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THE PRESERVATION OF JAPANESE WAR CRIMES TRIALS RECORDS
IN THE U. S. NATIONAL ARCHIVES

John Mendelsohn

U. S. National Archives

Introduction

Among the huge holdings of United States Government records in the National Archives are many thousands of cubic feet of documents pertaining to East Asia. They deal with many subjects, including military, diplomatic, economic, and cultural matters. Although many of these records are described in various preliminary inventories, lists, and pamphlets, it is regrettable that there exists at this time no single guide to these records that would describe them in terms of contents, dates, accessibility, and state of preservation. Such a guide would be highly desirable for students of East Asian history, yet it appears unlikely that the National Archives will produce one in the near future, considering the diminishing resources with which Governmental agencies are operating these days. Nonetheless, a joint venture of scholarly institutions, or a cooperative effort of the National Archives and professors or graduate students, can go a long way toward creating such a guide.

As a step into the direction of creating an overall guide to East Asian records in the National Archives, the following paper will delineate the state of preservation of a segment of these records. These are the records of trials of Japanese war criminals.

War crimes trials are essentially an innovation of the twentieth century. Nations engaged in combat have often considered their opponents criminal, victors have destroyed the vanquished, and conquerors have subjugated the defeated in times past. Nonetheless, definitions of war crimes and demands for the punishment of perpetrators have acquired significant proportions only since World War I. Following strong Allied suggestions, attempts to try war criminals resulted in the Leipzig Trials (May 26 to July 16, 1921) by the German government. The twelve defendants in this trial were either acquitted or received relatively minor sentences. None of these exceeded four years' imprisonment and no one served more than twenty months.¹ Only after World War II were war crimes trials undertaken on a truly large scale.²

Trials of Japanese war criminals were based on the authority of the Potsdam Proclamation in 1945 of the leaders of the Allied Powers, who pointed out that "stern justice shall be meted out to all war criminals including those who have visited cruelties upon our prisoners."³ Implementing this authority, the United States tried about 1,300 alleged war criminals in approximately 450 proceedings in Tokyo, Yokohama, China, the Philippine Islands, and the Pacific Islands.⁴ Trial authorities grouped Japanese war crimes cases into three classes: Class A or major cases, tried by the International Military Tribunal for the Far East (IMTFE); and Class B and Class C cases, tried for the most part by commissions appointed by the United States Army or Navy.

Record Groups

Overshadowed by the much more publicized Nuremberg trial records, the documentation of the Japanese war crimes trials are in various stages of preservation in the National Archives. In volume they are equal to or exceed the records of the Nazi war crimes trials, amounting to over 2,200 cubic feet. In state of preservation they also resemble the Nazi war crimes records. Some lack the most rudimentary form of preservation and have not even been placed into acid-free containers small enough for easy handling; others have been placed in proper containers, and, in addition, some have been microfilmed and are now accompanied by excellent finding aids.

Records pertaining to Japanese war crimes trials are scattered throughout many record groups, but the bulk of these documents can be found in four such groups. The National Archives has found it convenient to subdivide its huge and eclectic holdings into record groups, each of which normally contains the records of one federal agency or a significant collection of records. To date there are over 400 record groups, ranging in size from a few feet to tens of thousands of feet of records. Record Group (RG) 153 contains the records of the Office of the Judge Advocate General of the Army. This record group includes the records of Japanese war crimes trials maintained in Washington, D. C. RG 238 is the National Archives Collection of World War II War Crimes Records, and consists of the Nuremberg Trials documentation and the records of the IMTEE, in which twenty-eight Japanese major, or Class A, war criminals stood trial under an indictment including such charges as crimes against the peace, murder, conventional war crimes, and crimes against humanity. RG 331 contains the Records of the Supreme Commander for the Allied Powers (SCAP), including the documentation of Army war crimes trials in Japan, the Philippine Islands, China, and elsewhere in the Pacific theater. Also included are the records of the International Prosecution Section (IPS). This Section interrogated suspects and prepared documentary evidence together with depositions for trial use. This documentation was assembled and analyzed by the Section, and translations of pertinent documents were produced. RG 338 contains the records of the U. S. Army Commands since 1942. This huge and unmanageable record group includes the Sugamo Prison files.

The SCAP Project

The preservation of the SCAP records, which amount to about 10,000 cubic feet of records, will be greatly enhanced by a major effort of Japanese-American cooperation known as the SCAP Project. The SCAP Project is an attempt by the National Diet Library in Tokyo to microfilm significant segments of the SCAP records. This may amount to thirty million frames when the Project is completed five to seven years from now. The National Diet Library felt that there was a great need to respond to the repeated requests of Japanese scholars in the Japanese homeland for access to the records of the Allied Occupation of Japan. As a consequence, the National Diet Library and the National Archives in Washington, D. C., agreed to microfilm the SCAP records on 16 millimeter microfilm. Filming began in 1978 and proceeds by sections, following a pilot project which filmed the records of the SCAP Government Section. The records of each of the SCAP Sections are broken down into numbered Federal Record Center boxes, and the contents of each box are further segmented into folders. The folders are briefly described on data sheets,

and the data sheets are either filmed together with the folder that they describe, or are filed separately, in case the folder was not selected for filming. The National Diet Library pays for the filming, and the descriptions are produced by Diet Library staff members in the Modern Military Field Branch in Suitland, Maryland. At present about six Japanese researchers are describing the records on data sheets. In addition to the records of the Government Section of SCAP, those of the Adjutant General, the Civil Affairs Section, the Civil Historical Section, the Civil Information and Education Section, and the Natural Resources Section have been microfilmed. On an average, 80 percent of the records are selected for filming; over seven million frames on 2,700 rolls of film have been reproduced to date. The master negative microfilms are sent to the National Diet Library in Tokyo. The National Archives retains a duplicate negative copy of the microfilm (from which positive film or electrostatic prints can be made), as well as a copy of the data sheets. These data sheets will serve in the future as a marvelous finding aid, produced by an outstanding act of international cooperation." In the case of the Government Section, no microfilm has been retained; the Archives holds only the original paper copy. Mr. Masaaki Chiyo from the National Diet Library, who heads the Japanese staff at Suitland, will discuss the SCAP Project in greater detail at a future meeting of the Mid-Atlantic Region/Association for Asian Studies.

IMTFE Records

Preservation activities pertaining to the records of Japanese war crimes trials focus essentially on placing them into acid-free containers small enough to facilitate handling and on preservation microfilming resulting in microfilm publication. The documentation preserved in the National Archives Building in Washington, D. C., consists of the official record of the International Military Tribunal for the Far East and the records of the International Prosecution Section. Proceeding under a charter proclaimed by General Douglas MacArthur, the Supreme Commander for the Allied Powers, in January 1946 and later amended, the IMTFE tried twenty-eight Class A defendants from May 3, 1946, to November 12, 1948. About half of these individuals were army officers; naval officers, cabinet ministers, other government officials, and propagandists comprised the remainder of the defendants. The IMTFE sentenced seven individuals to death, sixteen to life imprisonment, and two to prison terms of a number of years. The other three prisoners died or became insane before sentencing.

The official record of the IMTFE consists of approximately 150 cubic feet of documents, including minutes and transcripts of the daily court proceedings, the court journal, indexes, court exhibits, photographs, petitions, and actions thereon. The condition of the records ranges from fair to good.⁶ They are normally boxed in acid-free containers, except in the case of oversized materials. Most of the IMTFE documentation is microfilmed on 264 rolls of 35 millimeter microfilm. The records are described in the preliminary inventory of the Records of the International Military Tribunal for the Far East. Upon completion of the microfilming a pamphlet will be issued describing these records further. At that time they will be the best preserved records among the Japanese war crimes records in the National Archives.⁷

IPS Records

Also preserved in the National Archives Building in downtown Washington are the records of the International Prosecution Section. The Section was organized and headed by Joseph B. Keenan, the Chief of Counsel. Its chief functions were to provide the necessary documentary evidence and to produce depositions and translations for the IMTFC. The records of IPS amount to about 600 cubic feet in volume. They are preserved in acid-free containers and no further preservation is scheduled for these records in the foreseeable future. The records consist of lists of war criminals and suspects, indexes of documents, background documents assembled by the prosecution, staff historical files (including an English-language translation of the Saionji-Harada memoirs and the Kido diary), transcripts of interrogations, correspondence of the chief prosecutor, transcripts of court proceedings and exhibits, and documents relating to defense witnesses and to the Congressional investigation of the Pearl Harbor attack. The records of the International Prosecution Section are briefly described in NM-11, an in-house line inventory of the SCAP records.⁸ The records of the IMTFC and most records of the International Prosecution Section have been declassified, although some access restrictions exist for a few IPS records, generally to protect the right to privacy of individuals.

Records of the Army Judge Advocate General

The United States Army tried Japanese war criminals for various offenses, including command responsibility trials, prisoner of war and flier cases, ship and transportation cases, trials for illegal medical experiments, and for ceremonial murder. The trials took place in Yokohama, Manila, and China. Some of the records relating to these trials are part of RG 153, which contains the records of the Judge Advocate General's Office in Washington, D. C. They amount to about 400 feet in volume and include a few IMT records. Also included among the Army trial case records are correspondence and depositions by various individuals, often former prisoners of war captured by the Japanese during World War II. The records are essentially arranged by case. Each case record includes files which have a distinctive cover with case number and other pertinent information. Many case records consist of only one file, whereas others have several. The records are being preserved in Federal Record Center boxes. They are located, as are all the remaining records to be discussed, in the Modern Military Field Branch in Suitland, Maryland. Preservation plans include reboxing of the records into acid-free containers in the near future. The records are described in an in-house inventory that has been inputted into the NARS A-1 computer. There is also a three-by-five inch card catalog that serves as a finding aid.⁹ All records are declassified, although there may be a few access restrictions based upon privacy considerations.

Records of the SCAP Legal Section

The bulk of United States Army war crimes trial records relating to Japan are scattered throughout the documentation of the Legal Section of SCAP. The records of this Section amount to nearly 1,200 feet, and about one half of this documentation pertains to war crimes. The condition of the records ranges from good to

poor, the majority being in fair shape. Eventually many of the documents will be described on data sheets and preserved on 16 millimeter microfilm, which will be available in both the National Archives and the National Diet Library. The documentation includes investigations for war crimes and extradition. Other records deal with trials of various jurisdictions such as the International Military Tribunal for the Far East in Tokyo, the Yokohama trials by the U. S. Army, the Manila Branch trials, trials in China, and scattered documentation on trials of Japanese war criminals by other nations such as Australia, France, and the Netherlands.

There are commission orders constituting tribunals, records of the Homma and Yamashita trials,¹⁰ personnel files of suspects, clemency petitions, and actions of the parole board. Additional records pertain to the United Nations War Crimes Commission and to the Sugamo Prison in Tokyo, which eventually housed all Japanese war criminals.¹¹

Records of the SCAP Civil Historical Section

Among the remaining SCAP records pertaining to war crimes trials is the documentation of the Civil Historical Section of the SCAP Library and Publications Division. The records in question amount to about twenty cubic feet, and consist of a duplicate transcript of the daily proceedings of the International Military Tribunal for the Far East. The records are in fairly good condition in manila folders with approximately 100 to 200 pages per folder. They are boxed in Federal Record Center boxes which are unfortunately not acid-free. As they are duplicates, the staff of the National Diet Library did not select them for microfilming. The National Archives does not contemplate any preservation for these records. In fact, they are good candidates for eventual disposal.

Records of the SCAP Judge Advocate General

The final set of SCAP records to be discussed are those of the SCAP Judge Advocate General Section; these consist of about 400 cubic feet of war crimes trials records. They include several sets of the 314 Yokohama cases docketed as cases 1 through 371. Also included is documentation from the International Military Tribunal for the Far East. The records in this collection consist of transcripts of the proceedings, exhibits with indexes, witness indexes, the official court file, Appeals Office files, defense and prosecution files, and stenographic recordings of the daily trial proceedings of the court stenographers, as well as other records. The condition of the records ranges from good to poor, the bulk being in fair condition. Many of these records are likely to be microfilmed by the National Archives for the National Diet Library in Tokyo; the Library staff will describe these records.¹²

The most important of these records are those of the Yokohama trials. Following authorization by SCAP on December 5, 1945, the commanding general of the U. S. Eighth Army began to appoint military commissions to try Class B and Class C war crimes cases, mainly in Yokohama. The commissions at Yokohama tried 996

defendants. They acquitted 142 and sentenced 124 to death, 63 to life imprisonment, and the remainder to prison terms of varying length.¹³

A reviewer from the Office of the Judge Advocate General examined each of the case records after trial in order to find errors or to ascertain that the defendants had a fair trial. These reviews were generally approved. SCAP reviewed all death sentences, however, and approved only fifty-one. All others were reduced to prison terms.¹⁴

The reviews of the Eighth Army Judge Advocate General were microfilmed by the National Archives in Microfilm Publication M1112 on five rolls. The pamphlet describing this publication includes an alphabetical list of the defendants and a list of names of the defendants, according to docket or case number.¹⁵

There is a somewhat antiquated in-house inventory of these SCAP records. More accurate are shipping lists and index card catalogs. In the future individual folder descriptions prepared by the staff of the National Diet Library will become increasingly available as finding aids. All SCAP records are declassified, but some access restrictions for privacy reasons exist.¹⁶

Sugamo Prison Files

The final record segment under discussion here is relatively small in volume but is of considerable importance. These are the Sugamo Prison files in Record Group 338. They are not very well known and have not been used very often. Sugamo Prison was selected as the prison for Far Eastern war criminals, following a directive by General MacArthur ordering the commanding general of the U. S. Eighth Army, Lt. Gen. Eichelberger, to establish suitable facilities for the confinement, interrogation, and safekeeping of war criminals, suspects, unfriendly witnesses, and persons in protective custody in connection with war crimes trials. General Eichelberger was also directed to establish the confinement facility near Tokyo.¹⁷ It had to be large enough to accommodate 1,500 individuals and to enable the prison administration to segregate suspects from witnesses. There were to be at least ten interrogation rooms and sixty sound-proof cells for solitary confinement. Eichelberger was ordered furthermore to transfer all war crimes suspects and witnesses to this facility.¹⁸ Eventually Sugamo became the station of confinement for all Far Eastern war crimes convicts, including individuals sentenced by Australian, British, and Dutch authorities.

The records of Sugamo Prison consist mainly of personnel files of prisoners, suspects, and witnesses, morning reports of the prison, medical files, records pertaining to food supplies and rations, work details, apprehension orders, and a punishment ledger. The records are housed in Record Center boxes. Eventually they will be transferred into acid-free containers. At present their condition is generally fair. The Sugamo Prison records are awaiting declassification, which in all probability will be bulk declassification. There are also some privacy restrictions. The total volume of the records amounts to about fifty cubic feet.

Conclusion

In conclusion it is fair to say that preservation of the Japanese war crimes trials records in the National Archives ranges from excellent to poor, with the majority of the records fairly well preserved. All records are in containers, although not always in acid-free boxes. Some are microfilmed and for most there are at least rudimentary finding aids. Some, in fact, are well described. The majority of the SCAP records will be microfilmed by the National Archives for the National Diet Library, and the staff of that Library will describe on data sheets all the SCAP records. Most of the records are not security classified, but a few have privacy restrictions. It is hoped that this paper not only will serve as a first step in the direction of developing a guide to East Asian records in the National Archives, but also that it will facilitate research into Japanese war-crimes records in the National Archives.

Notes

1. Gordon W. Bailey, "Dry Run for the Hangman: The Versailles-Leipzig Fiasco, 1919-1921, Feeble Foreshadow of Nuremberg." Unpublished Ph.D. dissertation, University of Maryland, 1971, pp. 383-400.
2. Report of the Deputy Judge Advocate for War Crimes, European Command, June 1944-July 1948 (Washington, D. C.: 1949) pp. 204-249 states that, aside from Japanese war crimes trials, in Europe alone by July 1948, 1,500 persons had been tried by the U. S. Army there, and 4,000 individuals were extradited to various countries in order to stand trial there. The Nuremberg trial tried over 200 persons, and a 1965 report of the West German government estimates that over 65,000 Germans stood trial for Nazi crimes.
3. National Archives Microfilm Publications Pamphlet describing M1112, Reviews of the Yokohama Class B and Class C War Crimes Trials by the U. S. Eighth Army Judge Advocate General 1946-1949, comp. John Mendelsohn (Washington, 1981).
4. John Alan Appleman, Military Tribunals and International Crimes (Westport, Connecticut: Greenwood Press Publishers, 1971), p. 267.
5. Informal discussion with the staff of the Modern Military Field Branch of the National Archives and Mr. Masaaki Chiyo of the National Diet Library.
6. Most of the records described fall into the fair to good category. This means that less than 25 percent of the documents are in need of some preservation action. None of these defects threaten immediate loss of information.
7. National Archives Preliminary Inventory PI 180, Records of the International Military Tribunal for the Far East (Washington, 1975).
8. NM-11 is a somewhat outdated inventory of the SCAP records in three volumes.

9. This card catalog is arranged by surname of suspect or witness.
10. General Tomayuki Yamashita was tried by a military commission appointed on October 1, 1945, for a large number of crimes committed by Japanese troops toward the close of the recapture of the Philippine Islands. He was sentenced to death and, appeals being denied, executed by hanging. General Masaharu Momma was charged with a number of atrocities including the ordering of the "death march of Bataan". He too was found guilty, sentenced to death by a military commission in Manila, and executed.
11. Statistical Report on War Criminals in SUGAMO Prison, Administrative Records, SUGAMO Prison records, National Archives Record Group 338, Boxes 148-150.
12. Informal discussion; see note 5.
13. "Trials of Class B and Class C War Criminals", SCAP Monograph No. 5, pp. 202-203. National Archives Record Group 331.
14. Ibid. p. 204.
15. M1112. See Note 3.
16. These are largely censorship and telephone intercept materials.
17. Letter by GHQ SCAP to CG U. S. Eighth Army, December 6, 1945, SUGAMO Prison Records, Box 76. National Archives Record Group 338.
18. Idem.