Manila.

"On 5 September 1945, this Agent was directed by the Officer in Charge to conduct an investigation of Subject, accused of having been a Japanese collaborator during the occupation of the Philippines. He is specifically charged with having been a member of the Peace Army, holding the rank of Major in that pro-Japanese organization. Also, he was an active member of Bagong Pagkakaisa (New Unity). He was arrested and committed to Bilibid Prison by the 306th CIC Detachment on 17 February 1945 and is at present interned in New Bilibid Prison, Muntinglupa, Rizal.

"1. An undated statement (attached to the original of this report as Exhibit I) by Abelardo Galang, Subject's son confirms Subject's membership in the Peace Army. Informant also attests to Subject's friendship with General

Artemio Ricarte.

"2. On 17 February 1945, Subject was interviewed by an agent of this Office and stated in substance as follows:

"He had never been a member of any subversive organization but on the contrary had been active in certain guerrilla groups.

"He finally admitted that in early 1943 he had, with Leon Villafuerte, helped to organize a group known as the Bagong Pagkakaisa (New Unity) but did so only in an effort to secure the release of his sons from Japanese concentration camps. He also admitted having worked for pacification under General Artemio Ricarte.

"He further admitted to having joined the Peace Army under instruction of his commanding officer in the guerrillas, Lt. Col. Eugenio Castillo, for the purpose of gathering information concerning the activities of this organization. However, he never attended any of their meetings and reported nothing to the guerrillas."

On page 3, paragraph 10:

"An affidavit included in the case file of Case No. 53-1127 (Subject: Lerma, Domingo) of this office and signed by one A. Domingo, states in part as follows:

"Galang made out passes for members of the New Unity for which he charged them ₱2.00 and up. Subject was classified as one of the active members of the New Unity and was often seen in the company of Felipe E. Jose, a member of the Propaganda Corps of the New Unity. The mission of this Propaganda Corps was to cooperate with the Japanese Military Administration especially in

promoting adherence to the Greater East Asia Co-Prosperity Sphere. Members of this Corps also acted as informants for the Japanese Military Police.'

"11. An affidavit signed by Galixto Bernardo and now contained in Case File No. 53-1125 (Subject: Bernardo) of this Office, states in part as follows:

"Galang was an active member of the New Unity, often seen in the company of Narciso Lopus, secretary to General Ricarte. Subject was known to have compiled reports on military activities."

"13. An affidavit, signed by Domingo T. Lerma, contained in Case File No. 53-1127 of this Office states in part as follows:

"Galang was a member of the Executive Council of the New Unity. Subject is pro-Japanese. His principal job was to spy on the people in the government."

Particular attention of the Commission is also invited to the sixth page of the exhibit headed "Activities of the Subject with the New Unity organization.

"A. Domingo - Subject made out passes for the New Unity members and charge them from ₱2.00 and up each."

Then at the bottom of that page: "Joaquin Galang was a member of the Executive Council of the New Unity. Subject is a pro-Japanese man of Ricarte and a brother-in-law of Narciso Lopus. Most of his activities were to spy on the people in the government. If the government would change the administration and give it to Ricarte, he would get a good position with his brother-in-law. Subject told me about rackets in getting the signature of General Ricarte."

Then the paper third from the back:

"Galang, Joaquin -- secretary to General Ricarte and, with Jose Galang, allegedly responsible for the arrest of General Lim in Batangas.

"Source: Report of FI-31 dated 6 July 45."

The following page: "Galang, Joaquin - Male - Filipino - Dapitan Street, near Albert Elementary School.

"Places frequented: F. S.; F. E. U. Garrisons, and residence of General A. Ricarte.

"Remarks: Active Jap collaborator. Executive secretary to General A. Ricarte y Vibora. Makes a lot of money by pretending to work for the release of apprehended people. Suck money from families of apprehended persons, and issuing pass signed by General Ricarte.

"Source: USAFFE G Lists, 15 December 44."

Defense offers in evidence Defense Exhibit "H".

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, it shall be held to possess.

(Defense Exhibit "H" for identification was received in evidence.)

CROSS EXAMINATION

Q (By Captain Pace) Mr. Phillips, have you investigated the activities personally or in a general way of Lapus and Galang?

A No, I have not. I was not assigned to the case.

Q Are you familiar with the position held by Ricarte during the Japanese occupation?

A Familiar only from a general investigative way.

Q Do you know whether Ricarte was in a position to obtain information from high ranking Japanese officers?

A No, I could not answer that.

Q Are you able to testify whether or not Lapus had the complete confidence and received intimate information from General Ricarte?

A No, I do not.

CAPTAIN PACE: No further questions.

CAPTAIN SANDBERG: Thank you.

(Witness excused.)

CAPTAIN ROBERT SMITH

called as a witness on behalf of the Accused, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Captain Sandberg) Will you please state your name, rank and serial number?

A Robert Smith, Captain, O-1321527.

Q And what is your present assignment?

A G-3, Historical Division, AFPAC.

Q And have you brought with you today the M-1 Operation Report of the XIV Corps of the United States Army?

A I have.

CAPTAIN SANDBERG: Will you mark this as the next exhibit?

(Extracts from M-1 Operations Report, XIV Corps, U. S. Army, was marked Defense Exhibit "I" for identification.)

Q (By Captain Sandberg) I show you Defense Exhibit "I", marked for identification, and ask you if it represents a true copy of certain extracts from that report?

A It does; I have already checked it.

CAPTAIN SANDBERG: At this time the Defense wishes to invite the attention of the Commission to only one portion of this report of the extract; other portions will become relevant at other stages of the case.

On page 4 of the extract, the third paragraph on the page:

"No doubt when peace comes the enemy will argue that it was American shells that destroyed Manila, but such arguments can be refuted by unquestioned evidence. As the troops of the 37th Division approached the Pasig they were met on every side by the sound of explosions and falling buildings. That these demolitions were previously planted and installed is authenticated by captured Order No. 43 dated 3 February from the Imperial Naval Defense Command: '(1) The South, Central and North forces must destroy the factories, warehouses, other installations and material being used by naval and army forces, in so far as the combat and preparation of naval forces in Manila, and of the army forces in their vicinity will not be hindered thereby. (2) The demolition of such installations within the city limits will be carried out secretly from the time being, so that such action will not disturb the tranquility of the civil population or be used by the enemy for counter propaganda. Neither large scale demolition nor burning by incendiaries will be committed. (3) A special order will be issued concerning the demolition of the water system and electrical installations.'"

The Defense offers into Exhibit "I".

GENERAL REYNOLDS: Is that a duplication of a Prosecution's exhibit?

CAPTAIN SANDBERG: No, sir, this is a Defense exhibit which we are just introducing.

GENERAL REYNOLDS: I am asking: Is it a duplication of a Prosecution's exhibit?

CAPTAIN SANDBERG: I am sorry; no, sir, it is not.

GENERAL REYNOLDS: The document is accepted by the Commission for such probative value, if any, as it may be held to possess.

(Defense Exhibit "I" for identification was received in evidence.)

CAPTAIN SANDBERG: Your witness.

CAPTAIN PACE: No questions.

CAPTAIN SANDBERG: Thank you.

(Witness excused.)

COLONEL CLARKE: The Defense calls Lieutenant General Muto.

AKIRA MUTO

called as a witness on behalf of the Defense, being first duly sworn, was examined and testified as follows through Interpreter Lieutenant Commander Bartlett:

DIRECT EXAMINATION

Q (By Colonel Clarke) Please state your name and address.

A (Through the Interpreter) Muto, Akira; Tokyo.

Q What was your rank in the Japanese Army at the time of the surrender at Baguio in September, 1945?

A I was a lieutenant general.

Q What was your assignment at the time of the surrender?

A I was Chief-of-Staff of the 14th Area Army.

Q How long had you served as chief-of-staff of the 14th Area Army?

A At the time of the surrender, approximately 11 months.

Q What had been your assignment prior to that time?

A I was commander of the Imperial Guard Division in Sumatra.

Q When did you first learn of your assignment as chief-of-staff of the 14th Area Army?

A About the 15th or 16th of October, 1944.

Q What was your reaction on learning of that assignment?

A As a matter of fact, I was surprised and chagrined.

That is to say, prior to that I had heard that General Yamashita had been assigned as commander of the Philippine Area. Having been a friend of General Yamashita for some

time in the past, I had felt that this is a difficult task to which he has been assigned and one for which he should be commiserated. As a matter of fact, I mentioned to my staff that this was too late, that the assignment had been made six months too late. It was my opinion that Japan had been too slow in preparing Philippine defense; that this should have been done sooner.

After the capture of Saipan and Palau by American troops, excited preparations for the defense of Manila appeared to me to lead towards certain failure, and I felt great sympathy for General Yamashita in his new assignment. However, having been ordered to duty as his chief-of-staff, I prepared myself to perform that duty to the utmost of my ability and vigor.

Q Had you ever served under General Yamashita prior to October, 1944?

A I had. That was from July, 1938, to October of 1939, in North China. At that time General Yamashita was chief-of-staff and I was deputy chief-of-staff.

Q When did you report for duty at the headquarters of the 14th Area Army and to General Yamashita as his chief-of-staff?

A Last year. That is to say, 1944, on the 20th of October, in the night.

Q What relation did that date bear to the date of the landing in Leyte?

A The American troops landed in Leyte on the 18th, and two days later, on the 20th, I reported.

Q What relation did the 20th of October bear to the

date of General Yamashita's arrival in Manila?

A Since it appears that General Yamashita arrived on the 9th of October, there was a nine-day difference between his arrival and the American landing.

Q Where was General Yamashita's headquarters at the time you reported for duty?

A Just a minute, please. It is possible that General Yamashita may have arrived on the 8th. I am not clear.

COMMANDER BARTLETT: Will you read the question, please?

(Question read.)

(Translated by Commander Bartlett to the witness.)

A (Through the Interpreter) Fort McKinley.

Q (By Colonel Clarke) Did General Yamashita ever, at any time, have headquarters in the City of Manila?

A (Through the Interpreter) He did not.

Q How long did General Yamashita maintain his headquarters at Fort McKinley?

A Until the 26th of December.

Q What year?

A 1944.

Q What was the mission of the 14th Area Army under General Yamashita?

A His duty or mission was to defend the entire Philippines.

Q Did that mission differ in any respect from the mission of the 14th Army group under General Kuroda?

A It is exactly the same mission as prevailed under General Kuroda.

Q Was General Yamashita entrusted with the conduct of civil affairs and liaison with the civil government?

A No. Liaison with the government was under Field Marshal Terauchi of the South Sea Command.

COMMANDER BARTLETT: I have asked for a repetition of that answer.

(Witness interrogated by Commander Bartlett.)

THE WITNESS (through Commander Bartlett): Field Marshal Terauchi and Ambassador Murata of the South Sea Command.

(Witness interrogated by Commander Bartlett.)

THE WITNESS (through Commander Bartlett): South Sea Army Command.

COMMANDER BARTLETT: That could also be translated "Supreme Southern Command."

Q (By Colonel Clarke) Did General Kuroda have any responsibility for liaison with the civil government while he was in command?

A At first General Kuroda had such responsibilities, but afterwards he did not have them.

Q When were those responsibilities taken from General Kuroda?

A I am quite certain that that was last year, in May, that is to say, May of 1944, when Count Terauchi arrived in Manila.

Q To whom were those duties entrusted in May of 1944?

A They passed to Count Terauchi -- Field Marshal Terauchi.

Q What was Field Marshal Terauchi's command?

A In his command was the entire southern area controlled by Japan, including the Philippines.

Q Was that the Supreme Southern Command?

A Yes.

Q Will you describe the general state of affairs which you discovered upon reporting to the 14th Area Army?

A When I met -- . When I arrived and met General Yamashita he was genuinely pleased to see me. My predecessor, the other chief-of-staff, had been ill for a long time, and General Yamashita had had to perform for himself the duties of the chief-of-staff. His first words upon seeing me was, "It is a good thing that you have come. I have been waiting for you. Everything is bad. I ask you to exert great energy in studying affairs and performing your duty," or "carrying on."

Therefore, on the following morning I immediately started to inquire into all conditions.

Q What did you learn as to the sufficiency of available troops in the Philippines?

A In general the number of troops was extremely insufficient.

Q What did you learn as to preparations which had been made for defense positions?

A Those preparations were practically non-existent and what they were were obsolete and inadequate protection against American attack or bombardment. I therefore dispatched a signal to Tokyo in which I requested that a specialist in defense works be found and immediately dispatched to the Philippines in order to start a comprehensive

system of defense positions.

Q What was the supply and ammunition situation?

A While there were considerable supplies in the Manila area they were piled in an unsystematic or helter-skelter way. For instance, there were a lack of articles such as were required here in the Philippines accompanied by plenty of supplies of articles for which there was no use. In spite of the American air raid, which I believe occurred on September 21st, causing tremendous damage to the City of Manila, the supplies were still located in the City and had not been dispersed outside of the City. And of the shortages, the most acute were rice and gasoline. There was an extreme shortage of both of these articles.

Q What was the state of morale of the troops?

A Because of the great retreat that they had taken part in, the troops were physically worn -- strike that out, please. Because of the recent mass induction of new troops, Army standards had fallen physically, and because of the retreat and long service in the tropics not only were the troops physically below par, but their fighting spirit or morale was low. And particularly of the troops in the Luzon area; almost to a man they had experienced the sinking of their ships, and as a result, in my opinion, had been impaired as to their morale.

Q What relation existed between the Japanese Army and the civilian population at that time?

A You mean the Philippine residents?

Q Yes.

A Upon my arrival from Sumatra, where it was perfectly

safe to drive alone at any time, any place, I was greatly surprised to discover the conditions here in the Philippines, where I was informed that there were guerrillas not only between Manila and Fort McKinley, but surrounding Fort McKinley itself, and it was a cause of great surprise to me to find this condition.

Q Was there a shortage of food at the time of your arrival?

A There was.

Q Did you learn that General Yamashita and his staff were hampered by a lack of knowledge of the Philippine Islands?

A Yes. I myself was extremely hampered by this lack of knowledge; General Yamashita had just come to the Philippines, and of the 15 members of the staff only three were retained from those of General Kuroda's staff, the others having come from Manchuria or from other locations, and we were all extremely troubled by our lack of knowledge of conditions in the Philippines.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

You may resume.

Q (By Colonel Clarke) The various problems which you found when you arrived here, did General Yamashita have the necessary authority to correct these conditions?

COMMANDER BARTLETT: Will you repeat the question?

(Question read.)

A (Through the Interpreter) The general had authority to correct a mere fraction of these conditions, but not all of them.

Q (By Colonel Clarke) Why not?

A Count Terauchi had come to the Philippines as Supreme Commander, and General Yamashita was under his command; and there was a naval commander in Manila with co-equal powers to Count Terauchi. Of the troops in the Philippines, some were in the other two commands, that is, the Navy and Count Terauchi; and those that were under General Yamashita's command were a fraction of all those troops. For instance, of the 290,000 or 300,000 troops in Luzon, approximately 120,000 were under General Yamashita's command. Therefore, although there were many undesirable conditions, it was not possible for General Yamashita to take them all in hand immediately and correct them.

Q Who commanded those other troops in addition to Count Terauchi's and the Supreme Southern Command?

A Under Count Terauchi, but aside from those troops under General Yamashita, were the 4th Air Army, the 3rd Transport Command, and the Southern Army Communication Unit, and the line of communications troops. That is about all.

Q What was the chain of command in the Philippines as of 9 October 1944?

A Under the Imperial Headquarters in Tokyo came Count Terauchi directly, and under him came General Yamashita; and under General Yamashita was the 35th Army at Cebu.

At Luzon were several directly responsible Army groups.

Q Did you prepare a chart of the chain of command as of 9 October 1944?

A I have prepared one, in accordance with my present memory.

Q And that chart was prepared from information received by you when you reported to General Yamashita, and your past recollection?

A That is right.

(The chart referred to was marked Defense Exhibit J for identification.)

Q I show you a chart marked for identification as Defense Exhibit J and ask you if this is a fair representation of that chart prepared by you.

A Yes, it is.

COLONEL CLARKE: If the Commission please, we offer Defense Exhibit J, the chart prepared by General Muto, in evidence.

MAJOR KERR: Is a copy available for the Prosecution?

COLONEL CLARKE: No; we are going to have to put it up right here.

GENERAL REYNOLDS: The Commission accepts the document for such probative value as it may possess, but directs that photostatic copies of suitable size be prepared for incorporation into the record of the case.

(Defense Exhibit J for identification was received in evidence and so marked.)

COLONEL CLARKE: Yes, sir. May we now place the chart on the board there, for the information of the Court

and Prosecution during the testimony of various witnesses?

GENERAL REYNOLDS: Very well.

Q (By Colonel Clarke) Shortly after your arrival in the Philippines was the 14th Army group faced with a serious problem of extreme gravity, that is to say, was a new order received from the Imperial Headquarters concerning the defense of Leyte?

A There was.

Q What was the original Imperial General Headquarters plan for the defense of Leyte?

A The Imperial General Headquarters issued the following order to General Yamashita through Marshal Terauchi: In the event that the Americans make a landing on southern Luzon, the naval troops and air force troops will join in a decisive battle; that General Yamashita would participate in this battle with such troops as were then in the southern Philippines -- such Army troops; in the event that the Americans should make a direct landing, as a first landing, on Luzon, then General Yamashita should engage in this decisive battle with his total strength.

Q Was this the plan for the defense of Luzon, or was it the plan for the Leyte campaign, according to the original question?

A This was the plan for the defense of the entire Philippines.

Q What was the original plan for the defense of Leyte?

A According to the original plan if the Americans should land on Leyte, the 16th Division then on Leyte, together with such naval and air forces as were on the Island would engage in a decisive battle on the shores of Leyte Gulf. In the meantime, the 35th Army at Cebu would send as many reinforcements as possible from the other points in the Visayans or Mindanao.

According to the plan, no troops were to be sent from Luzon.

Q Was this a navy defense, primarily a navy defense and under navy control?

A No. It was planned that the naval forces and the air force troops would be directed by Marshal Terauchi while General Yamashita would issue his orders to army troops through the 35th Army.

Q How many army troops were on Leyte at that time?

A Approximately ten thousand troops of the 16th Division.

Q Were any changes made in the original plan of the defense of Leyte by the Imperial General Headquarters shortly after the American landing?

A There were.

Q What were those changes?

A That General Yamashita was to pour in as many troops from Luzon as possible to engage in a decisive battle together with the navy and air force troops already there.

Q Did General Yamashita object to this change in the plan of the defense of Leyte?

A When I arrived General Yamashita was not complaining about this but some of the younger staff officers were very vehemently complaining that this was an unreasonable thing and were in the midst of an argument with the supreme commands of the Southern Army.

Q Was General Yamashita ordered to ship as many troops as he could send to Leyte?

A He was.

Q What problem did this sudden reversal of plan entail for the staff of General Yamashita?

A Since this was a fundamental change in the defense plans for the Philippines, it created very grave problems and difficulties.

Q Of what nature?

A First, since there had been no plan to transfer troops from Luzon to Leyte there was no shipping and shipping, as will be seen from that chart, Exhibit J, was under the control of the Third Maritime Transport Headquarters, which was not under General Yamashita.

The first difficulty was to assemble the ships under the Third Maritime Transport Headquarters. The second difficulty was that all troops in Luzon had been dispersed over a wide area according to their assignments for the defense of Luzon.

It was necessary from among these troops to withdraw certain units and assemble them. After assembling such troops defects would manifest themselves, which had to be corrected before they could be shipped to Leyte. Supplies for these troops, according to their original assignments,

had been concentrated according to the original plan and this new plan necessitated the re-grouping and re-storing of the supplies for the troops withdrawn.

This would require considerable transport but at that time the Japanese Army was exceedingly short on both motor transport and gasoline.

The next problem was the protection of the transportation, the protection of the transports carrying re-inforcements to Leyte, which had to be obtained from the 4th Air Army, which was not under General Yamashita's command.

Both the navy and the air force, having their own assignments, did not carry out all of General Yamashita's desires with respect to this matter, and another extreme difficulty was the attack, was the activity of American bombers and submarines and of the ships which with great effort General Yamashita was able to send from Manila towards Leyte, practically every one of them was sunk enroute.

And at this time there was always two or three representatives from the Imperial General Headquarters vehemently urging General Yamashita to more vigorous action. Of the troops which General Yamashita with great difficulty was able to dispatch to Leyte, as shown on the righthand side of Exhibit J, the First Division reached Leyte practically intact. The other units arrived, all of them in incomplete condition.

At that time General Yamashita was extremely busy.

Q Were any additional orders received from the Imperial Headquarters during the Leyte campaign, on or about 7 December 1944?

A About that time the Chief of Staff for Operations, what you call G-3 in the American Army, arrived from the Imperial General Headquarters and at that time the American forces were landing at Ormoc, and he urged a concentration on attacking those American troops rather than the defensive operations in Leyte. General Yamashita held the opinion that the results of the naval battle of October 24 to 25th, had not been particularly advantageous. He also understood that while air operations directed against Leyte Gulf had at one time been somewhat successful, temporarily successful, the net result was not successful.

Since American troops were landing at Ormoc, it was his conclusion that the Leyte campaign had ended, but the representative of the Imperial General Headquarters insisted on renewed activity in the defense of Leyte, the defensive action in Leyte. General Yamashita, therefore, as a last resort, determined to make a counter-landing at Carigara Bay. While preparations for this landing were being made it appeared that the United States troops were about to land at San Jose, Mindoro, and as a result both Count Terauchi and the representative of the Imperial General Headquarters came to the conclusion that the Leyte campaign had been a failure.

Q How many troops were diverted from Luzon to the Leyte area pursuant to the orders issued by the Imperial General Headquarters?

A Approximately fifty thousand.

Q Did the preparation for and the attempted execution of these orders require the exclusive attention of General Yamashita and his staff?

A We were all working on these plans day and night without rest.

Q And how long did these plans engage the exclusive attention of the staff?

A We were in fact engaged exclusively on how to combat the American troops right up to the time of surrender because of the continued heavy attacks we received.

Q After it became evident that the battle of Leyte was in the last stages what became the paramount problem of General Yamashita?

A The defense of Luzon.

Q What were the primary stages of this problem which had to be solved?

A The first problem was to increase the number of troops to make up for the vacuum created, as I have told before. To this end we sent numerous signals to Tokyo calling for reinforcements.

The second problem was the tightening up and clarifying the chain of command under the single command of General Yamashita, and a great deal of effort was made to secure this result.

Q What steps were taken to bring the various independent commands under the command of General Yamashita?

A First, in Manila were approximately 30,000 troops under the control of either Imperial General Headquarters or Marshal Terauchi. Among them were troops destined for

other points in the Southern Pacific as replacements but detained in Manila for lack of transportation. And there were others who, having been rescued from sunken ships, were in and about Manila without means of proceeding to their proper units. There were troops who had been discharged from hospitals and had no means of returning to their own units.

I took steps to place all of these troops under General Yamashita's control either to form new battalions or to use as replacements in units sent from Japan which had become depleted. Also three divisions, namely, the 10th, 23rd and 19th, were dispatched from Japan to the Philippines. While these units arrived about the end of December they had, almost without exception, met with American submarines and as a result their effectiveness had been cut from one-half to two-thirds.

With respect to command it was determined that on or about November 17th General Terauchi should go to Saigon, taking with him the headquarters of the Third Maritime Transport.

As for the units in the Third Maritime Transport Command they were to come in under General Yamashita's command starting in January, and, as a matter of fact, had practically all come under his command by the middle of February.

As for the line of communication troops in the Supreme Command Southern Army under Marshal Terauchi, while they had previously been attached to General Yamashita's Fourteenth Army Group, in the first part of November they were actually assigned to him as his troops.

The air force troops came under General Yamashita's control on the first of January.

In order to bring about these changes in chain of command a great deal of time and negotiation was required. The conditions in Luzon, from the middle of November until into December were so precarious that if the Americans had made a serious attempt at that time they could have undoubtedly captured the whole island with one blow. That was the time when General Yamashita exerted great deal of effort.

GENERAL REYNOLDS: The Commission interrupts. That will conclude the testimony this morning.

The Commission will hold a normal session tomorrow morning, 22nd November 1945. Since it will be Thanksgiving Day the Commission will recess at 11:30 A.M. or thereabouts until 8:30 Friday morning next. That is to say, there will be no session tomorrow afternoon.

Upon resumption of hearings this afternoon, will the reporters be prepared to read back the last several questions and answers.

(Whereupon a recess was taken until 1330 o'clock, 21 November 1945.)

AFTERNOON SESSION

(The trial was resumed, pursuant to recess, at 1330 hours.)

GENERAL REYNOLDS: The Commission is in session.

MAJOR KERR: Sir, all members of the Commission are present, the Accused and his Defense Counsel are present.

GENERAL REYNOLDS: Defense may proceed.

Will the reporter read back the last questions and answers, please?

(The last six questions and answers of the morning session were read by the reporter as therein recorded.)

Q (By Colonel Clarke) Is it true, then, that during the three-months' period before the Lingayan landing, General Yamashita had nominal control and responsibilities for the defense of Luzon, but only limited authority to carry it out?

COMMANDER BARTLETT: Will you repeat the question, please?

(Question read)

A (Through Commander Bartlett) That is correct.

Q (By Colonel Clarke) It was about this time that it was realized by your headquarters that the battle of the Philippines was lost?

A The impression at that time was that the Japanese campaign in the Philippines was not a victory and could not succeed.

Q In view of this realization, what strategic plan was adopted by General Yamashita in Luzon?

A If one were to compare the American forces with the

Japanese forces, the Americans had completely effective naval and air forces and were in a position to make a landing at any point where they could choose. In addition to this, the American ground forces possessed far superior fire power and mobility. Comparing the Japanese forces to this, the defense positions on the shores were exceedingly inadequate. Fire power was inferior and mobility had practically disappeared. It was seen that there would be no possibility of combating the American forces with arms. Although General Yamashita had been told to fight a decisive battle against the American troops on Luzon, it became clear that that plan would unavoidably have to be changed. We notified Marshal Terauchi and adopted the new plan. At that time the following was decided, the following policy was adopted:

The plan was to occupy mountain positions in Luzon and engage American forces for as long as possible, in order to postpone as long as possible any fighting in Japan proper.

Three points were therefore established to this end: The first was the mountain country east of Manila. The next was mountains west of Clark Field, and the third was from Balete Pass to Baguio, the mountain country in that region.

In order to leave Manila outside of the combat area, the plan was to withdraw all troops and supplies from Manila to those three regions enumerated above. In addition, there was an idea of leaving a small detachment in Batangas to delay as long as possible the arrival of

American forces into Manila. Feeling that the rice at Cagayan was of the utmost importance to the Japanese forces, anticipating either air drop or a landing in that vicinity, one division was sent to protect that area.

Q Why was it determined to abandon Manila?

A Manila was the principal and cultural center of the Philippines, with a population of not less than one million, and the terrain or the city itself was of highly inflammable construction. To defend a highly inflammable city with one million inhabitants in it was considered not only impossible but disadvantageous.

Moreover, General Yamashita considered that to invoke the hatred of the Philippine people would have a very disastrous effect upon his operations.

Q To what extent was the evacuation of Manila carried out under this plan?

A Because of lack of supplies and constant interference by the American air force, these plans were delayed; and at the time of the Lingayan landing, with a small portion left, most of the ground forces had been withdrawn from the city. With respect to supplies, however, only about one-third had been successfully removed, and the remainder had not been removed from the city.

Q Why did General Yamashita's plan to evacuate the City of Manila fail?

A The primary reason was the lack of transportation of the Japanese troops, as I have said before. From the time I arrived in Manila, practically every day when weather permitted there were attacks from American air

forces. Also, among those who were not under General Yamashita's command, there were a number of officers who were opposed to his idea of withdrawing from Manila and leaving it outside of the area of operations.

A third reason is that there was a reluctance on the part of many to leave the City of Manila and take up their existence in the mountainous country, and they were not prompt about starting out of the city.

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Q Describe the steps that General Yamashita took to effect the evacuation of Manila.

A Practically all of us staff officers came to Manila and urged various unit commanders to withdraw from the city, but it appeared that none of them shared the idea of the imminence of the American landing which General Yamashita had, and for that reason General Yamashita moved his own quarters to Ipo.

Q What date did General Yamashita move his headquarters to Ipo?

A It was the night of December 26th.

Q Was any order given by General Yamashita to the commanding general of the Shimbu group relative to the evacuation of Manila?

A There was.

Q Were any steps taken by your headquarters to insure that this order would be carried out by the Shimbu group?

A Such steps were taken.

Q What were they?

A Written orders were given, were issued, at the end of December, and the staff officers, at the end of December and the staff officers, Colonel Kobayashi and Major Ishikawa, who were in charge of the withdrawal, were dispatched to the Shimbu group -- the staff officers in charge of the withdrawal plan.

Q And what were the instructions given to these officers when they reached the Shimbu group?

A They were transferred to the Shimbu group command to act as staff officers there, thoroughly familiar with all

the desires and plans of General Yamashita.

Q Were any orders given to the 4th Army during the evacuation of Manila after they came under the control of the 14th Army group in January?

A Yes. I had met the chief of staff of the 14th Air Army in the latter part of December, and personally told him of General Yamashita's desires and acquainted him with them, and coincident with the passing of the command into the 14th Army group written orders were given.

COMMANDER BARTLETT: I would like to correct that. It was from the chief of staff to the commanding officer of the 4th Air Army.

Q (Colonel Clarke) As a result of this plan of evacuation how many army troops remained in Manila at the time of the Battle of Manila?

A I cannot be too accurate, but I believe it was something between 1500 and 1600.

Q What mission was assigned to this 1500 or 1600 group?

A To maintain order in the City of Manila and to protect supplies left in the city.

Q Approximately 16,000 naval troops were in Manila at the time of the Battle of Manila. Why were these troops not evacuated prior to that time?

MAJOR KERR: If the Commission please, the Prosecution has no objection to a reasonable amount of leading questions, but I submit a question of that character is entirely out of order. Why does not Counsel ask this witness whether or not he knows how many naval troops were in the city?

I might say that counsel has been leading this witness, it seems to me, entirely unnecessarily.

COLONEL CLARKE: If I recall correctly, sir, that is in the Prosecution's evidence.

MAJOR KERR: Very well. But you are not cross examining our witness, Colonel.

COLONEL CLARKE: We are using your evidence based upon your contention.

GENERAL REYNOLDS: The objection of Prosecution is noted and is well founded. The Defense is cautioned to avoid leading questions when it is an essential part of the testimony where the witness should express his own conclusions.

However, in this case you may proceed.

COLONEL CLARKE: I will ask the question the other way.

Q (By Colonel Clarke) Do you know how many naval troops were in the City of Manila at the time of the Battle of Manila?

A I did not know. After the time that I conversed with the chief of staff of the naval forces in Manila it was not clear how many troops there were there. It appeared to be two or three battalions from the 31st Base Unit.

Q Do you know why these troops had not been evacuated from Manila?

A I do not know.

Q Were any orders given by General Yamashita to the commanding officer of the naval troops within the Manila area or within the City of Manila to evacuate the City of

Manila?

A General Yamashita could not issue orders to the commanding naval officer.

Q Now, at the time that certain navy land troops are alleged to have come under the control of General Yamashita, were any orders given to the commanding officer of that group to evacuate?

COMMANDER BARTLETT: Will you please read the question?

(Question read.)

THE WITNESS: I had talked with the chief of staff, and of the naval forces, and the naval commander was well aware of General Yamashita's desire that all troops be taken from the city and the city eliminated from the battlefield.

Q Were any orders given to Admiral Iwabuchi to evacuate the troops under his command?

A He was under the command of the Shimbu Unit and had received instructions from that, from the commander of that unit that General Yamashita had ordered all troops to be taken out of the City of Manila.

Q In view of all this, how do you account for the fact that the navy did not evacuate at Manila?

A I can make various guesses in this matter, but it is my understanding that navy troops had two missions: One, in connection with sea defense, and the other with respect to land operations, and having two missions this created a dilemma for Admiral Iwabuchi.

Q What was that dilemma?

A Since Manila was the main or principal base of the 31st Base Unit, which was Admiral Iwabuchi's command, I am

wondering if he did not feel that his principal mission had supersedence over all others and it was to conduct shore defense on this base in the city?

Q Under these circumstances would you say that General Yamashita had but limited control over the navy land troops?

A It is my belief that he had a limited control for operations only and had no control with respect to training, discipline or personnel matters.

Q What was the nature then of the actual control exercised by General Yamashita over these troops?

A Only operational control for battle purposes, exercised through the commander of the Shimbu group.

Q Did you in your capacity as chief of staff for the 14th Army group receive any reports from any subordinate commanders from General Yamashita of the mistreatment of civilians in Manila?

A I have not received such a report.

Q Did you receive any reports in the progress of the battle in Manila?

A I did receive reports during the battle for the City of Manila, but they concerned major phases of the battle, and I received no reports as to any small details.

Q What was the state of communication between your headquarters at Baguio and the Shimbu Army?

A They were good.

Q What was the communication system at that time between Baguio-Shimbu and Baguio-Manila?

A As for the communications between Shimbu and Manila at that time, I did not know about them. I do know about

them now. I have heard that from the City of Manila to Shimbu communications were being carried out by means of naval radio. Between Shimbu and Baguio there was only army radio. There was also naval radio communication between Manila and Baguio.

COLONEL CLARKE: Will you please read the answer?

(Answer read.)

Q (By Colonel Clarke) Did your headquarters receive any signal through the navy radio?

A We were receiving from the naval headquarters.

Q Did you receive any reports through the naval headquarters of the mistreatment of civilians in Manila?

A No.

Q When were land communications between Baguio and Manila cut off?

A The officer or officers who returned from Manila on the 12th of December, 1944, were the last communications we received.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session. You may proceed.

COLONEL CLARKE: Will the reporter read back the last question and answer, please.

(Question and answer read)

Q (By Colonel Clarke) In the answer to the last question which was asked you stated that the last land communications between Manila and Baguio were on the 12th of December, 1944.

A That was an error. I should have said January 12th of this year.

Q When did you first learn of the annihilation of Admiral Iwabuchi's forces in Manila?

A I heard about it the first time in about the middle of March.

Q Did General Yamashita ever give any orders for the destruction of buildings or property in Manila?

A Absolutely not.

Q I am going to read to you a quotation from the text of an order which is contained in Imperial Naval Defense Command which is contained in Defense Exhibit I.

GENERAL REYNOLDS: Is the matter in evidence at this time?

COLONEL CLARKE: Yes, sir. It is on page 4 of Defense Exhibit I, paragraphs 86 and 87, the second paragraph under that heading, about the sixth line from the top of the second paragraph.

Q (By Colonel Clarke) "Order No. 43 dated 3 February from the Imperial Naval Defense Command: '(1) The South, Central and North forces must destroy the factories, ware-

houses, other installations and material being used by naval and army forces, insofar as the combat and preparation of naval forces in MANILA, and of the army forces in their vicinity will not be hindered thereby, (2) The demolition of such installations within the city limits will be carried out secretly for the time being, so that such action will not disturb the tranquility of the civil population or be used by the enemy for counter propaganda. Neither large scale demolition nor burning by incendiaries will be committed, (3) A special order will be issued concerning the demolition of the water system and electrical installations."

Did General Yamashita authorize the issuance of this order?

A No.

Q Was the issuance of this order ever brought to the attention of your headquarters?

A This is the first time that I have ever heard about such an order. There was no report of such an order.

Q Was this strictly a naval order?

A Who issued this order?

Q Imperial Naval Defense Force.

A Then it was issued by the Navy.

Q Did General Yamashita at any time give any orders for the killing of noncombatant civilians in Manila?

A There is absolutely no such thing has ever occurred.

Q Did you ever hear of any commander under General Yamashita issuing such orders?

A I have not.

Q Will you describe the organization of the prisoners

of war administration in the Philippines?

A There was a commander of internment who had charge of the custody of prisoners of war and internees. This director of internment was attached to the line of communications headquarters, which in turn was under the command of General Yamashita.

Q What were the instructions --

GENERAL REYNOLDS: Hold up just a second.

Will you read the last question and the last answer, please?

(Question and answer read)

COMMANDER BARTLETT: I would like to change the word "headquarters" to "inspector". "Inspector of the line of communications" rather than "headquarters of the line of communications".

GENERAL REYNOLDS: Very well.

Q (By Colonel Clarke) Was this inspector of the line of communications under General Yamashita prior to November 1944?

A It was under his control but not under his command.

Q Explain what you mean by that.

A Will you look at Exhibit J? You will see the 14th Army Group shown in that chart and from it a dotted line down to what is labeled "Hei Tan" or prisoner-of-war camps.

Q And what --

A At the early part of November the organization was changed and this command came directly and clearly under the 14th Army Group.

Q Do you know of any instructions which were issued

concerning the treatment of prisoners of war and the conduct of prisoners-of-war camps?

COMMANDER BARTLETT: Will you read the question?

(Question read)

A After my arrival General Yamashita had never issued any special orders on these subjects.

Q (By Colonel Clarke) Do you know of any orders issued from Tokyo on that subject?

A I do know of an order from Tokyo saying that all prisoners of war in the Philippines were to be transported to Tokyo. Aside from that I know of no orders from Tokyo on that subject.

Q Did General Yamashita ever issue an order that all American prisoners of war should be killed?

A There is nothing of the sort ever occurred.

Q Did your headquarters ever receive information that any of its subordinate officers issued such an order?

A Such a thing was impossible and I have never heard of such an order being issued.

Q Will you describe the general policy of General Yamashita as to the treatment of prisoners of war?

A The general policy followed the general rules laid down for the care of prisoners, but I have also heard him express a desire that, because the prisoners of war are in a somewhat helpless position, they should be treated with as much kindness as possible.

Q What do you mean by "the general rules laid down"? "Laid down" by whom or by what?

A These rules for the management of prisoners were

prepared in Tokyo upon the basis of the Geneva Convention.

Q Did you or General Yamashita ever visit or inspect any of the prisoner-of-war camps?

A No.

Q Did you or General Yamashita ever inspect or visit the internment camps in Luzon?

A No.

Q Why not?

A After the landing at Leyte we were exceedingly busy. We received constant attacks, bombing during the daytime and had to do all of our work at night, and it was impossible to make inspection trips at night.

Q Can you state definitely that General Yamashita had never visited Santo Tomas, Cabanatuan or any other prisoner-of-war camps in the Philippines?

A Yes.

GENERAL REYNOLDS: Before you do that, read the last question and the last answer.

(Question and answer read.)

GENERAL REYNOLDS: The question, of course, is very confusing.

COMMANDER BARTLETT: The question was put in the negative and the answer means that he can definitely state that such occurrence had never happened.

Q (By Colonel Clarke) Did General Yamashita, or did he not, visit any prisoner of war camp in the Philippines, particularly Santo Tomas or Cabanatuan?

A (Through Commander Bartlett) I have always been with General Yamashita, and I know, I am very sure of my facts. He has never been to any such place.

Q Did General Ko ever make any direct report, either orally or in writing, to General Yamashita concerning the prisoner of war camps?

A According to my memory, there were two or three such occasions.

Q Do you know the nature of those reports?

A One report was a statement of the location and number of inmates of all of the prisoner of war camps in the Philippines. The other reports were all more or less short, simple, routine reports, to the general effect that these camps were being conducted without incident excepting that there was a shortage of food for the inmates.

Q Will you explain the general food situation in the Philippines between October, 1944, and February, 1945?

A The whole Philippines?

Q Yes.

A This concerns the food situation of everybody in the Philippines, including, of course, the prisoners and internees. At that time a great proportion of the food required in the Philippines was being imported from outside sources. Starting in July or August, American submarine activities became very great, and as a result, apparently some 85 percent of our transports met with difficulties, and as a result, the food situation was becoming very acute. Rice had been coming from Bangkok and Saigon, but in October American planes based in Morotai became very active in the South China Sea, thus virtually cutting off these supplies. And about the time that I arrived in the Philippines, the ration was reduced from 600 grams to 450 grams. In November the ration of 450 grams had been reduced again to 400 grams. About 10,000 tons of rice very fortunately arrived about the beginning of the middle of November; that would be around the 10th of November. Of this, the greater part was dispatched immediately to Leyte, Visayan or Negros, and only approximately 4,000 tons was available for distribution in Manila, and the net effect on the Manila food situation was nil.

At that time, the food situation, the ration situation for the Japanese Army was becoming acute, and representations were made to the Philippine Army, demanding that steps be taken to procure rice for the Japanese Army. I have heard that in the City of Manila the price of rice had gone to such a point that the poor people were unable to buy and eat any rice at all.

Q When you state that the rice ration was reduced two or three times in the fall of '44, do you refer to the ration of the Japanese soldiers?

A That was the daily ration of the Japanese soldier.

Q Was there any difference in the rice ration issued to the Japanese soldier and that issued to the prisoner of war or internees?

A According to General Yamashita's orders, they were equal; they were the same.

Q Was this food shortage regarded as a serious problem by General Yamashita?

A General Yamashita was talking about practically nothing else after my arrival, saying to the supply officers, "It is rice; it is rice that we want."

Q Were any steps taken to remedy this situation?

A In addition to requesting the Philippine Government to expedite the gathering of local rice, many messages were sent to Marshal Terauchi, telling him -- demanding that he send supplies, even at the risk of considerable loss. Although in the latter part of December, Manila Bay had been rendered impossible of access or egress of Japanese vessels, Marshal Terauchi had arranged to send to San Fernando approximately 10,000 tons of rice, and ten or more thousands of drums of gasoline, and we were awaiting these supplies with much joy. When they were all destroyed by burning by American forces --

COMMANDER BARTLETT: I got that wrong. Instead of the rice coming ashore, "The American Army came ashore."

Q (By Colonel Clarke) There has been evidence introduced

in this case concerning the massacre of 150 prisoners of war at Palawan. At the time of the massacre, these prisoners of war were working on an air field. In your capacity as chief-of-staff of the 14th Army group, or in any other manner, did you ever hear of this incident?

A The first time that I ever heard of the incident was after arriving at New Bilibid. I read about a report of the occurrence in the Daily Pacifican, the American newspaper.

Q Were the air field construction units at Palawan under the jurisdiction of the 14th Army on 14 December 1944, the day on which the massacre occurred?

A About the 14th of December those units, or that unit, were under the 4th Air Army, and had no connection with the 14th Army group.

Q When did the 14th Army group assume command of the air forces?

A On the 1st day of January of this year.

Q Was there a prisoner of war camp at Palawan?

A There was no prisoner of war camp there.

Q Will you describe the circumstances under which prisoners of war are assigned to various operating units for labor detail?

A The unit desiring services of prisoners of war puts in a request to the commander of a prisoner of war camp, for a certain number of prisoners to be employed for a certain number of days. If, upon considering the nature of the work involved, the commander of the prisoner of war camp approves of the project, he then allots a certain

number of prisoners to the requesting unit. The commanding officer of the unit acquiring the services of the prisoners is required to administer the prisoners under exactly the same regulations as prevail in the prison camp. As a result, he has a double responsibility as a unit commander and as a prisoner of war administrative officer.

Q In such cases, are the prisoners of war, their use and their treatment, the sole responsibility of the unit commander to whom they are assigned?

A That is the way it is.

Q In the case of the Palawan prisoners of war, were they housed, fed and guarded and supervised by the air force?

A Yes.

Q And the troops of the air field construction units were not under the command of General Yamashita on 14 December 1944, is that correct?

A That is correct.

Q There has been testimony in this case that American prisoners of war saw Red Cross packages stored in a room or rooms of General Yamashita's headquarters in Manila. Some of the packages are alleged to have been opened, and part of the contents removed. Will you state anything you know about this alleged incident?

A This testimony appears to me as a very foolish attempt to discredit a high Army officer.

Q Do you know anything about it?

(The last question was not asked the witness by Commander Bartlett in Japanese and the witness continued with his last answer.)

A (Continuing) For an Army commander to become a thief and steal articles out of Red Cross packages is an unthinkable thing, but I have something to say on this subject:

First, the Army commander never lived in Manila, but stayed with us in the same dormitory at Fort McKinley. At this place were the commander, the deputy commander, chief-of-staff, and civilian employees of the Army, and orderlies; and beyond those, there was no occasion for anybody to visit those quarters.

General Yamashita, when he was in North China, was a very heavy smoker, but at the time that I arrived at Manila he had entirely stopped smoking. While this may seem like unnecessary details, I may say that he is now smoking again, and the reason he started smoking was that he said he was getting too fat, that his belly was getting too big, and he wished to reduce somewhat, so he has taken up smoking again.

Even if General Yamashita had been a heavy smoker, plenty of tobacco was brought to the general by the aide-de-camp of the Emperor coming down from Tokyo, and he would have had plenty to give away; and here to think that an Army commander who does not smoke and does not need tobacco and has plenty of tobacco supplied from home, would rifle Red Cross packages for cigarettes, to me is unthinkable.

GENERAL REYNOLDS: The Commission will recess for approximately ten minutes.

(Short recess.)

GENERAL REYNOLDS: The Commission is in session.

You may proceed.

Q (By Colonel Clarke) At the time of the American landing or when the American landing became imminent at Luzon, did you as Chief of Staff for General Yamashita formulate any plans as to the disposition of prisoners of war?

A I did.

Q What were those plans?

A The plan was that in the event of an American landing in Luzon that through the protecting power a roster of prisoners and internees would be handed to the American Army through this neutral power.

To transfer the prisoners with rosters of their names to the Americans, through neutral powers, that was the reason for this.

The reasons for this were: First, was that it was impossible with the facilities available for the Japanese army to transport these prisoners and internees further inland. Also by reason of the extreme scarcity of supplies it was clear that to bring large numbers of prisoners of war and internees with us would make it impossible to give them any kind of adequate care.

In line with this, about the middle of December, we called General Ko, and gave him instructions to this effect, particularly telling him to leave as much in the way of rations as possible with the prisoners and internees when they were abandoned.

The reason that the internees from Baguio were

transported to Manila was this plan.

Q Had any orders been received at any time from Tokyo concerning the transportation of any prisoners of war to Japan?

A Orders had been received prior to my arrival, that is to say, early in October, to this effect, which orders were finally carried out about the end of November.

Q Who had the responsibility of carrying out those orders of the transportation of those prisoners of war?

A The responsibility for transporting these prisoners was with the Maritime Transport Headquarters. The plan, as announced from Tokyo, called for the ships for their transportation to arrive at Manila early in November and for that reason the prisoners from around Cebanatuan, they were brought down to Old Bilibid in Manila. As a result of that the number of prisoners at the Old Bilibid at one time exceeded two thousand and by reason of the delay of these ships, which did not arrive until December, I heard that considerable inconveniences or discomfort was caused at that place.

Q Were prisoners of war shipped to Japan sometime in September, 1944, or rather in December, 1944?

A Some were sent to Japan, approximately 12 December.

Q Was the Maritime Transport Command under the control of General Yamashita at that time?

A No.

Q Did General Yamashita or rather General Ko carry out his instructions as to the release of internees to the American forces?

A At Baguio I was under the impression that the plan was being carried out according to directions. For instance, I heard that the prisoners at Cabanatuan had been released. I received a report, at a later date, I heard whereas I had expected that the transfer would be effected through the protecting power of Japan, that is Spain, it was General Ko's idea that it would be effected through the American protective power, that is Switzerland. And that when he tried to contact the Swiss authorities he found that there were none present and as a result discovered that he could not carry out that part of the plan though he did proceed to prepare rosters of the prisoners and internees.

Q There has been some evidence before this Commission of abuses in the administration of prisoner of war camps referring to inadequate medical supplies, poor housing and in some instances, beatings and other abuses. Were these matters ever reported to you?

A As a matter of fact, no reports came here. The first I have ever heard of these was in this room and if these incidents are facts they are matters that should have been taken care of, although, I repeat, I did not know about them, I never heard about them.

Q If these matters had been reported to you, would there have been an inspection of those conditions made?

A I believe that if I had any report of such matters that, busy as we were, we would have considered that they were things that must be looked into.

Q Did you as Chief of Staff receive any reports on guerrilla activities in the Philippine Islands?

A I have received such reports although what I know about such matters is only generalities.

Q Were these guerrilla activities considered a grave problem in view of the imminent invasion of Luzon by the American forces?

A They were considered, this was considered a very serious matter because reports from Leyte were to the effect that practically the entire Philippine population became guerrillas and rendered the Japanese position extremely precarious.

At that time activities or the energy of the guerrillas had greatly increased, particularly in the City of Manila and in the swamps north of the city, and in Cavite Province. I also remember receiving reports that as a result of the expected American landings at Lamon Bay, a large number of guerrillas were gathering at that place. Later, when the Americans had made their landing at Mindora and were about to land at Batangas, I received intelligence to the effect that large numbers of guerrillas had gathered in Batangas from other areas. We were paying a great deal of attention or interest to these guerrilla units at that time.

Q I am going to read you a paragraph from Allied Translator and Interpreter Section, Translation No. 152, Prosecution's Exhibit No. 4. This paragraph is from the "Philippines Operation Plan Summary 11 October 44", issued by the Shobu Group.

COMMANDER BARTLETT: He asked was that the 11th of October.

COLONEL CLARKE: Yes, the 11th of October.

GENERAL REYNOLDS: Will you please read it in English so we all will know the one to which you refer?

COLONEL CLARKE: This is Paragraph 5 under the general heading of Guide Section II.

"In view of the special characteristics of the Philippine Operations, subversive activities of the residents and attacks in our rear by airborne raiding forces must be considered. In order to avoid mistakes in conducting the operations, take precautions against armed guerrillas, subjugate them quickly, and put a stop to their activities."

COMMANDER BARTLETT: I am explaining that this is a re-translation into Japanese of what has been already translated from the Japanese into English.

Q (By Colonel Clarke) Are you familiar with that?

A I can remember something like that but it seems to me there was a great deal before it and a great deal that came after it.

Q There is, but this is an extract.

A I can remember that.

Q Was that issued by the 14th Army Group?

A I do not know whether this is an order or instructions.

Q In either event, was it issued by the 14th Army Group?

A I believe so, yes.

Q And did that order or instruction limit actions against guerrillas to combatting armed guerrillas?

MAJOR KERR: If the Commission please, the Prosecution objects to the question. The order speaks for itself.

Now, as to the purpose behind this order, that would be a proper question, but what the order itself provided for I again repeat the order speaks for itself.

GENERAL REYNOLDS: Will you read the last question and answer?

(Question and answer read)

GENERAL REYNOLDS: The Prosecution's objection is sustained in its present form.

COLONEL CLARKE: I want to bring out the fact that it says "armed guerrillas." It has been brought out here that there has been activities against non-combatants and against guerrillas and that it was with the sanction of General Yamashita or under his command. We know there was an order issued and that was the order which was issued and consequently, we want to bring it to the attention of the court forcibly that it applied to "armed guerrillas" in combat.

GENERAL REYNOLDS: The objection of the Prosecution was on the grounds that the captured enemy document stood on its own feet.

It would seem to the Commission when you wish to establish such a point it would be by the instructions of actual orders issued by General Yamashita's Headquarters or by some other method. The translation of the document stands on its own feet.

Q Did the 14th Army Group ever engage in actual combat operations against armed guerrillas in pursuance to that policy?

A These orders were issued as a result of experiences during the Leyte campaign, and as far as I am concerned we had the experience of conducting operations against Volckman's unit.

Q Did General Yamashita ever issue any orders for the killing of non-combatant civilians?

A Absolutely not.

Q Did your headquarters ever receive any reports that Japanese soldiers had killed non-combatant civilians?

A I have never heard of such a thing.

Q Did General Yamashita ever express to you his policy concerning relations with the civilian population?

A From the time I joined General Yamashita he frequently said to me that "Unless we can draw the people of the Philippines onto our side we cannot conduct a successful campaign." In a communication addressed to all of his troops on the occasion of his arrival General Yamashita stated that "The Philippine people are our friends, and they must be treated with consideration." In the same instructions he also warned the troops to avoid smirching the fair name of the Japanese army with untoward and undisciplined acts.

On the occasion of the departure of Marshall Terauchi, General Yamashita met with President Laurel and at that time he made the following remarks to President Laurel: that because of differences between Filipinos

and Japanese in religion, customs and speech and the presence in the Philippines in his command of many young men, undoubtedly there would arise incidents, but that while he himself would do what he could to prevent them he expected President Laurel to report to him without any reticence incidents that should come to his attention.

Q Were any reports made to General Yamashita by President Laurel?

A At a later date President Laurel informed General Yamashita that those things which tended to create unpleasantness between the Philippine population and the Japanese were the methods employed by the military police.

Q Who was commanding the military police at that time?

A Colonel Nagahama.

Q What action was taken by General Yamashita?

A In addition to the instructions -- the general instructions which I mentioned before -- I heard him tell the commanding officer of the military police to be particularly careful to conduct himself fairly with respect to the Filipino people.

Q What was the function of the military police command of the Japanese army?

COMMANDER BARTLETT: Will you read the question?

(Question read.)

A The Kempei-tai had two duties: that of maintaining security, and administering police matters with respect to military personnel.

Q (By Colonel Clarke) Did General Yamashita take any action then concerning this report from President Laurel

against Colonel Nagahama?

A The next time the colonel reported he warned him of this complaint from President Laurel.

Q What was the nature of that complaint?

A One point was that the spies or agents employed by Kempei-tai were not good and were frequently causing false arrests or giving false information and thereby incurring the hatred of the population.

Another point was the great reticence of the military police to believe any report or rumor that was brought to them by the population and request they be instructed to exercise more judgment in giving credence to these reports.

Q Were any such instructions given by General Yamashita to Colonel Nagahama?

A When President Laurel spoke about this to General Yamashita in a very general and rather nice way, whereupon General Yamashita afterwards said to me, "President Laurel has got something to say about the military police. Go and find out what is the matter." And it was at that time that these details were given to me, and I immediately cautioned Colonel Nagahama to see that greater care was exercised in this respect.

Q Did President Laurel complain at any time after that date?

A After that I heard on one occasion that a judge who was a very trusted friend of the President had been arrested by the military police in Batangas, and also that some relative of the President had been caught by the military police.

Q Was this reported by President Laurel?

A That I heard directly from President Laurel.

Q Was any action taken then for the removal of Colonel Nagahama by General Yamashita?

A I informed General Yamashita of this complaint. This was about the 1st of December. And at the same time told him that I was making investigations, but in matters of this kind an investigation to find out what truly happened is extremely difficult and will take a great deal of time, and it is my recommendation that regardless of the results of the investigation we relieve Colonel Nagahama. And therefore such a recommendation was sent to Tokyo.

Q Why was a recommendation sent to Tokyo?

A At that time General Yamashita had no power to make the change himself and it was necessary to send a recommendation to Tokyo to get the action desired.

Q Did General Yamashita ever have the authority to remove a military police commander?

A He never had it.

Q Was it necessary then for the recommendation to be made to Tokyo in order to have Nagahama relieved?

A Yes.

Q When was Nagahama relieved?

A 1st of February.

Q Does it take that long for an officer whose relief has been recommended by a commanding general to be relieved?

A Normally such a procedure would require about two weeks, but this exchange of messages took place through Marshall Terauchi, and whether there was a misdirection of

messages or a misplacing of the message around Saigon or Tokyo I do not know, but in this particular instance it took a month and a half.

Q Did General Yamashita at any time ever order the military police in the Philippine Islands to impose torture methods to extract information?

A Absolutely there has been nothing of the kind -- never.

Q Did you ever receive any reports that such methods were being used by the military police?

A No.

Q Did General Yamashita ever order or authorize military police to execute suspected guerrillas without trial?

GENERAL REYNOLDS: At this point the Commission will interrupt the examination.

Before we recess the Commission inquires whether it is the plan of Defense to introduce another diagram similar to the one you have there showing the command setup at a later date than 9 October '44?

COLONEL CLARKE: We have one in preparation, sir.

GENERAL REYNOLDS: It would be most helpful to the Commission.

COLONEL CLARKE: Yes.

GENERAL REYNOLDS: The Commission will recess until 8:30 tomorrow morning.

(Whereupon, at 1630 hours, 21 November 1945, the trial was adjourned until 0830 hours, 22 November 1945.)